

POLICY

No. D.10

RESPECTFUL WORKPLACE

*Adopted: 97-03-10
Amended: 00-03-13
Reviewed: 06-03-02
Reviewed: 09-11-10
Amended: 11-03-08
Reviewed: 12-02-14
Reviewed: 13-01-08
Amended: 13-12-09
Amended: 14-04-14
Reviewed: 15-02-10
Reviewed: 15-11-09
Reviewed: 16-11-14
Reviewed: 17-11-13*

Policy

The Board of Education believes that the relationships and interactions between all Trustees, employees, students, and public must be based upon courtesy and respect. Employees have the right to a respectful workplace, free from bullying and harassment. This right is established through legislation, jurisprudence, administrative law, and collective agreements.

The Board of Education expects all employees to conduct themselves in the workplace in such a manner as to ensure that no other employee experiences bullying and harassment. Behaviour, which is identified as being bullying and harassing in nature, is unacceptable and will not be tolerated.

Individuals involved in the learning and working environment are responsible for their actions and are accountable for their consequences. Individuals are responsible for ensuring that their actions and communications (including electronic communication) adheres to the spirit and intent of this policy.

In addition, this policy is intended to comply with WorkSafeBC's policies regarding workplace bullying and harassment.

REGULATION

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Regulation

1. Employees must report incidents of bullying and harassment that are experienced or observed to their Supervisor.
2. The definition of bullying and harassment shall include:
 - a. 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; but,
 - b. excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.
3. Some examples of bullying and harassment would include:
 - spreading malicious gossip, rumours or innuendo;
 - personal insults and name calling;
 - excluding or isolating someone socially;
 - intimidating a person;
 - physically abusing or threatening someone;
 - making aggressive or threatening gestures;
 - undermining, sabotaging 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;
 - harmful hazing or initiation practices;
 - sexual harassment, which includes:
 - any comment, look, suggestion, physical contact, or real or implied action of a sexual nature which causes an uncomfortable working environment for the recipient, made by a person who knows or ought reasonably to know such behaviour is unwelcome;
 - any circulation or display of visual material of a sexual nature that has the effect of creating an uncomfortable working environment;
 - an implied promise of reward for complying with a request of a sexual nature;
 - a sexual advance made by a person in authority over the recipient that includes or implies a threat or an expressed or implied denial of an opportunity which would otherwise be granted or available and may include a reprisal or a threat of reprisal made after a sexual advance is rejected.

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4. Worker's Responsibilities

Every employee must take reasonable steps to protect his or her own health and safety as well as the health and safety of others. With respect to bullying and harassment in the workplace, employees have certain obligations that include:

- completing an online training module which addresses the duties and responsibilities of the employer and employees under WorkSafeBC and Board Policies and Regulations;
- not engaging in the bullying and harassment of others;
- reporting any bullying and harassing behaviours they experience or observe in the workplace, using the District's "Workplace Bullying and Harassment Complaint Form";
- applying and complying with Board policies and procedures.

5. Supervisor's Responsibilities

Supervisors must ensure the health and safety of all workers under their direct supervision. This includes:

- completing an online training module which addresses the duties and responsibilities of the employer and employees under WorkSafeBC and Board Policies and Regulations;
- not engaging in the bullying and harassment of others;
- ensuring members of their staff do not bully and harass others;
- applying and complying with Board policies and procedures on bullying and harassment.

6. Resolving Conflict and Concerns

Employees must make reasonable efforts to resolve concerns about bullying and harassment at the school or worksite level through discussion and open dialogue prior to making a formal report. The advice and support of supervisors, colleagues or advocates should be sought in this process. See Policy D.1, *Complaints Against Staff or Volunteers*, "Steps to Resolving Concerns or Complaints".

8. Reporting Incidents and Complaints

- i. Employees are to report any bullying and harassing behaviours, observed or experienced in the workplace, to their supervisor. If the supervisor is the person engaging in bullying and harassing behaviours, then the report should be forwarded to the Superintendent of Schools/Secretary-Treasurer.
- ii. Any complaint made by a parent or by a member of the public against an employee must be made in writing to the Superintendent of Schools/Secretary-Treasurer. If the complaint is against the Superintendent of Schools/Secretary-Treasurer, the complaint must be made in writing to the Board Chairperson. Accusations of bullying and harassment will be dealt with as quickly as possible.

