

AP 420 Respectful Workplaces

Policy 420 Workplace Harassment and Discrimination



RATIONALE:

School District No. 27 (Cariboo-Chilcotin) is committed to ensuring a respectful work and learning environment where all individuals are treated with respect and in a manner that is free from discrimination, harassment, bullying and retaliation. Every employee has the right to work in an atmosphere that promotes equal opportunities, and that is free from discrimination, bullying and harassment.

PROCESS:

1. Definitions

- 1.1 **Bullying and Harassment:** inappropriate conduct or comment by a person towards an employee that the person knew or reasonably ought to have known would cause another employee to be humiliated or intimidated. This excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

Examples of conduct or comments that may constitute Bullying and Harassment include, but are not limited to:

- Repeated jokes, insults, or innuendoes
- Persistent teasing
- Threats or intimidation
- Cyber bullying
- Verbal or Physical abuse
- Spreading malicious gossip, rumors
- Offensive or inappropriate comments, gestures, materials
- Unwelcome sexual advances
- Use of sexually suggestive or demeaning language, especially when another person indicates that it is offensive

- 1.2 **Discrimination:** defined by the BC Human Rights Code, is based on, or related to, indigenous identity, 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.

- 1.3 **Sexual Harassment:** any conduct, comments, gesture or contact of a sexual nature that is unwelcome, likely to cause offence or humiliation to an employee, detrimentally

affects the work environment or a condition has been placed on employment or on an opportunity for training or promotion.

- 1.4 **Person:** includes any individual, whether or not employed by the district. A 'person' could be a parent, student, contractor, or member of the public that employees have contact with in the workplace.
- 1.5 **Complainant:** an employee who believes they have observed or been subjected to discrimination or bullying and harassment in the workplace.
- 1.6 **Respondent:** a person in the workplace against whom a complaint or discrimination and/or bullying and harassment has been made.

2. Responsibilities

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

2.1 All employees must:

- 2.1.1 Refrain from engaging in discrimination or bullying and harassment.
- 2.1.2 Report any discrimination or bullying and harassment that is observed or experienced using the district's reporting procedures.
- 2.1.3 Enforce and comply with the policy and procedures.

2.2 Supervisors/Managers/Principals are expected to:

- 2.2.1 Take all reasonable steps to ensure the health and safety of workers under their supervision, including by taking reasonable action to prevent where possible, or otherwise minimize workplace bullying and harassment and discrimination.
- 2.2.2 Enforce and comply with the policy and procedures.
- 2.2.3 Ensure staff at their school/site have received the Respectful Workplace Training and are aware of the requirements to comply with these policies and procedures.
- 2.2.4 Liaise with Human Resources to undertake and participate in investigations.

2.3 School District No. 27 (Cariboo-Chilcotin) will take all reasonable steps to prevent where possible, otherwise minimize workplace discrimination and bullying and harassment by:

- 2.3.1 Apply and enforce the policy and procedures and ensure that all employees are informed about the policy and procedures.

- 2.3.2 Provide appropriate training to supervisors/managers/principals and employees in respect of standards of acceptable workplace conduct and the concepts of discrimination, bullying and harassment.

3. Reporting Discrimination and Bullying or Harassment

- 3.1. **Informal Resolution:** An employee who feels they have been subject to or has observed discrimination or bullying and harassment in the workplace (the “complainant”) is encouraged to approach the alleged harasser and make it known of their disapproval/unease and ask them to stop.

This is often the simplest and most effective way to end the discrimination or bullying and harassment. However, the complainant is not obligated to confront the alleged harasser.

If the employee feels uncomfortable about approaching the alleged harasser, they are to speak to their manager/principal/supervisor. If the alleged harasser is the employee’s manager or supervisor, the employee is to contact the Director of Human Resources.

If there is more than one incident, keep a written record of the dates, times, nature of the behaviour and any witnesses.

- 3.2 **Formal Complaint:** A formal complaint may be made verbally or in writing, but it should be made as soon as possible to facilitate early investigation or resolution.

When submitting a written complaint, employees are encouraged to use the school district Workplace Report Form (*AFP_420 Respectful Workplace Complaint Form*). When reporting verbally, the reporting contact, with the complainant, will complete the district form.

Employees should report any incidents or complaints to their principal/ /manager. The principal/manager will notify the Director of Human Resources.

If the complainants’ supervisor is the person engaging in the bullying and harassing behaviour, the complainant will contact the Director of Human Resources.

Employees are encouraged to provide as much information as possible in the report, such as the names of people involved, witnesses, location of events, dates, and what behaviour and/or words that led to the complainant. Any supporting documents should be included. Supporting documents may include, but are not limited to emails, handwritten notes, photographs, text messages, vandalized belongings.

4. Investigation

The complaint will initially be investigated by the principal/manager by bringing the parties together to try to resolve the issue. After meeting with the principal/manager if the issue is not resolved, the worker will provide a formal complaint in either a written or verbal statement to the principal/manager. If the employee's supervisor/manager is the person engaging in the bullying and harassing behaviour, the employee will contact the Director of Human Resources.

Complaints will be reviewed by the Director of Human Resources, and all complaints that fall within the scope of the definitions of discrimination or bullying and harassment will be investigated via these procedures. Where a complaint does not fall within the scope of these definitions, the complainant will be notified by the Director of Human Resources of the reasons and the next steps, depending on the circumstances.

The Secretary-Treasurer is responsible for ensuring workplace investigations are followed. Workers are expected to cooperate with investigators and provide any details of the incidents they have experienced or witnessed. The Human Resources department will coordinate and/or conduct investigations and provide a written report with conclusions to the Secretary-Treasurer.

Investigations may be conducted internally or externally.

Investigations shall be fair, impartial, undertaken promptly and will be done as thorough as necessary, given the circumstances. Investigations will be conducted in manner that is sensitive to the parties involved and maintains confidentiality.

Both the complainant and the respondent are entitled to a fair hearing. The investigation will be focused on finding facts and evidence, and will include interviews with individuals involved, including witnesses, as well as any evidence, such as emails, handwritten notes, photographs, or any other physical evidence.

When a complaint of bullying and harassment under the policy and these procedures is the subject of an applicable collective agreement, the investigation and resolution process will be carried out in accordance with the collective agreement.

5. Follow-Up

The employee who has made a complaint of bullying and harassment will be advised of the investigation outcome by the Director of Human Resources or designate.

Following an investigation, the Secretary Treasurer may review and revise workplace procedures to prevent future bullying and harassment incidents in the workplace.

In appropriate circumstances, the employee may be referred to the employee and family assistance program or be encouraged to seek medical advice.

6. Remedial Steps and Consequences

If a complaint is found to have merit, then appropriate remedial or disciplinary action will be taken. This action may include education, further training, and formal disciplinary action up to and including dismissal of the offending person(s).

7. Confidentiality

Complaints and reports of discrimination or bullying and harassment involve confidential and sensitive matters. Confidentiality is required so those who may have experienced or observe discrimination or bullying and harassment will be free to come forward and the reputations and interests of those accused are protected.

All employees involved in a discrimination or bullying, and harassment complaint must maintain the confidentiality of any information they receive during the course of the investigation process. Any employee breaching confidentiality may be subject to disciplinary action, up to and including dismissal.

8. Retaliation

Retaliation of any kind against any employee who, in good faith, files a complaint of discrimination or bullying and harassment will not be tolerated.

9. Frivolous, Vexatious and Bad Faith Complaints

Complaints of discrimination or bullying and harassment are serious matters. Employees who are found to have made frivolous, vexatious, or malicious complaints of discrimination or bullying and harassment may be subject to disciplinary action, up to and including dismissal.

10. Annual Review

The Secretary-Treasurer will ensure that these procedures are reviewed annually in consultation with the JHSC. New employees will be provided with this Administrative Procedure as part of orientation and this document will be available on the District website.

11. Training and Education

The District will ensure respectful workplace training will be provided to all supervisors and workers to recognize, respond to, and report incidents or complaints of harassment and bullying.

The principal/manager will ensure that employees are trained on the policy, procedures including how to recognize, respond and report incidents or complaints on an annual basis.

12. Storage of Reports

The District expects that all employees will keep written accounts of incidents to submit with any complaints. The District will keep a written record of investigations, including the findings. All documentation related to the harassment investigation will be stored in a secure confidential file.

Link to form: [Respectful Workplace Complaint Form](#)