

4002: RESPECTFUL WORKPLACE (AP)

Approved: 15 04 28

ADMINISTRATIVE PROCEDURES

Bullying and harassment is not accepted or tolerated in any of School District 70 worksites. All workers will be treated in a fair and respectful manner. These procedures apply to all workers including permanent, temporary, casual, contract and student workers. It also applies to interpersonal and electronic communications.

1.0 BULLYING AND HARASSMENT DEFINED

Bullying and harassment include:

1. 1 any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated.

Sexual harassment includes:

1. 2 comments, looks, suggestions, physical contact, or real or implied action of a sexual nature which creates a negative working environment for the recipient, made by a person who knows or ought reasonably to know such behavior would be unwelcome or
1. 3 Any circulation or display of material that has the effect for creating a negative working environment or
1. 4 A real or implied promise of reward for complying with a request of a sexual nature.
1. 5 A sexual advance made by a person in authority over the recipient that includes or implies a threat or a denial of an opportunity which would otherwise be granted or available.

Bullying and harassment does not include:

1. 6 Any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment

2.0 REPORTING, INVESTIGATION AND REMEDY

If the matters covered by this policy are covered under a dispute resolution in a collective agreement, that collective agreement process will be adhered to. If these matters are not covered by a collective agreement then the following process will be followed:

Reporting

Workers who believe they are being bullied or harassed as outlined in the 'definitions' section of this policy should take the following steps:

2. 1 To communicate directly and immediately to the person causing the unease that actions or behaviours are causing discomfort; or report the incident to a third party. The worker should maintain notes including the nature of the behavior, dates, times and witnesses.
2. 2 If the offending actions do not desist after direct communication, the worker must report the incident to his/her immediate supervisor. If the alleged harasser is the immediate supervisor then the report must be directed to the Superintendent of Schools or designate. Unionized employees may be accompanied by another union employee and excluded staff may be accompanied by another excluded staff member.
2. 3 At all times, incidents of a serious nature (ie. threats of bodily harm, sexual touching) must be reported to an immediate supervisor or in the event the immediate supervisor is involved, to the Superintendent of Schools or designate.
2. 4 If the alleged harasser is the Superintendent of Schools, the report should be directed to the Chair of the Board of Education.
2. 5 In the event the alleged harasser is not an employee of the school district, the complainant shall report the incident(s) to their direct supervisor.

Investigation

2. 5 Reports of bullying and harassment shall be handled in confidence and as quickly as possible.
2. 6 In the event the alleged harassment involves a person who is not an employee of the school district, the supervisor shall investigate the behavior and, if the harassment is proven, the employer shall appropriately address the behavior and develop procedures to ensure the bullying or harassment is prevented or minimized.
2. 7 Supervisors (in consultation with the Superintendent of Schools or designate), the Superintendent of Schools or designate or the Board of Education Chair may refer the complaint to a third party to undertake an investigation and prepare a report.
2. 8 In some cases the immediate supervisor or Superintendent of Schools or designate may choose to involve representatives of the union to resolve the

matter, particularly if the complainant and the defendant are both from the same union.

- 2. 9 If the complainant consents, a dispute resolution meeting may take place in order to resolve the issue that is satisfactory to the complainant and alleged harasser.
- 2. 10 The name of the complainant or the circumstances of the complaint will not be disclosed to any person except where it is necessary to the investigation, where it is necessary for disciplinary actions or where it is allowed by law. No documentation of the complaint will be placed in the complainant's personnel file.
- 2. 11 If the investigation finds no basis for the complaint, there will be no documentation placed in the alleged harasser's file.
- 2. 12 In all cases, an investigation will allow the alleged harasser to address all the issues presented and to have those explanations properly considered.
- 2. 13 At any time during the course of the investigation the parties may reach resolution or settlement of the issue. A mediator may be used should both parties agree. Any resolution or settlement agreement will be in writing and signed by both parties.

Resolution

Resolution agreeable to the complainant and harasser are the ultimate goal of any investigation and subsequent resolution phase. It is understood, however, that should an investigation result in a finding of harassment or bullying then appropriate corrective or disciplinary actions may take place such as:

- 2. 14 disciplinary action including warnings, suspension and dismissal.
- 2. 15 Transfer.
- 2. 16 re-assignment or schedule changes.
- 2. 17 In the event the harasser is a student, apply student discipline policies.
- 2. 18 In the event the harasser is not an employee or a student, implement procedures to minimize or prevent the bullying or harassment.

Along with actions specific to the harasser, the school district may:

- 2. 19 educate and train individuals or groups.
- 2. 20 monitor the behavior of individuals or groups in the workplace.
- 2. 21 employ any strategy designed to eliminate or prevent bullying or harassment in the workplace.
- 2. 22 revise procedures related to workplace bullying and harassment.

Complainants

- 2. 23 Should the Superintendent of Schools or designate or the Chair of the Board of Education conclude during the investigation that the complaint was not made in good faith then appropriate disciplinary actions may be taken against the complainant.

2. 24 Complainants with legitimate concerns who follow correct procedures will not be subject to threat of reprisal or discipline.

Communication and Review

These procedures will be communicated with all staff in the District at the beginning of each school year. The Superintendent or designate will review the procedures each year to ensure compliance with provincial and federal legislative requirements.

P 711: Health and Safety: Violence in the Workplace