



**Progressive Conservative Party  
of  
Nova Scotia**

**Code of Conduct**

Adopted by the Provincial Executive: January 25, 2020

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## **Purpose**

The Party wishes to explicitly set forth its expectations of conduct for those engaged with the work and goals of our Party. The Party is committed to providing a safe and healthy environment for all of our members, volunteers and employees, free from discrimination and harassment of any kind.

This Code of Conduct details the expectations of the Party with respect to the conduct of its Employees, Members and Volunteers. The Party is a large, diverse, and complex organization whose goal is to get a Progressive Conservative Government elected, and re-elected. Because the Party is responsible for substantial amounts of information, assets, and funds that must be safeguarded, as well as having thousands of Members who are entitled to work or volunteer in a safe and healthy environment, this Code of Conduct is necessary. Individuals in positions of authority within the Party are expected to model the standard of behaviour expected of everyone.

The focus and intent of this Code is to provide an overall direction to Employees, Members and Volunteers as to how they should conduct themselves when working for and on behalf of the Party. This Code sets forth various expectations that allow all Employees, Members and Volunteers to support, work with, and work for, the ultimate goal of forming and maintaining a Progressive Conservative Government in Nova Scotia; which will at all times remain the ultimate objective of our Party.

## **Definitions**

The following are the definitions used in this document:

### **Complainant**

Any person to whom this Code applies and who initiates an informal or formal complaint on the basis they have been negatively impacted by the actions of a Respondent.

### **Contributions**

Any funds donated to an EDA or to the Party which are eligible for a Political Contribution Tax Credit.

### **Defined Position**

A Defined Position is any position for which a volunteer may be appointed, elected or named to. These include:

- Party President
- Party Executives
- Association Presidents
- Association Executive positions
- Association Directors
- Campaign team appointees

### **EDA Director**

Any member who has been elected, appointed or acclaimed to the Board of Directors of any PC EDA in Nova Scotia

### **EDA Executive**

Any member who has been elected, appointed or acclaimed to the executive of any PC EDA in Nova Scotia.

### **EDA President**

Any member who has been elected appointed or acclaimed to serve as President of any PC EDA in Nova Scotia.

### **Employee**

Any individual who performs paid work for the Party, or in support of the Party whether compensated directly by the Party or not. Included are any individuals for which the Party exercises influence over their initial or continued employment. Employees are likely also members, but this is not necessarily the case. To the extent required under this Code, Employees may be individuals employed directly by the Party. Solely for the purpose of this Code and its application, any contractor or other individual who provides paid services for the Party shall be considered an Employee, and subject to the provisions of the Code.

### **Harassment**

An unwelcomed action by an individual that is offensive to another or should have been known to be offensive to another by any reasonable person, including any continued action where it has been indicated or communicated that such action is offensive and/or unwelcomed. The intention of the action is not relevant, only how it was received.

Any action that constitutes coercion or belittles or humiliates an individual constitutes Harassment and will not be tolerated under this Code.

The following six criteria must be met for harassment to have occurred:

1. Improper conduct by an individual;
2. The individual knew or ought reasonably to have known that the conduct would cause offence or harm;
3. Directed at another individual;
4. Offensive to that individual;
5. Was a series of incidents or one severe incident which has a lasting impact on that individual; and
6. Occurred in the workplace or other venue during a party related function, event or meeting.

**Member**

Any individual who has membership in the Party.

**PC Member of the Legislature (PC MLA)**

Any sitting Member of the Legislature who identifies as a PC. PC MLAs are expected to be Party Members.

**Position of Power**

Any individual who occupies a position where their action can have consequences for (a) the employment of another individual or (b) the perceived advancement of another individual within The Party.

**Sexual Harassment**

Sexual Harassment means:

- (i) vexatious sexual conduct or a course of comment that is known or ought reasonably to be known as unwelcome;
- (ii) a sexual solicitation or advance made to an individual by another individual in a Position of Power who is able to confer a benefit on, or deny a benefit to, the individual to whom the solicitation or advance is made, where the individual who makes the solicitation or advance knows or ought reasonably to know that it is unwelcome, or
- (iii) a reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance

Sexual Harassment can include, but is not limited to the unwanted or unwelcome:

- Display of offensive material
- Innuendos or advances
- Leering
- Touching
- Inappropriate, personally-targeted comments

Sexual harassment, in any form, will not be tolerated by any individual under this Code.

**The Party (PC)**

The Progressive Conservative Party of Nova Scotia including members of the Provincial Executive and members of an Electoral District Association.

**Volunteer**

Any individual who performs unpaid work for the Party including anyone occupying a Defined Position. Though usually a Volunteer is also a member, this is not always the case. For the purposes of this Code, a Party candidate shall be considered a Volunteer.

**Vulnerable Person**

Any individual whose (a) employment may be impacted by the actions of an individual in a Position of Power, (b) whose volunteer status within the Party may be impacted by the actions of an individual in a Position of Power, (c) who is of a diminished physical or mental capacity (d) who is under the age of majority.

**Respondent**

Any person to whom this Code applies and who is named as a respondent to an informal or formal complaint in violation of this Code of Conduct

**Application**

This Code applies to all Party Employees, Members, Volunteers and PC candidates. Employees (of the Progressive Conservative Caucus) and PC MLAs, during working hours are also subject to the obligations of other policies such as, but not limited to:

- Nova Scotia House of Assembly Policy on the Prevention and Resolution of Harassment in the Workplace
- Employment contracts
- Nova Scotia Labour Standards Code
- Nova Scotia Human Rights Act
- Any other relevant workplace governance documents

The terms and conditions of this Code are subject to all applicable Employment, Human Rights and Occupational Health Safety legislation in the province of Nova Scotia, including, but not limited to, the above noted policies, contracts and legislation. The Code is not designed to supersede any of the above noted policies, contracts or legislation and is intended to communicate guidelines around the expected conduct of Employees, Members, Volunteers and PC MLAs. This document will complement and be applied in addition to the Constitution but will not override the Constitution.

**Requirements**

All defined positions to which this Code applies are expected to have read and adhere to the terms and conditions of this Code. Agreement to comply with this Code will be a condition of party membership and/or volunteering.

**Responsibilities**

The expectations enumerated in this Code that shall apply to all individuals regardless of the position they hold. Most importantly, any individual referred to in this Code has the ability to work or provide volunteer services free from discrimination or harassment of any nature, and in a healthy and safe environment. In support of this goal, Harassment; Sexual Harassment; or any inappropriate activity set forth under this Code is expressly prohibited and will not be tolerated in any manner by the Party.

i. **Party Members****General Behaviour**

The Party expects its Members to uphold the values of the Party as articulated in the Party Constitution. Members are expected to conduct themselves and communicate in a manner which is consistent with the Code of Conduct. This is not to suggest that dissenting opinions may not be expressed; however, Members are expected to be respectful and accountable in all communications.

### **At Party Events**

It is expected that anyone attending Party events will conduct themselves respectfully and in accordance with all aspects of this Code. Behaviours which would be considered unacceptable in society are also unacceptable to the Party. Behaviour that is considered unacceptable may include, but not be limited to the following:

- Lewd behaviour;
- Violence of any kind; or
- Harassing behaviour of any kind.

### **Protection of Information**

While the Party is not subject to the Nova Scotia Freedom of Information and Protection of Privacy Act, the Party recognizes the importance of protecting information that may be sensitive or proprietary to the Party, to individuals, or that violates the privacy of individuals, and such information is expected to be kept confidential.

### **Protection of Funds**

The Party and EDAs routinely handle large sums of money, which primarily originate from political contributions. All money received by the Party and EDAs must be accounted for using Generally Accepted Accounting Principles (GAAP). Specifically, all funds received by the Party and EDAs must be accounted for in accordance with Party rules and Elections Nova Scotia requirements, which prohibits any single individual having direct and sole access to funds; particularly at the EDA level.

### **Loss or Misappropriation**

Any loss of funds is to be reported immediately to the Party Provincial Director. This can include, but not necessarily be limited to: discrepancies in book-keeping or accounting; actual loss of funds; or errors in the release of funds.

If there is reasonable evidence to suspect that there has been a misappropriation of funds, this suspicion shall be immediately reported to the Party Provincial Director, and if required, the local police should be engaged to investigate. Any individual having involvement in the suspected misappropriation of funds shall be denied any further access to funds until the matter is fully investigated.

### ii. PC Volunteers

#### **General Behaviour**

The Party expects its Volunteers to uphold the values of the Party as articulated in the Party Constitution. Volunteers are expected to conduct themselves and communicate in a manner which is consistent with the Constitution and the Code of Conduct.

Volunteers contribute their time, labour and expertise without compensation, to benefit the Party. Therefore, a Volunteer can only be expected to contribute his or her time and energy to the extent that they wish. While the Party recognizes the important role of Volunteers within the Party, Volunteers are expected to adhere to certain standards of behaviours as set forth in this Code.

#### **Communications**

Volunteers are expected to be courteous to the public, and to treat the public with respect at all times when engaged in Party volunteer work.

### **Interactions with Other Members**

Volunteers shall at all times be treated with respect and dignity. All Employees, Members and Volunteers shall respect the limits of what a Volunteer is prepared to give to the Party in terms of time and labour. At no time is a Volunteer to be coerced into doing more than he or she is prepared to do.

### **Restriction of Volunteer Activities**

The Party, through its Provincial Director or his/her designate, retains sole discretion as to whether to provide access to sensitive Party assets (which includes its Volunteers) and the Party may restrict access to any of its assets at any time. This may include, but not be limited to, the Party restricting activities of Volunteers where it feels it appropriate.

To this end, the Party retains the absolute discretion to restrict a Volunteer's activity within the Party, as may be required from time to time in order to protect and maintain the integrity of the Party and its goals.

#### iii. PC Employees

### **General Behaviour**

The Party expects its Employees to uphold the values of the Party as articulated in the Party Constitution. Employees are expected to conduct themselves and communicate in a manner which is consistent with the Code of Conduct.

Employees shall at all times adhere to the expectation of conduct as set forth in this Code. However, Employees remain subject to the terms and conditions of their respective employment agreements, and other workplace policies to which they are subject.

## **Resolution Process**

#### i. General Guidelines

The Party is committed to taking all reasonable steps to investigate and resolve any complaints pursuant to the terms and conditions of this Code. Any individual wishing to make a complaint under this Code may do so in writing, to the appropriate person identified in this Code, no later than 6 months after the alleged incident(s) leading to the complaint.

The process involved in accessing the Resolution Process under this Code will vary depending on the nature of your position within the Party, and shall be in accordance with the following general guidelines:

### **Volunteers/Members and Employees**

Individuals should file a complaint with the President of their EDA. If the complaint is against the President of the EDA, the complaint should be filed with the Provincial Director of the Party.

### **PC Employees**

All other PC Employees are expected to register their complaint with the Provincial Director of the Party. If the complaint is against the Provincial Director of the Party, the complaint should be registered with the President of the Party.

### **MLAs**

MLAs are subject to the **Nova Scotia House of Assembly Policy on the Prevention and Resolution of Harassment in the Workplace** and all complaints should follow this process.

ii. Resolution Processes Generally

The following are the mechanisms and processes for dispute resolution. Resolution processes and mechanisms should reflect restorative principles as set out in “**Appendix A**”. The rights of the Complainant and the Respondent are set out in “**Appendix C**”.

Where possible, informal resolutions should be encouraged, where the issue can be resolved to the satisfaction of the Complainant. However, participation in an informal resolution process is voluntary. The Complainant has the right to demand the application of the formal resolution process if the incident which gives rise to the complaint, in the opinion of the Complainant, is of a nature serious enough that it cannot be resolved informally, or if there is fear on the part of the Complainant of reprisal or other incidents that may include violence.

At the discretion of the Party President, the Informal Resolution Process may be used in circumstances such as the release of information or financial irregularity that appears accidental in nature, or in response to inappropriate behaviour by members.

**Informal Resolution Process**

Where the complaint is subject to the **Nova Scotia House of Assembly Policy on the Prevention and Resolution of Harassment in the Workplace**, the informal resolution process detailed in that policy shall be followed.

Where the complaint is subject to this Code, the process will be facilitated by a representative(s) appointed by the Party Code of Conduct Chair, or another individual designated by the Code of Conduct Chair. The informal dispute resolution process detailed in the **Nova Scotia House of Assembly Policy on the Prevention and Resolution of Harassment in the Workplace** is to be used if possible.

Where the complaint is subject to this Code and is made by a Volunteer in the context of a Campaign, the Campaign Manager will facilitate a meeting between the parties and attempt to resolve the issue to the satisfaction of any parties involved. Where the Respondent is the Campaign Manager, the Candidate may appoint another member of the Campaign Team to act as mediator, or ask for the Code of Conduct Chair to fulfill this role.

For EDAs, the process is the same except the President will act as a mediator. Where the President cannot fulfill this role, the role may be delegated to the Vice President. If the President is the Respondent, the Vice President will fulfill this role. Where the Vice President cannot fulfill the role, it may be delegated to the Financial Agent of the EDA.

If required, a request for support from the Party may be made to the Code of Conduct Chair who may appoint an appropriate Party member to provide assistance and advice in the proceedings.

**Informal Resolution Guidelines**

The informal resolution process is completely voluntary and no Complainant should be pressured into using it. The informal resolution process will adhere to the following general guidelines:

- All documents, statements and interactions between individuals must be kept confidential. However, all notes must be turned over to the Provincial Director and both parties must be made aware of all documentation at the commencement of the process.
- The intention of the process is to resolve the complaint to the satisfaction of the Complainant while minimizing the potential consequences to the Respondent and ensuring there is no repeat of the allegation in question. If the Respondent has had a similar complaint for similar actions filed before, the informal process may not be used.
- The facilitator must remain impartial and non-judgemental while being sympathetic and sensitive to the Complainant.
- No action may be taken against any Complainant who filed a complaint in good faith whether it has merit or not.

### **Formal Resolution Process**

#### **Harassment & Sexual Harassment Complaints**

The Party will adopt the Formal Resolution process detailed in the **Nova Scotia House of Assembly Policy on the Prevention and Resolution of Harassment in the Workplace**. All formal complaints will be investigated by the Party. The Code of Conduct Chair, with the written approval of the President of the Party, will appoint the investigators, and the Chair who will write and submit the final Report of Findings.

#### **Non-Harassment Complaints**

Non-harassment complaints shall be submitted in writing to the Code of Conduct Chair by the Complainant. Non-harassment complaints will be investigated by the Party and a formal Report of Findings submitted to the Party Code of Conduct Chair. The investigator(s) will be appointed by the Code of Conduct Chair and approved by the President of the Party.

If the complaint is against the Code of Conduct Chair the Report of Finding will be submitted to the President of the Party and appointment of the investigator(s) will be by the President of the Party or delegate.

The investigator(s) need not be members of the Party and are appointed for their investigative skills and not Party membership.

If required, the President (or his/her designate) will convene a committee made up of the Executive to determine the appropriate disciplinary actions. This disciplinary action may include any and all remedies, up to and including expulsion from the Party. For Employees, the disciplinary action may result in employment-related discipline, up to and including the termination of employment. If the Respondent is a Volunteer, the committee may also include the respective District Vice President and at least two EDA Presidents appointed by the President of the Party. If the Respondent is an EDA President, or member of an EDA Executive, the committee may remove the Respondent from their executive position within the EDA, depending on the findings, and appoint an interim position to be held until the next Annual General Meeting to be held at the earliest possible date permissible.

### **Formal Resolution Guidelines**

The Formal Resolution Process is used where the informal process has failed or where the Complainant has not consented to its use.

All findings and investigative materials, including recordings and videos, are supplied to the Provincial Director of the Party for confidential storage. This information shall be maintained in confidential storage

for a period of time no less than three years. If there are future complaints against the Respondent, these materials may be supplied to the subsequent investigator as evidence.

In the course of an investigation, all parties are expected to keep information relating to the complaint confidential. Those selected to be a part of a resolution process, including resolution facilitators, and investigators are expected to sign a non disclosure agreement, to be provided by the Code of Conduct Chair.

The roles and responsibilities of those selected to be part of the Formal Resolution process for a complaint are set out in “**Appendix B**”

This Code will be subject to periodic review and update.

## **APPENDIX A**

### **Restorative Principles**

Source: Nova Scotia Human Rights Commission

#### 1. Relationship Focused

Humans are inherently relational; relationships are central to who we are and how we interact. The process places careful and constant attention to relationships on an interpersonal, group, community, system or institutional level. Through dialogue, participants aim to build relationships as they share experiences, ideas and information about a common concern while building a broader understanding of the harms. The goal of the process is to provide an understanding of the issues and harms on a relational level- both repair relationships that honour respect, dignity, care and concern.

#### 2. Holistic/ Comprehensive

The breakdown of relationships needs to be considered in creating the process. The understanding and response of the process is dependent on the causes, contexts and implications of the conflict. The process aims to provide an understanding of the issues and harms on a relational level- both individually and communally.

#### 3. Collaborative/ Inclusive/ Transparent

The process is collaborative, inclusive and transparent. Both dialogue and decision making is open, transparent, and inclusive. The parties commit to collaborate throughout the process.

#### 4. Participatory/ Consensus- led/ Voluntary

The process engages key stakeholders and community members who can share direct knowledge of the harms and impacts, address the needs of the participants, and/ or repair harm. The parties have ownership of the process and co- facilitate dialogue with participants, making it a consensus led process. Participation in this process is voluntary.

#### 5. Flexible/ Contextual

The process is flexible and responsive to context. It will be developed based on the nature of the parties' needs and concerns.

#### 6. Forward Focused

The parties strive to understand what happened in order to move forward in a positive, non blaming manner. The parties focus on rebuilding and repairing relationships and creating better conditions for the future.

**APPENDIX B**

The chair or person appointed to take the lead on resolving a complaint has the following responsibilities;

- a. Ensure that complaints are dealt with appropriately and expeditiously;
- b. Ensure that both the respondent is notified in a timely manner (2-4 days) that a complaint has been filed against them;
- c. Ensure that both parties are offered ADR (Alternate Dispute Resolution);
- d. Ensure that both the complainant and the respondent are treated fairly;
- e. To appoint assistance to both parties if required;
- f. Determine whether or not the complainant and respondent should be physically or hierarchically separated during the period of the investigation/resolution;
- g. To convene investigations where required and ensuring that they are conducted fairly, sensitively, impartially and completely and render decisions based on their findings;
- h. Ensure that the complainant and respondent are advised in writing of the results of the investigation;
- i. Treat all information regarding the complaint and resolution process in a confidential manner at all times; and
- j. Ensure that the respondent is advised that there is to be no retaliation by the respondent towards the complainant as it would result in further disciplinary action.

## **APPENDIX C**

### **Rights of the Complainant**

1. To be treated fairly;
2. To submit a complaint and have it reviewed in a prompt, sensitive and impartial manner without fear of embarrassment or reprisal;
3. Have receipt of their complaint acknowledged within no more than 5 working days of it's submission;
4. To be assisted if required; and
5. To be informed of any corrective, administrative and disciplinary measures implemented as a result of a founded complaint.

### **Rights of the Respondent**

1. To be treated fairly;
2. To be notified promptly that a complaint has been filed against them;
3. To be provided with the written allegations and adequate time to respond to those allegations;
4. To be assisted if required; and
5. To obtain information related to the review of the complaint.