



## **RESPECTFUL WORKPLACE GOVERNANCE POLICY**

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#### **1.0 PRINCIPLES**

The South Shore Regional Centre for Education (SSRCE) is committed to fostering a workplace where all employees are treated with dignity and respect.

Harassment is against the law; and in our schools and worksites, harassment has immense social and personal costs. Harassment is a substantial barrier to safe, equitable, collegial and progressive work environments. Therefore, bullying, including cyber-bullying, discrimination and harassment of any kind is unacceptable and will be addressed by the SSRCE.

#### **2.0 POLICY FRAMEWORK**

- 2.1. All employees of the SSRCE have a right to be free of harassment and a responsibility to treat others with respect.
- 2.2. This Policy covers conduct that takes place in the school, SSRCE offices, in buildings under SSRCE jurisdiction, on school property, and at school-sponsored events; or elsewhere in the course of school or SSRCE activities, including social functions, travel, conferences or training. This Policy also pertains to usage of electronic technology and electronic communication, including off-duty behavior that has a nexus with SSRCE business.
- 2.3. This Policy applies to all current employees of the SSRCE including full and part-time, casual and temporary employees.
- 2.4. Employees should also reference applicable articles in relevant collective agreements for information on Union representation.

#### **3.0 AUTHORIZATION**

- 3.1 The Director of Human Resources is responsible for the implementation, monitoring and revision of this administrative procedure.
- 3.2 This administrative procedure will be monitored annually.

## RESPECTFUL WORKPLACE

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#### 1.0 DEFINITIONS

The SSRCE prohibits discrimination, bullying, sexual harassment and harassment within the school community.

- 1.1 **Bullying** including cyberbullying is behaviour, typically repeated, that is intended to cause or should be known to cause fear, intimidation, humiliation, distress or other harm to a person's body, feelings, self-esteem, reputation or property.
- 1.2 **Complainant** is an employee of the SSRCE who believes they have been subject to Prohibited Behaviour.
- 1.3 **Discrimination** is prohibited by Nova Scotia's *Human Rights Act*. Discrimination is distinctive treatment, whether intentional or not, on the basis of: age, race, colour, religion, creed, sex, sexual orientation, gender identity, gender expression, physical disability or mental disability, an irrational fear of contracting an illness or disease, ethnic, national or Aboriginal origin, family status, marital status, source of income, political belief, affiliation or activity, and an individual's association with another individual or class of individuals having any one or more of the characteristics referred to in the list above, that from the perspective of a reasonable person in the position of the complainant has the effect of imposing a burden, obligation or disadvantage on an individual or a class of individuals not imposed upon others, or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals.
- 1.4 **Formal Complaint Procedure** is ordinarily the final method used to resolve complaints which cannot be resolved through the Informal Complaint Procedure.
- 1.5 **Harassment** is a course of vexatious conduct or comment that is known or ought reasonably to be known to be unwelcome. Harassment includes any objectionable act, comment, joke or display that demeans, belittles, threatens, intimidates or causes personal humiliation or embarrassment. Harassment is a lack of friendliness that is so persistent or intense and individualized that it constitutes shunning. Harassment may be verbal, psychological, physical, written, or electronic.
- 1.6 **Harassment and Bullying is not:**
  - Appropriate supervision, including training, direction, instruction, evaluation, and counselling.
  - Imposition of authorized and appropriate discipline
  - Occasional curtness or lack of friendliness, or

- Other routine interaction, including interpersonal conflicts or difficulties from time to time, short of harassment defined above.
- 1.7 **Informal Complaint Procedure** is typically the first method used to resolve complaints that have not been resolved through direct action.
  - 1.8 **Investigation** is the process undertaken to respond to a formal complaint.
  - 1.9 **Investigator** is a person appointed by the Director of Human Resources to investigate the complaint under the Formal Complaint Procedure. The Investigator can be the Director of Human Resources (or designate), another SSRCE employee, or someone from outside the SSRCE.
  - 1.10 **Person in Authority** may include the Complainant's supervisor, the Respondent's supervisor, or a Human Resources manager.
  - 1.11 **Prohibited Behaviour** is any discrimination, bullying, sexual harassment or harassment as defined above.
  - 1.12 **Respondent** is an employee of the SSRCE who has allegedly engaged in Prohibited Behaviour.
  - 1.13 **Sexual Harassment** is vexatious sexual conduct or a course of comment that is known or ought reasonably to be known as unwelcome; a sexual solicitation or advance made where the individual who makes the advance is in a position to confer a benefit on or deny a benefit to the individual to whom the advance is made, where the individual knows or ought reasonably to know that the advance is unwelcome; or a reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance.

