



POLICY NO. 90

RESPECTFUL WORKPLACE

BE IT ENACTED by the Council of Region of Queens Municipality, under the authority of the Municipal Government Act, S.N.S. 1998, Chapter 18, as follows:

This policy shall be known as Policy Number 90 and may be cited as the "Respectful Workplace Policy".

POLICY PURPOSE

Employees are the heart of the Municipality and their safety is paramount for an effective and positive work environment. The purpose of this policy is to ensure the safety and well-being of all employees and its Council members by providing a workplace which values honesty, fairness, respect for the individual, dignity of work and contributions, as well as upholds the integrity of the organization and its policies and practices.

Region of Queens Municipality is committed to ensuring all of its work environments allow for each individual staff or Council member to be treated with respect and professionalism to ensure each person has the unfettered ability to contribute fully to the Municipality's operations and their own contribution is understood, acknowledged and respected.

This policy specifically is meant to address disrespectful behaviour in the workplace which commonly includes personal harassment that is not covered under human rights legislation. To provide clarity as to what a respectful workplace is, this policy outlines what is deemed disrespectful workplace

behaviour and the process an employee or Council member can choose to undertake to address such behaviour should they occur.

AUTHORITY

Section 47 of the Municipal Government Act provides that

(1) Council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law.

(3) In addition to matters specified in this Act or another Act of the Legislature, the council may adopt policies on any matter that the council considers conducive to the effective management of the municipality.

SCOPE

This policy shall apply to all staff and elected officials of Region of Queens Municipality, as well as all public members of committees or external consultants, appointed or under the guidance of municipal council or Chief Administrative Officer or their designate.

Application of this policy shall extend to each municipal workplace and to work-related events, including disrespectful behaviour of Region of Queens Municipality employees or Council members that happens away from the workplace or after regular working hours, where such behaviour has a negative effect on the workplace.

DEFINITIONS

“Bullying or Intimidating Behaviours” involve using words or actions, actual or perceived, that could psychologically or mentally hurt or isolate a person in the workplace and usually involves repeated incidents or regular behaviours that intend to intimidate, humiliate, offend, or degrade a particular person or group of people.

“Complainant” is the employee or Council member making a complaint that disrespectful behaviour has occurred.

“Disrespectful Behaviour” is any behaviour that:

- a. should be known to a reasonable person that their words or actions are offensive, humiliating, or intimidating;
- b. has a clear and obvious negative impact on the Respondent; and
- c. involves words or actions, that can be limited to one incident, or involve multiple times or incidents.

Examples of disrespectful behaviour include, but are not limited to:

- a. verbal or written threats or abuse;
- b. derogatory or degrading words, comments, gestures, jokes, or insults;
- c. using profanity or swearing, or using violent language, at another individual;
- d. interference with another person's work or attempting to sabotage another person's work;
- e. vandalizing or interfering with another person's personal property or office space;
- f. bullying through offensive, malicious, insulting, humiliating, ostracizing, or intimidating actions or words.

For greater clarity, the following are not considered disrespectful workplace behaviour under this policy, but are not limited to:

- a. mutually consensual relations or social interactions without offensive or inappropriate behaviours, intimidation, implicit or explicit threats of retaliation, or misuse of power;
- b. words or actions that a reasonable person would find welcome or neutral in meaning;
- c. actions of the Municipality to direct its workforce, including managing and supervising employees and giving feedback through reasonable performance feedback, managing absenteeism, mentoring and discipline;
- d. disagreements or misunderstandings; and

- e. conflicts or disagreements between employees and Council members unless they involve disrespectful behaviours or language as noted in this policy.

“Respectful Workplace” means a work environment where each employee and Council member treats each other with respect at all times and includes:

- a. providing for the inclusion of all employees and Council members regardless of different backgrounds, opinions, thoughts, or perceived strengths or weaknesses.
- b. ensuring the safety of all employees and Council members from disrespectful, bullying, or intimidating behaviour.
- c. requiring accountability by each individual to contribute to their effective workplace relationships through meaningful and positive resolution of differences.

“Respondent” is the individual alleged to have engaged in or perpetuated disrespectful behaviour.

POLICY INTENT

No employee or Council member shall be subjected to disrespectful behaviour in the workplace.

ACCOUNTABILITY

Responsibility for the oversight and implementation of this policy shall lie with the Municipality’s Director of Corporate Services according to the terms and conditions of this policy.

It shall be the responsibility of the Director of Corporate Services to bring forth clear recommendations for changes to this policy, when deemed appropriate, to the Chief Administrative Officer for review.

