

	Human Resources Management PRO V-B-8
STRAIT REGIONAL CENTRE FOR EDUCATION <i>Excellence in Lifelong Learning</i> PROCEDURES	Employees, General Respectful Workplace
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Respectful Workplace Procedures

The Strait Regional Centre for Education is committed to fostering a workplace where all employees are treated with dignity and respect. The Strait Regional Centre for Education recognizes and supports the rights of staff to learn and work in safe and secure environments and is committed to maintaining learning and work environments which are free from harassment, bullying, or abuse of any kind. Harassment or abusive behaviour by staff will not be tolerated in Strait Regional Centre for Education's schools, buses or any facilities.

The Respectful Workplace Procedures serve as guidelines to support the [Strait Regional Centre for Education's Safe and Secure Facilities](#) document and the Strait Regional Centre for Education'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 Prohibited Behavior complaints, wherever possible and reasonable. However, the Strait Regional Centre for Education also recognizes that an informal resolution may not be possible or reasonable in all circumstances, and therefore has developed these procedures. The Strait Regional Centre for Education will also adhere to any legislated requirements in relation to the issues addressed by this Policy, including any obligations pursuant to Human Rights legislation.

At any time during these procedures, the Director of Human Resources/designate may determine that the Complainant's concerns, taken as true, do not constitute Prohibited Behaviour and may conclude the procedure at that point.

Specifically

1.0 Scope

- 1.1 All employees of the Strait Regional Centre for Education have a right to be free of harassment and abuse and a responsibility to treat others with respect.
- 1.2 All complaints are addressed in a private and confidential manner with employee well-being an important consideration.
- 1.3 These procedures cover conduct that takes place: in buildings under the jurisdiction of the Strait Regional Centre for Education (including offices and schools); at school-sponsored events; and at Strait Regional Centre for Education activities (including social functions, travel, conferences or training). These procedures also pertain to off-duty behaviour that has a nexus with Strait Regional Centre for Education business, including through the use of electronic technology and communication.
- 1.4 These procedures apply to all current employees of the Strait Regional Centre for Education, including full- and part-time, casual and temporary employees. Student behaviours that are considered inappropriate in nature are addressed under the [Provincial School Code of Conduct Policy](#) issued by the Department of Education and Early Childhood Development.

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- 1.5 Improper conduct by the Extended School Community is addressed under [VI-C-5 Harassment or Abuse of Staff by the Extended School Community](#) and [VI-C-5 Harassment or Abuse of Staff by the Extended School Community Procedures](#).
- 1.6 The SRCE respects the privacy of all employees and will ensure private, personal information is secure and confidential in accordance with the [Freedom of Information and Protection of Privacy Act \(FOIPOP\)](#)

2.0 Definitions

Bullying means behaviour, typically repeated, that is intended to cause or should be known to cause fear, intimidation, humiliation, exclusion, distress or other harm to another person's body, feelings, self-esteem, reputation or property, and can be direct or indirect, and includes assisting or encouraging the behaviour in any way. However, bullying does not include: expressing differences of opinion in a respectful manner; offering respectful constructive feedback, guidance, or advice about work related behaviour of performance; or reasonable and respectful action taken by the employer or supervisor relating to the management or direction of workers or the place of employment.

Complainant is a staff person who believes they have been subjected to Prohibited Behaviour.

Cyberbullying means any Bullying which is conducted through electronic communication including, without limiting the generality of the foregoing, computers, other electronic devices, social networks, text messaging, instant messaging, websites and electronic mail. However, Cyberbullying does not include: expressing differences of opinion in a respectful manner; offering respectful constructive feedback, guidance, or advice about work related behaviour of performance; or reasonable and respectful action taken by the employer or supervisor relating to the management or direction of workers or the place of employment.

Discriminatory Behaviour includes any discrimination based on a ground protected under human rights legislation, including based on age, race, color, 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 or political belief, affiliation or activity.

Extended School Community includes parents, or any adult or group of adults including volunteers, community groups, school parental organizations whose role or interest places them in contact with staff in school-related settings, school activities and any other work-related activities under the Strait Regional Centre for Education.

Formal Complaint Procedure is a method used to resolve complaints of a serious nature and/or those complaints that cannot be resolved through the Informal Complaint Procedure.

Harassment (or abuse) is an objectionable act, comment or display that demeans, belittles, causes personal humiliation or embarrassment, intimidates or threatens another person(s), committed by an individual who knew or ought reasonably to have known that such an act would cause offence or harm. However, harassment does not include: expressing differences of opinion in a respectful manner; offering respectful constructive feedback, guidance, or advice about work related behaviour of

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performance; or reasonable and respectful action taken by the employer or supervisor relating to the management or direction of workers or the place of employment.

