

4.9 Respectful Workplace Policy

Policy Statement

The Province of Nova Scotia values respect, diversity, inclusion, integrity, accountability and the well-being of everyone in our workplaces. Demonstrating respect towards others is an expectation of every Province of Nova Scotia employee.

All employees have the right to work in a healthy and safe workplace. This includes having a workplace that is free of disrespectful behaviour. This policy supports a respectful workplace that is productive, rewarding, and enjoyable for all.

All employees share the responsibility to uphold the Province of Nova Scotia's public service values, which includes the responsibility to treat each other and those who enter the workplace, with respect and dignity. This shared responsibility includes good faith participation in efforts to resolve concerns regarding disrespectful behaviour.

Definitions

DEPUTY HEAD

The deputy of the member of the Executive Council presiding over a department and all others whom the Governor in Council from time to time designates as having the status of deputy head.

DISRESPECTFUL BEHAVIOUR

Behaviour that is inconsistent with acceptable workplace behaviour as outlined by this policy and by the *Values, Ethics, and Conduct: A Code for Nova Scotia's Public Servants*.

Disrespectful behaviour covers a spectrum of potential conduct that will impact the workplace. All human behaviour happens on a continuum, ranging from respectful and courteous behaviour to clearly unacceptable conduct. Disrespectful behaviour will range from the simply inappropriate to the clearly offensive and harmful. Clearly offensive behaviour includes inappropriate comments, conduct, actions or inactions that create an uncomfortable, hostile, or intimidating work environment. The behaviour may occur as a single incident or as a pattern. It can be overt or covert.

Clearly disrespectful behaviour includes bullying, discrimination, harassment, and sexual harassment, as defined below. All forms of disrespectful behaviour will not be tolerated in the workplace. Please refer to the Respectful Workplace Guidelines for further information on the continuum of behaviour and more examples of disrespectful conduct.

BULLYING

A form of harassment. Typically, it is a repeated, targeted pattern of behaviour that is intended to, or ought to reasonably be 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 the use of technology such as social media, text or email.

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 disadvantages 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.

HARASSMENT

Derogatory (e.g., condescending, 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. Includes actions or comments that create an intimidating, demeaning or offensive work environment. Harassment may occur as a serious one-time single incident but usually it is a course of conduct or pattern of behaviour.

SEXUAL HARASSMENT

Sexual harassment is behaviour of a sexual or romantic nature which is known or ought reasonably to be known as offensive or unwelcome and makes the receiver feel uncomfortable. Sexual harassment can also be harassment based on sex, gender expression, sexuality, etc. that is not "sexual or romantic" in nature. It may be a single incident or a series of incidents. 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 confer a benefit on, or deny a benefit to, the recipient, and the person making the advance knows or ought reasonably to know that it is unwelcome. A reprisal or threat of reprisal against an individual for rejecting a sexual or romantic solicitation is sexual harassment. It can also be comments, gestures, or physical conduct of a sexual nature, or actions or comments with a sexual connotation or component that are directed at no specific person but create an intimidating, demeaning or offensive work environment. Lack of intent is not a defense to an allegation of sexual harassment.

“OUGHT REASONABLY TO BE KNOWN”

An objective assessment of how a 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 which recognizes the value in each person and treats others with fairness and dignity. This includes acting and communicating with personal integrity, professionalism, openness, and civility.

RETALIATION

Taking or threatening to take unjustified employment action against an employee for reporting a concern or participating in a process under this policy. May include negative changes 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 towards 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 an employee as a part of their employment, or, any other location where an employee is engaged in an activity associated with employment. This includes but is not limited to a lunchroom; client’s home; worksite; vehicle; training session; work-related event; conference venue; location of business travel; work-related social gathering.

Policy Objectives

- Recognize the right of all employees to work in an environment that is free of disrespectful behaviour.
- Establish the shared responsibility to maintain a respectful workplace.
- Provide expectations of respectful workplace behaviour and create awareness of the impact of behaviours that do not meet these expectations.
- Provide support, tools and mechanisms to address disrespectful workplace behaviour and to resolve workplace conflict that arises as a result. See Respectful Workplace Guidelines for more details.

Application

This policy applies to all civil servants and other direct employees of the provincial government.

