

# Respectful Workplace Policy

**Human Resources**

Effective Date: April 2, 2024



**HALIFAX**

# Respectful Workplace Policy

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## 1 - Policy Name

Respectful Workplace Policy

## 2 - Purpose

Halifax Regional Municipality is committed to fostering a healthy, safe, diverse and inclusive workplace, and to providing a work environment where all persons are treated with respect and dignity. All employees share the responsibility to maintain a work environment free from disrespectful behaviour, harassment, discrimination and violence. This shared responsibility includes demonstrating respect towards others and actively resolving concerns at the earliest opportunity.

## 3 - Objectives

- Establish a culture of shared responsibility and cooperation in promoting a positive work environment free from all forms of disrespectful behavior, harassment, discrimination and violence.
- Promote prevention and prompt resolution of concerns through early intervention supports and tools.
- Create an understanding of behaviour that does not support a respectful workplace.
- Outline the process for employees and the Municipality in reporting and responding to incidents as they occur.
- Outline the process and requirements for investigations of alleged violence, discrimination and harassment.

## 4 - Scope

This Policy applies to all HRM employees (as defined in this Policy), and to others made subject to this Policy pursuant to the terms of a contract or tender.

Specific processes pertaining to sworn members of the Halifax Regional Police and Elected Officials are outlined below:

### Halifax Regional Police

Sworn police officers and identified special constables employed by Halifax Regional Police

(HRP) are governed by the *Nova Scotia Police Act* and the HRP Collective Agreement. These employees are required to comply with the expected behaviours outlined in this Policy. Allegations of a breach of this Policy, where discipline is a requested or potential outcome, must be dealt with under the *Police Act*.

Allegations of a breach of this Policy, where the Complainant and Respondent agree to attempt to resolve the matter without disciplinary action, may be dealt with under the Respectful Workplace Policy using a restorative remedy-based process (e.g., facilitated discussion, mediation, etc.)

Respectful Workplace Policy complaints against or between non-sworn employees of Halifax Regional Police are administered under this Policy.

### **Elected Officials**

Per Administrative Order 52, the *Code of Conduct for Elected Municipal Officials Administrative Order* ([Administrative Order 52 | Halifax](#)), Elected Officials shall treat every person, including corporate employees, with dignity, understanding and respect and ensure that their work environment is free from discrimination, bullying and harassment.

Employees who have concerns with an Elected Official, as it pertains to this Policy, should contact their manager or Human Resources. The concerns will be reviewed to determine what support and options are available.

## **5 - Definitions**

In the context of this document:

**Bullying** means a form of harassment that typically is carried out through a repeated targeted pattern of behaviour that is intended to, or ought reasonably to be known to, cause fear, humiliation, intimidation, distress or other forms of harm. The impact may be physical or psychological and may damage a person's body, feelings, self-esteem, reputation or property. Bullying may be obvious or subtle, direct, or indirect, and can occur in person, writing, or through the use of technology such as social media, text or email.

**Complaint** means a Respectful Workplace Complaint made by an employee, alleging a violation of this Policy, which contains specific details about the behaviours and identifies the respondent(s).

**Complainant** means an individual who has made a Respectful Workplace Complaint under this policy.

**Culturally Insensitive Behaviour** means actions or remarks that are disrespectful, harmful or offensive to individuals or groups belonging to a particular culture or ethnicity. This type of behavior can take various forms, such as making derogatory comments, using ethnic slurs, stereotyping, microaggressions or failing to acknowledge and respect cultural differences. Culturally insensitive behavior can be intentional or unintentional, but regardless of the intent, it can cause harm and perpetuate discrimination against certain groups.

**Discrimination** means making a distinction, whether intentional or not, based on a protected characteristic (as outlined in the *Nova Scotia Human Rights Act* and defined in this Policy) that has the effect of imposing burdens, obligations or disadvantages on an individual or a class of individuals that is not imposed upon others or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals in society.

