

Respectful Workplace (Harassment) Policy

Policy Overview

This policy supports the Halifax Regional School Board's (HRSB's) commitment to fostering a workplace free from Harassment, where all people are treated with dignity and respect. This policy covers all behaviours that occur at schools, school board offices, buildings under school board jurisdiction, or other settings where School Board Staff interact in the course of school-related or school board-related activities, including social functions, travel, conferences, or training events.

This policy applies to all current employees of the HRSB including full and part-time, casual and temporary employees. Student behaviours that are considered inappropriate in nature are addressed under the *Code of Conduct* issued by the Department of Education and Early Childhood Development. Behaviours by Parents, Guardians or Community Members that are considered to be harassing in nature will be addressed by the Principal, in consultation with the School Administration Department, as required.

[**Note:** Capitalized terms, such as "Harassment", are defined in Appendix A of the Respectful Workplace (Harassment) Procedures]

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Policy and Procedure History

- Policy & Procedures approved - March 2007
- Policy & Procedures revised – June 2015
- Policy & Procedures revised – October 2015
- Policy & Procedures revised – December 2015

1.0 Legislative Context

- 1.1 All actions taken to prevent and respond to Harassment will comply with the following:
 - 1.1.1 Nova Scotia *Human Rights Act*;
 - 1.1.2 HRSB Policy *D.006 Progressive Discipline for Board Employees*.

2.0 Principles

- 2.1 It is the right of all individuals to work and participate in a safe and welcoming environment free from Harassment. The Respectful Workplace (Harassment) Policy provides a process through which the HRSB will address behaviours which jeopardize the dignity and self-worth of others.

3.0 Commitment

- 3.1 Harassment in our schools and workplaces has immense social and personal costs, and is a significant barrier to the creation of safe and equitable learning and work environments. Therefore, the HRSB commits to:
 - 3.1.1 Communicating clear and consistent messages that Harassment will not be tolerated;
 - 3.1.2 Providing professional development to help School Board Staff understand and prevent all forms of Harassment;
 - 3.1.3 Responding to all incidents of Harassment in a sensitive, timely, and decisive way;
 - 3.1.4 Working to resolve all Harassment incidents in HRSB schools and workplaces.
 - 3.1.5 Ensuring that all complaints of Harassment and reports on these complaints are kept in strict confidence, except where disclosure is required for investigation purposes, is required to respond to a complaint, or as required by law.

4.0 Policy Exemptions

4.1 The following practices, provided they are conducted in a professional manner, are not considered to be within the scope of this policy:

4.1.1 Appropriate supervision and performance appraisal, including training, direction, instruction, evaluation, and counseling.

4.1.2 Appropriate disciplinary action consistent with collective agreements and the HRSB's *Progressive Discipline for Board Employees Policy*.

4.1.3 Other routine interaction, including interpersonal conflicts or difficulties from time to time.

5.0 Authorization

5.1 The Superintendent is authorized to develop and implement procedures in support of this policy.

6.0 Policy Review

6.1 This policy will be reviewed every five (5) years or on an as needed basis.

Respectful Workplace (Harassment) Procedures

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1.0 Informal Resolution Process

- 1.1 Individuals who experience or perceive themselves to be the target of Harassment are strongly encouraged to communicate promptly with the Respondent in person or in writing, to inform the person clearly and directly that the behaviour is unwelcome and must stop. It is acknowledged that in some instances this is not possible.
- 1.2 If the Complainant is unable to communicate directly with the Respondent, or the Harassment continues following the communication, then the Complainant should report their concerns verbally or in writing to their Supervisor or other appropriate supervisory personnel.
- 1.3 A School Board Staff who observes an incident that they reasonably believe is Harassment will take the incident seriously, and address the incident directly by speaking with the individuals involved or if this is not possible by reporting it, verbally or in writing, to their Supervisor or other appropriate supervisory personnel.
- 1.4 If the Superintendent is the Complainant or Respondent, then the complaint will be referred to the Director, Human Resource Services who will refer the complaint to an external consultant.
- 1.5 The Supervisor will meet with the Complainant to review the complaint and to determine options to address the complaint (these options may include but are not

limited to Supervisor facilitated mediation/conflict resolution, or a referral to the Respectful Workplace Consultant).

