

RESPECTFUL WORKPLACE

Background

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

The board does not tolerate bullying or harassment and encourages all employees, parents, volunteers, contractors or other adults involved in the working or learning environment to speak up if they feel like they are being treated disrespectfully or subjected to bullying or harassment. The intent of this operational procedure is to ensure that the problems individuals are facing are accurately identified as early as possible and resolved in a timely, respectful and effective manner.

Procedure

Everyone is responsible for a respectful workplace.

1. The Board of Education is responsible for:

- 1.1 Supporting an environment respectful of human rights and free from bullying and harassment; and
- 1.2 Understanding and communicating with members of the community about the respectful workplace operational procedure.
- 1.3 Ensuring that the procedure is reviewed annually and updated as required.

2. The superintendent and senior management team are responsible for:

- 2.1 Implementing the respectful workplace operational procedure and ensuring that the provisions of this procedure are communicated to all stakeholders such that,
 - 2.1.1 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;
 - 2.1.2 If bullying or harassment occurs, the process to resolve it is understood and utilized to resolve the problem in a timely and effective manner.
- 2.2 Ensuring appropriate training is provided to all employees on the respectful workplace operational procedure.
- 2.3 Participating in investigations and the administration of corrective disciplinary action as appropriate.
- 2.4 Reviewing annually and recommending updates to the procedure as required.

3. Principals and managers are responsible for:

- 3.1 Communicating and reviewing this procedure with the staff they supervise or manage;
- 3.2 Formulating, communicating and enforcing work requirements and behavioural expectations;
- 3.3 Conducting or arranging for investigations into complaints under the respectful workplace procedure;
- 3.4 Mediating or arranging for mediation for resolution of complaints as appropriate; and
- 3.5 Administering corrective disciplinary action.

4. Human Resources is responsible for:

- 4.1 Providing consultative services to superintendents, principals and managers in managing respectful workplace complaints;
- 4.2 Determining if the complaint is best handled under this procedure, or if it is a matter better dealt with through other board or collective agreement processes such as, but not limited to, performance management, professional misconduct and progressive discipline or harassment complaints under the applicable collective agreement or contract and,
- 4.3 Conducting investigations, or assisting in the investigation of complaints;
- 4.4 Providing or arranging for training in respectful workplace procedures.

5. All employees are responsible for:

- 5.1 Being aware of, and sensitive to issues of bullying and harassment, and taking proactive steps to encourage respectful, courteous behaviour with staff and students;
- 5.2 Demonstrating professional and positive behaviour consistent with individuals who are responsible for the safety, learning and well-being of staff and students;
- 5.3 Conducting themselves in a professional manner that meets the accepted standards of practice and the spirit and intent of this policy, including in the use of electronic communication;
- 5.4 Accessing the complaint procedure if they observe or experience bullying or harassment in the working or learning environment;
- 5.5 Co-operating in the investigating of complaints, and working to achieve resolution at the earliest possible stage.

6. Definitions

- 6.1 Bullying and harassment as per the WorkSafeBC Occupational Health and Safety Regulation,
 - 6.1.1 Includes 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 offended or intimidated, but
 - 6.1.2 Excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

- 6.1.3 For further detailed descriptions and procedures, refer to the applicable collective agreement or contract.
- 6.2 Mediation – involves an unbiased third party acting as facilitator in direct communication between the parties who voluntarily agree to this process. It is an opportunity to resolve disputes in a mutually respectful manner at the early/site-based resolution phase of a complaint.
- 6.3 Confidentiality – information about a complaint will be shared only with those who need to know in order to facilitate the investigation process. The respondent(s) will be provided with a copy of the complaint and both parties will be provided with a copy of the findings at the end of the investigation. All participants in the investigation process are to keep the information in the process confidential. Union members may not disclose information to anyone other than their union representatives.
- 6.4 Standard of Proof – the standard of proof to be applied as to whether the reported event(s) occurred is the balance of probabilities. This means that on the evidence provided, the occurrence of the event was more likely than not. The standard used to determine what is reasonable in the procedure is the Black’s Law Dictionary, Ninth Edition definition of a reasonable person, which is as follows:
- “...a person who exercises the degree of attention, knowledge, intelligence, and judgement that society requires of its members for the protection of their own and of others’ interests. The reasonable person acts sensibly, does things without serious delay, and takes proper but not excessive precautions...”

7. Application

- 7.1 This procedure covers all individuals involved in the working or learning environment regardless of their role or function. This includes school district board employees, students, parents, volunteers, third parties doing business with the school district and members of the general public who interface with the school district. It is the expectation of the school district that all employees and persons invited to or visiting board property will strive to maintain the highest level of professional and personal courtesy and avoid any behaviours defined as harassment when interacting with any of the afore mentioned persons.
- 7.2 For school district employees, this policy does not supersede any provision of an applicable collective agreement.
- 7.3 Inappropriate behaviour by an adult toward a student is not covered by this procedure. The School Act, The Ministry of Education – Teacher Regulation Branch, Child, Family and Community Service Act and the district’s collective agreements will define and govern the standard of behaviour required by adults when dealing with students.
- 7.4 The conduct of the Board of Education is addressed in board governance policy Trustee Code of Conduct.
- 7.5 This procedure is not intended to address issues where the cause of the conflict or behaviour is based on a personal characteristic that is protected under the BC Human Rights Code. For example, if the inappropriate behaviour towards another person is based on homophobic or racist views, board policy Diversity, Equality, and Equity is the appropriate area to seek resolution.
- 7.6 This procedure excludes the legitimate exercise of management rights and any reasonable action taken by the district or supervisor relating to the management and direction of employees

or the place of employment including supervisory decisions involving work direction, evaluation, investigations and disciplinary action.

- 7.7 This procedure excludes the reasonable exercise of parent and student rights in bringing forward concerns about the treatment of students by employees when done in a respectful manner.
- 7.8 This procedure does not cover interpersonal conflicts or interpersonal relations, unless they are threatening, abusive or meet the definition of bullying or harassment.

8. Expected Respectful Behaviour

Every employee working with the school district has the right to a respectful workplace and learning community. In order to promote and sustain a workplace and learning community where all employees are treated and treat others with respect and dignity, regardless of their status or position, each employee is expected to abide by the following values and standards of interpersonal behaviour, communication and professionalism:

- 8.1 We respect and value the contributions of all members of our community, regardless of status or role in the organization;
- 8.2 We treat one another with respect, civility and courtesy;
- 8.3 We work honestly, effectively and collegially with employees and others;
- 8.4 We respond promptly, courteously, and appropriately to request from others for assistance or information;
- 8.5 We use conflict management skills, together with respectful and courteous verbal communication, to effectively manage disagreements among employees;
- 8.6 We encourage and support all employees in developing their individual conflict management skills and talents;
- 8.7 We have an open and cooperative approach in dealings with employees, recognizing and embracing individual differences;
- 8.8 We recognize the differing social and cultural standards may mean that behaviour that is acceptable to some may be perceived as unacceptable or unreasonable to others;
- 8.9 We abide by applicable rules, regulations, legislation, policies and collective agreement provisions, and address any dissatisfaction with, or violation of, these policies and procedures through appropriate channels;
- 8.10 We demonstrate commitment to a culture where all employees cooperate and collaborate in using best practices to achieve high work-related outcomes;
- 8.11 If we are in leadership positions, we model civility for others and clearly define expectations for how employees treat each other, and are responsive to complaints when they are brought forward.

Respectful Workplace Resolution Procedure

1. Early Site-Based Resolution of Complaint

- 1.1 Parties to a complaint are encouraged to attempt to resolve concerns at the earliest possible stage. Early site-based resolution is a process that provides an opportunity for parties to resolve a dispute in a respectful manner, without unnecessary escalation. In many cases, the person may not have realized their actions or comments were being taken as harassing or bullying and will stop if it is brought to their attention.
- 1.2 Any individuals who believe that they have been bullied or harassed may, at their option, if they feel comfortable in doing so, may:
- 1.2.1 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; and/or
 - 1.2.2 If, having chosen to approach the person(s) involved, the complainant finds that the behaviour does not stop or that the behaviour escalates; OR if the individual does not wish to address the person(s) involved directly, they may;
 - 1.2.3 Contact any of the following: their union representative, supervisor, school principal, human resources, superintendent, secretary-treasurer for advice and possible courses of action including possible mediation.
- 1.3 Where a site-based resolution has been found, supervisors, managers or administrators 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 employee's 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 who has responsibility for the area.
- 2.2 If the supervisor is the cause of the complaint, the complaint would be directed to that person's manager/director.
- 2.3 If the superintendent is the cause of the complaint, the complaint would be directed to the chair of the Board of Education and the CEO of BCPSEA, subject to the collective agreement provisions.
- 2.4 All parental complaints, relating to this policy in regard to an employee of the board, should be directed first to the school principal. If the complaint is about the school principal or vice-principal it should be directed to the superintendent.
- 2.5 Any behaviour of a violent, threatening or criminal nature will be reported and a formal complaint filed.
- 2.6 Any behaviour which results in an employee filing for a WorkSafeBC claim must be reported to human resources and a formal complaint filed. The employee is also advised to seek medical support.

