

SCHOOL DISTRICT NO. 53 (Okanagan Similkameen)

POLICY

No. D-6

Adopted: May 21, 2014
Amended: October 23, 2019
Reviewed: February 28, 2024

RESPECTFUL WORKPLACE

Preamble

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.

Policy

The Board does not tolerate bullying or harassment and encourages all employees, parents, volunteers, contractors or other adults to speak up if they feel like they are being treated disrespectfully or subjected to bullying or harassment. The Board expects that problems individuals are facing, are accurately identified as early as possible and resolved in a timely, respectful and effective manner.

References:

SOSTU Contract

CUPE Contract

Workers Compensation Amendment Act, 2011 (Bill 14)

SCHOOL DISTRICT NO. 53 (Okanagan Similkameen)

REGULATIONS

No. D-6

Adopted: September 24, 2014

Amended: October 23, 2019

Amended: February 14, 2024

Amended: February 28, 2024

RESPECTFUL WORKPLACE

Everyone is responsible for a respectful workplace.

1. 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, each employee is expected to abide by the following values and standards of interpersonal behaviour, communication and professionalism:

- We respect and value the contributions of all members of our community.
- We treat one another with respect, civility and courtesy.
- We work honestly, effectively and collegially.
- We respond promptly, courteously, and appropriately to requests from others for assistance or information.
- We use conflict management skills, together with respectful and courteous verbal communication, to effectively manage disagreements.
- We encourage and support individual conflict management skills and talents.
- We have an open and cooperative approach, recognizing and embracing individual differences.
- 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.
- We are committed to a culture of cooperation and collaboration in using best practices to achieve high work-related outcomes.
- Leadership staff model, civility for others, and clearly defined expectations for how employees treat each other, and are responsive to complaints when they are brought forward.
- We are committed to safeguarding all employees willing to come forward from retaliation or reprisal.

2. Application

- This policy covers all individuals involved in the working or learning environment regardless of their role or function. This includes school district 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 when interacting with Board employees.

- For school district employees, this policy does not supersede any provision of an applicable Collective Agreement.
- Inappropriate behaviour by an adult toward a student is not covered by this policy. The *School Act*, The Ministry of Education and Child Care – 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.
- The conduct of the Board of Education is addressed in Board *Policy A-4 Board Member Code of Conduct and Responsibilities*.
- This policy 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 F-14 Sexual Orientation and Gender Identity* is the appropriate area to seek resolution.
- This policy 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.
- This policy 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.
- This policy does not cover interpersonal conflicts or interpersonal relations unless they are threatening or abusive.

3. The Board of Education is responsible for:

- Supporting an environment that is respectful of human rights and free from bullying and harassment.
- Understanding and communicating with members of the community about the Respectful Workplace Policy.
- Ensuring that the policy is reviewed annually and updated as required.

4. The Senior Management Team is responsible for:

- Implementing the Respectful Workplace Policy and ensuring that the provisions of this policy are communicated to all stakeholders such that,
 - o 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; and,
 - o if bullying or harassment occurs, the process to resolve it is understood and utilized to resolve the problem in a timely and effective manner.
- Ensuring appropriate training is provided to all employees on the Respectful Workplace Policy and Procedure.
- Participating in investigations and the administration of corrective disciplinary action as appropriate.
- Reviewing annually and recommending updates to the policy as required.

5. Principals and Managers are responsible for:

- Communicating and reviewing this policy and related procedure with the staff they supervise or manage.
- Formulating, communicating and enforcing work requirements and behavioural expectations.
- Conducting or arranging for investigations into complaints under the Respectful Workplace Policy.
- Mediating or arranging for mediation for resolution of complaints as appropriate.
- Administering corrective disciplinary action.

6. Human Resources is responsible for:

- Providing consultative services to superintendents, principals and managers in managing respectful workplace complaints.
- Determining if the complaint is best handled under this policy, 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 teacher collective agreement.
- Conducting investigations or assisting in the investigation of complaints.
- Providing or arranging for training in respectful workplace procedures.

7. All employees are responsible for:

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

8. Definitions

- Bullying and harassment per the WorkSafeBC Occupational Health and Safety Regulations:
 - o 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,
 - o excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.
- 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.
- 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 and to not disclose it to anyone other than their union representatives.

- 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 policy 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 judgment 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. . . "

Respectful Workplace Resolution Procedures

1. Early/Site-Based Resolution of Complaint

- Parties to a complaint are encouraged to try to resolve concerns as soon as possible. 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.
- Any individual who believes that they have been bullied or harassed may, at their option if they feel comfortable in doing so:
 - o 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
 - o 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;
 - o contact their supervisor, principal, human resources, superintendent, secretary treasurer, or union representative for advice and possible courses of action including possible mediation.
- Where a site-based resolution has been found, supervisors, managers or principals 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 the employee's personnel file.

2. Formal Complaint

- 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. In the event that the complaint is about parent or student behaviour the complaint should be directed to the school principal.
- If the supervisor is the cause of the complaint, the complaint would be directed to the supervisor's manager/director.
- 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.

- Parent complaints about an employee should be directed to the principal. If the complaint is about the principal or vice principal it should be directed to the superintendent.
- Behaviour of a violent, threatening or criminal nature will be reported and a formal complaint filed.
- Behaviour which results in an employee filing a WorkSafeBC claim must be reported to human resources and a formal complaint filed and the employee should seek medical support.

Filing a Formal Complaint

- Any individual who believes that they have been bullied or harassed may file a formal complaint. A formal complaint must:
 - 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;
 - specify the name(s) of the person(s) involved if known;
 - where appropriate, indicate any steps taken by the complainant to attempt to resolve the matter, prior to filing a formal complaint; and
 - formal complaints must be filed no later than six months after the last event which caused the complaint.

Investigating the Complaint

- 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.
- 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.
- The superintendent or designate will conduct a confidential investigation of the complaint to determine the facts and assess if the Respectful Workplace Policy has been breached.
- 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.
- 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.
- The complainant and the respondent(s) will have a right to representation during the investigation process.
- Both the complainant and the respondent(s) will receive copies of the findings, not disciplinary or other consequences, of the investigation.
- If the complaint involves employees, any resulting discipline will be retained in accordance with the provisions of the respective collective agreements.
- If the finding is that there has been no breach of the policy, the record will be expunged unless otherwise requested by the respondent.
- Frivolous or vexatious complaints will be dealt with in an appropriate manner and could result in a finding of a violation of the policy leading to discipline.
- Complaints will not be considered under more than one Board policy or 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 after 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.
- Referral to the principal's review committee in cases involving student misconduct.
- 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 the record is expunged.

4. Retaliation

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 the Respectful Workplace Policy.

5. Examples of Bullying and Harassment

Employees of the school district must refrain from any form of bullying or harassment. 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.
- 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 items as an expression of anger, criticism, or threat, or in an otherwise disrespectful or abusive manner.
- Spreading malicious rumors, gossip or innuendo about a person.
- Making insulting or humiliating comments about the performance of an employee, in public or private, or an inappropriate manner or venue (including on email or on social media platforms).
- Patterns of deliberate exclusion, isolation or alienation of an employee from normal work interaction, such as intentionally excluding them from meetings.
- Repeatedly undermining an employee, including encouraging others to “gang up” on them.
- 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.