Informal Complaint Procedure is a method used to resolve complaints that are not of a formal nature. **Investigation** is the process undertaken to respond to a complaint.

Investigator is a person appointed by the Director of Human Resources/designate to investigate the complaint under the Formal Complaint Procedure. The Investigator can be the Director of Human Resources, another Education Centre employee or another individual external to the Regional Centre.

Physical violence includes aggressive and intimidating behaviour, threats of physical harm, application or force or physical assault, gesturing, or inciting others to use force to injure another person.

Prohibited Behaviour may be verbal, physical, written or electronic and includes:

- Bullying
- Cyberbullying
- Discriminatory Behaviour
- Harassment
- Physical Violence
- Racist Behaviour
- Sexual Assault
- Sexual Harassment
- Verbal Abuse

Racist Behaviour includes using racial/cultural slurs, engaging in racial/ethnic name-calling, or actions, or inciting others to use racist language or engage in racist behaviours.

Respondent is a staff person who has allegedly offended, harassed or abused another staff person.

Sexual assault is any sexual touching or contact without consent as defined by the Criminal Code of Canada.

Sexual harassment is any objectionable, coercive, or irritating comment, communication, action, or attention of a sexual nature that is directed to a person or persons by someone who knows, or ought reasonably to know that such actions are unwelcome; action or communication with a sexual connotation or component that creates an intimidating, demeaning, or offensive work environment, even if it is directed to no person in particular.

Verbal abuse is using, or inciting others to use, language that is demeaning, threatening, or intimidating to another person. However, verbal abuse does not include: expressing differences of opinion in a respectful manner; offering respectful constructive feedback, guidance, or advice about work related behaviour of performance; or reasonable and respectful action taken by the employer or supervisor relating to the management or direction of workers or the place of employment.

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3.1 Direct Action

3.1.1 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 the behaviour is unwelcome and must stop.

3.2 Informal Complaint

3.2.1 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 their direct supervisor (if the respondent is the direct supervisor, the informal complaint may be made to Human Resources). The direct supervisor will determine the best process to be followed, in consultation with Human Resources, and may resolve the situation by taking one or more steps:

- attempt to resolve the complaint;
- go directly to a formal complaint;
- initiate an investigation;
- report criminal behavior; or
- consult with Human Resources.

3.2.2 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.

3.2.3 The person in authority completes the Informal Notification of Complaint Form, Appendix A.

3.3 Formal Complaint

3.3.1 If the Informal Complaint process does not resolve the issue, the Complainant may complete and submit in writing, the Formal Complaint Form (Appendix B), to the Director of Human Resources/designate.

- a. If the Director of Human Resources is the Complainant or Respondent, the complaint shall be made to the Regional Executive Director of Education.
- b. If the Regional Executive Director is the Respondent, the complaint shall be made to the Deputy Minister of Education of Nova Scotia.

3.3.2 A formal written complaint should be initiated within one year of the incident, although the Director of Human Resources/designate and/or the Regional Executive Director of Education has discretion to accept a complaint filed after a longer period, where exceptional circumstances warrant.

3.3.3 The Complainant shall:

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

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

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- 3.3.5 If appropriate, the Director of Human Resources/designate may attempt to resolve the complaint. If this is not successful, the matter will be formally investigated pursuant to section 4.
- 3.3.6 The Director of Human Resources/designate shall determine who will investigate the complaint.
- 3.3.7 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/designate receipt of the Formal Complaint Form.

4.0 Investigation

- 4.1 In the usual course, the Investigator will interview the Complainant first and receive any submissions the Complainant may wish to make.
- 4.2 The Investigator will then advise the Respondent of the Complainant's complaint and provide the Respondent with an opportunity to respond, including by interviewing the Respondent.
- 4.3 The Investigator will interview other persons as appropriate; and gather all relevant material as required to complete the Investigation. The Investigation may also include further interviews of the Complainant and Respondent, depending on the circumstances.
- 4.4 The Investigator shall prepare a factual report about the complaint and present the report to the Director of Human Resources/designate.
- 4.5 A summary of the investigation findings will be provided to the complainant and respondent.
- 4.6 Should the parties (Complainant and/or Respondent) wish to make additional comments on the report, they shall do so within five (5) working days.
- 4.7 Whenever reasonably possible, Investigations should be finalized within eighty (80) working days after receiving a complaint. The Director of Human Resources/designate may extend the timeline where circumstances warrant.
- 4.8 With the agreement of the Respondent and the Director of Human Resources/designate, the Complainant may choose to discontinue the process at any time. This option does not apply in situations wherein policing agencies are involved and timelines must accommodate such involvement.
- 4.9 The focus of the Investigation will be to effectively carry out a systematic, logical and thorough examination and to collect information where the Complainant and Respondent are heard, the problem is given serious attention and a reasonable resolution is provided.

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4.10 At any time during the Investigation, the Investigator may determine the Complainant's concerns, taken as true, do not constitute Prohibited Behavior and may conclude the Investigation at that point.

5.0 Reporting

5.1 Upon the conclusion of the Investigation, the Investigator shall issue a Formal Investigation Report and shall provide it to the Director of Human Resources/designate or the Regional Director of Education if the complaint is made pursuant to 3.3.1. All reasonable attempts shall be made to have the Report completed within thirty (30) working days following the completion of the Investigation.

5.2 The Director of Human Resources/designate shall review the Formal Investigation Report and any recommendations therein, shall issue an official decision, and shall proceed with corrective/responsive action, if warranted, pursuant to section 6.

5.3 At the end of the Investigation process, documentation, including written submissions from the Complainant and Respondent, along with the Investigator's interview notes and Final Report, shall be retained on behalf of the Regional Centre for Education by the Director of Human Resources.

6.0 Disposition & Corrective Action

6.1 Strait Regional Centre for Education 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 for cause.

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 but are not limited to:

- a. mediation, if appropriate.
- b. involuntary relocation/transfer.
- c. verbal agreements or a formal apology.
- d. assistance programs.
- e. any other measure in accordance with applicable collective agreements and/or terms of employment.
- f. proceedings under applicable legislation.
- g. appropriate discipline, up to and including termination for cause.

6.3 If the Investigation does not conclude that Prohibitive Behaviour has occurred, the Director of Human Resources/designate shall dismiss the complaint and, if appropriate, engage in any informal resolution activities to assist in the return to a positive working environment.

6.4 The Complainant and Respondent will be advised of the outcome of the complaint as soon as reasonably possible after a decision is reached.

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6.5 If dissatisfied with the Investigation's findings or corrective action, 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 agreements, terms of employment or legislation, and not pursuant to these Procedures.

6.6 A decision letter will be prepared and filed in the Complainant's and Respondent's personnel files.

7.0 Confidentiality

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 these Procedures, are to maintain confidentiality except where disclosure is necessary for the purposes of investigating the matter, imposing a corrective action contemplated by these Procedures, or as required by law.

7.2 The Strait Regional Centre for Education shall make every effort to ensure confidentiality of the Complainant and the Respondent except where disclosure is necessary for the purposes of investigating the matter, imposing a corrective action contemplated by these Procedures, as required by law, or as authorized in writing by the Complainant and Respondent.

8.0 Other Avenues of Redress

8.1 This Procedure document 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 Nova Scotia Human Rights Commission). The Director of Human Resources/designate may direct the Investigator to postpone, suspend or cancel an investigation should any of these other avenues of redress be pursued.

9.0 Retaliation

9.1 Retaliation or reprisal is prohibited against anyone on the basis that they made in good faith a complaint of Prohibited Behaviour, provided information as a witness, or otherwise participated in an Investigation into a complaint pursuant to this policy. Any retaliation or reprisal will be investigated and anyone found to have engaged in such retaliation or reprisal will be subject to appropriate discipline, up to and including termination for cause.

10.0 Review

10.1 The Director of Human Resources is responsible for the implementation, monitoring and revision of these administrative procedures.

10.2 These administrative procedures will be reviewed annually.

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Appendix "A"

Informal Notification of Complaint Form

Name(s) of parties involved: Complainant: _____

Respondent: _____

Date(s) of Incident(s): _____

Nature of Complaint _____

Actions taken and corresponding date – Please check all that apply.

- person(s) interviewed (complainant, respondent, other) Date _____
- resolution reached Date _____
- other _____ Date _____

_____ Date	_____ Principal/Supervisor's Signature	_____ School/Work Site
Please forward immediately to Director of Human Resources. Copies to the Complainant, the Respondent and the Principal/Supervisor <i>All Records are to be kept Secure and Confidential.</i>		

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Appendix B
Formal Complaint Form

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.
- Keep a copy of this completed form for your records.
- 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): _____

Name of Supervisor to whom informal complaint was first reported: _____
Date reported: _____

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 Prohibited Behaviour:

Signature of Complainant: _____ Date: _____

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

All Records are to be kept Secure and Confidential