## 2.0 PROCEDURES

These procedures serve as guidelines to support the SSRCE's Respectful Workplace Policy and the SSRCE's commitment to providing a flexible process for resolving harassment concerns and complaints. Voluntary settlement of Prohibited Behaviour complaints, through direct action, is often the best avenue for resolving issues. Individuals shall be assisted in reaching informal resolution of discrimination and harassment complaints, wherever possible, so that recourse to the formal process remains a last resort.

At any time during these procedures, the Director of Human Resources may determine that the complainant's concerns, taken as true do not constitute a Prohibited Behavior and may conclude the procedure at this point.

### 2.1. Direct Action

Individuals who experience or perceive Prohibited Behaviour are strongly encouraged to take direct action by communicating, in person or in writing, with the Respondent promptly, to inform the person clearly and directly that the behaviour is unwelcome and must stop.

### 2.2 Informal Complaint

2.2.1. If the Complainant is unable to take direct action or the Prohibited Behaviour continues following the direct action, then the Complainant may make an Informal Complaint to a Person in Authority and/or Human Resources. Human Resources will determine the best process to be followed, and where the circumstances exist, may resolve the situation by taking one or more steps, including:

- attempt to resolve the complaint
- go directly to a formal complaint;
- initiate an investigation or
- report criminal behavior

2.2.2 All reasonable attempts will be made to ensure the Informal Complaint procedure does not exceed twenty (20) working days from the date the Informal Complaint was received.

2.2.3 A Complainant must pursue an Informal Complaint before pursuing a Formal Complaint, where the circumstance warrants.

### 2.3 Formal Complaint

2.3.1 If the Informal Complaint process does not resolve the issue, the Complainant may complain in writing, using the Formal Complaint Form (Appendix A), to the Director of Human Resources (or designate).

- a. If the Director of Human Resources is the Complainant or Respondent, the complaint shall be made to the Regional Executive Director.
- b. If the Regional Executive Director is the Respondent, the complaint shall be made to the Department of Education and Early Childhood Development (EECD) through the Director of Human Resources.

2.3.2 A formal written complaint should be initiated within 90 calendar days of the incident, although the Director of Human Resources (or designate) and/or the Regional Executive Director has discretion to accept a complaint filed after a longer period, where exceptional circumstance warrant.

2.3.3 The Complainant shall:

- a. Complete the Formal Complaint Form (“Appendix A”).
- b. Keep a copy of the completed form for their records.
- c. Provide the original completed form to the Director of Human Resources (or designate).

2.3.4 The Director of Human Resources shall advise the Regional Executive Director, Respondent, and supervisors of the Complainant and Respondent of the complaint and shall arrange to have it investigated.

2.3.5 If appropriate, the Director of Human Resources may attempt to resolve the complaint through discussion with the parties. If this is not successful, the matter will be formally investigated.

2.3.6 The Director of Human Resources shall determine who will investigate the complaint.

2.3.7 All reasonable attempts will be made to ensure the investigation of the complaint will commence within twenty (20) working days of the Director of Human Resources receipt of the formal complaint form.

### 2.4 Investigation

The focus of the workplace investigation will be to effectively carry out a systematic, logical and thorough examination and to collect information where the complaining party is heard, the problem is given serious attention and a reasonable resolution is provided.

At any time during the investigation, the Investigator may determine that the complainant's concerns, taken as true do not constitute a Prohibited Behavior and may conclude the investigation at this point. Where criminal behaviour is alleged, the investigation will be placed on hold and shall be reported to the appropriate policing agency.

- 2.4.1 All employees of the SSRCE have a requirement to cooperate in any investigation undertaken pursuant to this Policy.
- 2.4.2 The Investigator shall interview the Complainant, accept any written statement(s) the Complainant wishes to provide, and document the interview. A summary of the relevant information may be given to the Respondent by the Investigator.
- 2.4.3 The Investigator will meet with the Respondent and a summary of the response shall be conveyed back to the Complainant for reaction.
- 2.4.4 The Investigator shall re-interview the Complainant and Respondent as necessary, shall interview other persons and gather materials as may be necessary to complete the investigation, and shall produce a factual report (the "Report") about the complaint to the Director of Human Resources. The Investigator or Director of HR shall provide, to the Complainant and Respondent, a summary of the relevant findings and the conclusion as to whether or not Prohibited Behavior was established; although private medical information may be excluded.
- 2.4.5 After receipt of the summary the parties may wish to make additional comments, and shall do so within five (5) working days of its receipt. Any additional comments made pursuant to this clause must be limited to any concerns either party has with a specific finding of fact.
- 2.4.6 All reasonable attempts will be made to ensure the investigation should be finalized within 90 working days after receiving the complaint. The Director of Human Resources or the Regional Executive Director may extend the 90 working day time limit where circumstances warrant.
- 2.4.7 Time lines in the investigative process may vary depending on any applicable time lines in current Collective Agreements.
- 2.4.8 A Complainant may opt to discontinue the Formal Complaint and investigation process under this Policy at any time. However, depending on the circumstances, the Director of Human Resources may determine that an investigation continue in order to determine whether or not Prohibited Behavior had occurred.