- 1.6 If the Supervisor believes the actions of the Respondent constitute Harassment then the Supervisor will meet with the Respondent to review the complaint and will provide the Respondent with a summary of the complaint verbally or in writing.
- 1.7 When possible, the Supervisor will facilitate a discussion with all parties involved to reach a resolution.
- 1.8 If the Supervisor is unable to resolve the concern they will advise the Complainant that the Complainant is required to complete Form A (Harassment Reporting Form). The Supervisor will refer the complaint to the Respectful Workplace Consultant.
- 1.9 The Respectful Workplace Consultant will receive Form A and may consult with the Supervisor and other staff as necessary to determine the most appropriate response and supports (e.g. conflict resolution, mediation or referral to Human Resources).
- 1.9.1 If the Respectful Workplace Consultant determines that no Harassment has occurred, the complaint will be dismissed, and the Respectful Workplace Consultant will notify the Respondent and Complainant.
- 1.10 Conflict Resolution or Mediation:
 - 1.10.1 Conflict resolution or mediation are voluntary processes;
 - 1.10.2 The Complainant may request conflict resolution or mediation or this may come as a recommendation from the Respectful Workplace Consultant;
 - 1.10.3 If the Complainant and Respondent wish to participate in conflict resolution or work toward a mediated agreement, the Respectful Workplace Consultant will facilitate the mediation, or chose (at their absolute discretion) an external consultant or mediator to direct the process;
 - 1.10.4 If the parties reach an agreement, the Respectful Workplace Consultant, or other consultant or mediator will inform the Supervisor who will then assume responsibility for monitoring the progress of the agreement. Information will only be shared on a need to know basis regarding implementation of the agreement reached;

- 1.10.5 If an agreement is not reached, the Complainant will be informed by the Respectful Workplace Consultant that they may request a formal investigation by completing Form B (Request for Formal Investigation); and
- 1.10.6 The Respectful Workplace Consultant, or other consultant or mediator will inform the Supervisor that an agreement could not be reached.

2.0 Formal Investigation Process

- 2.1 A Complainant should make all attempts to initiate a request for formal investigation within ninety (90) days of the incident(s). A formal investigation will only be considered where reasonable efforts have been made to resolve the complaint through the informal process.
- 2.2 Requests initiated beyond the ninety (90) day period may be considered by the Director, Human Resource Services or the Superintendent where exceptional circumstances warrant.
- 2.3 A Complainant who is unable to resolve an issue of Harassment through the informal process may send a copy of Form B (Request for Formal Investigation of Harassment) to the Respectful Workplace Consultant who will inform the Director, Human Resource Services. The Respectful Workplace Consultant in consultation with the Director, Human Resource Services, will review the request for formal investigation and determine if an investigation is warranted.
- 2.4 If the request for formal investigation is considered to be unwarranted, the complaint will be dismissed or referred to a more appropriate process (e.g. mediation, conflict resolution, healing circle, restorative approaches).
- 2.5 If an investigation is considered to be warranted, the investigation process will be initiated by the Respectful Workplace Consultant, in consultation with the identified Investigator.
- 2.6 The Investigator will accept any written statements from the Complainant and may interview the Complainant and document the interview. Copies of these documents, or a summary of, may be given to the Respondent.
- 2.7 The Respondent will be invited to respond to the documents either face to face or in writing and will do so within seven (7) days. This response, or a summary of the response, will be conveyed back to the Complainant.

- 2.8 The Investigator may re-interview the Complainant and Respondent as necessary, and may interview other persons and gather materials as necessary to complete the investigation.
- 2.9 Formal investigations should be finalized within sixty (60) days after the receipt of Form B by the Respectful Workplace Consultant. However, the Respectful Workplace Consultant and/or Director, Human Resource Services, may extend the deadline.
- 2.10 A Complainant may opt to discontinue the Complaint process at any time.
- 2.11 When the investigation is complete, the Investigator will provide a Report (or summary thereof) with their findings to the Complainant, the Respondent, and the Director, Human Resource Services.
- 2.12 If the parties wish to make additional comments on the Report, they must do so within seven (7) working days after receiving the Investigator's Report.
- 2.13 If the investigation confirms that Harassment has occurred then the Director, Human Resource Services will initiate the appropriate action, which may include termination or other discipline, in accordance with the progressive discipline policy. Where appropriate, in consultation with the Superintendent, the Director, Human Resource Services may consider remedies including, but not limited to:
 - 2.13.1 formal apology;
 - 2.13.2 letter of expectation;
 - 2.13.3 required counseling; or
 - 2.13.4 relocation.
- 2.14 If the investigation determines that Harassment has not occurred (or finds that a Complainant has filed a vexatious and malicious complaint), the Director, Human Resource Services will determine the appropriate follow up actions, which may include any recommendations made in the investigator's Report.
- 2.15 The Director, Human Resource Services will ensure that all documents related to the formal investigation on behalf of the school board are retained. Documents related to disciplinary action will be placed in the personnel file and retained according to the relevant collective agreement.

3.0 Roles and Responsibilities

- 3.1 Complainants have the following rights and responsibilities:
 - 3.1.1 To be treated in a professional manner;
 - 3.1.2 To speak out against Harassment, and report concerns to their Supervisor;
 - 3.1.3 To keep a written record of the details. This might include a description of the Harassment, when and where it occurred, the nature of any threats or promises, and the names of any witnesses;
 - 3.1.4 To cooperate with any investigations or actions that are implemented to address Harassment; and
 - 3.1.5 To seek the advice of colleagues, a Supervisor, or a union representative at any time.

- 3.2 Respondents have the following rights and responsibilities:
 - 3.2.1 To be treated in a professional manner;
 - 3.2.2 To participate in the formal investigation process;
 - 3.2.3 To seek the advice of a colleague, a Supervisor, or a union representative at any time.

- 3.3 Supervisory Staff have the following rights and responsibilities:
 - 3.3.1 To help employees to resolve incidents of Harassment. This includes:
 - 3.3.1.1 Receiving and promptly acting on informal and formal complaints;
 - 3.3.1.2 Recording all complaints and actions taken;
 - 3.3.1.3 Working in partnership with the Respectful Workplace Consultant and their Supervisor to resolve incidents;
 - 3.3.1.4 Immediately forwarding the original of all Harassment Reporting Forms to the Respectful Workplace Consultant.

- 3.4 The Respectful Workplace Consultant has the following rights and responsibilities:
- 3.4.1 To work with principals, other supervisory staff and the Human Resources Department to help employees resolve incidents of Harassment. This includes:
 - 3.4.1.1 Receiving and promptly arranging for follow-up to all reports of Harassment;
 - 3.4.1.2 Collaborating with supervisory staff to determine the most appropriate response and supports;
 - 3.4.1.3 Providing mediation/conflict resolution services when appropriate;
 - 3.4.1.4 Maintaining confidential records and data on employee Harassment complaints; and
 - 3.4.1.5 Cooperating in investigations with external agencies.
- 3.5 The Director, Human Resource Services has the following rights and responsibilities:
- 3.5.1 To work with supervisory and central office staff to resolve incidents of Harassment involving employees. This includes:
 - 3.5.1.1 Promptly arranging for follow up to all requests for formal investigation received from the Respectful Workplace Consultant;
 - 3.5.1.2 Hiring and directing the work of Investigators, as required;
 - 3.5.1.3 Providing leadership for all formal investigations;
 - 3.5.1.4 Providing leadership to ensure that resolution of incidents is reached within the parameters of relevant collective agreements;
 - 3.5.1.5 Working with union representatives, as required;
 - 3.5.1.6 Keeping the Superintendent informed in cases of formal investigation; and
 - 3.5.1.7 Cooperating in investigations with external agencies.

Appendix A Respectful Workplace (Harassment) Policy and Procedure

1.0 Definitions

1.1 School Board Staff refers to all current employees of the School Board including full and part-time, casual and temporary employees

1.2 Harassment refers to derogatory (e.g., excessively critical, insulting, belittling) or vexatious (e.g., aggressive, angry, antagonistic) conduct or comments that are known or ought reasonably to be known to be offensive or unwelcome. Harassment includes any objectionable act, comment, joke or display that demeans, belittles, threatens, intimidates or causes personal humiliation or embarrassment. Harassment may be verbal, psychological, physical, written, or electronic.

Harassment in this policy also refers to the following:

1.2.1 Sexual harassment includes comments, gestures or physical conduct of a sexual nature where an individual knows or ought reasonably to know that the behaviour is unwelcome and personally offensive. Sexual harassment includes, but is not limited to:

- inappropriate or derogatory comments, humour, insults or behaviour based on gender and/or sexual orientation
- inappropriate, lewd, or sexually offensive written, graphic or behavioural displays on school board property
- inappropriate, lewd, or sexually offensive slogans or graphics displayed on clothing worn on school board property or during school-related activities
- inappropriate conversation, physical touching, or leering that could be construed to be a sexual advance
- inappropriate conversation regarding an individual's sexual behaviour
- unsolicited and/or unwanted requests to engage in sexual activity
- a reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance.

