

Respectful Workplace Policy

Policy Statement

The Association of Municipal Administrators Nova Scotia (“AMANS”) values respect, diversity, inclusion, integrity, accountability, and the well-being of everyone in our physical and virtual workplaces. Demonstrating respect is an expectation of AMANS personnel.

The purpose of this policy is:

- To maintain an environment that is free from harassment or abuse
- To identify unacceptable behaviours
- To establish a mechanism for receiving complaints

All AMANS personnel have the right to work in a healthy and safe workplace which includes having a workplace free of disrespectful behaviour. This policy supports a workplace that is productive, rewarding, and enjoyable for all. AMANS does not tolerate any form of physical, sexual, emotional, verbal, or psychological abuse, or any form of neglect or harassment.

All AMANS personnel share the responsibility to uphold the AMANS Code of Conduct, which includes:

- Treating other employees, members, stakeholders, and all those encountered in carrying out AMANS duties with respect, dignity and understanding; and,
- Uphold the letter and spirit of the *Nova Scotia Human Rights Act*.

Definitions

Personnel

For the purposes of this policy, personnel is defined as a person who performs work or services for AMANS. This includes all full-time and part-time employees who are either probationary or permanent, contract workers, volunteers serving on AMANS boards, committees, or any adjunct of AMANS governance, AMANS members, or any person participating in an AMANS event.

Bullying

Bullying is a targeted pattern of behaviour that is intended to or ought to be reasonably known to cause fear, intimidation, humiliation, distress, or other forms of harm. The impact may be physical or mental, damaging a person's body, feelings, self-esteem, reputation, or property. Bullying may be obvious or subtle, direct, or indirect, and can occur in person, in writing, or through technology such as social media, text, or email. Bullying is another word for harassment or sexual harassment.

Discrimination

Discrimination occurs when a person makes a distinction, whether intentional or not, based on a protected characteristic, actual or perceived, as set out in section 5 of the *Nova Scotia Human Rights Act*, that has the effect of imposing burdens, obligations, or disadvantage on an individual or a class of individuals 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.

The *Nova Scotia Human Rights Act* prohibits discrimination against individuals or class of individuals with respect to employment of the following characteristics:

- Age
- Race
- Colour
- Religion
- Sex
- Sexual orientation
- Gender identity
- Gender expression

- Physical disability or mental disability
- An irrational fear of contracting illness or disease
- Ethnic, national, or aboriginal origin
- Family status
- Marital status
- Source of income
- Political belief, affiliation, or activity
- That an individual's association with another individual or class of individuals having characteristics referred to above

Harassment

Derogatory (e.g., condescending, insulting, belittling) or distressing (e.g., aggressive, angry, antagonistic) conduct or comments that are known or ought to reasonably be known to be offensive or unwelcome. Includes actions, or comments, that create an intimidating, demeaning, or offensive work environment. Harassment may occur as a serious one-time isolated incident, but usually, it is a course of conduct or pattern of behaviour.

Sexual Harassment

Sexual harassment is any unwanted or uninvited sexual or romantic behaviour (physical or verbal conduct), which is known or ought to be reasonably known as offensive or unwelcome and makes the receiver feel uncomfortable or unsafe. Lack of intent is not a defence to an allegation of sexual harassment.

Sexual harassment can also be harassment based on a person's actual or perceived sex, gender identity, gender expression, sexual orientation, relationship status, sexuality, etc. It may be a single incident or a series of incidents and can happen in person or online. Sexual harassment can be coercive or subtle in nature. It may be a solicitation or advance, particularly, if made by a person in a position to provide or deny a benefit to the recipient, and the person making the advance knows or ought to reasonably know that it is unwelcome.

An act of revenge or threat of an act of revenge against an individual who rejected a sexual or romantic advance or request is sexual harassment. It can also be comments, gestures, jokes, or physical conduct of sexual nature, or actions or comments with a sexual connotation or component that are directed at no specific person but creating an intimidating, demeaning, hostile, or offensive work environment.

“Ought to reasonably know”

An objective assessment of how specific behaviour might generally be received. The objectively reasonable person would understand the behaviour to be inconsistent with the definition of respectful behaviour.

Respectful Behaviour

Behaviour that recognizes the value in each person, treats others with fairness and dignity, and recognizes and promotes all people’s human rights. These behaviours include acting and communicating with personal integrity, professionalism, openness, and civility.

Retaliation

To threaten to take or to take unjustified employment action against an employee for reporting a concern or participating in a process under this policy. Retaliation may include a negative change in the terms and conditions of an employee’s employment, including transfers, changes in work schedule or assignments, negative performance evaluations, unwarranted discipline, harassment, denial of promotion or work schedule requests, denial of training, or differential treatment. Retaliation may also include disrespectful behaviour toward an employee by another employee. Retaliation does **not** include good faith reporting of a violation of this policy or a good faith response to a report under this policy.

Workplace

Any place occupied by AMANS personnel on official AMANS business or any other location where personnel are engaged in an activity associated with AMANS. These locations include but are not limited to a lunchroom, office common space, worksite, vehicle, off-site or online training sessions, work-related events, conference venues, location of business travel, work-related social gathering, or any online space used for AMANS purposes such as but not limited to email, Microsoft Teams, etc.

Application and Coverage

This policy applies to

- AMANS employees (full-time probationary, permanent, or contract and part-time probationary, permanent, or contract),
- AMANS volunteers and members (AMANS Board of Directors, committees, and or any adjunct of AMANS governance) and,
- Any person when participating in AMANS-sanctioned events or performing AMANS-related work.

