

<b>Section:</b>	<b>Human Resources</b>	
<b>Title:</b>	<b>Respectful Workplace: Anti-Bullying, Harassment, &amp; Discrimination</b>	<b>2.2.1</b>

## Purpose

To outline the procedures for reporting, investigating, and addressing incidents or complaints of workplace bullying, harassment, discrimination based on *discriminatory grounds*, or other incidents that impact a Workers' right to work in a safe, personally secure and respectful workplace.

## General Guidelines

1. These procedures apply to Workers of Mission Public Schools.
2. Workers have the right to work in an environment free from bullying, harassment, or discrimination, and to be treated with dignity and respect, including interpersonal and all forms of electronic communications.
3. Managers, supervisors, and Workers are responsible for creating and maintaining a work environment free of all forms of bullying, harassment, and discrimination.
4. Workers are responsible for understanding what bullying, harassment, and discrimination is.
5. Workers are responsible for conducting themselves in a respectful and appropriate manner at the workplace and at work-related gatherings.
6. Workers must not bully, harass, or discriminate against other Workers, Students, or others that interact with Mission Public Schools, and must comply with the Board policy and the administrative procedures addressing bullying, harassment and discrimination.
7. Workers must attempt to resolve personal differences in the workplace in a respectful manner.
8. Workers are encouraged to make known to other persons that any bullying, harassing or discriminatory conduct is unwelcome and that it should cease immediately. The Worker may engage the help of a co-worker or supervisor to advise the other person.
9. Workers must report incidents of bullying, harassing, or discriminatory actions and/or comments that they observe or experience.
10. Managers and supervisors are responsible for investigating incidents of bullying, harassment or discrimination they are informed of, whether a formal complaint has been submitted or not.
11. Managers and supervisors must take all incidents of bullying, harassment or discrimination seriously, addressing them in a timely manner, and assisting with the investigation and resolution as necessary.
12. Incident investigations must be conducted in a manner that is fair, timely and confidential to protect the personal security of others.
13. Nothing in this procedure is intended to reduce the rights and responsibility of a manager or supervisor, acting appropriately and in good faith, to manage the work performance of individuals in their workplace.
14. New Workers must review the Board Policy and the Administrative Procedures to address incidents of bullying, harassment and discrimination as they begin working for Mission Public Schools.
15. Every year, Workers must review the Board policy and the administrative procedures to address incidents of bullying, harassment and discrimination.

## Other Guidelines – Students and non-employees

1. Complaints involving students will be addressed in accordance with the *Student Conduct Standards and Student Behaviour Management Administrative Procedures*.
2. Complaints involving individuals who are not employees such as contractors, parents etc. are to be treated just as seriously as harassment within the organization.
  - a. An employee feeling bullied or harassed by a non-employee is to report the situation to their direct manager. If the employee making the complaint is in the same physical area of the alleged bully or harasser, then they are to leave the area immediately, if possible, and notify their direct supervisor. The employee is not expected to deal directly with the alleged bully or harasser. The employer will take appropriate action to ensure that the bullying and harassing behavior stops, or the non-employee will be barred from Mission Public School District property.
  - b. A non-employee feeling bullied, harassed or discriminated against by a Mission Public School District employee is to report the situation to the manager of Mission Public Schools that they report to, or to the Secretary Treasurer or Superintendent. The non-employee is not expected to deal directly with the alleged bully or harasser. The employer will take appropriate action to ensure that the bullying and harassing behavior stops and will address the complaint in accordance with this procedure.

## Definitions

1. *Bullying, Harassment and Discrimination (based on Discriminatory Grounds)* includes any inappropriate conduct or comment by a person towards a Worker that the person knew or reasonably ought to have known that would cause the worker to be humiliated or intimidated, is unwelcome and would deny the Worker individual dignity and/or respect. This includes any comment or conduct which serves no legitimate work-related purpose and has the effect of creating an intimidating, humiliating, hostile or offensive work environment. It also includes any comment or action that denies the other person individual dignity and/or respect that detrimentally affects Workers within the work environment, or has adverse job-related consequences, such as job security or career advancement.
2. A *Poisoned School/Work Environment* is where there is a focused pattern of bullying, harassment or discriminating behaviour, including a broad systemic problem that is tolerated, participated in, or condoned, and where no action is taken to end the bullying, harassing or discriminatory behavior.
3. *Discriminatory Grounds* are, in accordance with the *BC Human Rights Code*, grounds on which prescribed discriminatory actions cannot be based upon and includes: Race, Colour, Ancestry, Place of Origin, Political Belief, Religion, Marital Status, Family Status, Physical or Mental Disability, Sex, Sexual Orientation, Age, Gender Identity or Expression, or a Criminal or summary conviction offence unrelated to employment or intended employment.
4. *Worker* includes any employee, contractor or volunteer working for Mission Public Schools, including permanent, temporary, casual and student Workers.