**Disrespectful Behaviour** means failing or refusing, through words or actions, to treat others in a professional, courteous and civil manner. Examples of disrespectful behaviour include, but are not limited to, teasing, or joking that embarrasses or humiliates; shouting or speaking in a hostile tone; excessive use of profanity and; spreading gossip or rumours that damage one's reputation.

**Employee** means an individual employed by the Municipality, and for the purposes of this Policy includes volunteers, student trainees, interns and individuals employed on a personal service contract or sub-contract. Employee also includes contractors or sub-contractors who are made subject to this Policy pursuant to the terms of a contract or tender, and their employees, in the course of providing goods and services to the Municipality.

**Exclusion** means a type of harassment involving the shunning or ostracism of an individual, or group of individuals. It can include, but is not limited to, isolating others by no longer communicating with them, denying, or ignoring their presence, distancing them from others or purposefully omitting them from decisions, conversations and work-related events without valid reason.

**Investigation** consists of a formal investigative process wherein the findings are based on an objective assessment of the evidence to determine, on the balance of probabilities (i.e. more likely than not), if the behaviour occurred and if so, was it a violation of this Policy.

**Harassment** means a course of derogatory (e.g. condescending, insulting, belittling) or vexatious (e.g., aggressive, angry, antagonistic) conduct or comment that is known or ought reasonably to be known to be harmful or unwelcome. Harassment includes actions or comments that create an intimidating, demeaning or psychologically unsafe work environment. Harassment may occur as a serious one-time incident, but it usually occurs through a course of conduct or pattern of behavior.

**Informal Resolution** may include discussions with the employee(s) involved, Supervisors, and/or Human Resources. Restorative processes may be used such as, mediation, facilitated conversation, workplace assessments, etc. Participation in restorative processes is voluntary.

**Intake** means an initial review and assessment of a submitted complaint to determine the best course of action.

**Investigator** means a person appointed to investigate complaints of harassment or discrimination. The investigator may be a Municipal employee or contracted externally.

**Leader** means a supervisor, manager, director, executive director or employee who has supervising responsibilities in their role (e.g. work assignment, training, etc.).

**Microaggression** means a subtle, often unintentional, form of prejudice. Rather than an overt declaration against an individual, a microaggression often comes in the form of an off-hand comment, an inadvertently hurtful joke or a pointed insult. Sometimes microaggressions are referred to as “subtle acts of exclusion.”

**Municipality** means Halifax Regional Municipality; it may also be referred to as “the Organization.”

**“Ought Reasonably to have Known”** means an objective assessment of how a specific behaviour might generally be received.

**Physical Harassment** means any unwelcome physical behaviour including threatening or offensive gestures, physical intimidation, coercion, assault, practical jokes or “horseplay” that would reasonably result in embarrassment or humiliation.

If initial analysis of the complaint identifies that the alleged physical harassment involves a threat of physical harm or actual physical harm has occurred, the complaint will be referred to the Safety Specialist for investigation under HRM’s *Workplace Violence Prevention Corporate Procedure*.

**Poisoned Work Environment** means when inappropriate conduct is so frequent that it results in a hostile and offensive workplace. The conduct may not be directed at anyone in particular but has the overall effect of creating an uncomfortable environment that negatively affects well-being and productivity.

**Procedural Fairness** means following processes that are consistent, transparent, without bias or conflict of interest and ensuring all necessary information is gathered prior to determinations, including an opportunity for those involved to respond as appropriate.

**Protected Characteristics** means the list of characteristics as defined by the *Nova Scotia Human Rights Act* that discrimination and harassment are legally prohibited against in the area of employment. The protected characteristics are: 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; that individual’s association with another individual or class of individuals having protected characteristics.

**Racial Harassment** means offensive behaviour based on the grounds of race, colour, citizenship, place of origin, ancestry, ethnic background or creed that includes, but is not limited to derogatory communications, images or offensive stereotypical conduct, racial slurs, ethnic jokes, insulting depictions, adverse differential treatment, criticizing or being intolerant to racial differences in appearance or customs.

