



Municipality of the County of Kings

Respectful Workplace

Policy Category	Human Resources	Most Recent Amendment	N/A
First Council Approval	October 1, 2024	Future Review Date	October 2028

1. Purpose

The Municipality of the County of Kings is committed to providing a safe and respectful Workplace in which the dignity of every individual is respected. A respectful Workplace is one that is free of inappropriate behaviour, where Employees are entitled to be free of Discrimination, Harassment and Abuse.

2. Scope:

This Policy applies to all Employees of the Municipality of the County of Kings.

3. Definitions

3.1 **Abuse:** deliberate interactions in which one person behaves in a cruel, violent, demeaning or invasive manner toward another person. It may one a one-time incident, or reoccurring and shall include:

- **Emotional Abuse** – includes but is not limited to, non-physical behaviours that are meant to control, frighten, or isolate an individual and may present as threats, manipulation, humiliation, intimidation, dismissiveness, hazing, habitual scapegoating that impact an individual’s self-esteem
- **Physical Abuse** – includes, but is not limited to pushing, shoving, slapping, kicking, shaking, punching, hitting, spitting, pinching, pulling hair, choking, throwing things, and using, or threatening to use a weapon.
- **Psychological Abuse** – includes, but is not limited to chronic, regular, and deliberate use of words and non-physical actions used with the intent of manipulating, frightening, distorting or confusing a person’s thoughts through intimidation, coercion, gaslighting, infantilization, isolation, manipulations and control.
- **Sexual Abuse** – includes, but is not limited to any touching, fondling, petting, leering, or unwanted sexual contact of any form including attempts at unwanted sexual contact.

3.2 **Bad Faith Complaint:** occurs when an Employee intentionally misleads the Employer (for the purpose of this policy the Employer refers to the Municipality of the County of Kings) by knowingly withholding relevant information or providing false information in support of a Complaint and includes situations where the Employee proceeds with or continues with an allegation when the Employee has no honest or sincere belief that a violation of this Policy has occurred.

3.3 **Complainant:** Refers to the Employee or Employees making a Complaint under this Policy. The Complainant could be the target or an observer who has made a third-party Complaint.

3.4 **Complaint:** An allegation submitted regarding a breach of this Policy.

- 3.5 **Discrimination:** A form of Harassment where a person makes a distinction, whether intentional or not, based on a protected characteristic, as set out in the *Nova Scotia Human Rights Act*. These protected characteristics are Age, Race, Colour, Religion, Creed, Ethic, national or aboriginal origin, Sex (Pregnancy and pay equity), Sexual Orientation, Physical Disability, Mental Disability, Family Status, Marital Status, Source of Income, Irrational fear of contracting an illness or disease, Association with protected groups or individuals, Political belief, affiliation or activity, gender identity, gender expression.
- 3.6 **Employee:** Refers to any individual employed by the Municipality of the County of Kings, including unionized, non-unionized, full-time, part-time, casual, independent contractors, student interns, volunteers, term or temporary positions.
- 3.7 **Harassment:** Harassment occurs when a person or persons engage in a course of vexatious conduct or comment that is known or ought reasonably to be known to be unwelcome. Harassment can use verbal or non-verbal means to create offensive behaviour. Examples include offensive graffiti, printed materials, notes, letters, e-mails, social media messages displaying or distributing offensive materials including personal or stereotypical derogatory pictures, jokes or cartoons that portray a person's personal or Physical attribute in a negative or humiliating manner. Types of Harassment can include, but are not limited to:
- **Verbal Harassment** – any offensive course of comments directed at or used in reference to an Employee that could reasonably undermine the reputation of the Employee or cause emotional harm to the Employee. Examples include, but are not limited to insults, name-calling, threats, slurs, crude or degrading comments, images, written materials, innuendoes, and negative stereotyping. An Employee may be subject to Verbal Harassment even when the comments are directed to third parties.
 - **Bullying** – A form of Harassment that typically presents as a repeated, targeted pattern of behaviour that is intended to cause fear, intimidation, humiliation, distress, or other forms of harm. The impact may be physically or psychologically damaging to a person's body, feelings, self-esteem, reputation, or property. Bullying may be obvious, subtle, direct, or in-direct and can occur in person, in writing, or using technology such as social media, or text messaging.
 - **Exclusion** – Shunning or ostracism of an individual or group of individuals and can include no longer communicating with them, denying, or ignoring their presence, and purposefully omitting them from decisions or work-related events without valid reason.
 - **Poisoned Work Environment** – Inappropriate conduct that is frequent and results in a hostile or offensive Workplace. The conduct may not be directed at anyone but results in an uncomfortable environment that negatively affects the well-being and productivity of team members. Poisoned Work Environment can result from, but is not limited to offensive graffiti, sexual, racial or religious insults or jokes, abusive treatment of other Employees, intimidating actions like yelling, slamming doors, or throwing objects, regular use of profanities or abusive language, or malicious gossip.
 - **Racial Harassment** – Racial Harassment is any offensive behaviour based on the grounds of race, colour, citizenship, place or origin, ancestry, ethnic background, or creed and can include, but is not limited to derogatory comments, jokes, insulting depictions, or criticizing or being intolerant to racial differences in appearance or customs.
 - **Microaggressions** are commonplace, subtle, often unintentional, forms of prejudice. Microaggressions may demean a person's race, gender, sexual orientation, heritage, age, or ability, for example. Microaggression can be

