



**House of Assembly
Newfoundland and Labrador**

**Minutes of the House of Assembly
Management Commission**

Date: April 18, 2018

Location: House of Assembly Chamber

Time: 5:20 pm

Members Present:

Hon. Perry Trimper, Speaker (Chair)

Mr. Mark Browne, MHA (Lib) Placentia West – Bellevue (via teleconference)

Hon. Siobhan Coady, MHA (Lib), St. John's West

Mr. Paul Davis, MHA (PC) Topsail-Paradise

Mr. Keith Hutchings, Opposition House Leader

Ms. Lorraine Michael, MHA (NDP), St. John's East-Quidi Vidi

Hon. Andrew Parsons, Government House Leader

Ms. Sandra Barnes, Clerk of the House of Assembly

Other

Mr. Brian Warr, Deputy Speaker

Ms. Bobbi Russell, Policy & Communications Officer

CM 2018-015 The Minutes of the Management Commission meeting held on February 13, 2018 were approved as read.

CM 2018-016 The Minutes of the Management Commission meeting held on March 14, 2018 were approved as read.

CM 2018-017 The Commission did not approve the payment of advertising expenses totaling \$258.75 as appealed by the Members for Cape St. Francis and Conception Bay East-Bell Island.

CM 2018-018 The Commission did not approve the payment of advertising expenses totaling \$977.52 as appealed by the Member for Stephenville-Port au Port.

- CM 2018-019** The Commission did not approve the payment of householder expenses totaling \$2,409.25 as appealed by the Member for St. John's Centre.
- CM 2018-020** The Commission approved the payment of 2016-17 fiscal year expenses totaling \$75.00, as appealed by the Member for Mount-Pearl Southlands, with the expenses to be paid within the appropriate allocation for the 2017-18 fiscal year.
- CM 2018-021** The Commission waived the 2-day waiting period for **CM 2018-020** to expedite processing of the expenditure within 30 days of the end of the fiscal year, as required under subsection 7(2) of the *Members' Resources and Allowances Rules*.

Adjournment: 5:58 p.m.

Hon. Perry Trimper, MHA
Speaker (Chair)

Sandra Barnes
Clerk and Secretary to the Commission

House of Assembly Management Commission

Briefing Note

Title: Amendments to the *Members' Resources and Allowances Rules* (the Rules)

Issue: Amendments required as a result of the legalization of cannabis for non-medical purposes.

Background:

- On April 4, 2018, the Clerk received correspondence from the Deputy Minister of Justice and Public Safety regarding amendments which may be required to legislation administered by the House of Assembly as a result of the legalization of cannabis for non-medical purposes. A copy of the correspondence is attached (Attachment 1).
- In response to this change by the Government of Canada, the Government of Newfoundland and Labrador proposes a policy approach which would treat cannabis similarly to smoking and/or alcohol. As such, a search of all provincial legislation for the words smoke, drug, alcohol, liquor and tobacco was undertaken by the lawyers in the Department of Justice and Public Safety.
- In legislation administered by the House of Assembly, the search has revealed two instances of the word “alcohol”. The references appear in the *Members' Resources and Allowances Rules*, as follows:

46. (3) *The following expenses necessarily incurred by a member to carry out his or her constituency business may be reimbursed:*

(a) the purchase of food, non-alcoholic beverages and other supplies for meetings with constituents or other members of the public in relation to constituency business and food and non-alcoholic beverages for other constituency related events provided that the member or his or her constituency assistant is in attendance at those events;

(emphasis added)

46. (4) *The following types of expenses shall not be reimbursed:*

[...]

(c) alcoholic beverages, either individually or in bulk;

(emphasis added)

- In accordance with Section 64 of the *House of Assembly Accountability, Integrity and Administration Act*, amendments to the Rules that do not propose to change/add to the levels or amounts for reimbursements or expenses must be first brought to a meeting of the Management Commission for consideration and approval, before being forwarded to the Office of Legislative Counsel in preparation for publication in the NL Gazette.

- The Law Clerk has drafted a proposed amendment to Section 46 (attached which would prohibit reimbursement of expenses associated with cannabis). The Law Clerk has recommended that the timing of publication be coordinated with the coming into force of anticipated statutory changes required to effect legalization.

Analysis:

Legal Consultation:

Law Clerk

Internal Consultation(s):

Corporate and Members' Services Division

External Consultation(s):

Not applicable.

Comparison to Government Policy:

It is anticipated that amendments will be proposed to legislation administered by departments in the Executive Branch in anticipation of the legalization of cannabis for non-medical purposes. The proposed amendment would be consistent in principle.

