



Nova Scotia Teachers Union Respectful Workplace Policy

NSTU Policy Section VI – General, 10 – Internal to the NSTU – Respectful Workplace

The Nova Scotia Teachers Union (NSTU), as an employer as well as a member organization, has a responsibility to ensure a safe work environment free from abuse/ harassment. Abuse and harassment include, but are not limited to:

- I. physical, verbal, emotional, and mental abuse;
- II. sexual harassment;
- III. bullying, including cyberbullying; and,
- IV. intimidation.

The NSTU shall recognize that employees and/or members may experience abuse/harassment by fellow staff and/or members.

NSTU employees or members subjected to abuse/harassment shall receive the full support of the NSTU.

The NSTU, in accordance with the Nova Scotia *Human Rights Act*, shall establish and maintain procedures to ensure incidents of abuse/harassment are mitigated (as much as possible), reported, documented, and dealt with efficiently and effectively.

(Reference: NSTU Guidebook – Policy 10 – Internal to the NSTU – Respectful Workplace)

Definitions:

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.

CYBERBULLYING: When someone uses technology (social networking sites, emails, text message, etc.) to bully someone.

EMOTIONAL ABUSE: Can also be called psychological abuse. It is an act or treatment which would, in a reasonable person, diminish the sense of identity, dignity or self-worth. It is a way to control

another person by using emotions to criticize, embarrass, shame, blame or otherwise manipulate another person. It can include, but is not limited to, isolation, verbal abuse, humiliation, intimidation or infantilization.

EMPLOYEE: As the term is used in these procedures includes both individuals who are employed by the NSTU and Members engaged in NSTU activities.

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.

INTIMIDATION: An act or conduct where one person uses violence, threats of violence, fear, bullying or abusive behaviours which would, in a reasonable person, compel that person to abstain from doing something that they have a right to do or to persuade them to do something they do not want to do.

PHYSICAL ABUSE: An act where one person uses their body in order to inflict intentional harm or injury upon another person. Physical abuse can include physical contact, such as slapping another person, but may also include a physical act like spitting towards someone, even where there is no contact, because the act itself is physical.

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. Respectful behaviour is the expected organizational norm.

VERBAL ABUSE: Can also be called verbal bullying. It is an act of directing negative statements, sounds or other communications towards another person, that are likely to cause a reasonable person emotional harm or decreased self-confidence. Verbal abuse consists of behaviours that are non-physical, but which can still be damaging and can include, but are not limited to, threatening, insulting or humiliating someone with gestures, actions or words.

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. 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. 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.

Nova Scotia Teachers Union Internal Respectful Workplace Procedures

Step A: Informal Resolution Procedure

1. Employees who believe they are a victim of abuse/harassment are encouraged to attempt an informal resolution to the matter. An informal resolution requires the Complainant to communicate to the Respondent that the behaviours are unwelcome and must stop. This communication may be done face to face or in writing.
2. A Complainant may request advice from the Human Resources Officer on how to attempt an informal resolution. If the matter involves the Human Resources Officer, advice may be sought from the Executive Director.

Step B: Formal Resolution Procedure

3. If the concern(s) are not resolved informally the Complainant may report their concerns in writing (Form A) to the Human Resources Officer. Form A (Appendix A) must be used when making an official complaint. If the Human Resources Officer is either the Complainant or Respondent, Form A will be submitted to the Executive Director.
4. When making an official complaint in writing pursuant to Form A, the Complainant may request that a mediation/restorative justice process (Appendix B) occur in lieu of, or before, a formal investigation proceeds. The Complainant is not required to participate in mediation/restorative justice and may request an immediate formal investigation.
5. The Complainant must indicate the choice of process (mediation/restorative justice OR formal investigation) on Form A.
6. A Complainant must initiate a request for a formal investigation (or mediation/restorative justice), by submitting Form A within thirty (30) days of the incident(s) giving rise to the complaint, or a failure of an informal resolution.
7. Form A complaints initiated beyond the thirty (30) days may be considered in exceptional circumstances.
8. Formal investigations will be initiated by an Investigating Officer appointed by the Executive Director within ten 10 days of the submission of Form A to the Human Resources Officer. If the Executive Director is the Complainant or Respondent, then the complaint

will be referred to the NSTU In-House Legal Counsel who will investigate the matter or refer the matter to an external consultant.