disguised as a compliment but conveys disparaging messages to people because they belong – or are perceived to belong – to a certain group.

- **Sexual Harassment** means any vexatious sexual conduct or a course of comment that is known or ought reasonably to be known as unwelcome, and may include but is not limited to:
 - a sexual solicitation or advance made to an individual by another individual where the other individual is in a position to confer a benefit on, or deny a benefit to, the individual to whom the solicitation or advance is made, where the individual who makes the solicitation or advance knows or ought reasonably to know that it is unwelcome, or
 - a reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance.
- **Sexual and Gender-Based Harassment** are forms of Harassment can include:
 - Gender-related comments about a person's physical characteristics or mannerisms;
 - Paternalism based on gender which a person feels undermines their self-respect or position of responsibility;
 - Unwelcome physical contact;
 - Suggestive or offensive remarks or innuendoes about members of a specific gender;
 - Propositions of physical intimacy;
 - Gender-related Verbal Abuse, threats or taunting;
 - Leering or inappropriate staring;
 - Bragging about sexual prowess or questions or discussions about sexual activities;
 - Offensive jokes or comments of a sexual nature;
 - Rough and vulgar humour or language related to gender;
 - Demands for dates or sexual favours.

3.8 **Investigation:** The process by which the Chief Administrative Officer will appoint an Investigator to gather and analyze information surrounding a Complaint under this Policy and arrive at a conclusion based on the information provided.

3.9 **Investigator:** The individual or individuals appointed to conduct a thorough and impartial examination of any Complaint brought forward under this Policy. The Investigator will be appointed by the Chief Administrative Office to be an impartial Investigator. The Investigator may be internal or external to the organization. In the event the Complaint is regarding the CAO the Mayor shall appoint an Investigator from outside of the organization.

3.10 **Respondent:** The Employee or Employees alleged to have engaged in Discrimination, Harassment and Abuse in the Workplace.

3.11 **Retaliation:** Unjustified actions or threats of repercussions against the Complainant. Examples of Retaliation can include, but are not limited to; unfair work assignments, denial of leave or training opportunities, Exclusion, undermining a person's reputation, victim blaming, or threats and intimidation.

3.12 **Restorative Process:** A resolution process that strives to reduce harm and restore relationships by allowing those directly impacted and those who can affect the outcome to work in a transparent and good faith manner to jointly create a forward focused plan.

- 3.13 **Workplace:** For this Policy, Workplace is defined as any place where the business of the Municipality of the County of Kings is being carried out, including but not limited to:
- All offices, premises and locations that are used by Employees of the Municipality of the County of Kings
 - All premises and locations where the business of the Municipality of the County of Kings is being conducted, including off-site meetings.
 - All locations and situations including business travel, conferences, and work-related social gatherings.