9. Procedures for Dealing With and Investigating Incidents or Complaints

- i. Accusations of bullying and harassment involving:
 - unionized employees - will be dealt with under the terms and conditions of the employees' collective agreements, except where they are in conflict with WorkSafeBC's policies and regulations;
 - excluded staff - will be dealt with under the terms of their employment contract, except where they are in conflict with WorkSafeBC's policies and regulations;
 - trustees - will be dealt with as per WorkSafeBC's policies and regulations;

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- contract workers, non-certified persons on call and any other workers not already mentioned in this policy – will be dealt with as per WorkSafeBC’s policies and regulations;
 - students - will be dealt with under other Board policies: Policy E.24, *Student Discipline*, and Policy E.41, *Student Bullying*;
 - a person who interferes with or interrupts the proceedings of a school - the *School Act* will be invoked.
- iii. On receipt of the report of bullying and harassment, the Supervisor will undertake a preliminary investigation to make a determination as to whether the behaviour falls within the definitions of bullying and harassment and warrants further investigations. If determined that the behaviour does not fall within the definition, the employee will be so notified in writing. The person against whom the report of bullying and harassment has been made will also receive written notification of the Supervisor’s determination. Investigations are not to include a union representative or an OH&S Committee/Safety representative for reasons of confidentiality.
- iv. If the Supervisor determines that the report falls within the definition of bullying and harassment, he or she will:
- notify the employee of his/her determination of the report;
 - notify the person against whom the report has been made, providing a general statement about the nature of the report;
 - where the report is made against a teacher or support worker, advise the appropriate union that a report about a member has been made, with a general statement as to the nature of the report;
 - where appropriate, and where the employee consents, arrange a meeting with the alleged bully and harasser with a view to resolving the dispute on the basis of a resolution that is satisfactory to the complainant and bully and harasser;
 - conduct the investigation as confidentially, expeditiously and thoroughly as possible;
 - keep records of incidents, investigations and actions taken and share the results of the completed confidential report with those who need to know the result of the report.
- v. If the Supervisor determines that the matter should go to the Superintendent of Schools/Secretary-Treasurer for consideration and resolution, he/she shall make the referral. The Superintendent of Schools/Secretary-Treasurer may refer the report, where appropriate, to legal advisors, or others, to assist in determination of appropriate action to be taken in respect to the report. If the Superintendent of Schools/Secretary-Treasurer determines that the matter should go to the Board of Education for consideration and resolution, he/she will refer the matter to a closed meeting of the Board.
- vi. The Superintendent of the Schools/Secretary-Treasurer or the Board of Education will then decide the disposition of the report and any discipline that might follow. It may impose any of the following where it finds that bullying and harassment has occurred:
- education and training of individuals and/or groups;
 - monitoring the behaviour of individuals or groups in the workplace;
 - changes in the workplace including but not limited to transfers, reassignments and schedule changes;
 - corrective and/or disciplinary action ranging from warnings up to and including dismissal;
 - where necessary, banning non-employees from the premises;
 - other strategies designed to eliminate and/or prevent bullying and harassment; and,
 - any other remedies or penalties appropriate to the particular circumstances of the situation.

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Appeals from a decision may be made, where deemed necessary, through the Board of Education Appeals By-law No. 2.

- vii. At any time during the course of the investigation, the parties may reach resolution or settlement of the matter. Where both parties agree, mediation may be used to facilitate resolution. Records shall be kept and any resolution or settlement agreement reached shall be put in writing and signed by both parties. At this point, the process is discontinued.
 - viii. All those involved shall keep all stages of the investigation and subsequent processes confidential.
 - ix. In the case of a formal complaint of sexual harassment, the complainant and respondent will be required to attend investigative hearings. The School District will receive such a complaint uncritically, without bias and in a manner such as not to oblige the complainant to prove the allegations beyond a doubt. Rather, the version of the facts given by all parties involved will be carefully considered and a decision as to whether a complainant has been sexually harassed will be based on the likelihood that the incident occurred. In the interest of all concerned, confidentiality of any notification, information or investigation will be preserved. Information will be kept in a special file in the District Office, pending conclusion of the investigation.
10. No one governed by this policy shall be subject to reprisal, threat of reprisal or discipline for making a complaint that the individual reasonably believed to be valid.
11. Annual Review
- Each year, the Board of Education will review:
- its bullying and harassment policy statement;
 - its steps to prevent or minimize workplace bullying and harassment;
 - its reporting procedures;
 - its procedures for dealing with incident and complaints.