9. The Investigating Officer will review the complaint in Form A, and any additional written statements provided by the Complainant. The Investigating Officer may also interview the Complainant and document the interview. A summary of the interview may be given to the Respondent (the “Documents”).
10. The Respondent will be invited to respond to the Documents through written submissions and/or an interview, and will do so within fourteen 14 days of receiving the Documents. A summary of the Respondent’s response may be given to the Complainant.
11. The Investigating Officer may re-interview the Complainant and/or Respondent where necessary and may interview any other person(s), or gather any other documentation that is necessary to complete the investigation.
12. The Investigating Officer’s investigation should be completed within sixty (60) days following initiation. However, where exceptional circumstances exist the Executive Director may extend this timeline with notice provided to the Complainant and Respondent. If the Executive Director is either the Complainant or Respondent, In-House Legal Counsel will provide direction to the Investigating Officer in this matter.
13. The Complainant may withdraw the complaint at any time, by sending a written request to withdraw to the Executive Director. In the case of a withdrawn complaint the investigation will cease immediately, and the Respondent will receive a letter from the Investigating Officer or Executive Director advising that the complaint has been withdrawn.
14. When the investigation is completed the Investigating Officer will provide a Final Report to the Complainant, Respondent and the Executive Director. If the Executive Director is either the Complainant or Respondent, the final report will be provided to In-House Legal Counsel.
15. The Investigating Officer will either:
 - Find a violation of the policy
 - Find no violation of the policy
16. The Investigating Officer can recommend the following to the Executive Director:

- Mediation
- Discipline
- No action

If the Executive Director is either the Complainant or Respondent, the Investigating Officer's recommendations will be provided to the NSTU President.

17. The Formal Resolution Procedure will not be available if an Employee, has available, and chooses to use the grievance or dispute resolution process as outlined in their respective collective agreement.

18. An Employee making an official complaint must do so in good faith and have reasonable grounds for the complaint. The NSTU does not condone false allegations of abuse/harassment. Employees who deliberately file a false allegation may be subject to discipline.

APPENDIX A

FORM A – RESPECTFUL WORKPLACE COMPLAINT FORM

Complainant Name: _____ Respondent Name: _____

Job Title: _____ Job Title: _____

Telephone: _____ Telephone: _____

Email: _____ Email: _____

Instructions:

Please complete this form and submit it to the Human Resources Officer of the Nova Scotia Teachers Union within thirty (30) days of the incident(s) giving rise to the complaint, or a failure of an informal resolution. Please be as specific as possible when completing this Form, i.e., provide dates, times, full names where possible. (You may attach any supporting documentation or additional information to this Form).

Informal Resolution

Did you attempt to resolve this complaint Yes No informally?

Mediation/Restorative Justice OR a Formal Investigation (Please Select)

Proceed with Mediation/Restorative Justice

Proceed with Formal Investigation

Mediation/Restorative Justice is voluntary and must be agreed to by both parties. A failure of Mediation/Restorative Justice to resolve the issue will result in a Formal Investigation.

Complaint Details:

1. Describe in detail the alleged incident(s) of abuse/harassment:

6. How has this alleged abuse/harassment affected you?

7. What actions or response to the alleged abuse/harassment are you hoping for?

Declaration:

I declare that the statements made in this Complaint Form, and attached hereto, are accurate to the best of my recollection and belief, and made in good faith. I understand that the Respondent has a right to be made aware of this complaint made against them and may receive a copy of this Harassment Complaint Form A or a summary thereof. I understand that this is a confidential process and information provided and received is not to be circulated, except as provided by the procedures outlined.

Complainant Signature: _____

Date Submitted: _____

Internal Use Only:

Date Complaint Reviewed by HRO: _____

HR Officer Signature: _____

Date Provided to the ED: _____

Executive Director Signature: _____

Investigating Officer Assigned: _____

Mediator Assigned: _____

APPENDIX B

MEDIATION/RESTORATIVE JUSTICE

1. If following the receipt of a complaint in Form A, the Complainant indicated their preference to proceed with mediation/restorative justice the Executive Director or designate will facilitate a mediation to work towards an agreement or choose (at their discretion) an internal or external consultant or mediator to direct the process.
2. Any mediation/restorative justice process must be voluntary. If either the Complainant or Respondent does not want to participate then a formal investigation must proceed.
3. If the Complainant and Respondent reach an agreement through mediation/restorative justice, then the complaint will be assumed to be withdrawn, and a mediation/restorative justice agreement will be signed between the parties. The Executive Director or designate will keep a copy of the Agreement in a secure file.
4. If the Complainant and Respondent do not reach an agreement through mediation/restorative justice or the process is unsuccessful then the Executive Director or designate will transfer the Complaint to the formal investigation process.