4. Policy Statements

- 4.1 The Municipality of the County of Kings employs a zero-tolerance approach to any form of Workplace Discrimination, Harassment and Abuse and is dedicated to ensuring that any allegations of Discrimination, Harassment and Abuse are addressed and that any person bringing a forward Complaint feels safe to do so without fear of Retaliation or reprisal.
- 4.2 If an Employee experiences Discrimination, Harassment or Abuse they are encouraged to keep a written record of the date, time, details of the conduct, and witnesses, if any. They should submit this record to their supervisor who will take appropriate action to maintain a safe environment.
- 4.3 Through the implementation of this Policy the Municipality of the County of Kings aims to:
- Promote a work environment that is free from all forms of Discrimination, Harassment and Abuse.
 - Inform Employees of the behaviours that are defined as Discrimination, Harassment and Abuse.
 - Communicate the rights and responsibilities of all Employees in the reporting of, and prevention of Workplace Discrimination, Harassment and Abuse.
 - Establish a resolution process that allows the Complainant some choice and discretion in the Complaint process.
 - Ensure that all allegations of Workplace Discrimination, Harassment and Abuse are taken seriously and provide procedures for timely and effective resolutions of allegations.
 - Ensure confidentiality through the Complaint resolution process, unless required by law.
 - Provide remedial, corrective, or disciplinary measures in response to the behaviour to ensure the on-going safety and well-being of Employees.

Policy Directives:

- 4.4 As an Employee of the Municipality of the County of Kings:
- 4.4.1 All Employees are expected to be respectful in the Workplace.
- 4.4.2 All Employees are prohibited from participating in any form of Discrimination, Harassment and Abuse.
- 4.4.3 All Employees shall read and be familiar with this Policy to confirm their understanding of the expectations arising under this Policy.

Actions Not Considered Harassment:

- 4.5 While each Complaint will be assessed on its own merits the following examples of normal Workplace functioning and interactions would usually not be considered as Harassment:
- Welcome, mutually consensual relationships, friendships or social invitations that do not involve inappropriate behaviours, intimidation, explicit or implicit threat of Retaliation, or misuse of power.

- Direction of Employees, including supervising, managing, and giving appropriate and legitimate performance feedback.
- Bona fide qualifications or occupational requirements established by the Municipality of the County of Kings.

Reporting Procedures:

4.6 Any Employee who is experiencing Workplace Discrimination, Harassment and Abuse is encouraged to make their concern known without fear of Retaliation or reprisal.

4.6.1 Informal Resolution:

If the individual experiencing Discrimination, Harassment and Abuse feels safe doing so, they may inform the Respondent that the behaviour is unwelcome, and they want them to stop. The Complainant may do this in person or in writing, ensuring the letter to the Respondent is dated, and a copy is retained for their own records. If the individual experiencing Workplace Discrimination, Harassment and Abuse wishes to address the concern themselves, they should also inform a Manager at the Municipality of the County of Kings that they intend to address it. The Manager, being made aware of the Complaint, shall schedule a follow-up with the Employee to ensure the behaviour has ceased.

4.6.2 Informal Resolution with Support of Manager:

If the individual experiencing Discrimination, Harassment and Abuse feels unsafe or unable to address the concern with the Respondent directly they are encouraged to speak to their Manager. If the Manager is the person engaging in behaviour, the Complainant should report to their Director, or Human Resources for support in communicating their concerns to the Respondent. It is then the responsibility of the Manager/Director or designate to ensure that the Employees' concerns are addressed and documented with the Respondent.

4.6.3 Formal Complaint:

If the informal resolution is unsuccessful, not appropriate, or proving to be ineffective, a formal Complaint may be filed. To file a formal Complaint:

4.6.3.1 Employee, with support of a Manager, may complete the Respectful Workplace Complaint Form.

4.6.3.2 File the Complaint with your Manager/Director and/or the Chief Administrative Officer.

4.6.3.3 Cooperate with the Investigator(s) assigned to the Complaint.

Formal Investigation into allegations of Discrimination, Harassment and Abuse

4.7 Upon receiving a formal Complaint, the Chief Administrative Officer with the support of Human Resources will be assigned an Investigator who will be responsible for overseeing an investigation into the concern. This investigation can include but is not limited to:

- Informing, in writing, the Respondent that a Complaint has been brought forward.
- Determining whether alternative working arrangements need to be made.
- If health and safety concerns are present, the Employer may choose to suspend the Respondent pending investigation.
- Interviewing the Complainant, the Respondent, and any witnesses to the events.
- Recommending appropriate remedies or corrective action.