Each employee and Council member is responsible for their own behaviour at all times and for ensuring the workplace is free from disrespectful behaviour. This

is done by always acting in a professional and courteous manner, taking responsibility for their own actions and words, while maintaining positive and constructive working relationships through cooperation and actively listening to others.

COMPLAINT RESOLUTION PROCESS

Complaints of disrespectful behaviour can be made through a formal or informal process to ensure a range of options are available to employees and Council members to seek a fair and timely resolution to allegations.

Notwithstanding Policy 74 - Code of Conduct for Members of Council and Public Committee Members, a staff member shall be deemed to be a person eligible to file a complaint against a Member of Council and where such complaint is deemed legitimate and requires an investigation, such complaint shall be forwarded to the Mayor under Policy 74 and shall be interpreted as being a complaint of a Council Member.

Informal Process

- a. If reasonable and safe to do so, an employee or Council member who feels that another person's actions have led to a disrespectful workplace according to this policy, the employee or Council member affected should let that person or persons involved know that their behaviours are disrespectful, unwelcome and contrary to the Respectful Workplace Policy.
- b. If option a. is not possible, an employee should seek assistance from their immediate supervisor, Director, or the Director of Corporate Services. In the cases of issues involving Council members, a discussion should be held with the Mayor, or in the case of an issue with the Mayor, the Deputy Mayor.
- c. If option a. or b. are not suitable, or the Complainant does not receive the needed result after attempting an informal process, the employee or Council Members can proceed to the formal process.

Formal Process

- a. If a complaint cannot be resolved through the informal process, a Complainant may file a formal complaint in writing on the form attached as Appendix "A" and submit it directly to the Director of Corporate Services. If the Director of Corporate Services is either the Complainant or Respondent, the complaint shall be submitted to the Chief Administrative Officer.
- b. Complaints may be made on behalf of a staff member by another staff member where that staff member has witnessed the disrespectful behaviour or has been reported to them by a co-worker. All employees and Council members have a responsibility to ensure a respectful workplace, not only those who are negatively impacted.
- c. Once an application has been received under this section concerning disrespectful behaviour, a formal investigation will take place which will require the interviewing of various witnesses in addition to the Complainant(s) and Respondent(s). In some cases, Director of Corporate Services or Chief Administrative Officer may engage external third party experts to assist with the investigation. Because of the nature of this process, the application and details cannot be anonymous, and both the Complainant and Respondent will be provided with full details of the application.
- d. Upon the completion of the investigation, Director of Corporate Services or Chief Administrative Officer will prepare a report and recommendations with a goal of bringing a resolution to the alleged disrespectful behaviour. Director of Corporate Services will work with the parties involved to determine appropriate actions needed and will communicate the decision to both the Complainant and Respondent.
- e. Should the investigation determine that the disrespectful behaviour involves discrimination under the Nova Scotia Human Rights Act, the

complaint will be transferred to a formal application under the Municipality's Human Rights and Harassment Policy.

- f. Employees and Council members are strongly encouraged to bring forth any alleged disrespectful behaviour complaints as soon as possible to ensure any disrespectful behaviour is dealt with immediately. Complaints brought forward later than six months after the alleged disrespectful behaviour will only be investigated if the matter is considered by the Director of Corporate Services or Chief Administrative Officer to be a matter that could lead to immediate employee termination.

False or Malicious Complaints

Any complaint filed with an immediate supervisor, Director, Director of Corporate Services, Mayor or Deputy Mayor, that is found to be false, misleading, or brought forward with malicious purposes, may result in the Complainant being subject to disciplinary action up to and including termination of employment.

RETALIATION

Any employee who uses retaliation or discrimination against a co-worker, another employee, or Council member because the person brought forward a complaint, or because the employee acted as a witness, gave a statement, or participated in a complaint resolution process will be considered a breach of this policy. Such breach may result in discipline up to and including termination of employment.

Any Council member who uses retaliation in any manner as noted above shall be subject to any consequences determined by Council under its Code of Conduct Policy.

CONSEQUENCES

Employees who are determined, after an investigation has been completed, to be in breach of this policy will be subject to disciplinary action up to and including termination of employment.

Council members who are determined, after an investigation has been completed, to be in breach of this policy will be subject to disciplinary action according to Policy 74 - Code of Conduct for Members of Council and Public Committee Members.

Multiple or repeated instances of the same, similar or different occurrences of disrespectful behaviour shall be considered as one of the determining factors in the level of discipline action implemented.

