

# DISTRICT RESPECTFUL WORKPLACE

## Background

The District is committed to providing a respectful work and learning environment in which all individuals who work for the District, are treated with respect and in a manner which is free from discriminatory harassment, bullying and harassment, and retaliation.

The District Respectful Workplace Administrative Procedure promotes clear behavioural expectations of respectful conduct that lead to a culture of mutual respect and cooperation among everyone who works for our District. It applies to the interactions of these individuals with one another and with parents, students, and members of the public with whom they engage on behalf of the District. It applies to all functions and activities whether or not they occur within the District or on the property of the District, where there is an impact on the District working environment.

This Administrative Procedure is intended to meet the legal obligations of the District as employers enhance the promotion of a respectful workplace. Where a collective agreement or association agreement includes provisions respecting the prohibited conduct outlined in this Administrative Procedure or a process for intervention in the circumstances of the complaint, the provisions of the agreement will continue to apply in place of the provisions of this Administrative Procedure.

## Procedures

### 1. Prohibited Conduct

The following types of conduct are prohibited under this Administrative Procedure. This is not an exhaustive list of conduct which may be of concern to the District but is intended to provide direction to employees about the categories of conduct under this Administrative Procedure.

1.1. Discriminatory harassment is related to an individual's rights under the *Human Rights Code*. It is defined as conduct that relates to employment and:

- 1.1.1. Is based on, or related to, a prohibited ground of discrimination as set out in the *Human Rights Code*, including race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, age, or criminal or summary conviction that is unrelated to employment;
- 1.1.2. Is unwelcome or is of such a nature that it would be reasonable to assume that it is unwelcome; and
- 1.1.3. Detrimentally affects the work environment or leads to adverse job related consequences for the target of the harassment.

1.2. The conduct does not have to be directed at a specific individual or be intentionally offensive to be considered Discriminatory harassment. Some examples of conduct that may be Discriminatory harassment include:

- 1.2.1. Imposing job requirements that are not bona fide occupational requirements

- and which cannot be met due to disability;
- 1.2.2. Unwelcome comments, jokes, innuendo or teasing based on a prohibited ground of discrimination;
- 1.2.3. Homophobic comments or conduct;
- 1.2.4. Email or other digital or social media material that contains inappropriate or unwelcome content related to a protected ground; or
- 1.2.5. Sexual harassment.
- 1.3. Sexual harassment is a form of Discriminatory harassment and is based on sex, sexual orientation, gender identity or gender expression. It can occur between men and women, individuals of the same gender, individuals of the same or differing sexual orientation, and includes harassment on the basis that an individual is trans-gendered. Sexual harassment may take a variety of forms, examples of which can include:
  - 1.3.1. Unwelcome gestures or comments regarding physical appearance;
  - 1.3.2. Unwelcome physical contact or sexual advances;
  - 1.3.3. Posters, pinups, pictures or digital content related to sex;
  - 1.3.4. Any conduct that reasonably leads to the perception that a condition of a sexual nature is being placed on a person's employment or any opportunities for persons in the workplace; or,
  - 1.3.5. Conduct related to formerly consensual relationships or where there is a work related power imbalance between persons in an otherwise consensual relationship.
- 1.4. Bullying and harassment includes any inappropriate conduct, comment, display, action, or gesture directed at another that a reasonable person knows or ought to know would have the effect of creating an intimidating, humiliating, hostile, or offensive work environment. To constitute bullying and harassment there must be:
  - 1.4.1. Repeated conduct, comments, displays, actions or gestures; or
  - 1.4.2. A single serious occurrence that has a lasting, harmful effect on a person.
- 1.5. Examples of bullying and harassment can include:
  - 1.5.1. Verbal or physical abuse, threats, or violence;
  - 1.5.2. Yelling, name-calling or insults;
  - 1.5.3. Harmful or offensive hazing or initiation practices;
  - 1.5.4. Vandalizing someone's belongings or work equipment;
  - 1.5.5. Sabotaging someone's work;
  - 1.5.6. Personal attacks based on someone's private life or personality traits;
  - 1.5.7. Spreading malicious gossip or rumors about a person;
  - 1.5.8. Subtle conduct such as unwelcome non-verbal gestures, manipulation, ignoring or isolating a person; or
  - 1.5.9. Bullying.
- 1.6. Bullying is a form of personal harassment that is marked by intentional, persistent attempts of a person or group to intimidate, demean, humiliate, torment, control,

mentally or physically harm, or isolate another person or group. This behaviour, through its persistence or severity, diminishes the dignity or the psychological or physical integrity of the target(s).

1.7. Bullying and harassment DOES NOT include:

- 1.7.1. Human resources management: Supervision, direction or management of employees undertaken in a good faith manner for a legitimate work purpose does not constitute bullying and harassment. For example, bullying and harassment does not include changes to working conditions, corrective action, discipline, termination of employment, decisions relating to workload and deadlines, performance evaluation, transfers, changes in job duties, lay-offs, demotions and reorganizations unless such conduct is carried out in an abusive or threatening manner or is intended to cause emotional harm.
- 1.7.2. Interpersonal conflict between people is not bullying and harassment unless the conflict results in behavior that is considered threatening or abusive. Personal disputes over non work-related matters are not to be engaged in at the workplace. Disputes over work-related matters are to be resolved respectfully between the persons involved or with the assistance of a Principal, Vice Principal, Supervisor or human resources personnel.
- 1.7.3. Interpersonal relations that are normally connected to the roles and functions in the workplace do not constitute bullying and harassment. Bullying and harassment is a serious matter and is intended to apply to serious circumstances. It is not intended to limit normal social interaction or consensual relationships.

1.8. Retaliation is an adverse action taken against a person to whom this Administrative Procedure applies for having:

- 1.8.1. Invoked this Administrative Procedure in good faith;
- 1.8.2. Participated or cooperated in any investigation under this Administrative Procedure; or
- 1.8.3. Associated with a person who has invoked this Administrative Procedure or participated in these procedures.

1.9. Retaliation damages the workplace by intimidating and silencing individuals for speaking up or for offering support.

## 2. Responsibilities

Everyone in the District plays an important role in maintaining a respectful workplace.

- 2.1. District administration responsibilities include: proactively maintaining a workplace free from discriminatory harassment and personal harassment, including by creating, communicating and administering this Administrative Procedure and providing training and support related to this Administrative Procedure. The Senior Manager, Human Resources will ensure that this Administrative Procedure is reviewed regularly and steps may be taken to amend the Administrative Procedure as needed.
- 2.2. District administrators, Principals, Vice-Principals, and Supervisors responsibilities include: communicating this Administrative Procedure, modeling respectful behaviour, and intervening and responding to reported or suspected breaches of this Administrative Procedure in a timely and fair way by applying this Administrative Procedure and complying with all laws that may apply to conduct under this Administrative Procedure. Each is to be observant in the

workplace and listen carefully to concerns that are raised and take the appropriate steps to address the situation. When they become aware of a concern under this Administrative Procedure, they will consult with District administration, including Human Resources or Labour Relations, as appropriate.

- 2.3. All employees are responsible for understanding this Administrative Procedure, treating everyone at the workplace with dignity and respect, not engaging in prohibited conduct of any kind, immediately reporting breaches of this Administrative Procedure, and cooperating fully with any investigations under this Administrative Procedure. This includes reporting any evidence of prohibited conduct related to the workplace including when it is observed toward others.

### 3. Addressing Concerns

Discriminatory harassment, personal harassment and retaliation can cause the target to feel intimidated, uncertain, threatened, embarrassed, fearful or concerned about possible reprisal. The District recognizes these concerns and provides, along with steps to prevent or minimize prohibited conduct, a number of methods to address conduct of concern. The intent of the District is to provide a variety of options and to encourage individuals to resolve workplace concerns.

#### 3.1. What to do if you believe you have been subjected to prohibited conduct

- 3.1.1. If you are comfortable doing so, as soon as possible let the other individual know clearly that their conduct is unwelcome, that you believe the conduct falls under this Administrative Procedure – and tell the offending party to stop. In many cases this will put a stop to conduct of concern;
- 3.1.2. If there is more than one incident, keep a written record of dates, times, the nature of the behaviour, and witnesses, if any;
- 3.1.3. If you are uncomfortable approaching the person responsible for the conduct of concern or if the incidents do not stop after you have attempted to speak with the individual involved, promptly contact an appropriate supervisor for assistance in raising concerns with the other individual. You may also contact the Senior Manager, Employee Services for assistance or to discuss alternative courses of action, which may include informal resolution options or a formal complaint;
- 3.1.4. If you are represented by a Union or Association, you may wish to seek assistance from your Union or Association at any time;
- 3.1.5. You can obtain a copy of the *District Workplace Bullying and Harassment Form* which is available at the worksite or online at the District Health and Safety page. Complete Part 1 or 2 of The District Workplace Bullying and Harassment Form and submit it as follows:
  - 3.1.5.1. To your Principal, Vice Principal or Supervisor;
  - 3.1.5.2. If the person responsible for the conduct of concern is another employee, a Principal, Vice-Principal, Supervisor, Department Head, District Manager, Director, Secretary Treasurer, or an Associate Superintendent, you may submit directly to Senior Manager, Employee Services;
  - 3.1.5.3. If the person responsible for the conduct of concern is a trustee or the Superintendent, you may submit directly to the Secretary Treasurer.

### 3.2. What to do if you believe you have witnessed prohibited conduct

- 3.2.1. If you are comfortable doing so, talk to the impacted individual, advise them of this Administrative Procedure and suggest that they talk to their supervisor or the Senior Manager, Employee Services;
- 3.2.2. If you are comfortable doing so, talk to the individual responsible for the conduct of concern to help them become aware of the impact they may be having; or,
- 3.2.3. If the above actions do not resolve your concern or the concern is serious, share your concerns with a member of management or the Senior Manager, Employee Services as appropriate. You may also speak to your Union or Association.

### 3.3. What to do if you have been told that your behaviour is unwelcome

Individuals who are informed their behaviour is unwelcome may feel surprised, embarrassed or defensive. It is important to remember that prohibited conduct can occur even if a person does not intend it.

If you are told that your behaviour is unwelcome, you are to:

- 3.3.1. Listen to the other individual, rather than ignoring the situation or becoming hostile, defensive or angry;
- 3.3.2. Consider what the person is saying, and how your behaviour might be impacting others;
- 3.3.3. If appropriate, change behaviours that are unwelcome, remembering that all employees share a responsibility to each other, and to the District, to refrain from unwelcome prohibited conduct towards others at work;
- 3.3.4. Seek assistance from management or your Union as necessary to understand this Administrative Procedure and to work on skills that will contribute to a respectful workplace.

## 4. Resolution Options

A complaint of prohibited conduct may be advanced by any employee of the District by submitting The District Workplace Bullying and Harassment Form as described above. When this occurs or where a concern otherwise comes to the attention of the District, steps to promote timely resolution will be taken including by means of the following:

### 4.1. Informal Complaint Resolution

Depending on the nature and severity of the alleged conduct and subject to the consent of the individual who is the subject of the alleged prohibited conduct, informal complaint resolution may first be tried to resolve the issue informally. Informal complaint resolution can include, but is not limited to, mediation, drafting of behavioural guidelines, agreements, apology, or other resolution agreed between the parties and the District. If a resolution is reached informally, then all persons involved must agree that the outcome is satisfactory. The Union(s) may also be involved in informal complaint resolution.

### 4.2. Formal Complaint Resolution

- 4.2.1. If informal resolution is unsuccessful or not pursued, allegations brought to the District's attention will be formally reviewed and where appropriate, investigated.

- 4.2.2. Any formal complaint will be treated seriously and responded to promptly. Any individual bringing a complaint forward as the person impacted by the alleged prohibited conduct or as a witness to it (the “Complainant”) must submit the required form. Form 170-1) The information submitted is to include the following:
  - 4.2.2.1. As much detail as possible about the circumstances including dates, times, persons involved, witnesses, and the specific conduct (including specific words);
  - 4.2.2.2. Available relevant documents or other evidence that may support the allegations (including emails, handwritten notes or photographs).
- 4.2.3. If in extraordinary circumstances a Complainant is unable to prepare a form, the Complainant is to request to meet with the Senior Manager, Employee Services for assistance.
- 4.2.4. Formal complaints by an individual cannot be carried out anonymously, and the identity of the Complainant and the nature of the complaint shall be made known to the individual alleged to have engaged in prohibited conduct (the “Respondent”). The Respondent shall be provided an opportunity to explain their behaviour and to have such explanations properly considered.
- 4.2.5. In the event that a Complainant does not proceed with a formal complaint, the District may still initiate an investigation if deemed necessary to ensure the commitment to providing a respectful workplace, health and safety of persons at the workplace or to comply with any applicable laws including the B.C. Human Rights Code and the Workers Compensation Act and applicable provincial regulations and policies.
- 4.2.6. If there is a sufficient basis in the written complaint or in any circumstances where the District otherwise deems it necessary to do so, the District will carry out a formal investigation, promptly, thoroughly, and in a manner that protects the privacy interests of all involved to the extent possible while ensuring a fair investigation.

## 5. Investigations

The following will apply to investigations; however, these procedures and any investigation carried out are intended to be flexible in order to respond to the specific circumstances at issue. The District reserves the right to engage in a different procedure as deemed appropriate in any given circumstance in order to meet its statutory obligations regarding a respectful workplace.

### 5.1. When the Respondent is employed by the District

- 5.1.1. The District Workplace Bullying and Harassment Form will be forwarded to the Senior Manager, Employee Services for investigation and follow-up. The Manager will ensure the investigation processes applied are consistent with WorkSafeBC requirements and any applicable collective agreement processes, procedures or other requirements. Where the matter involves employees under more than one collective agreement, the Senior Manager, Employee Services will determine the applicable process to investigate the conduct.
- 5.1.2. The Senior Manager, Employee Services may designate an investigator which may be a member of Employee Services staff, a designate employed by the District, or an external investigator.

- 5.1.3. Investigation documentation and records will be submitted to and confidentially maintained by the Senior Manager, Employee Services. Any letters respecting remedial corrective action or discipline will be placed in the appropriate personnel file.
- 5.2. When the Respondent is not employed by the District
  - 5.2.1. The Secretary Treasurer, Principal, Vice-Principal, or appropriate Supervisor will review the submitted form and applicable definitions of prohibited conduct and determine if the alleged conduct falls under this Administrative Procedure; if so, they will conduct an investigation. In extraordinary circumstances, they may designate another person employed by the District or an external investigator to do so.
  - 5.2.2. The investigator will make findings of fact based on available relevant evidence, including separate interviews with the Complainant, Respondent and relevant witnesses as identified by the investigator and review of relevant documents or other material evidence, including electronic documents, collected by the investigator.
  - 5.2.3. Based on the findings of fact, the investigator will make a determination as to whether the allegations constitute prohibited conduct and will determine any applicable remedial and corrective action.
  - 5.2.4. The investigator will prepare a written report of the investigation in a format outlined by the District which will include the names of all parties, relevant dates, a summary of findings and where applicable, it will include recommended corrective actions. If a designate has conducted the investigation, the Report will be provided to the Secretary Treasurer, Principal, Vice-Principal or Supervisor as appropriate for decision as to the outcome.
  - 5.2.5. Investigation documentation and records will be submitted to and confidentially maintained by the Manager, Health and Safety.
- 5.3. When the Respondent is the Superintendent
  - 5.3.1. The Secretary Treasurer may receive a form from a Complainant directly when the allegations relate to conduct of the Superintendent.
  - 5.3.2. Without undue delay, the District will engage an external independent investigator.
  - 5.3.3. Investigation documentation and records will be submitted to and confidentially maintained by the Office of the Secretary Treasurer.
- 5.4. In all circumstances where an investigation is conducted
  - 5.4.1. The District will ensure that the investigation processes applied are timely, and consistent with due process and any applicable legislated or provincial policy requirements.
    - 5.4.1.1. Those involved with an investigation will maintain confidentiality of related information and will share such information only as necessary to ensure that the investigation is fair, to address the outcome of any investigation, including the implementation of any corrective or disciplinary measures or other recommendations, and as may otherwise be required by legislation or enforceable order.

- 5.4.2. When a formal investigation is completed, the Complainant and Respondent will be notified of the conclusion and outcome of the investigation and appropriate remedial steps will be taken by the District.
- 5.4.3. Participants in an investigation are expected to cooperate fully and truthfully in any investigation process undertaken by the District.
- 5.4.4. For District employees, subject only to any applicable grievance process, the decision of the District in respect of the outcome of a complaint is final and not subject to appeal.

## 6. Remedial Steps and Consequences

- 6.1. All conduct that is found to constitute a breach of this Administrative Procedure will be addressed by attempting to remedy the harm caused and prevent further harm. This may include:
  - 6.1.1. Introduction of procedural safeguards including limitations on conduct;
  - 6.1.2. Restorative processes;
  - 6.1.3. Counselling or mediation;
  - 6.1.4. Conflict resolution or other applicable training;
  - 6.1.5. Shifts in work assignment or organization;
  - 6.1.6. Corrective or disciplinary action as appropriate, up to and including termination of employment;
  - 6.1.7. Application of the School Act;
  - 6.1.8. Measures under the Student Code of Conduct.
- 6.2. Any person who makes knowingly false, frivolous, malicious or reckless allegations of prohibited conduct will also be subject to appropriate remedial steps and consequences.

## 7. Confidentiality

- 7.1. All persons to whom this Administrative Procedure applies are expected to respect and preserve the confidentiality of any complaint and process brought under this Administrative Procedure.
- 7.2. Confidentiality of any complaint or process under this Administrative Procedure will be maintained to the extent possible and information will be disclosed only to the extent necessary to carry out procedures provided for within this Administrative Procedure, including the conduct of a fair investigation and the implementation of corrective and remedial measures, and where disclosure is required under lawful authority. In all circumstances, only the minimum amount of information required will be disclosed.
- 7.3. A breach of confidentiality may result in discipline or other corrective action as appropriate.

Reference: Sections 20, 22, 65, 85, 177 School Act  
Human Rights Code  
Workers' Compensation Act  
Occupational Health and Safety Regulation  
Collective Agreements

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