- 4.8 Both the Complainant and the Respondent have the right to have a support person present during the interview process.
- 4.9 Once the Investigator has completed all required interviews and determined the course of action moving forward, they will be responsible for compiling a report that shall be submitted to both the Complainant and the Respondent within 10 business days.

Complaints Pertaining to the Chief Administrative Office:

- 4.10 If the Complaint, either formal or informal is concerning the Chief Administrative Officer the Complainant shall address their concern to the Mayor, who will be responsible for initiating Informal Resolution or Investigation or a Formal Resolution if deemed necessary.

Substantiated Complaints and Corrective Actions:

- 4.11 If it is deemed by the Investigator that the Complaint is valid, disciplinary action shall occur. For unionized Employees, corrective action will follow disciplinary measures in the Collective Agreement. Corrective Action can include, but is not limited to:
- Verbal Reprimand
 - Written Reprimand
 - Suspension
 - Anti-Harassment training
 - Restorative Process
 - Dismissal

Criminal Conduct:

- 4.12 If there are reasonable grounds to believe that the Respondent has committed an offence under the *Criminal Code* or provincial legislation the Investigator will discuss with the Complainant, the possibility of making a report to the relevant authorities.

Unsubstantiated Complaints and Corrective Actions:

- 4.13 An unproven allegation does not mean that Discrimination, Harassment and Abuse did not occur or that there was a deliberate false allegation. It means that there is insufficient evidence to proceed or that the Investigation has not established a violation of the Policy.
- 4.14 The lack of intention to discriminate is no defense to an allegation of Discrimination. The focus is placed on the impact of the alleged behaviour and whether the Respondent's actions had a negative or discriminatory effect on the Complainant.
- 4.14.1 The right to appeal: Should the Complainant be unsatisfied with the decision; they may appeal to the Chief Administrative Officer within five (5) business days of receiving the final report. The appeal shall:
- Be submitted in writing.
 - Reference the date and nature of the original formal Complaint.
 - Include a copy of the findings.
 - Include the reason for the appeal.
- 4.15 If an appeal is received by the Investigator(s) they shall make a good faith effort to consider the appeal using the information included in the appeal and the above-listed Investigation process.
- 4.16 All Complainants maintain the right, throughout the Complaint process to:

- Contact the Nova Scotia Human Rights Commission.
- Contact their own legal counsel at their expense.
- Report the Complaint to the police where there is an indication that a criminal offense was committed.
- Contact their union representative or file a grievance.

Bad Faith Complaints:

- 4.17 Should an Investigation result in clear evidence that a Complaint was made to intentionally mislead the employer and that there was no honest or sincere belief that a violation of this Policy occurred on behalf of the Complainant disciplinary action may occur. A Complaint that is unfounded due to insufficient evidence is not considered a Bad Faith Complaint and will not result in disciplinary action.

Failure to Report:

- 4.18 Should a member of Management be made aware of an allegation of Discrimination, Harassment and Abuse and fail to take appropriate action, that individual may be subject to disciplinary action.

Documents and Records:

- 4.19 After an Investigation is complete all related notes, reports, and documents developed by the Investigator or person(s) conducting the Investigation will be kept secure and separate from the Employee's personnel file.
- 4.20 In cases where it is determined that a breach of policy occurred, the Investigation report can be referenced in the disciplinary outcomes and placed on the Respondent's personnel file. Placing and retaining the records on the Respondents personnel file must comply with any applicable collective agreements. Documentation procedures may be made available should an allegation be moved to civil or criminal proceedings.

Confidentiality:

- 4.21 Given the seriousness and sensitivity of Discrimination, Harassment and Abuse allegations, confidentiality is required in the processing and resolution of Complaints. Complainants, Respondents, Witnesses, Managers, and Supervisors who are aware of the Complaint may not share confidential information related to the Complaint except when seeking advice from legitimate sources such as union representatives, Employee & Family Assistance Programs, Counselors, Legal Counsel or similar. Confidentiality will be maintained by the Investigators unless there are reasonable grounds to believe that the Respondent has committed an offence under the *Criminal Code* or as otherwise required by law.