CONFIDENTIALTY

All information collected and obtained during an investigation into an alleged breach of this policy shall be held and retained by the Director of Corporate Services for a period of no less than six years. Only those documents required to be divulged to other parties to settle a complaint during an investigation will be shared. These documents shall be treated as confidential and not released except where required to be disclosed according to law for a court proceeding, arbitration, or other legal proceeding.

LEGISLATION AND COLLECTIVE AGREEMENTS

If it is determined that any portion of this policy is inconsistent with any current union agreements between an employee bargaining unit and the Municipality, or provincial or federal legislation or regulations, then that portion and only that portion of the policy shall have no application to the extent of the inconsistency. All other portions of the policy shall continue to apply and have full force and effect.

APPENDICES

Appendix "A" contains the formal complaint form and instructions for filling it out and filing it with the appropriate person. Employees are encouraged to seek the support of co-workers or their union representative should they believe they require help in filing a complaint.

EFFECTIVE DATE

This policy shall take effect from the date of approval by Council.

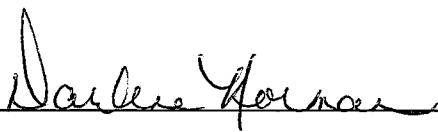
REPEAL

Policy 25 - Sexual Harassment, adopted by the Council of Region of Queens Municipality on the 16th day of August 2004, is hereby repealed.

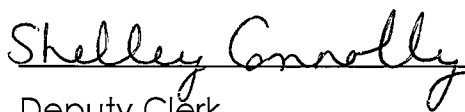
OFFICIAL CERTIFICATION

THIS IS TO CERTIFY THAT this policy was passed by the Council of Region of Queens Municipality at a duly constituted meeting of said Council held on the 22nd day of June, 2021.

SIGNED by the Mayor and Deputy Clerk this 23rd day of June, 2021.



Mayor



Deputy Clerk

APPENDIX “A” - COMPLAINT FORM

Respectful Workplace & Human Rights Harassment Policy

Formal Complaint Form

Instructions:

Region of Queens Municipality is committed to providing a working environment that is free of harassment and discrimination. Prior to completing this form, it is important that you are aware of the complaint procedure in the Respectful Workplace Policy and Human Rights and Harassment Policy

Employees and Council members are not required to use this form to file a complaint however; if you do, it will help you focus the issues in a manner that will assist in the assessment, investigation, and possible resolution of the complaint(s). If you require support in filing a complaint, please speak with your union representative, Director of Corporate Services, or Mayor.

Be sure to specify the incident(s) that led to the complaint, the date(s) of the incident(s), names of the person(s) involved, and names of those who may have witnessed the incident(s). Please feel free to add more pages and include any relevant documentation that may assist in explaining the reason for your complaint.

Information provided on this or any other form is not considered an official complaint unless it is signed by you and dated.

Upon receipt of your complaint, Director of Corporate Services will review it to determine if the complaint is complete, timely, and raises issues covered in the policy. **It is important to fully understand that the written complaint you submit will be forwarded to the Respondent for a response.**

Submit the Complaint by email to:

Director of Corporate Services
jveinotte@regionofqueens.com

Or in person to:

Joanne Veinotte
249 White Point Road
Liverpool, Nova Scotia

PART I

Complainant's Name: _____

Address: _____

Telephone Number: _____

Department: _____

Position/Job Title: _____

Name of Immediate Supervisor: _____

PART II

Type of Harassment: Verbal Physical Property

Date and Time of the Incident: _____

Person who was responsible for the harassment:

Supervisor: Co-worker: Customer/Client: Other:

Name: _____

Position: _____

Did it occur more than once? Yes No

Location of Incident: _____

Describe the circumstances in which the incident took place: Was it during work hours, when did it start, has it now stopped or is it still ongoing?

What was your response?

How did the incident make you feel?

Were you able to confide in anyone after the incident? Give details:

PART III

Describe the incident:

List Witnesses to the Harassment:

(1) Name: _____

Phone Number: _____

(2) Name: _____

Phone Number: _____

I understand that the incident(s) described above will be investigated, I will be given an opportunity to explain further, and I will be informed of the results of the investigation.

Complainant's Signature: _____

Date: _____

FOR OFFICE USE ONLY

Matter was referred to investigation on _____ (date)

Investigation was completed on _____ (date)

Final report was produced on _____ (date)

Complaint was: Established / Not Established

Parties were informed of outcome on _____ (date)

Action(s) taken:
