

## Respectful Workplace

The Board of Education believes all employees have a right to work in an environment free from harassment, and to be treated with dignity and respect.

The Board of Education will ensure that Mission Public Schools has a fair and safe process for addressing harassment in a timely and confidential manner.

### Staff Responsibilities

Individuals are responsible for understanding what harassment is, its ramifications and ensuring that the workplace is harassment free.

Individuals are responsible for conducting themselves in a respectful and appropriate manner at the workplace and at work-related gatherings. Employees are also expected to represent Mission Public Schools in a professional manner at all times. Individuals are responsible for attempting to resolve personal differences in the workplace in a respectful manner.

Supervisors and employees have a responsibility to create and maintain a work environment free of all forms of harassment. Because of this obligation, an investigation of harassment may be conducted regardless of whether or not a complaint has been lodged.

Supervisors and/or the Superintendent of Schools (or designate) shall take all complaints of harassment or discrimination seriously, addressing them in a timely manner and seeking help as necessary to assist in the resolution of complaints.

Nothing in this procedure is intended to reduce the rights and responsibility of a supervisor or the Superintendent of Schools (or designate), as appropriately and in good faith, manage the work performance of individuals in their workplace.

### Harassment is behaviour that:

- Denies individual dignity and/or respect.
- Detrimentially affects employees within the work environment.
- Has adverse job-related consequences (such as job security or career advancement)

### Harassment is not behaviours that are:

Consensual Banter or Relationships – Two or more employees bantering back and forth is not harassment if everyone involved was in agreement. But if any employee feels uncomfortable with this behaviour and the behaviour continues even after that person has expressed their discomfort, or if the others involved should have known the person was uncomfortable, then it can be harassment. This type of harassment can create what is known as a “poisoned work environment”; where employees do not feel safe and feel consistently humiliated.

Employees flirting with each other, or becoming involved in a romantic or sexual relationship, are not harassing each other as long as the relationship is consensual. If one of the employees changes her or his mind, and the other person persists in trying to continue the relationship, it is harassment.

Legitimate Management Interventions – Appropriate performance reviews, counseling, coaching and discipline are not harassment.

## Types of Workplace Harassment

Harassment of a person or group/class of persons can include but is not limited to:

- Verbal abuse or threats, bullying, coercion, taunting.
- Unwanted physical contact such as touching, patting, pinching, punching, massaging.
- Sexual advances and or requests for sexual favours.
- Suggestive or offensive comments or gestures emphasizing sexuality, sexual identity or sexual orientation (including lesbian, gay, bisexual, transgender, questioning).
- Unwelcome, derogatory, or demeaning comments, innuendoes, jokes, name-calling or slurs.
- Derogatory or demeaning posters, pictures, cartoons, graffiti or drawings.
- Practical jokes which cause awkwardness or embarrassment.
- Abuse of authority.
- Exclusion.
- Malicious gestures or actions such as leering, staring, tripping.
- Any inappropriate comment or action based upon discriminatory grounds (see definition page 1).
- Criminal or summary conviction offence unrelated to employment or intended employment.

## Guidelines for Addressing Harassment

### **Informal**

Keep records noting dates, times, locations, witnesses and number of incidents. Complainants are encouraged to make known to the alleged harasser that their conduct is unwelcome and that it should cease immediately. The complainant may engage the help of a co-worker or supervisor to advise the alleged harasser that their conduct is unwelcome and that it should cease immediately.

If this is not successful in stopping the behaviour, the complainants should continue through the formal process. If Complainants are uncomfortable or feel unsafe in approaching the alleged harasser directly, then they should continue through the formal process.

### **Formal**

If the behaviour does not stop after trying the informal process as outlined above, the employee should report the incident in accordance with the following:

- The Superintendent of Schools or designate will advise the employee accused of engaging in the harassment that there has been a complaint, that the matter is being investigated, and that no threats or reprisal against the complainant will be tolerated.
- Harassment investigations may be conducted by the Superintendent of Schools or designate or by an outside consultant. During the investigation, every effort will be made to treat the matter expeditiously and with the utmost in confidentiality.
- Members of the Mission Teachers' Union will address formal harassment issues in accordance with the Provincial Collective Agreement.
- Members of CUPE Local 593 will address formal harassment issues in accordance with the Collective Agreement.
- Harassment issues involving students will be addressed in accordance with the [Student Conduct Standards and Behaviour Management Administrative Procedure #114](#).
- Exempt employees will address formal harassment issues in consultation with their immediate supervisor. Should their supervisor be the harasser, in consultation with the Superintendent of Schools (or designate).
- Administrators will address harassment issues in consultation with the Superintendent of Schools (or designate); or if the Superintendent is the harasser, in consultation with the Associate Superintendent, Human Resources who will consult with the BCPSEA.
- If the complaint is substantiated in any way, appropriate action will follow. Non-disciplinary action or discipline could include any or a combination of:
  - Education
  - Counseling
  - Verbal discussions
  - Letter of Expectations
  - Disciplinary letter
  - Transfer to another worksite
  - A suspension without pay
  - Termination of the harasser's employment

### False Complaints

If the complaint is not substantiated, and it is determined that the complainant deliberately made a false accusation or acted in a vexatious manner, action (as outlined above) may be taken against the complainant.

### Harassment from Outside Individuals

Harassment from individuals who are not employees such as contractors, parents etc. is treated just as seriously as harassment within the organization. However, it is recognized that the Employer must deal with it differently. An employee feeling harassed by a non-employee is to report the situation to his/her direct supervisor. If the employee making the complaint is in the same physical area of the alleged harasser, then he/she is to, if possible, leave the area immediately and notify his/her direct supervisor. It is expected that the employee will not deal directly with the alleged harasser. The employer will take appropriate action to ensure that the harassment is stopped.

*Notations:*

1. *Nothing in this procedure shall restrict an employee's legal or civil rights to file a complaint with the BC Council of Human Rights, the Union or any other legislative body.*
2. *This procedure must be followed in light of the applicable collective agreement. Where the procedure and the collective agreement differ, the procedure outlined in the collective agreement will supersede.*
3. *Harassment may also fall under Violence in the Workplace. There are specific WorkSafe BC regulations related to this issue.*

**Date Adopted: February 2007**

**Date Amended: April 2011**

*Definitions:*

- **Harassment Within the Human Rights Act** – any comment or conduct that is known or ought reasonably to be known to be unwelcome, that denies individual dignity and/or respect on any of the **discriminatory grounds** contained in the BC Human Rights Code.
- **Discriminatory Grounds** – Race, Colour, Ancestry, Place of origin, Religion, Marital Status, Family Status, Physical or Mental Disability, Sex, Sexual Orientation, Age, Criminal or summary conviction offence unrelated to employment or intended employment.
- **Workplace Harassment Outside of the Human Rights Act** – any comment or conduct that is known or ought reasonably to be known to be unwelcome, which serves no legitimate work related purpose and has the effect of creating an intimidating, humiliating, hostile or offensive work environment.
- **Poisoned Work Environment** – where there is a focused pattern of behaviour or a broader systemic problem that exists and is tolerated, participated in, or condoned by those employees in the workplace; and that creates an environment that harasses or causes persons in the environment to be treated with disrespect or discrimination as prohibited in accordance with the above; and the manager/supervisor participates and/or condones and/or takes no action to end the harassment; it shall be acknowledged as a poisoned work environment.
- *Note: Harassment may consist of one incident or repeated incidents.*

**Cross Reference:** [Student Conduct Standards and Behaviour Management Administrative Procedure #114](#)

**Resources:** BC Human Rights Codes