

## Tribunal Decision #2012-001

### Executive Council Review of Recommendations & Action Plan

November 17, 2012  
Executive Council

## Purpose of Presentation

- ▶ Provide overview of Tribunal findings & recommendations.
- ▶ Outline Executive Council Action Plan.
- ▶ Consult with HUU-ay-aht Citizens and obtain feedback.
- ▶ Seek approval of People's Assembly, as required by law, for Amendments to *Code of Conduct and Conflict of Interest Act* and other HUU-ay-aht Acts, as necessary.

**Please ask questions and provide feedback at any time  
during the presentation**

## Key Findings

**Please refer to the attached handout setting out the key findings of the Tribunal.**

## Opening Remarks

- ▶ Executive Council accepts the findings of the Tribunal.
- ▶ Executive Council sincerely regrets the impacts of the events set out in the Decision on the Executive Director, the Director of Public Works and HUU-ay-aht Public Officers, Employees and Citizens.
- ▶ Executive Council and the Administration are committed to ensuring:
  - The Constitution and HUU-ay-aht Laws are upheld and respected.
  - Public officers, employees and citizens respect the principle of ii-saak in all citizen and government dealings.
  - The workplace environment is safe and free from harassment or discrimination.
  - The requirement of respect which flows from the principle of ii-saak is followed and failure to follow ii-saak will have consequences.
- ▶ The HUU-ay-aht Government has no obligation, and will not, cater to citizens who harass.

### *Tribunal Recommendations & Executive Council Action Plan*

1. *Sanctions – Fines – Current fine is \$1,000 for inappropriate citizen behavior*

Amend the *Code of Conduct and Conflict of Interest Act* to provide for fines which begin lower, are proportional to the seriousness of the offence, increase on the basis of further offences.

2. *Sanctions – Restrictions on Citizen Access*

Expand sanctions under the Human Resources Policy Regulation to deal with harassing behaviour by telephone, email and correspondence. Expand policy to prevent harassing communications from reaching employees, by declining telephone calls, blocking emails and providing correspondence directly to the Executive Director or the Chief Councillor, whichever is appropriate.

### *Tribunal Recommendations & Executive Council Action Plan*

3. *Sanctions – Withdrawal of Benefits*

Enact policy and legislation to provide for the withdrawal of benefits as a sanction against inappropriate citizen(s) behaviour.

4. *Traditional Remedies*

Invite the Ha'wiih Council to propose an approach to addressing inappropriate citizen behaviour, involving traditional remedies and working through Ha'wiih Council or an individual Ha'wiih.

## *Tribunal Recommendations & Executive Council Action Plan*

### **5. Communications**

Establishing a communications program to ensure that everyone understands the consequences of engaging in harassing behaviour, that citizen rights and responsibilities must be balanced, and that the principle of *ii-saak* applies to all HFN dealings between government and citizens.

### **6. Executive Council**

Executive Council will take steps to ensure that appropriate administrative policies are in place to reduce the potential for harassment in the workplace and the Chief Councillor and Executive Director will ensure that such policies are adhered to.

## Proposed Motion

"BE IT RESOLVED to:

- (a) support immediate implementation of the recommendations contained in the November 17<sup>th</sup>, 2012 Powerpoint entitled "Tribunal Decision #2012-001",
- (b) approve amendments to HUU-ay-aht Laws, as necessary and appropriate, to implement the legislative aspects of these recommendations, and
- (c) recommend that Executive Council ensure the remaining steps to enact all of these recommendations are completed as soon as possible and by no later than March 31<sup>st</sup>, 2013."