

Respectful Workplace Policy Administrative Procedures

Procedure Type: Provincial

Regional

Effective Date: November 2025

1. Purpose

These procedures support the *Respectful Workplace Policy* by outlining a flexible process for resolving employee to employee concerns and complaints.

2. Definitions

complainant: An employee of an RCE or the CSAP who believes they have been subject to prohibited behaviour, or who makes a report of a prohibited behaviour.

respondent: is an employee of an RCE or the CSAP who has allegedly engaged in prohibited behaviour.

Informal Complaint Procedure: Typically the first method used to resolve complaints that have not been resolved through direct action.

Formal Complaint Procedure: The final method used to resolve complaints of a serious nature or those which cannot be resolved through the Informal Complaint Procedure.

investigation: The process undertaken to respond to a formal complaint.

investigator: A person appointed by the Director of Human Resources to investigate the complaint under the Formal Complaint Procedure. The investigator may be the Director of Human Resources, another employee of an RCE or the CSAP, or someone from outside the RCE or CSAP.

working day: A day when the complainant would normally report to work, generally Monday to Friday, excluding holidays, within the course of their work schedule.

3. Administrative Procedures

Voluntary settlement of prohibited behaviour complaints, through direct action, is the preferred avenue for resolving issues. Individuals may be assisted in reaching informal resolution of discrimination and harassment complaints, wherever possible, so that recourse to the formal process remains a last resort.

Direct Action

- 3.1. Individuals who experience or perceive prohibited behaviour are encouraged to take direct action by communicating, in person or in writing, with the respondent promptly, to inform the person respectfully, clearly and directly that the behaviour is unwelcome and must stop.

Informal Complaint Procedure

- 3.2. If the complainant is unable or unwilling to take direct action or the prohibited behaviour continues following the direct action, then the complainant may make an informal complaint to the complainant's supervisor, the respondent's supervisor, or the Director of Human Resources. The Director of Human Resources or the advised supervisor will determine the best process to be followed, and may resolve the situation by taking one or more steps, including but not limited to:
 - 3.2.1. review the informal complaint and determine if and how to move forward;
 - 3.2.2. attempt to resolve the informal complaint with the complainant and/or the respondent;
 - 3.2.3. go directly to a formal complaint; and/or,
 - 3.2.4. report criminal behaviour.
- 3.3. All reasonable attempts will be made to ensure the Informal Complaint Procedure does not exceed thirty (30) working days from the date the informal complaint was received.
- 3.4. A complainant must pursue an informal complaint before pursuing a formal complaint.
- 3.5. If the Director of Human Resources or the Regional Executive Director/Superintendent is the complainant or respondent, the process should go directly to a formal complaint and section 3.6.1 or 3.6.2.

Formal Complaint Procedure

- 3.6. If the informal complaint process does not resolve the issue, the complainant may file a written complaint, using the Respectful Workplace Formal Complaint Form, to the Director of Human Resources.
 - 3.6.1. If the Director of Human Resources is the complainant or respondent, all complaints shall be made to the Regional Executive Director or Superintendent, and references to the Director of Human Resources in section 3 of this document shall be taken to refer to the Regional Executive Director or Superintendent, as the case may be.

- 3.6.2. If the Regional Executive Director is the respondent, all complaints shall be made to the Deputy Minister of Education and Early Childhood Development. If the Superintendent is the respondent, all complaints shall be made to the Chair of the CSAP. References to the Director of Human Resources in section 3 of this document shall be taken to refer to the Deputy Minister or Chair, as the case may be.
- 3.7. A formal written complaint should be made as soon as possible, and ideally within ninety (90) working days of the most recent incident to ensure the investigation of the issue is as accurate as possible and the issue is addressed in a timely manner. The employee may submit a complaint after 90 days and the Director of Human Resources will review the complaint and decide if an investigation is required.
- 3.8. The complainant shall:
 - 3.8.1. complete the Respectful Workplace Formal Complaint Form, and
 - 3.8.2. provide the original completed form to the Director of Human Resources.
- 3.9. If appropriate, the Director of Human Resources may attempt to resolve the complaint through discussion with the parties.
- 3.10. The Director of Human Resources shall advise the Regional Executive Director/ Superintendent, respondent, and supervisors of the complainant and respondent of the complaint and, if required, shall arrange to have it investigated (see Investigation section below).
- 3.11. The Director of Human Resources shall determine who will investigate the complaint, considering 3.5.
- 3.12. All reasonable attempts will be made to ensure the investigation of the complaint will commence within thirty (30) working days of the Director of Human Resources' receipt of the Respectful Workplace Formal Complaint Form. If the investigation has not begun within thirty (30) working days, the Director of Human Resources must provide the complainant and respondent with an explanation.

Investigation

- 3.13. The workplace investigation will focus on:
 - 3.13.1. effectively carrying out a procedurally fair, systematic, logical, and thorough examination, and
 - 3.13.2. ensuring the complainant and respondent are heard, the problem is given serious attention according to policy, and a reasonable resolution is provided.
- 3.14. The Director of Human Resources may conclude an investigation at any time if they determine that the complainant's concerns do not constitute a prohibited behaviour.
- 3.15. All employees of the RCE or CSAP have a requirement to cooperate in any investigation undertaken pursuant to this policy.

- 3.16. The investigator shall interview the complainant, receive any written statement(s) the complainant wishes to provide, and document the interview.
 - 3.16.1. A summary of the relevant information, including any relevant documentation, shall be given to the respondent by the investigator.
- 3.17. The investigator will meet with the respondent and their response, or a summary of the response, shall be conveyed back to the complainant for reaction.
- 3.18. The investigator shall re-interview the complainant and respondent as necessary, interview other persons, gather materials as necessary to complete the investigation, and produce a Formal Investigation Report (a full report with reasoning and recommendations) about the complaint to the Director of Human Resources. The investigator shall provide, to the complainant and respondent, a summary of the relevant findings and the conclusion as to whether or not prohibited behaviour occurred.
- 3.19. After receipt of the summary, the parties may wish to make additional comments to the investigator and shall do so within five (5) working days of its receipt. Any additional comments must be limited to any concerns either party has with a specific finding in the summary.
- 3.20. All reasonable attempts will be made to ensure the investigation is completed within ninety (90) working days after the investigation is initiated. The Director of Human Resources or the Regional Executive Director/Superintendent may extend the ninety (90) working day timeline where circumstances warrant.
- 3.21. Timelines in the investigative process may vary depending on any applicable timelines in current collective agreements and other applicable employment contracts.
- 3.22. A complainant may withdraw a complaint under this policy at any time. The Director of Human Resources may determine that a review of the complaint and/or an investigation should continue in order to determine whether this policy was violated.

Reporting

- 3.23. Upon the conclusion of the investigation, the investigator shall provide the Formal Investigation Report to the Director of Human Resources.
 - 3.23.1. All reasonable attempts shall be made by the investigator to have the Formal Investigation Report completed within thirty (30) working days following the completion of the investigation.
- 3.24. The Director of Human Resources shall review the Formal Investigation Report and any recommendations therein, issue an official decision, and proceed with corrective/ responsive action, if warranted.

Disposition and Corrective Action

- 3.25. RCE or CSAP employees who, after investigation, are found to have participated in prohibited behaviour, or employees who are found to have filed a complaint falsely and with malicious intent or otherwise in bad faith, are subject to disciplinary action, up to and including termination.
- 3.26. If the investigation and decision confirm that prohibited behaviour has occurred, the Director of Human Resources shall proceed with corrective/responsive action. Corrective/responsive action may include:
 - 3.26.1. mediation, if appropriate
 - 3.26.2. restorative approaches, to the extent appropriate
 - 3.26.3. appropriate discipline, up to and including termination
 - 3.26.4. involuntary relocation/transfer of the respondent
 - 3.26.5. verbal or written agreements
 - 3.26.6. a formal apology
 - 3.26.7. required counselling or program for respondent
 - 3.26.8. any other measure that is in accordance with any applicable collective agreements
 - 3.26.9. proceedings under applicable legislation
 - 3.26.10. severance of involvement with the school and RCE or CSAP
- 3.27. If the investigation does not conclude that prohibited behaviour has occurred, the Director of Human Resources shall dismiss the complaint and, if appropriate, engage in any informal resolution activities to assist in the return to a positive working environment.
- 3.28. If dissatisfied with the investigation's findings or corrective/responsive action, the respondent and complainant shall have no right to appeal. Should the complainant or respondent feel the process was not properly followed, recourse shall be according to the applicable collective agreements, terms and conditions of employment or legislation, and not pursuant to this policy.
- 3.29. A copy of the summary of the relevant findings and letter will be filed in the complainant's and respondent's personnel file.

Retaliation

- 3.30. Retaliation or reprisal is prohibited against anyone on the basis that they made in good faith a complaint of prohibited behaviour, provided information as a witness, or otherwise participated in an investigation into a complaint pursuant to this policy. Any retaliation or reprisal will be investigated, and anyone found to have engaged in such retaliation or reprisal will be subject to appropriate discipline, up to and including termination for cause.

Other Avenues of Redress

3.31. The Regional Executive Director or Superintendent may direct the investigator to postpone, suspend, or cancel an investigation should any other avenues of redress be pursued.

3.31.1. If the Regional Executive Director or Superintendent is the complainant or respondent, the Minister may direct the investigator to postpone, suspend, or cancel an investigation should any of these other avenues of redress be pursued.

4. Communication and Distribution

4.1 Communication

EECD will communicate the policy and administrative procedures to all RCEs and CSAP and will notify all RCEs and CSAP when any changes are made to the policy or administrative procedures.

4.2 Distribution

The Regional Executive Directors and Superintendent are responsible for supporting implementation and will distribute these administrative procedures throughout their RCEs/CSAP.

5. Related Documents

Respectful Workplace Formal Complaint Form

6. References

Canada. *Criminal Code of Canada*. R.S.C. 1985, c. 46.

<https://laws-lois.justice.gc.ca/PDF/C-46.pdf>.

Nova Scotia. *An Act Respecting Occupational Health and Safety*. S.N.S., 1996. c. 7. <https://nslegislature.ca/sites/default/files/legc/statutes/occupational%20health%20and%20safety.pdf>.

Nova Scotia. *Conseil scolaire acadien provincial Act*. S.N.S. 2023, c. 10. <https://nslegislature.ca/sites/default/files/legc/statutes/csap%20EN.pdf>.

Nova Scotia. *Education Act*. S.N.S. 2018, c. 1. <https://nslegislature.ca/sites/default/files/legc/statutes/education.pdf>.

Nova Scotia. *Freedom of Information and Protection of Privacy Act*. S.N.S. 1993, c. 5. <https://nslegislature.ca/sites/default/files/legc/statutes/freedom%20of%20information%20and%20protection%20of%20privacy.pdf>.

Nova Scotia. *Human Rights Act*. S.N.S., 1989. c. 214. <https://nslegislature.ca/sites/default/files/legc/statutes/human%20rights.pdf>.

Nova Scotia Department of Education and Early Childhood Development. 2025. *Provincial School Code of Conduct Policy*. Halifax, NS: Province of Nova Scotia. <https://www.ednet.ns.ca/docs/provincialschoolcodeofconduct.pdf>.