## 2.5 Reporting

- 2.5.1 Upon the conclusion of the investigation, the investigator shall issue a formal Investigation Report (a full report with reasoning and recommendations) and shall provide it to the Director of Human Resources or the Regional Executive Director if the complaint is made pursuant to 2.3.1(a). All reasonable attempts shall be to have the Report completed within thirty (30) working days following the completion of the investigation.
- 2.5.2 The Director of Human Resources shall review the Report and any recommendations therein, shall issue an official decision, and shall proceed with corrective/responsive action, if warranted, pursuant to section 2.6.

## 2.6 Disposition & Corrective Action

- 2.6.1 SSRCE employees who, after investigation, are found to have participated in Prohibited Behaviour, or employees who are found to have filed a complaint falsely and with malicious intent are subject to disciplinary action, up to and including termination.
- 2.6.2 If the investigation and decision confirm that Prohibited Behaviour has occurred, the Director of Human Resources shall initiate appropriate intervention. Interventions may include:
- a. mediation, if appropriate.
  - b. appropriate discipline, up to and including termination.
  - c. involuntary relocation/transfer of the offender.
  - d. verbal agreements or a formal apology.
  - e. required counselling or program for offender.
  - f. any other measure that is in accordance with any applicable collective agreement.
  - g. proceedings under applicable legislation.
  - h. severance of involvement with the school and SSRCE.
- 2.6.3 If the investigation does not conclude that Prohibitive Behaviour has occurred, the Director of Human Resources (or designate) shall dismiss the complaint and, if appropriate, engage in any informal resolution activities to assist in the return to a positive working environment.
- 2.6.4 If dissatisfied with the investigation's findings or corrective action, both the Respondent and Complainant shall have no right to appeal. Should the Complainant or Respondent feel aggrieved by the outcome of the investigation or corrective action, recourse shall be according to the applicable collective agreement or legislation, and not pursuant to this Policy.
- 2.6.5 A copy of the Report will be filed in the Investigation file.

## 2.7 Confidentiality

- 2.7.1 The Complainant, Respondent, witnesses and all persons involved in a direct action, informal complaint, or an investigation of a formal complaint made pursuant to this Policy are to maintain confidentiality except where disclosure is necessary for the purposes of investigating the matter, imposing a corrective action contemplated by this policy, or as required by law.
- 2.7.2 The SSRCE shall make every effort to ensure confidentiality of the Complainant and the Respondent to the degree permitted by law, except where participants have otherwise authorized.

## 2.8 Other Avenues of Redress

This Policy does not deny or limit access to other avenues of redress available under the law (i.e. criminal complaint, civil suit, grievance or a complaint with the appropriate human rights commission). The Director of Human Resources may direct the investigator to postpone, suspend or cancel an investigation should any of these other avenues of redress be

pursued.

### **3.0 RESPONSIBILITIES**

- 3.1. The Director of Human Resources is responsible for the implementation, monitoring and revision of this administrative procedure.
- 3.2 This administrative procedure will be monitored annually.

***South Shore Regional Centre for Education  
Respectful Workplace Formal Complaint Form  
APPENDIX "A"***

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Instructions

- Please attempt to simply articulate your complaint and restrict your complaint to this form. If additional space is required you may attach a separate sheet.
- Request that a Person in Authority sign your completed form.
- Keep a copy of this completed form for your records.
- Provide a copy of the completed form to a Person in Authority, and
- Provide the original completed form to the Director of Human Resources.

Name of Complainant: \_\_\_\_\_

School/Workplace: \_\_\_\_\_

Name of Respondent(s): \_\_\_\_\_

School/Workplace of Respondent(s): \_\_\_\_\_

Date(s) of incident(s) [if the Prohibited Behaviour has been repeated over a period of time, give approximate length of time period involved]:

\_\_\_\_\_  
\_\_\_\_\_

Name(s) of witness(es):

\_\_\_\_\_  
\_\_\_\_\_

Complainant's description of alleged Prohibit Behaviour:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

Original to: Director of Human Resources.  
Maintain a copy for your records.