1.2.2 Discrimination is prohibited by the Nova Scotia *Human Rights Act*. Discrimination is distinctive treatment, whether intentional or not, based on the following characteristics, or perceived characteristics, that has the effect of imposing burdens, obligations or disadvantages on an individual or class of individuals not imposed on others or which withholds or limits access to opportunities, benefits and advantages available to other individuals:

- age

- race
- colour
- religion
- creed
- sex [gender, including pregnancy]
- sexual orientation
- 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
- gender identity
- gender expression
- association with another individual or class of individuals having any of the characteristics named above.

1.2.3 Bullying is behavior, typically repeated, that is intended to cause or ought reasonably to be known to cause fear, intimidation, humiliation, distress or other harm to a person's body, feelings, self-esteem, reputation or property.

1.2.4 Cyberbullying is when someone uses technology (including, but not limited to social networking sites, emails, text messages, or the sharing of images) to bully someone else.

1.3 Harassment and Bullying is **not**:

- Appropriate supervision and performance appraisal, including training, direction, instruction, evaluation, and counselling.
- Appropriate disciplinary action consistent with collective agreements and the HRSB's *Progressive Discipline for Board Employees Policy*.
- Other routine interaction, including interpersonal conflicts or difficulties from time to time.

1.4 Complainant is a current employee of the School Board who believes he/she has been subject to harassment.

1.5 Respondent is a current employee of the School Board identified by the complainant as causing the alleged harassment.

1.6 Supervisor refers to any employee who manages another employee or employees, including but not limited to: the superintendent, directors, coordinators, supervisors, facilitators, leaders, managers, principals, and vice-principals.

- 1.7 Investigator** refers to a qualified school board employee or external consultant appointed by the Director, Human Resource Services and/or the Respectful Workplace Consultant to conduct a formal investigation.

FORM A – HARASSMENT REPORTING FORM

Date:	
Name of Complainant: Job Title: Work Location/School: Telephone Home: Telephone Work: Cell: Email:	Name of Respondent(s) and Job Title: Work Location/School:
STATEMENT OF COMPLAINT (Please attach any supporting or additional information). Harassment Form A is submitted to your Supervisor or can be sent directly to the Respectful Workplace Consultant.	
1. Please provide example(s) of the alleged Harassment you say you experienced by the Respondent:	
2. When did the alleged Harassment begin? (please provide date(s) of incident(s) if possible)?	
3. Where did the alleged Harassment occur (Site/School(s))?	
4. Did anyone witness the alleged Harassment? If so who?	

5. How did this affect you?

6. Did you try to resolve the problem? If so what actions did you take?

7. When did you last have contact with the Respondent? What happened?

8. What action(s) or response to the alleged Harassment are you expecting?

I hereby declare the statements made in this report are true and accurate to the best of my recollection. I further understand the Respondent has a right to be made aware of any complaint made against him/her and will receive a copy of this Harassment Form A.

Complainant Signature:

Date:

cc: Respectful Workplace Consultant
Supervisor
Respondent

FORM B – Request for Formal Investigation

Date:	
Name of Complainant: Job Title: Work Location/School: Telephone Home: Telephone Work: Cell: Email:	Name of Respondent(s) and Job Title: Work Location/School:
<p>Has an informal complaint process been completed? All efforts will be made to resolve complaints through the informal complaint process.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	
<p>1. Reason(s) for Requesting Formal Investigation:</p>	
<p>Please complete Questions 2 to 11 if you have not already submitted a Form A, or if you have additional information:</p>	
<p>2. Please provide example(s) of the alleged Harassment you say you experienced by the Respondent:</p>	
<p>3. When did the alleged Harassment begin? (Please provide date(s) of incident(s) if possible)?</p>	

4. Where did the alleged Harassment occur (Site/School(s))?

5. Did anyone witness the alleged Harassment?

6. How did this affect you?

7. Did you try to resolve the problem? If so what actions did you take?

8. When did you last have contact with the Respondent? What happened?

9. What action(s) or response to the alleged Harassment are you expecting?

10. Do you have any additional information to add?

I hereby declare the statements made in this report are true and accurate to the best of my recollection. I further understand the Respondent has a right to be made aware of any complaint made against him/her and shall receive a copy of the Request for Formal Investigation Form B.

Complainant Signature:

Date:

cc: Respectful Workplace Consultant
Director of Human Resources
Respondent