Financial Impact:

Not applicable.

Legislative Impact:

An amendment to Section 46 of the *Members' Resources and Allowances Rules* is required to prepare for the legalization of cannabis for non-medical purposes

Options:

1. Approve the amendment to the *Members' Resources and Allowances Rules* as drafted.
2. Provide alternate direction with revised draft amendments to be brought back to a subsequent meeting of the Commission for consideration and approval.

Status:

- Current provisions of Section 46 of the *Members' Resources and Allowances Rules* apply.

Action Required:

- The decision of the Commission is requested.

Prepared by: Bobbi Russell

Approved by: Sandra Barnes

Date: April 9, 2018

Attachments:

1. Correspondence dated April 4, 2018 from the Deputy Minister of Justice and Public Safety to the Clerk.
2. Proposed amendments to Section 46 of the *Members' Resources and Allowances Rules*.

4 April 2018

Sandra Barnes
Clerk
House of Assembly

Dear Ms. Barnes:

Re: Cannabis

As you may be aware, the federal government has introduced legislation in the Parliament of Canada respecting the legalization of cannabis for non-medical purposes. The Department of Justice and Public Safety has been part of a working group formulating the related policy and identifying legislative amendments that may be required as a consequence of the proposed federal action. To that end, a legislative drafter and a solicitor have searched provincial legislation for instances of the words “smoke”, “drug”, “alcohol”, “liquor” and “tobacco” given that cannabis policy will at times be treated similarly to smoking and other times be treated similarly to alcohol. That review has revealed two instances of references to alcohol in legislation administered by the House of Assembly.

Subsection 46(3) of the *Members' Resources and Allowances Rules (Rules)* made under the *House of Assembly Accountability, Integrity and Administration Act* states as follows:

46. (3) The following expenses necessarily incurred by a member to carry out his or her constituency business may be reimbursed:

(a) the purchase of food, non-alcoholic beverages and other supplies for meetings with constituents or other members of the public in relation to constituency business and food and non-alcoholic beverages for other constituency related events provided that the member or his or her constituency assistant is in attendance at those events;

(emphasis added)

Similarly, subsection 46(4) of the *Rules* also provides as follows:

46. (4) The following types of expenses shall not be reimbursed:

[. . .]

(c) alcoholic beverages, either individually or in bulk;

(emphasis added)

I write regarding these provisions so that they may be brought to the attention of the House of Assembly Management Commission or others as you deem appropriate.

If you have any questions regarding our review or would like to discuss this matter, please contact me at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Todd Stanley", with a long horizontal flourish extending to the right.

Todd Stanley, QC
Deputy Minister and Deputy Attorney General

Proposed amendment: *Members' Resources and Allowances Rules*

Subsection 46(4) of *the Members' Resources and Allowances Rules* is amended by adding immediately after paragraph (c) the following:

(c.1) cannabis in any form;

**House of Assembly Management Commission
Briefing Note**

Title: Request from Official Opposition Caucus – Leader’s Travel Allocation

Issue: Access to use the Leader of the Official Opposition’s Travel Allocation.

Background:

- A travel budget of \$42,100 is allocated to the Official Opposition Caucus for Leader’s Travel in the 2018-19 Budget.
- While the funding is provided to the Leader, it can be utilized by caucus members and caucus staff to travel when authorized by the Leader.
- Mr. Ches Crosbie, as the Leader of the Progressive Conservative caucus effective April 28, is effectively the leader of the Official Opposition Caucus. However, as Mr. Crosbie is a non-elected member, resources cannot be provided to him.
- When the leader of a caucus is unelected, mechanisms need to be found to allow the caucus to operate. The Official Opposition caucus has advised that MHA Paul Davis is designated as Leader of the Official Opposition caucus for administrative purposes.
- This is necessary as only a public officer may hold signing authority required for all financial, human resources and administrative matters relating to the caucus. However, resources assigned to the Leader are not provided to Mr. Davis.
- A request was received by the Speaker on April 30, 2018 from the Official Opposition Caucus requesting the House of Assembly Management Commission to consider a policy change that would allow members of the caucus and staff to access this funding (see Attachment 1).

Analysis:

Legal Consultation:

Law Clerk

Internal Consultation(s):

Corporate and Members’ Services Division

External Consultation(s):

Office of the Comptroller General

Comparison to Government Policy:

The provision of a travel budget to the Leader of a Caucus was established to mimic the provision of the travel budget provided under the Minister’s Office vote in a department. Within a department, should funds not be utilized by the Minister, they can be transferred in accordance with the transfer of funds policy to another vote. The Caucus Operations votes in the Legislature are not structured in the same manner as a Minister’s Office vote (e.g. funding for the Leader and the caucus are provided under the same activity so a transfer of funds is not possible).