Responsibilities:

- 5.1 Municipal Council will:
- 5.1.1 Ensure that the Municipality of the County of Kings has in place a Respectful Workplace Policy addressing issues of Workplace Discrimination, Harassment and Abuse.
 - 5.1.2 Review, amend, and adopt changes to the Respectful Workplace Policy as required.
- 5.2 The Chief Administrative Officer will:
- 5.2.1 Review the Respectful Workplace Policy periodically to ensure its effectiveness.
 - 5.2.2 Review recommended changes to the Respectful Workplace Policy from the Manager of Human Resources.

5.2.3 Assign an appropriate Investigator for any allegation of Workplace Discrimination, Harassment or Abuse.

5.3 Human Resources will:

- 5.3.1 Evaluate the effectiveness of this Policy.
- 5.3.2 Educate Employees about Workplace Discrimination, Harassment and Abuse during the orientation process.
- 5.3.3 Support Manager and staff inquiries regarding the Respectful Workplace Policy.

5.4 Directors and Managers will:

- 5.4.1 Ensure Employees have access to the Respectful Workplace Policy and can attend internal training programs.
- 5.4.2 Ensure to create and maintain an environment free from offensive or abusive behaviour.
- 5.4.3 Set a good example by maintaining a high standard of conduct in all dealings with others.
- 5.4.4 Take action to protect Employees from harassing, violent, or abusive behaviour.
- 5.4.5 Maintain confidentiality.

5.5 Employees will:

- 5.5.1 Familiarize themselves with the Respectful Workplace Policy.
- 5.5.2 Treat all Employees with respect and dignity
- 5.5.3 Report instances of Discrimination, Harassment, or Abuse
- 5.5.4 Co-operate fully with the investigator(s) appointed under this Policy.

5.6 Complainants will:

- 5.6.1 Participate in the Complaint process without fear of Reprisal or Retaliation.
- 5.6.2 Access support through the Employee Assistance Program if required.

5.7 Respondents will:

- 5.7.1 Cooperate and participate in all stages of the resolution process.
- 5.7.2 Maintain confidentiality.
- 5.7.3 Not retaliate in any way against the Complainant, witnesses or any other person involved in the Complaint.