**Respectful Workplace** means a healthy, safe and professional work environment where each person is treated with fairness and dignity. This includes acting and communicating with personal integrity, openness, and civility.

**Respondent** means an individual against whom a complaint has been made.

**Retaliation** means any adverse action or threat of adverse action taken by any manager or employee in response to another's participation in the complaint process. Acts of retaliation include conduct that intimidates, coerces, penalizes, excludes or otherwise discriminates against the complainant or those who are involved in the complaint process.

**Sexual Harassment** means behaviour or comments of a sexual or romantic nature that are known or ought reasonably to be known to be unwelcome and to make the receiver feel uncomfortable. Sexual harassment can also be harassment based on sex, gender expression, sexuality or gender identity that is not sexual or romantic in nature. It may be a single incident or a series of incidents; it may be overt, coercive, or subtle in nature. It may be a 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. A reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or romantic advance is also a form of sexual harassment. Sexual harassment also includes comments, gestures or physical solicitation of a sexual nature, or comments with a sexual connotation or component that are directed at no specific person but create an intimidating, demeaning or unsafe work environment. Lack of intent to cause harm is not a defense to an allegation of sexual harassment.

**Verbal Harassment** means an offensive course of demeaning comments directed at an Employee, or used in reference about an Employee, which would reasonably undermine the reputation of that Employee in the workplace. Verbal harassment includes insults, name-calling, threats, slurs, crude or degrading comments, innuendoes, profanities and negative stereotyping that would reasonably cause offence. If initial analysis of the complaint identifies that an alleged verbal threat involves references to physical harm, the complaint will be directed to a Safety Specialist for investigation under HRM's [Workplace Violence Prevention Corporate Procedure](#).

**Vexatious complaint** means when an Employee knowingly complains without sufficient grounds, or for an ulterior purpose. Instances would include situations such as where the Employee is not seeking protection from harassment but is motivated by malice to cause annoyance or embarrassment to the Respondent. A good faith complaint may become vexatious when the Complainant persists in pursuing the complaint after facts demonstrating that there is no reasonable basis for that belief are brought to the Complainant's attention.

**Violence** means, but is not limited to, any of the following: threats, including a threatening statement or threatening behavior that gives an individual reasonable cause to believe that the individual is at risk of physical injury; conduct or attempted conduct that endangers or is intended

to endanger the physical health, or the physical safety of an individual. Allegations of violence will be directed to a Safety Specialist for investigation under HRM's *Workplace Violence Prevention Corporate Procedure*.

**Witnesses** means individuals who are identified as having observed alleged actions or behaviours related to a complaint or who are identified as having knowledge relevant to the alleged actions or behaviours. Employees who are identified as witnesses have a responsibility to cooperate in good faith with the complaint resolution process including providing particulars of the alleged incident.

**Workplace** means any place occupied by employees and includes (but is not limited to) Municipal offices, vehicles/vessels, and facilities, including hybrid and remote work locations; training events; conferences; business travel; work-related social gatherings or any other location where Municipal activity is conducted or where an employee is representing the Municipality in a professional setting.

## 6 - Roles and Responsibilities

### Employees

Every employee has a responsibility to support and maintain a respectful workplace. Employees are expected to:

- Ensure words and actions are consistent with this Policy.
- Raise concerns regarding workplace behaviours as soon as possible.
- Accept responsibility for their workplace behaviours and their impact on others.
- Cooperate in investigations and handling of alleged violations of this Policy.
- Maintain confidentiality related to investigations and other processes within this Policy.
- Participate in training associated with this Policy.
- Comply with their obligation under the Occupational Health and Safety Act to advise management of any potential risks to the safety or persons in or near the workplace.

### Leaders

Leaders have additional responsibilities to create and maintain respectful workplaces and must act immediately on observations or allegations of a violation of this Policy.

Leaders are expected to:

- Make reasonable efforts to ensure work-related practices/procedures in their areas are free from barriers and do not discriminate against groups or individuals.
- Set a good example by ensuring their own words and conduct adhere to this Policy.
- Be aware of what constitutes a violation of this Policy and the procedures in place for addressing and resolving such behaviours.
- Act promptly to address workplace behaviors that do not align with this Policy.
- Consult and work cooperatively with Human Resources as needed.
- Keep a detailed record of any violations of this Policy and corrective actions taken.
- Report this information to Human Resources as required.
- Promote and monitor employee training to support a respectful workplace.

- Ensure this Policy is distributed and posted in a location that is easily accessible by all employees and any other individuals who enter the workplace.
- Monitor the workplace during and following any reported violations of this Policy.

## **Human Resources**

Several different teams within Human Resources (HR) are responsible for supporting Employees and Leaders in ensuring a healthy, safe, and respectful workplace. Either a Human Resources Business Partner (HRBP) or a Respectful Workplace Specialist will be the first point of contact in HR for employees who have concerns or inquiries related to workplace behaviours.

HRBP's are responsible to:

- Promote the Respectful Workplace Policy and encourage preventative approaches to Employees and Leaders.
- Support business units involved in conflict resolution situations. Provide clarification and guidance to employees in complaint processes.

Respectful Workplace Specialists are responsible to:

- Oversee the application of this Policy and ensure employees are aware of their rights and responsibilities.
- Communicate to employees the processes used for resolving complaints made under this Policy.
- Respond to inquiries from Employees and Leaders.
- Perform intake of complaints, restorative processes and investigations as required.
- Ensure appropriate information is communicated to all parties involved in a complaint resolution process.

Corporate Safety Specialists are responsible to:

- Provide support, advice, and recommendations in relation to workplace violence incidents.
- Conduct workplace investigations into allegations of violence in the workplace between employees.
- Provide training and support to the organization on workplace violence prevention and risk assessment.
- Ensure appropriate information is communicated to all parties involved in a complaint resolution process.

Health and Wellness Specialists are responsible to:

- Provide support and advice to employees when a health file is initiated.
- Refer an employee, who discloses they are on leave related to workplace behaviour, to the Respectful Workplace Specialist to discuss the matter and the most appropriate means to resolve the issue. This concern may be disclosed to the Health Specialist by the employee or the employee's treatment provider.

## **Diversity and Inclusion/African Nova Scotian Affairs Integration Office (ANSAIO)**

The Diversity and Inclusion/ANSAIO team will provide advice and considerations related to diversity, equity, inclusion and accessibility to Human Resources and Business Units, when requested, in the process of addressing complaints reported through this Policy.

### **Chief Administrative Officer**

The Chief Administrative Officer is responsible for communicating and holding Leaders accountable to organizational expectations for a safe, respectful workplace and ensuring that regular reporting on meaningful respectful workplace metrics will be reviewed and actioned as required.

## **7 - Policy Regulations**

All employees are responsible for contributing to a respectful workplace, by managing their own actions and words.

Behaviours that do not contribute to a respectful workplace, include but are not limited to:

- Harassment, including:
  - Exclusion
  - Physical harassment
  - Poisoned work environment
  - Racial harassment
  - Sexual harassment
  - Verbal harassment
- Bullying
- Culturally Insensitive Behaviour
- Discrimination
- Violence
- Microaggressions

There are a number of different options for bringing concerns forward:

### **Employee to Employee**

- If appropriate, and the employee feels safe, they may attempt to address the situation directly by respectfully informing the other individual of the impact of their behaviour and requesting that it not happen again. An appropriate time and place that maintains confidentiality and privacy should be considered for the conversation.
- If the situation continues, the employee may address it again with the employee in an attempt to resolve the situation, or they may decide to involve their Leader or Human Resources (HRPB or Respectful Workplace Specialist) as outlined below under Employee to Leader and Employee to Human Resources. At any time, the employee may file a Respectful Workplace Complaint as outlined below under Submitting a Complaint.