The resources provided for caucus operations are directed by the Caucus Funding Policy (CM 2008-085 and CM 2008-093 refer) which does not address travel funding to the caucus.

Financial Impact:

The \$42,100 funding is included in the 2018-19 Budget for the Official Opposition Caucus.

Legislative Impact:

Not applicable

Options:

1. Approve the request from the Official Opposition Caucus to utilize the funding allocated for the Leader’s travel to allow caucus members and staff to travel on behalf of the Leader.
2. Do not approve the request from the Official Opposition to utilize the funding allocated for the Leader’s travel.

Status:

- Caucus Members and staff in the Official Opposition do not have access to funds the Leader’s travel budget.

Action Required:

- The decision of the Commission is requested.

Drafted by: Wanda Lee Mercer
Date: May 9, 2018

Approved by: Sandra Barnes

Attachments:

1. Request from the Official Opposition Caucus Regarding Access to the Leader’s Travel Budget



HOUSE OF ASSEMBLY
NEWFOUNDLAND AND LABRADOR
Official Opposition Office








Monday, April 30, 2018

Honourable Perry Trimper
Chair of the House of Assembly Management Commission
Box 8700, St. John's, NL A1B 4J6

Dear Management Commission Members:

As Members of the Official Opposition Caucus in the House of Assembly, we write to request that the funding provided for the travel of the Leader of the Official Opposition be transferred to the Official Opposition Caucus Fund.

Yours sincerely,

	David Brazil,	MHA Conception Bay East - Bell Island
	Paul Davis,	MHA Topsail - Paradise
	Keith Hutchings,	MHA Ferryland
	Jim Lester,	MHA Mount Pearl North
	Kevin Parsons,	MHA Cape St. Francis
	Barry Petten,	MHA Conception Bay South
	Tracey Perry,	MHA Fortune Bay - Cape La Hune

House of Assembly Management Commission

Briefing Note

Title: Harassment-Free Workplace Policy for Legislature & Code of Conduct for Members

Issue: To summarize current provisions, pending actions and seek direction regarding harassment-free workplace policies for the Legislature.

Background:

Current legislative and policy provisions governing behaviour:

Members:

- The Code of Conduct for Members is the standard by which all Members agree to govern themselves in carrying out their responsibilities as elected officials. It was required to be developed by section 35 of the *House of Assembly Accountability, Integrity and Administration Act (the Green Act)*. The Code was developed by the Standing Committee on Privileges and Elections in Spring 2008 and passed by resolution of the House of Assembly in May, 2008.
- The Code of Conduct for Members of the House of Assembly is legally enforceable as per the Green Act, Part V Ethics and Accountability (specifically sections 36-42). The Commissioner for Legislative Standards, one of the independent officers of the Legislature, is charged with the responsibility over these provisions.

Employees:

- Employees of the House of Assembly are subject to the current Harassment-Free Workplace policies established by the Executive Branch.
- The Legislature follows the policies established by the Executive Branch (unless a Legislature-specific policy is adopted by the Management Commission) in accordance with subsection 20 (3) of the Green Act:

Notwithstanding paragraph (1)(c), where a financial or management policy has not been established by the commission for the House of Assembly and statutory offices, the financial and management policies of the government shall apply.

- In applying the Executive Branch policies, appropriate adjustments are made for the Legislature's governance and operating environment (e.g. references to Cabinet or Treasury Board become Management Commission; references to Deputy Minister become the Clerk).
- Additionally, public service employees of the Legislature are subject to the Employee Code of Conduct (see Attachment 1).

- Political support employees of the Legislature are also subject to the current Harassment-Free Workplace Policy by virtue of the following clause in their contracts:

3.2 *Terms and conditions of employment not contained in this Agreement shall be in accordance with*

(a) the directives, policies and procedures of the Management Commission of the House of Assembly; and

(b) where there is no applicable policy or procedure of the Management Commission, in accordance with the Human Resource Policies of the Government of Newfoundland and Labrador.

Recent Events affecting the legislative and policy environment:

- On February 23, 2018, the Executive Branch announced a new Harassment-Free Workplace Policy for departmental employees that will come into effect on June 1, 2018.
- Between April 24, 2018 and May 3, 2018, allegations of harassment were raised in the House of Assembly concerning Members. As currently understood, the Premier has required that the Commissioner Legislative Standards provide an opinion respecting two Members under the provisions of the Green Act.
- On May 2, 2018 the House passed the following Private Member’s Motion:

“BE IT RESOLVED that this Honourable House support the introduction of a legislature-specific harassment policy, similar in principle to the policy in effect in the Nova Scotia provincial legislature, where elected representatives and their staff are held responsible for inappropriate conduct;

BE IT FURTHER RESOLVED that this Honourable House, through the introduction of a legislature-specific harassment policy, recognize all forms of harassment including bullying, cyber-bullying and intimidation of all forms;

AND BE IT FURTHER RESOLVED that this Honourable House develop this legislature-specific harassment policy through the Privileges and Elections Committee of this House in consultation with all Members and employees of the House and with independent groups who have experience and expertise in handling harassment complaints”.

- Passage of this motion constitutes an order of the House to the Privileges and Elections Committee to undertake the development of a Legislature-specific harassment policy. Once its work is completed, this Committee must bring its recommendations back to the House for debate and a decision (via a vote).
- On May 3, the Opposition House Leader for the Official Opposition and the Leader of the Third Party each wrote the Speaker asking that a meeting of the Management Commission be convened to discuss the matters of harassment and intimidation and applicable policies/processes to address such allegations (see Attachment 2).

- While policy matters related to the Legislature are typically under the mandate of the Management Commission, the Private Members' Resolution approved unanimously in the House on May 2, 2018, assigns the responsibility for developing a Legislature-specific harassment policy to the Standing Committee on Privileges and Elections.

Impending Implementation of Executive Branch Harassment-Free Workplace Policy (effective June 1):

Members:

- The new Harassment-free Workplace policy was developed under a policy framework for application to employer-employee workplace environments. While the principles of the policy are applicable to all workplace environments, the operational aspects of the policy (e.g. the complaint and resolution processes) do not take into account the employment nature of elected officials, or that in application to elected officials the policy must co-exist with the provisions of the legislated Code of Conduct.
- This is a complex environment that will require significant policy analysis. How the policy will work in tandem with the Code of Conduct, will need to be considered by the Privileges and Elections Committee in undertaking its work.
- An analysis of the application of the new Harassment-Free Workplace Policy to Members of the House of Assembly indicates that one possible approach is to make adjustments to the complaint and resolution processes in order to make them appropriate for elected officials.
- In the new Executive Branch policy, the Human Resources Secretariat takes on an oversight role (receives complaints), while management of the resolution process is the responsibility of Deputy Ministers.
- If the same process was applied to elected members, it would necessitate the Clerk taking on this responsibility which could conflict with the Clerk's impartial, non-partisan role. While the Legislature has a Human Resources unit in Corporate and Members' Services, it would not be an appropriate body to assume the oversight responsibilities.
- The Legislature currently has two independent officers that are charged with the responsibility of provisions concerning complaints against elected Members – the Commissioner for Legislative Standards (Code of Conduct and Conflict of Interest) and the Citizens' Representative (whistleblower).
- Consistent with the Code of Conduct, responsibility for managing the complaint and resolution process could be assigned to the Commissioner for Legislative Standards. Attachment 3 outlines how the process would work.
- The Management Commission could direct interim application of the Harassment-Free Workplace Policy (effective June 1), with the adjustments identified in Attachment 3. If this is done, complaints related to harassment against Members could have the option of being addressed under the Harassment-Free Workplace Policy, or the Code of Conduct, or both.

- It is also noted that:
 - As the Code of Conduct is legislated, whether or not there is a specific Harassment-Free Workplace Policy, a Member can still choose to make a complaint against another Member under the Code of Conduct provisions;
 - The broad principle-based provisions of the Code of Conduct could conflict with the narrower provisions of Harassment-Free Workplace Policy. As legislation takes precedence over policy, there could be unforeseen effects.
 - Any employee can make a complaint against a Member under the Harassment-Free Workplace Policy. This is consistent with the whistleblower provisions of the Green Act.
- If the Management Commission does not direct interim application of the Harassment-Free Workplace Policy (effective June 1), the current Code of Conduct provisions will continue to apply until such time as the House approves any changes as a result of recommendations from the Privileges and Elections Committee.

Employees:

- As previously noted, the new Harassment-Free Workplace Policy of the Executive Branch (effective June 1, 2018), will automatically apply to all employees (political support staff and public service employees) of the Legislature, unless the Management Commission implements a Legislature-specific policy.
- Should the House approve a policy affecting employees as a result of the recommendations of the Privileges and Elections Committee, those policy provisions will apply at that time.
- An analysis of the new Harassment-Free Workplace Policy has determined that application of that policy in situations involving employees of the Legislature is possible, with the standard adjustments to reflect the Legislature’s organizational and governance structure (see Attachment 3).

Analysis:

Legal Consultation:

Law Clerk

Internal Consultation(s):

Corporate and Members’ Services Division

External Consultation(s):

Commissioner for Legislative Standards

Citizens’ Representative

Human Resources Secretariat

Comparison to Government Policy:

Application of the Executive branch Harassment-Free Workplace Policy effective on June 1, is possible with the standard adjustments (as identified in Attachment 3) in

situations involving **employees of the House of Assembly Service and Statutory Offices; constituency assistants; and political support staff in caucus offices.**

Application of the Executive branch Harassment-Free Workplace Policy effective on June 1 is possible for **Members of the House of Assembly** by adopting an adjusted process (as identified in attachment 3) on an interim basis until such time as the House votes on recommendations from the Privileges and Elections Committee.

Financial Impact:

Not applicable.

Legislative Impact:

Not applicable.

Options:

1. Direct interim application of the Executive branch Harassment-Free Workplace Policy (effective June 1), using equivalent processes as outlined in Attachment 2, in situations involving Members of the House of Assembly. The interim application will continue until such time as the House votes on recommendations from the Standing Committee on Privileges and Elections.
2. Continue with the Code of Conduct provisions for Members and the Executive Branch Harassment-free Workplace policy for employees until such time as the House votes on recommendations from the Standing Committee on Privileges and Elections.

Status:

- Provisions of the Executive Branch's Harassment-Free Workplace Policy continue to apply to all employees of the Legislature.
- Provisions of the Code of Conduct for Members apply to Members of the House of Assembly.

Action Required:

- The decision of the Commission is requested.

Prepared by: Sandra Barnes
Date: May 8, 2018

Attachments:

1. Employee Code of Conduct
2. Correspondence dated May 3, 2018 from the Opposition House Leader to Speaker; and from the Leader of the Third Party to the Speaker.
3. Application Analysis of Executive Branch Harassment-Free Workplace Policy (effective June 1) to Legislature.



CODE OF CONDUCT FOR EMPLOYEES OF THE HOUSE OF ASSEMBLY SERVICE

As Officers and Staff of the House of Assembly:

- 1. We will serve the aims and objectives of the House of Assembly and ensure that personal interests and activities do not interfere, or appear to interfere, with this obligation.*
- 2. We will perform our duties honestly, faithfully, ethically, impartially and efficiently, respecting the rights of the public and our colleagues. We will refrain from conduct that might impair our effectiveness or that would compromise our integrity.*
- 3. We will ensure that we maintain the confidence and trust of Members of the House of Assembly and provide fair, confidential and impartial service equally to Members and staff of all parties.*
- 4. We will treat colleagues, Members and the public with courtesy and respect.*
- 5. We will avoid circumstances in which personal interests compromise or conflict with the interests of the House of Assembly and avoid circumstances in which there will be the appearance of a compromise or conflict. We are subject to the provisions of the Conflict of Interest Act, 1995.*
- 6. We will not abuse our official position for personal gain. We will not accept any gift or other benefit that could be seen as an inducement or reward that might place us under an obligation to a third party. We will follow all requirements and policies of the House of Assembly service with respect to gifts and rewards.*
- 7. We will exercise due care and control of records created or collected in the exercise of our responsibilities, ensuring that they are organized, secured and managed according to applicable policy and legislation.*
- 8. We will ensure that any contribution we make to public debate or discussion on matters of government or House of Assembly policy is appropriate to the position we hold and is compatible with our obligation to be politically impartial.*
- 9. We will ensure that our participation in public bodies and voluntary associations does not create a conflict of interest or the appearance of a conflict of interest with our duty to act in a politically impartial manner.*



**HOUSE OF ASSEMBLY
NEWFOUNDLAND AND LABRADOR
Office of the Leader of the Official Opposition**

May 3, 2018

Hon. Perry Trimper
Speaker of the House and Chair
House of Assembly Management Commission
Confederation Building, P.O. Box 8700
St. John's NL A1B 4J6

Dear Mr. Speaker:

During Question Period on May 2, 2018, you indicated that the proper process to direct any investigation with respect to complaints of harassment and intimidation would be the House of Assembly Management Commission.

Given the urgency of the matters and concerns being expressed by members of the House of Assembly, I request that we convene a meeting of the Management Commission urgently to address these matters.

Sincerely,

A handwritten signature in blue ink, appearing to read "Keith Hutchings", written over a circular stamp.

**KEITH HUTCHINGS, MHA Ferryland
Opposition House Leader**

CC: Dwight Ball, Premier
Gerry Rogers, Leader of the New Democratic Party



HOUSE OF ASSEMBLY
Newfoundland and Labrador

Gerry Rogers, M.H.A.
District of St. John's Centre
Leader, New Democratic Party

Perry Trimper, MHA
Lake Melville
Chair, House of Assembly Management Commission

May 3, 2018

Dear Mr. Chair,

We are writing out of concern regarding what is happening currently in the legislature. The harassment issues that have arisen inside the government caucus became public and spilled over into our jurisdiction.

We respect the fact that there is legislation relating to the process for dealing with complaints against MHAs under the Code of Conduct. However the current situation we are dealing with regarding complaints of intimidation and harassment of MHAs against other MHAs has revealed major weaknesses in the process outlined in our legislation.

As a caucus we are requesting a special meeting of the House of Assembly Management Commission to discuss the inadequacy of the Code of Conduct and the process related to it concerning sexual and other harassment and intimidation complaints.

As you pointed out in the Legislature on May 2 the Code of Conduct falls under the purview of the House of Assembly Management Commission who are accountable to the whole House of Assembly not to the governing party in the House.

For this reason we believe that it is urgent for this body to meet and deal with the issues relating to complaints of harassment and intimidation. We believe the Legislature requires a comprehensive anti-harassment policy that is tailored specifically for elected official, caucuses, and political staff.

Sincerely,

A handwritten signature in black ink, appearing to be 'Gerry Rogers', with a stylized, cursive flourish.

Gerry

CC: Dwight Ball, Premier
Ches Crosbie, Leader of the Progressive Conservative Party
Paul Davis, Leader of the Official Opposition

Application of Executive Branch Harassment-Free Workplace Policy (HFWP) – effective June 1, 2018

Complaint Process Equivalents

<i>Complaint Process Step</i>	<i>Process for Executive branch (as per policy effective Jun 1/18)</i>	<i>Equivalent Process for HOAS employees, caucus office staff & constituency assistants</i>	<i>Equivalent Process for MHAs</i>
<i>Submitting complaint</i>	<ul style="list-style-type: none"> Complaint submitted (via complaint form) to Harassment-Free Workplace Manager (HFWM), Human Resources Secretariat (HRS) 	<ul style="list-style-type: none"> Same 	<ul style="list-style-type: none"> Complaint submitted to Commissioner for Legislative Standards (CLS)
<i>Assessment of complaint</i>	<ul style="list-style-type: none"> HFWM assesses to determine if complaint falls within scope of policy 	<ul style="list-style-type: none"> Same 	<ul style="list-style-type: none"> CLS assesses to determine if complaint falls within scope of policy
<i>Communication with Complainant (if complaint falls within scope of policy)</i>	<ul style="list-style-type: none"> HFWM acknowledges complaint and schedules meeting with complainant to review resolution options. HFWM follows up with written communication to complainant reiterating resolution options, and confirms selected option. 	<ul style="list-style-type: none"> Same 	<ul style="list-style-type: none"> CLS acknowledges complaint and schedules meeting with complainant to review resolution options. CLS follows up with written communication to complainant reiterating resolution options, and confirms selected option.

<i>Complaint Process Step</i>	<i>Process for Executive branch (as per policy effective Jun 1/18)</i>	<i>Equivalent Process for HOAS employees, caucus office staff & constituency assistants</i>	<i>Equivalent Process for MHAs</i>
<i>Notification to Respondent</i>	<ul style="list-style-type: none"> • HFWM notifies Respondent's Deputy Minister (RDM) • RDM schedules meeting between HFWM, departmental rep (assigned by RDM) and respondent: <ul style="list-style-type: none"> ○ Respondent informed of complaint, provided with written copy, and information on resolution process. 	<ul style="list-style-type: none"> • HFWM notifies Clerk of the HOA • Clerk schedules meeting between HFWM, HOA rep (assigned by Clerk) and respondent: <ul style="list-style-type: none"> ○ Respondent informed of complaint, provided with written copy, and information on resolution process. 	<ul style="list-style-type: none"> • CLS schedules meeting with Member to notify of complaint and resolution process selected by complainant.

Resolution Options & Process Equivalents

<i>Resolution Option</i>	<i>Process for Executive branch employees (as per policy in effective Jun 1/18)</i>	<i>Equivalent Process for HOAS employees, caucus office staff & constituency assistants</i>	<i>Equivalent Process if Respondent is MHA</i>
<i>Informal – Individual Intervention</i>	<ul style="list-style-type: none"> Complainant chooses to approach Respondent (in person or in writing), advising of unwelcome/objectionable behaviour. 	<ul style="list-style-type: none"> Same 	<ul style="list-style-type: none"> Same
<i>Informal – Management Intervention</i>	<ul style="list-style-type: none"> Complainant chooses to have Manager approach the respondent, advising of unwelcome/objectionable behaviour. If complaint is against Manager, intervention may be requested by next level of management. 	<ul style="list-style-type: none"> Same, except for following: <ul style="list-style-type: none"> For Constituency Assistants, manager = MHA For caucus office staff, manager = Caucus chief of staff For Clerk = overseen by Commissioner for Legislative Standards 	<ul style="list-style-type: none"> Complainant chooses to have Commissioner for Legislative Standards (CLS) approach the Member, advising of unwelcome/objectionable behaviour.
<i>Informal – Respectful Workplace (RWP) Intervention</i>	<ul style="list-style-type: none"> Complainant chooses to access assistance through RWP (as outlined in Policy) 	<ul style="list-style-type: none"> Same 	<ul style="list-style-type: none"> Same
<i>Formal – Investigation</i>	<ul style="list-style-type: none"> Complainant chooses to pursue resolution through formal investigation (by impartial third party). 	<ul style="list-style-type: none"> Same, except: <ul style="list-style-type: none"> Deputy Minister = Clerk of the House of Assembly 	<ul style="list-style-type: none"> Investigator = Commissioner for Legislative Standards (CLS) Following process followed: <ol style="list-style-type: none"> Investigation conducted by CLS.
	<i>Continued next page</i>	<i>Continued next page</i>	<i>Continued next page</i>

<i>Resolution Option</i>	<i>Process for Executive branch employees (as per policy in effective Jun 1/18)</i>	<i>Equivalent Process for HOAS employees, caucus office staff & constituency assistants</i>	<i>Equivalent Process if Respondent is MHA</i>
	<ul style="list-style-type: none"> • Following process followed: <ol style="list-style-type: none"> 1. Investigation conducted by impartial third party & report drafted. 2. Draft report submitted to Harassment Free Workplace Manager (HFWM) who reviews to ensure compliance with mandate. 3. Report provided to DM – Complainant’s department who provides copy to complainant and respondent (and opportunity to respond). 4. DM – Complainant’s department makes a decision whether to accept report findings (in whole, in part, or at all), and advises DM – respondent’s department (if applicable). 	<ul style="list-style-type: none"> ○ Human Resources Secretariat = Human Resources and Payroll Administration, House of Assembly ○ If complaint is against Clerk, process is overseen by Commissioner for Legislative Standards 	<ol style="list-style-type: none"> 2. CLS prepares report, provides copy to complainant and Member, and opportunity for each to respond. 3. CLS provides report and Standing Committee of Privileges and Elections (PEC). 4. PEC reviews report and recommendations and makes recommendation on recourse. 5. Recommendation of PEC referred to House of Assembly, and resolution introduced for debate and approval (by vote). <u>NOTE: Report brought to House of Assembly by PEC could be drafted to preserve the confidentiality of the complainant.</u>
	<i>Continued next page</i>		

<i>Resolution Option</i>	<i>Process for Executive branch employees (as per policy in effective Jun 1/18)</i>	<i>Equivalent Process for HOAS employees, caucus office staff & constituency assistants</i>	<i>Equivalent Process if Respondent is MHA</i>
	<ol style="list-style-type: none"> 5. DM(s) advises complainant and respondent of findings in writing. 6. DM(s), in consultation with Human Resources Secretariat, determines necessary corrective and/or disciplinary actions (and provides required notifications). 		<ol style="list-style-type: none"> 6. CLS notified of decision of House of Assembly (as a result of debate and vote on resolution). 7. CLS notifies complainant of decision of the House.