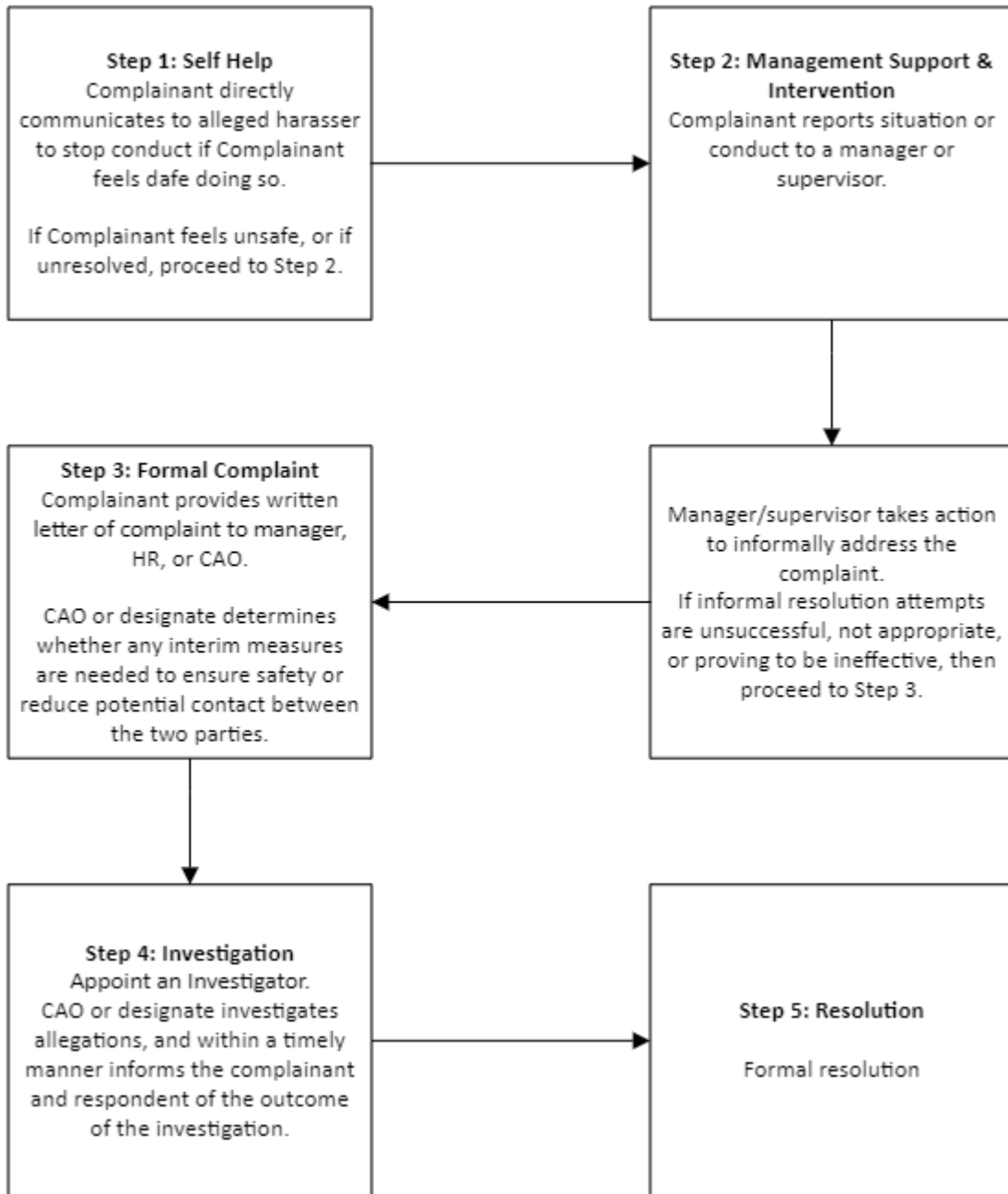
5.8 Witnesses will

- 5.8.1 Cooperate and participate in the Complaint process including providing any known information about the alleged incident.
- 5.8.2 Maintain confidentiality.
- 5.8.3 Report any reprisal resulting from participation in the Complaint process.

6. Amendments

Date	Amendments
October 1, 2024	New Policy combining HR-06-004 and HR-06-005. Addition of language required by the insurance carrier.

**APPENDIX A:
COMPLAINT PROCESS**



**APPENDIX B:
RESPECTFUL WORKPLACE COMPLAINT FORM**

If you believe you have experienced or witnessed Workplace Discrimination, Harassment or Abuse, please complete this form and forward it to your manager, and Human Resources Representative.

The decision to file a formal Respectful Workplace Complaint is a serious one; Complaints should be undertaken with great care. All information regarding a Complaint is to be treated as confidential and disclosed on a need-to-know basis, only.

**SECTION A: Complainant
Information**

COMPLAINANT NAME:

COMPLAINANT PHONE NUMBER:

COMPLAINANT E-MAIL:

POSITION/TITLE:

DEPARTMENT:

MANAGER:

**SECTION B: Respondent
Information**

RESPONDENT NAME:

POSITION/TITLE:

DEPARTMENT:

MANAGER:

PLEASE SELECT ONE OF THE FOLLOWING:

The Respondent is my Direct Supervisor

YES

NO

SECTION C: COMPLAINT INFORMATION

What form of Abuse are you alleging to have experienced and/or witnessed from the Respondent?

Abuse

Harassment

(Abuse includes Emotional, Psychological, Physical Abuse, Sexual Abuse. Harassment includes Bullying, Exclusion, Racial Harassment, Verbal Harassment, Discrimination, Microaggressions, or Sexual/Gender-based Harassment)

Please list any individuals who have been closely involved in the complaint including:

1. Persons experiencing the alleged behaviour
2. Witnesses to alleged behaviours
3. Managers, Supervisors, or Union Representatives
4. Others

What is the current state of the behaviour?

Escalating

On-Going

One-time occurrence

Behaviour has ceased but is still causing negative impacts to the Complainant

Please provide specific details regarding the incidents(s) of offensive behaviours including available dates, locations, and nature of incidents.

The Information in this complaint is true to the best of my knowledge. I understand the information provided will be used and shared by the appointed Investigator as required by law and the Respectful Workplace Policy.

Complainant Signature:

Date: