

3170 Respectful Workplace: Personnel Bullying and Harassment

Policy 3170

STATUS: **FOR REVIEW**

Respectful Workplace: Bullying and Harassment

Adopted: April 19, 2000

Last Revised: January 2014; May 27, 2015

Description:

The Board of Education for School District 59 is committed to creating and maintaining a respectful workplace. Where the school district is aware of circumstances that present a risk of bullying or harassment to staff from parents, students or other individuals, the school district will take action to prevent or minimize that risk. ~~In addition to this broad objective,~~ This policy is intended to comply with WorkSafe BC's policies on workplace bullying and harassment.

The Board considers bullying and harassment in any form to be unacceptable.

1. The Board is committed to a working environment that supports the following objectives:
 - a. A consistent understanding is developed regarding the proper and appropriate behaviour in dealing with others, including the ability to speak or act without offending;
 - b. Interactions between people are fair, professional and respectful;
 - c. Conflict, when it occurs, is resolved in a timely and effective manner.
2. Supervisor and Worker duties will include:
 - a. Not engaging in bullying and harassment of other workers, supervisors, or the employee;
 - b. Reporting bullying and harassment observed or experienced in the workplace;
 - c. Applying and complying with the employer's policies and procedures on bullying and harassment.
3. The Superintendent is responsible for ensuring that the provisions of this policy are communicated, understood and reviewed on an annual basis.
4. All participants engaged in School District activities are to conduct themselves in a manner that is courteous and respectful.
5. Individuals involved in the working environment are responsible for their actions and are accountable for their consequences. Individuals are responsible for ensuring that their actions and communication with others (including electronic communication) adheres to the spirit and intent of this policy.

6. Employees who are members of bargaining units are entitled to all of the rights and privileges of their respective Collective Agreements where they are not in conflict with WorkSafeBC policies and regulations.
7. Inappropriate behaviour between students is not covered by this policy. Standards for student behaviour are addressed in each school's Code of Conduct.
8. Inappropriate behaviour by an adult toward a student is not covered by this policy. The School Act, Teacher Regulation Branch, the District's Collective Agreements, Board Policy and Regulation 4360 – Student Discipline/Conduct, Board Policy and Regulation 4370 – District Code of Conduct and Board Policy 4075 – Diversity and Inclusion will define and govern the standard of behaviour required by adults when dealing with students.
9. The Board expects all parties involved in a complaint to deal with the complaint expeditiously, and to respect confidentiality.
10. The Board's policy on harassment and sexual harassment is not meant to inhibit interactions or relationships based on mutual respect and consent, or normal social contact between employees. This policy is not intended to restrict management staff from engaging in legitimate supervisory functions.

RESPECTFUL WORKPLACE: BULLYING AND HARASSMENT

Adopted: April 19, 2000

Last Revised: October 10, 2013; January 2014; May 27, 2015

Description:

This policy and regulation covers all adults involved in the learning or working environment regardless of their role or function. This includes Trustees, School District employees, parents, volunteers, third parties doing business with the School District and members of the general public who interface with the School District.

Examples of Policy Breaches:

In order to provide further guidance, the Board considers the examples listed below to be breaches of this policy:

1. Unprofessional or Disrespectful Comments or Actions:

When people come together to perform an activity, there may be incidents when an individual behaves inappropriately. Some examples of behaviour in the learning or working environment that would be inappropriate include:

- an action by any person which humiliates, insults or degrades another person;
- verbal abuse in any form, such as swearing at or displaying unnecessary shows of temper or anger toward another person;
- physical abuse /intimidation.

2. Workplace Bullying and Harassment includes any inappropriate conduct or comment by a person toward another person that is known or ought reasonably to be known to cause humiliation, intimidation or isolation in the learning or working environment. It usually involves repeated incidents or a pattern of behaviours that is intended to intimidate, offend, degrade or humiliate a particular person or group of people, but can also occur as an isolated incident. Some examples would include:

- spreading malicious rumours, gossip or innuendo that is not true;
- personal insults and name calling;
- excluding or isolating someone socially;
- intimidating a person;
- physically abusing or threatening someone;
- making aggressive or threatening gestures;
- undermining or deliberately impeding a person's work
- withholding necessary information or purposefully giving the 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 pestering, spying or stalking;
- criticizing another person persistently or constantly;
- tampering with a person's personal belongings or work equipment.
- objectionable conduct, comment, materials or display made on either a one-time or continuous basis that demeans, belittles, intimidates or humiliates another person;
- verbal abuse in any form, such as swearing at or displaying unnecessary shows of physical abuse or intimidation;
- the exercise of power or authority in a manner which serves no legitimate work purpose and which a person ought reasonably to know is inappropriate;
- behaviour, physical contact, electronic contact or real or implied action of a sexual nature which creates an uncomfortable working environment for the employee, and which employees know or ought reasonably to know is unwelcome;
- circulation or display of materials of a sexual nature, which have the effect of creating an uncomfortable working environment;
- a sexual advance or request, submission to or rejection of which is used as a basis for any employment decision (including, but not limited to matters of promotion, raise in salary, job security, or benefits affecting the employee);
- harmful hazing or initiation practices.

These actions can be overt and obvious or subtle, and would be considered by a reasonable person to be unacceptable.

3. Abuse of Authority

Individuals involved in District activities can be given responsibility and authority for the management of resources, including, people, financial and/or material resources. People in these positions are held to a higher standard of performance and are expected to exercise their authority in a fair and consistent manner. Examples of abuse of authority include:

- any of the behaviours noted previously in this regulation;
- addressing individual work performance issues in a public setting where others may hear;
- setting impossible deadlines that will set up the individual to fail;
- unfairly assigning unpleasant or undesirable tasks to one person.

People in positions of authority have difficult tasks to perform including assigning work, setting performance expectations, providing feedback and taking corrective or disciplinary action when necessary. These activities can create tension, but the legitimate exercise of this authority is expected.

Reasonable actions taken by an employer or a person in a position of responsibility that are related to the management and direction of people or the workplace are specifically excluded from WorkSafeBC's definition of bullying and harassment.

4. Cyber-Bullying

Cyber-bullying can occur through e-mail, text messaging, social networking, and websites. It can include sending derogatory or threatening messages to the target, or sharing personal and confidential messages or images. Many of the behaviours listed as breaches of this policy can occur through electronic means and will be treated the same as if they were in person.

Resolution Procedure

- See Resolution Procedure Flow Chart on the next page.
- Discussions in regards to this procedure are to be considered confidential by all participants. However, the parties need to be aware that confidentiality cannot be maintained in extreme cases where criminal activity may be involved.
- Remedial Action: Where a breach of this policy has been substantiated, an appropriate remedy will be provided to the person who has been subjected to inappropriate behaviour. Corrective action will be taken against the person(s) who has breached this policy. This may include education or training, denying access to School District facilities and activities, and/or in the case of District employees, discipline up to and including termination of employment.
- It is also considered a breach of this Policy to take retaliatory action against a person who raises a concern or files a complaint under this policy.
- The complainant, if dissatisfied with the outcome of the investigation, may choose to file a complaint under the terms of the B.C. Human Rights Code.
- This procedure is only for employees of SD 59. If a complaint is against a non-employee, the following procedure will be followed:

Complaint Against a Non-Employee

- 1) When a non-employee displays a pattern of conduct that is demeaning, intimidating or humiliating to an employee, or that violates the provisions of the B.C. Human Rights Code, the employee shall raise any concerns with their supervisor. The supervisor shall attempt to resolve the concerns.
- 2) Should the matter not be resolved and the pattern of conduct continues, the employee shall submit a written complaint to the Superintendent or designate.
- 3) The written complaint shall detail the specific behaviours which form the basis of the complaint, when and where the incident(s) occurred, the alleged violation, and the remedy sought.
- 4) The superintendent shall review the complaint and determine an appropriate course of action.
- 5) Any non-employee attending a meeting held in conjunction with the investigation or resolution of a complaint will be entitled to be accompanied by a representative.

Resolution Procedure Flowchart for Employees of SD 59

When an incident of bullying or harassment is experienced or witnessed

WorkSafeBC requires an employee to report an incident of bullying or harassment to their Supervisor, Director of Human Resources or Union Representative. Union Representatives have an obligation under WorkSafeBC regulations to report incidents of bullying and harassment to the District. An on-line reporting form is available in e-services under Health and Safety Reporting

