

RESPECTFUL WORKPLACES

A fair, collaborative, inclusive and respectful workplace is a critical prerequisite to the school district's commitment to delivering high quality public education and cultivating a reputation of excellence. Therefore, the school district is committed to creating and maintaining a respectful learning and working environment free from harassment and bullying where people, regardless of their roles or levels of responsibilities, are treated and treat each other respectfully and professionally in their interactions.

Definitions

"Bullying and harassment" as per the WorkSafeBC Occupational Health and Safety Regulations, includes any inappropriate conduct or comment by a person towards a school district employee that the person knew, or reasonably ought to have known, would cause that employee to be humiliated or offended or intimidated, but excludes any reasonable action taken by an employer or supervisor relating to the management and direction of employees or the place of employment. Examples of bullying and harassment are provided in the appendix.

"Complainant" refers to a school district employee who believes he/she has been subjected to behavior that is defined as bullying or harassment.

"Confidentiality" means that information about a complaint will be shared only with those who need to know in order to facilitate the investigation process. The respondent and complainant will be granted access to review the report at the end of the investigation. All participants in the investigation process are to keep information related to the complaint confidential and not disclose it to anyone other than their union representatives.

"District workplace" is any environment or location, including electronic environments, where a school district employee is fulfilling his or her duty and/or role connected with the school district.

"Employee" is an individual who receives a salary or wages from the school district for work performed.

"Mediation" involves an unbiased third party acting as facilitator in direct communication between the complainant and respondent who voluntarily agree to this process. The respondent will be provided with a copy of the complaint and the complainant and respondent will be granted access to review the report at the end of the investigation. All participants in the investigation process are to keep the information in the process confidential and not disclose it to anyone other than their union representatives.

"Reasonable" is considered to be as per the definition in *Black's Law Dictionary, Ninth Edition* of a "reasonable person", which is as follows: "...a person who exercises the degree of attention, knowledge, intelligence, and judgment that society requires of its members for the protection of their own and others' interests. The reasonable person acts sensibly, does things without serious delay, and takes proper but not excessive precautions..."

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“Respondent” refers to a person who is alleged to have subjected another person to comments or behavior that is defined as bullying and harassment.

“Restorative practice” is the management of conflict and tension by repairing harm and rebuilding relationships.

Guidelines

1. All school district workplaces must be free of bullying and harassment.
2. All employees should report any incidents of bullying or harassment and cooperate in the investigation of such complaints.
3. When a complaint of bullying or harassment is made, an investigation must be undertaken in a timely and efficient manner.
4. The standard of proof to be applied in an investigation is whether the reported event(s) occurred within the balance of probabilities. This means that on the evidence provided, the occurrence of the event was more likely than not.
5. The Superintendent will ensure that the provisions of this policy are communicated to all employees such that:
 - 5.1. A consistent understanding and expectation is developed regarding respectful and appropriate behaviour in dealing with others, including the ability to speak or act without offending.
 - 5.2. The process to resolve complaints of bullying or harassment is understood and used.
6. The Superintendent will ensure that:
 - 6.1. Procedures are in place for the purpose of reporting and resolution of incidents of bullying and harassment.
 - 6.2. Appropriate training is provided to all employees on the requirements of this policy.
 - 6.3. This policy and appropriate training will be delivered annually to employees.

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Procedures

1. Early / Site-Based Resolution of a Complaint

- 1.1. Any school district employee who believes that he or she has been bullied or harassed in a district workplace, may, if he or she feels comfortable doing so, attempt to resolve the issue by directly approaching the person(s) involved, stating clearly that the behaviour or actions are objectionable and must be stopped.
- 1.2. If, having chosen to approach the person(s) involved, the complainant finds that the behavior does not stop or that the behavior escalates, or if the individual does not wish to address the person(s) involved directly, he or she may contact his or her supervisor or principal for advice and courses of action, including mediation.
- 1.3. Where a site-based resolution has been found, the supervisor or principal will follow up by monitoring the situation, and as necessary, conducting subsequent meetings to ensure resolution is maintained. No written records of early/site-based resolutions will be kept in employees' personnel files.

2. Formal Complaint

- 2.1. If the early/site based resolution process was not successful in resolving the complaint or the parties have decided not to make use of them, a formal complaint can be directed to the supervisor or principal who has responsibility for the area.
 - 2.1.1. If the supervisor is the cause of the complaint, the complaint should be directed to that person's supervisor.
 - 2.1.2. If the complaint is about the vice-principal or principal, it should be directed to the Superintendent or designate.
 - 2.1.3. If the complaint is about the Superintendent, it should be directed to the Chair of the Board of Education.
- 2.2. Any behavior which results in an employee filing for a WorkSafeBC claim must be reported to Human Resources.
- 2.3. Any behavior of a violent, threatening or criminal nature will be reported to a supervisor or principal.
- 2.4. Regardless of who receives a formal complaint, the complaint must be forwarded to the Superintendent of Schools or designate, unless the Superintendent is the cause of the complaint, in which case it should be directed to the Chair of the Board of Education.

- 2.5. A formal complaint must:
 - 2.5.1. Explain the nature of the complaint in writing, providing as much detail as possible as to the nature of the events and when they occurred.
 - 2.5.2. Specify the name(s) of the person(s) involved if known.
 - 2.5.3. If applicable, indicate the steps taken by the complainant to attempt to resolve the matter, prior to filing a formal complaint.
 - 2.5.4. Be signed and dated.
 - 2.5.5. Be filed no later than six months after the last event which caused the complaint.
- 2.6. Anonymous complaints will not be investigated. The district is committed to safeguarding all employees who file complaints from retaliation or reprisal.
- 2.7. Frivolous or vexatious complaints will be dealt with in an appropriate manner and could result in discipline.
- 2.8. Complaints will not be considered under more than one resolution process at a time.
- 2.9. Once a complaint has been received by the Superintendent or designate, he or she will review the complaint and contact the complainant within two business days.
- 2.10. The Superintendent or designate may recommend mediation or an alternative dispute resolution method, or proceed with an investigation. If the complainant does not agree with the proposed alternative dispute resolution method, he or she may request that an investigation be conducted.

3. Investigation

- 3.1. The Superintendent or designate will conduct a confidential investigation of the complaint in order to determine the facts and assess whether this policy has been breached.
- 3.2. The Superintendent or designate will determine the appropriate investigator for the complaint, which may include an outside investigator.
- 3.3. Only those who need to know will be contacted and provided with the sensitive information to the extent necessary to resolve the complaint adequately. The investigator will discuss the complaint with the complainant, review details and gather supporting information.

- 3.4. Any individual named as a respondent in a complaint will be provided with a copy of the written complaint prior to being interviewed and in addition to being interviewed, is encouraged to reply in writing to the allegations.
- 3.5. The investigation will proceed as quickly as possible and will normally be completed within four (4) weeks from the date of filing of the formal complaint.
- 3.6. The complainant and the respondent(s) will have a right to representation during the investigation process.
- 3.7. Both the complainant and the respondent(s) will have the ability to access copies of the investigator's report and findings.

4. Resolution

- 4.1. When a formal complaint of bullying or harassment has been made, subject to the specific situation, the following actions may be taken subsequent to investigation and findings:
 - 4.1.1. Training for one or both parties
 - 4.1.2. Counselling for one or both parties including referral to the Employee and Family Assistance Program
 - 4.1.3. Strategies to restore a positive and respectful workplace and learning environment
 - 4.1.4. Utilization of restorative practice
 - 4.1.5. Transfer for one or both parties, subject to collective agreement language
 - 4.1.6. Disciplinary actions
 - 4.1.7. Exclusion from Board property
 - 4.1.8. Termination of contract
 - 4.1.9. Civil or criminal proceedings
- 4.2. If the finding is that there has been no breach of the policy, the record will be expunged unless otherwise requested by the respondent.

EXAMPLES OF BULLYING AND HARASSMENT

All employees of the school district are expected to refrain from any form of bullying or harassment. Examples of bullying and harassment include, but are not limited to, the following:

- Use of threatening or abusive language, profanity or language that is intended to be, or is perceived by others to be, demeaning, humiliating or offensive towards another person.
- Verbal abuse in any form such as swearing at or displaying unnecessary shows of temper or anger towards another person, particularly in front of others.
- Making threats of violence, retribution, litigation, financial or social harm; shouting or engaging in other speech, conduct or mannerisms that are reasonably perceived by others to represent intimidation or harassment.
- Throwing tools, office equipment, instruments, or other items as an expression of anger, criticism, or threat, or in otherwise disrespectful or abusive manner.
- Spreading malicious rumours, gossip or innuendo about a person that is not true.
- Making insulting or humiliating comments about the performance of an employee, in public or private, or an inappropriate manner or venue (e.g. via email or social media).
- Patterns of deliberate exclusion, isolation or alienation of an employee from normal work interaction, such as intentionally excluding him/her from meetings.
- Repeatedly undermining an employee, including encouraging others to “gang up” on him or her.
- Personal insults and name calling.
- Undermining or deliberately impeding a person’s work.
- Withholding necessary information or purposefully giving wrong information.
- The exercise or misuse of power or authority as intimidation, threats, coercion or blackmail.
- Any improper behaviour that is directed at or offensive to any person, is unwelcome, and which the person knows or ought reasonably to know would be unwelcome.
- Objectionable conduct, comment, materials or display made on either a one-time or continuous basis that demeans, belittles, intimidates or humiliates another person.

While some of these actions, individually, may or may not constitute bullying or harassment, when taken in context of a whole situation they may qualify as a breach of the policy.