### Employee to Leader

- If an employee does not feel comfortable speaking directly to the individual, they should bring it to the attention of their Leader as soon as possible, providing as many details as possible about the event and explaining the impact.
- The Leader must make a demonstrated effort to address the employee's concerns and should seek out guidance and support from Human Resources as required.
- For allegations of harassment, bullying, discrimination and violence, the Leader must report this to Human Resources immediately.
- A Leader will be held accountable if they are aware of harmful or disruptive workplace behaviours that have occurred and cannot demonstrate they have taken steps to address or resolve the matter.

### Employee to Human Resources

Employees may reach out to Human Resources at any time for guidance related to the Policy. Some ways they can support are:

- Allow the employee's concerns to be heard through an informal meeting with a Respectful Workplace Specialist or Human Resources Business Partner
- Identify options to resolve the concerns including, providing support with addressing the individual(s) involved.
- Provide facilitated discussion or mediation support.
- Identify supports available including training or EFAP.

### Submitting a Complaint

At any time, an employee may file a Respectful Workplace Complaint as follows:

- Complete the Complaint Information Form (**Appendix A**) detailing as much information as possible about the alleged incident(s). The employee then should email the completed complaint form to the following address: [respectfulworkplace@halifax.ca](mailto:respectfulworkplace@halifax.ca) or send by interoffice mail to: Respectful Workplace Team, Human Resources, Purdy's Wharf, Tower 2, 8<sup>th</sup> Floor.
- The complaint will be reviewed by a member of the Respectful Workplace Team, and contact made with the employee within two business days to discuss the submission. Contact a Respectful Workplace Specialist ([respectfulworkplace@halifax.ca](mailto:respectfulworkplace@halifax.ca)) or MY HR (902-490-6145) at any point for assistance with the process.

Business Unit Executive Directors will be notified about all complaints in their Business Unit. If an employee is not comfortable with their Executive Director being notified, due to real or perceived concerns with involvement in the alleged behaviour, the CAO will be notified of the complaint. Human Resources will work with the employee to determine a course of action that supports the psychological safety and wellbeing of the employee and addresses the alleged behaviors to the extent possible. **Complainants who wish to remain fully or partially anonymous should follow the procedures set out in the Whistleblower Policy.**

## **Exceptions**

- For complaints about Human Resources, the completed complaint form should be sent to the Executive Director of Human Resources.
- For complaints about Executive Directors, the complaint form should be sent to the CAO at the following address: caooffice@halifax.ca or by phone at: 902-490-4026.
- For complaints involving the CAO or Chief of Staff, the complaint form should be sent to the Municipal Solicitor. All complaints received by the Municipal Solicitor will be reported to the Executive Standing Committee along with actions taken to address them.

## **Complaint Intake Procedure**

The Respectful Workplace Specialist will conduct an intake analysis of all complaints received and will make a determination for next steps based on the following factors:

- Applicability - the Complainant and Respondent must be covered under the scope of this Policy.
- Timeliness - Complaints must be made within twelve months of the last behaviour, unless there are extenuating circumstances that prevent that from occurring. Complaints that are made longer than twelve months after the most recent behaviour must include a rationale for why it was not made within the twelve-month window.
- The subject matter of the complaint is covered under this Policy.
- Whether or not the subject matter of the complaint has been or is currently being addressed through an alternate process (i.e. grievance, Human Rights complaint).
- The persistence of the alleged behaviour in duration and persistency.
- The severity of the alleged behaviour.
- The gap between the Complainant's and Respondent's versions of the incident. (i.e. there is significant dispute over the allegations).
- The willingness of the Complainant and Respondent to resolve the matter through an informal resolution or alternative dispute resolution (ADR) (i.e. facilitated discussion, mediation, etc.) and the appropriateness given the nature of the allegations.
- Legal Requirement – whether there is a legal requirement for the employer to conduct an investigation (i.e. violence).