A current copy of this policy is always available at www.sd84.bc.ca, 'About SD84', 'Policy Manual'.

ADDENDUM

Policy D.10

Vancouver Island West School District 84 WORKPLACE BULLYING AND HARASSMENT COMPLAINT FORM

This form is for workers to report incidents or complaints of workplace bullying and harassment to their supervisor. If the supervisor is the person engaging in bullying and harassing behaviours, then the report should be forwarded to the Superintendent of Schools/Secretary-Treasurer.

Name and contact information of complainant

Name of alleged bully or bullies

Personal Statement

Please describe, in as much detail as possible, the bullying and harassment incident(s), including:

- the names of the parties involved
- any witnesses to the incident(s)
- the location, date and time of the incident(s)
- details about the incident(s)
- any additional details that would help with an investigation, including any supporting documents.

Please refer to "Reporting Procedures" on the back of this form.

Personal statement

Please use additional paper, if required.

Signature

Date

ADDENDUM

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Vancouver Island West School District 84 WORKPLACE BULLYING AND HARASSMENT REPORTING PROCEDURES

How to Report:

School District 84 employees can report incidents or complaints of workplace bullying and harassment either verbally or in writing. This form is to be used for written complaints. When reporting verbally, the supervisor, along with the complainant, will fill out this form.

When to Report:

Incident or complaints should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated and addressed promptly.

Reporting Contact:

Please report any incident or complaint to your supervisor, using the Workplace Bullying and Harassment Complaint Form. If your supervisor is the person engaging in bullying and harassing behaviours, then the report should be forwarded to the Superintendent of Schools/Secretary-Treasurer.

Alternate Reporting Contact:

If your supervisor is the person engaging in bullying and harassing behaviour, report to the Superintendent of Schools/Secretary-Treasurer.

What to Include:

Please provide as much information as possible in this report, such as the names of people involved, witnesses, where the events occurred, when they occurred, and what behaviour and/or words led to the complaint. Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted.

Annual Review:

These reporting procedures will be reviewed on an annual basis. All workers will be provided with a copy.

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Vancouver Island West School District 84 WORKPLACE BULLYING AND HARASSMENT INVESTIGATION FORM

This confidential form is to be used for investigating any bullying and harassment complaint(s) or incident(s).

Name of Complainant: _____
Name of Respondent: _____
Date: _____
Location: _____
Name of Investigator: _____

Person Interviewed	Other People Involved (e.g. alleged bully, witnesses)	Description of the Situation (dates, words, actions, etc.) and Impact (e.g. humiliated, intimidated)
Based on the investigation, did workplace bullying and harassment occur? Yes ____ No ____		
Reason(s) for this conclusion:		
Signature of Investigator:		Date:

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Vancouver Island West School District 84 WORKPLACE BULLYING AND HARASSMENT INVESTIGATION PROCEDURES

Investigation:

A bullying and harassment investigation shall:

- i. be undertaken promptly and diligently and be as thorough as necessary, given the circumstances;
- ii. be fair and impartial, providing both the complainant and respondent fairness in evaluating the allegation(s);
- iii. be sensitive to the interests of all parties involved, and maintain confidentiality to the extent possible under the circumstances;
- iv. be focused on finding facts and evidence, which should include interviews with the complainant, respondent, and any witnesses;
- v. incorporate, where necessary, any need or request from the complainant or respondent for assistance during the investigation process.

Purpose:

The purpose of the investigation is to determine what happened. The investigation should allow all affected parties to express their views and provide evidence to the investigator.

Details:

Details of the incident(s) or complaint(s) should be gathered and recorded on this investigation form using the following approach:

- i. determining whether the alleged behaviour meets the definition of workplace bullying and harassment as outlined in District Policy D.10, Respectful Workplace;
- ii. meeting with each party separately to explain the investigation process;
- iii. gathering evidence by speaking separately with both the complainant and the respondent and if they do not agree, interviewing witnesses or other involved parties and collecting all evidence including email, handwritten notes, or other records that can help inform the investigation;
- iv. reviewing the evidence and carefully considering whether the behaviour meets the definition of bullying and harassment;
- v. discussing the findings by meeting separately with both the complainant and the respondent, confidentially, to explain the investigation's findings;
- vi. taking corrective action to fully address the incident and ensure that future bullying and harassment is prevented or minimized in the workplace;
- vii. keeping a record of the investigation including the complaint details, summary of interviews, supporting documents, outcomes and findings, and record of actions taken to respond to the complaint.