Policy Directives

- All employees are required to be respectful in the workplace.
- All employees are prohibited from participating in any form of disrespectful behaviour in the workplace.
- Reports of policy violation must be made within 12 months of the most recent incident of the behaviour at issue. In extenuating circumstances, reports may be considered beyond 12 months.
- Reports of policy violations must be made in good faith.
- Retaliation is prohibited against anyone who has participated in any process under this policy.
- A breach of this policy, including retaliation, may result in disciplinary action, up to termination depending on the circumstances.
- Nothing in this policy restricts management's authority and responsibility to manage performance of employees, take appropriate disciplinary action when necessary, or take immediate action to ensure a safe work environment, including one that is free from disrespectful behaviour.

PROCEDURAL FAIRNESS

Procedural fairness shall govern all activities related to reports of policy violation. This 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.

CONFIDENTIALITY

Information related to inquiries and reports of disrespectful behaviour are to be kept confidential, with the following exceptions:

- Disclosure necessary to review the matter, determine appropriate process to address and to carry out resolution processes.
- As required by legal subpoena or other legal authority and directives.
- To ensure the health, safety, and security of individuals.
- Information related to Respectful Workplace processes will be maintained in accordance with the *Freedom of Information and Protection of Privacy Act*.

- Information related to Respectful Workplace processes will be separate from an employee's personnel record.
- If a letter of expectation or disciplinary action results from a Respectful Workplace matter, this will be held on an employee's personnel record, in accordance with the Employee Personnel Record Policy and appropriate collective agreement or the *Civil Service Act*, as applicable.
- Information related to Respectful Workplace processes may be used for policy evaluation, audit, or review. All personal information will be protected.

Policy Guidelines

This policy is supported by Respectful Workplace Guidelines, developed by the Public Service Commission, to assist in the implementation of this policy. The guidelines are available on MyHR. They will be reviewed and updated by the Public Service Commission as needed.

Accountability

EMPLOYEES AT ALL LEVELS OF THE ORGANIZATION

Employees are responsible to:

- Be aware of this policy and associated guidelines, including directing questions or required clarification to a manager, as needed.
- Complete available Respectful Workplace training, developed by the Public Service Commission.
- Treat others respectfully and consider the impact of actions, inactions, words, and behaviour, regardless of intent.
- Address concerns or potential violations under this policy promptly and in a manner appropriate with the circumstances.
- Access available resources, such as the Respectful Workplace Guidelines, a manager, HR Business Partner, or the Public Service Commission, when needed.
- Participate in good faith with processes intended to address concerns under this policy.

MANAGERS/SUPERVISORS

Managers/Supervisors are responsible to:

- Model respectful behaviour and foster a supportive and considerate work environment.

- Inform employees of the content of this policy, including the responsibility to comply with employee accountabilities, and advise of available resources to address concerns.
- Advise employees of the availability of Respectful Workplace training and provide opportunity to complete training.
- Respond to potential policy violations and concerns raised within ten (10) business days in a manner appropriate with the circumstances. Please refer to the Respectful Workplace Guidelines for more information.
- Promote the use of collaborative conflict resolution processes, when appropriate.

DEPUTY HEADS

Deputy Heads are responsible to:

- Support safe, supportive, inclusive, and respectful workplaces for all employee.
- Determine appropriate action in response to a finding of policy violation within the department, as needed.

PUBLIC SERVICE COMMISSION

The Public Service Commission is responsible to:

- Promptly provide advice and support to employees, managers, and Deputy Heads on this policy.
- Review and respond to reports of potential policy violation. Response may include investigation, as determined to be necessary and appropriate.
- Make recommendations on appropriate action to address policy violations.
- Assist with identifying appropriate resolution options and support the use of collaborative conflict resolution tools.
- Promote consistent, fair, and transparent application of this policy, guidelines, and associated processes.
- Oversee the development and delivery of Respectful Workplace training.

Monitoring

The Public Service Commission is responsible for periodic review and assessment of necessary improvements to the policy, as well as supporting the consistent application of the policy.

References

Civil Service Act

Freedom of Information and Protection of Privacy Act

Nova Scotia Human Rights Act

Respectful Workplace Guidelines

Employee Personnel Record Policy

Values, Ethics, and Conduct: A Code for NS Public Servants

Enquiries

For questions about this policy, please contact:

Public Service Commission

Workplace Resolution

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