House of Assembly Management Commission

Briefing Note

Title: Training for Members of the House of Assembly

Issue: Request from the Minister of Finance Regarding Mandatory Harassment Training for MHAs

Background:

- Section 22 of the *House of Assembly Accountability, Integrity and Administration Act* (the Act) assigns responsibility to the Speaker (assisted by the Clerk) for the development and delivery of appropriate training and orientation programs for MHAs, members of the Management Commission, and officers and staff of the House of Assembly Service.
- While the Act makes it mandatory for the Speaker to ensure the appropriate training and orientation is delivered, it does not make attendance mandatory. Attendance at any training or information session is at the discretion of the individual MHA. Section 22 of the Act is included at Attachment 1.
- Following the 2015 General Election, training sessions on the following topics were offered to all MHAs:
 - Intro to the House of Assembly & Role of MHA
 - Respect & Civility
 - Order and Decorum
 - Constituency Office Operations & Resources
 - Travel, Living & Constituency Allowance
 - Records, Access & Privacy
 - Ethics & Accountability
 - Expense Claims & Purchasing
 - Parliamentary Procedures & Practice
 - Parliamentary Services & Resources
 - Roles of each of the Statutory Offices of the Legislature
- The sessions were delivered, but not all MHAs attended. As attendance was not mandatory, no records of such were kept.
- Following allegations of harassment raised in the House of Assembly, the Human Resources Secretariat offered information sessions to all MHAs on “Fostering a Harassment-Free Workplace Environment”. Again, attendance was at the discretion of each MHA.
- The Minister of Finance subsequently requested to the Speaker that the Management Commission consider additional mandatory training for all MHAs on harassment.

- Should the Commission proceed with interim application of the Executive branch Harassment-Free Workplace Policy (effective June 1), with the equivalent processes applicable to MHAs as outlined in BN 2018-016, the Speaker (assisted by the Clerk) will work with the Human Resources Secretariat to develop and offer training to MHAs, modified according to the application of the policy to Members.
- Once the House decides on recommendations from the Standing Committee on Privileges and Elections on harassment-free workplace policies, the Speaker (assisted by the Clerk) will develop and offer training to Members with respect to the new policy.
- In order to make attendance at training sessions mandatory for MHAs, House officials recommend an amendment to Section 22 of the Act to give effect to this.
- Should the Commission wish to proceed, amendments to the Act will be drafted by the Law Clerk and brought forward at a future meeting for approval. Once approved by the Management Commission, the amendments will go forward as a Bill for debate and approval in the House of Assembly.

Analysis:

Legal Consultation:

Law Clerk

Internal Consultation(s):

Corporate and Members' Services Division

External Consultation(s):

Not applicable.

Comparison to Government Policy:

Training on the Harassment-Free Workplace Policy (effective June 1) is mandatory for all employees in the Executive branch.

Financial Impact:

Not applicable.

Legislative Impact:

An amendment to Section 22 of the *House of Assembly Accountability, Integrity and Administration Act* is recommended, should the Commission wish to make attendance at training mandatory for MHAs.

Options:

1. Direct the Law Clerk to draft amendments to Section 22 of the *House of Assembly Accountability, Integrity and Administration Act* that would make attendance at training mandatory for MHAs, with the draft amendments to be brought forward at a future meeting for approval.

2. Do not direct the Law Clerk to draft amendments to Section 22 of the *House of Assembly Accountability, Integrity and Administration Act* that would make attendance at training mandatory for MHAs

Status:

- The provisions of Section 22 of the *House of Assembly Accountability, Integrity and Administration Act* continue to apply, i.e. the requirement to provide training will continue to prevail but attendance is at the discretion of the Member.

Action Required:

- The decision of the Commission is requested.

Prepared by: Bobbi Russell
Date: April 9, 2018

Approved by: Sandra Barnes

Attachments:

1. *House of Assembly Accountability, Integrity and Administration Act* – Section 22

House of Assembly Accountability, Integrity and Administration Act – Section 22

22. (1) *The speaker, assisted by the clerk, shall develop and offer appropriate orientation and training programs for*

(a) members;

(b) members of the commission; and

(c) officers and staff of the House of Assembly service and statutory offices,

to assist them in understanding their respective duties and responsibilities and, in particular, in applying and complying with rules and directives of the commission relating to claims for allowances and expenses and policies and procedures respecting financial management.

(2) *Within 30 days of a member's election for the first time to the House of Assembly, the speaker shall ensure that an appropriate orientation program is given to the member respecting*

(a) the types of services offered to members by the House of Assembly service and how those services may be accessed;

(b) the proper procedures to be followed in making claims for reimbursement or payment for proper expenses incurred by the member in carrying out his or her duties;

(c) recommendations for proper systems to be employed in operating a constituency office and employing a constituency assistant; and

(d) other matters that the speaker considers appropriate to assist the member in carrying out his or her duties.

(3) *Within 30 days of a member's election for the first time to the House of Assembly, the speaker shall ensure the delivery of the following to the member:*

(a) this Act;

(b) the rules;

(c) directives of the commission pertaining to members;

(d) written policies of the House of Assembly service that may affect the member;

(e) the code of conduct for members and for officers and staff of the House of Assembly service; and

(f) the manual.