Complaint Process

Anyone who has experienced or witnessed any form of bullying, discrimination, harassment, sexual harassment, or behaviour they believe to breach this policy, is expected to report the matter to the AMANS Executive Director, who is the Resolution Officer.

AMANS recognizes the emotional toll distressing may have on an individual and understands it may take time to process such events. AMANS encourages individuals to come forward as soon as they feel ready. Reporting done in good faith does not risk employment, pay, or benefits.

Complaints can be filed by contacting the identified Resolution Officer. Complaints can be filed verbally (in person or via telecommunication such as a phone call or video conferencing) or in writing (email, letter, MS Teams chat, etc.).

Either means of communication must include the sentence “**I would like to file a formal complaint**” so it is clear to the Resolution Officer.

If the matter involves the AMANS Executive Director, the AMANS President will serve as the Resolution Officer.

The Complainant must provide as much detail as possible, as soon as possible. In recognition of the emotional toll incidents can have, complaints can be made within 12 months of the last incident of perceived abuse, or as soon thereafter as possible.

Once a complaint is received, the Resolution Officer must tell the person that the complaint has been made against, in writing, that a complaint under this policy has been filed. This letter will provide details of the allegations that have been made against them.

Privacy

AMANS will make every reasonable effort to protect the privacy of the Complainant and keep all information relating to an incident or complaint confidential. However, to investigate an incident or complaint, the Resolution Officer may have to interview people in order to get the facts.

To the extent possible, the Resolution Officer will protect the identity of the Complainant. There are times when that might not be possible, which include but are not limited to:

- When disclosure is necessary to review the matter to determine the appropriate process to address and carry out the resolution process. This may include discussions with the accused or identified witnesses.
- As required by legal subpoena or other legal authority and directives.

- To ensure the health, safety, and security of individuals.

Any information disclosed will be strictly on a need-to-know basis.

Resolution Process

Once a complaint is made, the Resolution Officer will promptly assess the situation. This will likely begin by first interviewing the Complainant about the incident(s) and then interviewing the Respondent. After the initial interview, the Resolution Officer will determine an appropriate resolution process based on the nature of the alleged incident (patterned behaviour, ability to substantiate the complaint, etc.).

The resolution process can be done informally through discussions with specific employees, workplace training, or other non-disciplinary action.

Complaints or concerns involving sexual harassment, discrimination, violence in the workplace, or retaliation will automatically undergo the investigation process.

In all other cases, a mediation process will be offered first, which is voluntary and confidential.

The mediator will be a neutral person, agreed upon by both parties, and could be internal or external of AMANS. Each party can be accompanied and assisted during mediation by a support person of their choosing.

If mediation does not resolve the issue an investigation will likely be undertaken. The mediator will not be involved in the investigation.

The Complainant can choose to forgo the mediation process and opt for an investigation.

Investigation Process

If the Resolution Officer decides that an investigation is warranted, the Resolution Officer can conduct the investigation or appoint a third-party investigator at their discretion. The investigator will determine the scope of the investigation by defining the issues to be addressed and the likely witnesses that must be interviewed.

The investigator will determine the objective of the investigation, whether they are limited to making factual findings or may extend beyond that to draw conclusions and recommend/apply subsequent action.

Once the investigator has met with the necessary individuals and reviewed any relevant documentation, they will analyze the information gathered to reach a finding of fact as to whether the claim is substantiated or unsubstantiated.

The investigator's conclusion will be provided in a written report outlining the investigation process and relevant evidence the investigator relied on to reach their decision. The report should include:

- A description of the allegations
- The response of the person the complaint was made against
- A summary of the information learned from witnesses (if applicable) and
- A decision about whether, on a balance of probabilities, a violation of this policy did occur.

Once the investigator has provided the report to the Resolution Officer, they will provide each party involved with a copy of the complaint.

AMANS must advise the parties that the investigation is complete and what action to take, if any. Disciplinary action could include but is not limited to:

- A letter of acknowledgement from the employer
- An apology from the Respondent
- Limited contact between the parties

- Counselling for the Respondent
- Mediation or further discipline up to and including termination of employment.

Appeal

Each party has the right to launch an appeal which entails an investigation to reverse the decision.

Any appeal must be conducted by an outside third-party investigator. Any costs incurred will be the financial responsibility of the appellant.

False Allegations

False allegations will be handled at the discretion of the Resolution Officer and include disciplinary action deemed appropriate by the Resolution Officer. Disciplinary action could include but is not limited to:

- A formal warning from the employer
- An apology to the falsely accused
- Further discipline up to and including termination of employment.

Review of Policy

The AMANS Policy Analyst is responsible for the periodic review and assessment of the necessary improvements to the policy. At minimum, this Policy shall be reviewed every three years from the most recent date of approval.

The AMANS Executive Director and Board of Directors are responsible for the consistent application of the policy.

AMANS staff and volunteers are required to review and sign this policy at the start of their employment/volunteer assignment with AMANS.

STATEMENT OF ACKNOWLEDGEMENT

I, (Full Name)_____ acknowledge that I have received and read the respectful workplace policy and/or have had it explained to me. I understand that it is my responsibility to abide by all the rules contained in this policy and to report any incidents of abuse as set forth in this policy. I understand that by signing this policy I agree to abide by all the rules in this policy for the entirety of my employment/volunteer assignment with AMANS.

Signature:_____

Date: _____