## **Freedom of Expression**

Canadians have the fundamental right of Freedom of Expression; however, that right is not absolute and there are restrictions on certain forms of expressions. Hate speech or expressions which promote or incite violence are not protected forms of Freedom of Expression. While the employer has an obligation to respect the Freedom of Expression of its employees, it also has a legal and statutory obligation to provide a safe work environment that is free from discrimination, harassment, and bullying.

## **Procedural Fairness**

If an investigation is conducted under this Policy, it will follow the principles of procedural fairness.

### **Confidentiality**

Anyone involved in the complaint process must keep information confidential. The complainant will be informed of who has been made aware of their concerns or complaint.

### **Referral to Workplace Violence Prevention**

If the complaint involves physical threats or actions, it will be referred to Corporate Safety for investigation under the *Workplace Violence Prevention Corporate Procedure*.

### **Complaint Withdrawal**

A Complainant may request a withdrawal of a complaint prior to the conclusion of any resolution process, as long as the complaint is not withdrawn due to actual or threatened retaliation for having made the complaint. The Respectful Workplace Specialist may decide the investigation should continue, consistent with its due diligence responsibilities in promoting a respectful workplace, should circumstances reveal reasonable evidence of prohibited behaviours (harassment, bullying, discrimination, violence).

### **Bad Faith or Vexatious Complaints**

This Policy provides employees with options for resolving good faith complaints in a fair and effective manner. Submitting a bad faith or vexatious complaint may result in discipline against the Complainant. A good faith complaint that is unfounded due to insufficient evidence is not considered a bad faith complaint.

### **Complaint Held in Abeyance**

There are circumstances in which action on a complaint may be postponed or held in abeyance for a variety of reasons (e.g., one of the parties is on leave). The request to hold a complaint in abeyance may be made by either party, or by the Municipality. Holding the complaint in abeyance is at the discretion of the Respectful Workplace Specialist. The time to hold the complaint in abeyance depends on the circumstances but should not exceed 6 months. Both parties must be advised in writing by the Respectful Workplace Specialist when a complaint is held in abeyance.

### **No Further Proceedings**

A complaint may result in no further proceedings for any one of the following reasons:

- a) An Intake Analysis determines one or more of the following conditions occurred:
  - The Policy is not applicable as both Parties are not Employees (e.g. complaint by a citizen against an Employee)
  - The complaint is outside the designated time limitation of 12 months with no acceptable reason to grant an exception.
  - The subject matter of the complaint has been, or is currently being, dealt with through another process.
  - The subject matter of complaint does not fall under the behaviors covered in this Policy.
- b) The Employee has abandoned the complaint.
- c) The Employee has withdrawn the complaint.

## **Retaliation**

Retaliation in any form, against any individual involved in the complaint resolution process, is strictly prohibited. Employees alleging retaliation for having participated in the complaint process will be required to provide the following details:

- A description of the incident.
- Identity of person(s) responsible for engaging in the behaviour.
- Dates the behaviour occurred.
- Location where the behaviour occurred.
- Names of Witnesses who observed the behaviour.

If the retaliation involves physical threats or actions, it will be referred to the Safety Specialist for investigation under HRM's *Workplace Violence Prevention Corporate Procedure*.

## **8 - Repeal**

Workplace Harassment Prevention Policy 2017

## **9 - Effective Date**

April 2, 2024

## **10 - Related Policies and Practices**

Respectful Workplace Toolkit

Whistleblower Policy

Workplace Violence Prevention Procedure

Code of Conduct Policy

Social Media Policy

*Human Rights Act*, RSNS 1989, c. 214

Occupational Health and Safety Act, SNS 1996, c.7

## **10 - Policy Review**

This Policy will be reviewed annually to ensure that it is meeting its stated purpose and aligned with current legislation.

## **11 - Contact**

[respectfulworkplace@halifax.ca](mailto:respectfulworkplace@halifax.ca)

## **12 - Attachments**

Respectful Workplace Complaint Information Form

Respectful Workplace Response Information Form