Filing a Complaint

Any individual who believes that he/she has been bullied or harassed may file a formal complaint. A formal complaint must:

- 2.6.1 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 and be signed and dated.
- 2.6.2 Specify the name(s) of the person(s) involved if known;
- 2.6.3 Where appropriate, indicate the steps taken by the complainant to attempt to resolve the matter, prior to filing a formal complaint; and
- 2.6.4 Formal complaints must be filed no later than six months after the last event, which caused the complaint.
- 2.6.5 Anonymous complaints will not be investigated. The district is committed to safeguarding all employees willing to come forward from retaliation or reprisal.
- 2.6.6 Frivolous or vexatious complaints will be dealt with in an appropriate manner and could result in a finding of a violation of the procedure leading to discipline.

Investigating the Complaint

- 2.7 The superintendent or designate will conduct a confidential investigation of the complaint in order to determine the facts and assess whether the respectful workplace procedure has been breached.
- 2.8 Once a complaint has been received by the district, the superintendent or designate will review the complaint and contact the complainant within two business days.
- 2.9 The superintendent or designate will determine the appropriate investigator for the complaint which may include an outside investigator. Only those who need to know will be contacted and provided with 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.
- 2.10 Any individual named as a respondent in a complaint will be provided with a copy of the written complaint prior to their interview and, in addition to being interviewed, is encouraged to reply in writing to the allegations.
- 2.11 The investigation will proceed as quickly as possible and will not normally exceed four (4) weeks from the date of filing of the formal complaint unless otherwise specified in the applicable collective agreement.
- 2.12 The complainant and the respondent(s) will have a right to representation during the investigation process.
- 2.13 Both the complainant and the respondent(s) will receive copies of the findings, not disciplinary or other consequences, of the investigation.
- 2.14 If the complaint involves all employees, any resulting discipline will be retained in accordance with the provisions of the respective collective agreements.
- 2.15 If the finding is that there has been no breach of the procedure the record will be expunged unless otherwise requested by the respondent.

2.16 Complaints will not be considered under more than one board policy or operational procedure.

3. Resolution

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:

- Training for one or both parties
- Counseling for one or both parties including referral to the Employee and Family Assistance Program
- Strategies to restore a positive and respectful workplace and learning environment
- Restorative measures
- Transfer for one or both parties, subject to collective agreement language
- Disciplinary actions
- Exclusion from board property – in the case of a parent/guardian, visitor, contractor or other third party
- Termination of contract – for contractors
- Civil or criminal proceedings - for members of the public for acts against employees
- Where the complaint is not upheld, no further action and expunging of the record.

4. Retaliation

It is also considered a breach of this procedure to take retaliatory action against a person who raises a concern or files a complaint under the respectful workplace operational procedure.

5. Examples of Bullying and Harassment

All employees of the school district are expected to refrain from any form of bullying or harassment. In order to provide further guidance, some examples of bullying and harassment are included below. 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.

- 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 an 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 (i.e. via email or on Facebook)
- 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/her
- Personal insults and name calling
- Undermining or deliberately impeding a person’s work
- Withholding necessary information or purposefully giving wrong information
- Making jokes that a reasonable person would find offensive by spoken word, gestures, on paper or through electronic communication
- Intruding on a person’s privacy by spying or stalking
- Criticizing another person persistently
- Tampering with another person’s belongings or work equipment

- Persistently excluding or isolating someone socially
- Retaliation
- Addressing individual work performance issues in a public setting where others are present
- Setting unachievable and unrealistic work expectations
- Unfairly assigning unpleasant or undesirable tasks to one person on an ongoing basis