## Examples

General examples of conduct or comments that might constitute bullying, harassment or discrimination include verbal aggression or insult, calling someone derogatory names, harmful hazing or initiation practices, isolating employees, vandalizing personal belongings, inappropriate use of authority, and spreading malicious rumours.

1. Specific examples that constitute bullying, harassment, or discrimination
  - 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.
  - Malicious gestures or actions such as leering, staring, tripping.
  - Any inappropriate comment or action based upon discriminatory grounds.
  - Disciplinary action or discrimination based on a criminal or summary conviction offence that is unrelated to employment or intended employment.
  
2. Behaviours that may not constitute bullying, harassment, or discrimination:
  - Consensual Banter or Relationships – Two or more employees bantering back and forth is not harassment if everyone involved agrees. *However, 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 is harassment. This type of harassment can create 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 if the relationship is consensual. *However, if one of the employees changes their 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 considered bullying, harassment, or discrimination.

## Procedures

### A. Reporting incidents of bullying, harassment, or discrimination.

#### 1. When to report

Incidents 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. In accordance with Section 151 (3) of the WorksafeBC Act, there is a one-year limit to make a claim. Subsection (4) of the WorksafeBC Act allows for an extension of up to three years if special circumstances were found to have prevented the filing.

## 2. Who to Report to

Workers are to report incidents or complaints to their direct supervisor who is a Manager, Director, Principal, Vice-Principal, Secretary Treasurer or Assistant Secretary Treasurer, Superintendent or Assistant Superintendent.

If the complainant's direct supervisor is the person engaged in bullying, harassing or discriminating behavior, contact one of the following:

Director of Human Resources, Secretary Treasurer, or Superintendent  
School District Office  
33046 4<sup>th</sup> Ave Mission BC  
V2V 1S5

## 3. How to Report

- a. Workers are obligated to report incidents or complaints of workplace bullying, harassment, or discrimination.
- b. The incident or complaint can be reported verbally or in writing.
  - i. When submitting a written complaint, the complaint should be submitted on the Workplace Bullying, Harassment and Discrimination Complaint Form.
  - ii. When reporting verbally, the reporting contact, along with the complainant, will fill out the Workplace Bullying, Harassment and Discrimination Complaint Form.

## 4. What to report

- a. Workers are to provide as much information as possible in the report, such as:
  - i. the names of the people involved
  - ii. witnesses
  - iii. where the event occurred
  - iv. when the event occurred
  - v. what behavior and/or words led to the complaint
  - vi. physical evidence, such as vandalized belongings can be submitted
- b. To assist in completing the complaint form, Workers should make notes at the time an incident occurs or shortly thereafter, so that they can accurately report the incident. Refer to the Documenting Workplace Bullying, Harassment and Discrimination Form.

## 5. Processing the report

The reporting contact is to promptly submit the completed report to the Director of Human Resources.

## B. Investigating incidents of bullying, harassment or discrimination

### 1. How and when investigations will be conducted

- a. Upon receipt of a complaint alleging bullying, harassment or discrimination, the Director of Human Resources will initiate a review of the complaint and determine the type, scope, and resources needed for an investigation.

- b. Most investigations will be conducted internally by the Human Resources Department. An external investigator may be contracted to conduct investigations that are complex or involve management employees including, managers, directors, principals, vice principals, and senior managers.
- c. Investigations will be:
  - i. undertaken promptly, diligently, and be as thorough as necessary given the circumstances.
  - ii. be fair and impartial, providing both the complainant and the respondent equal treatment in evaluating the allegations.
  - iii. be sensitive to the interests of all parties involved and maintain confidentiality.
  - iv. be focused on finding facts and evidence, including interviewing the complainant, the target if different than the complainant, the respondent, and any witnesses.
  - v. incorporate, where appropriate, any need or request from the complainant or respondent for assistance during the investigation process, such as reassignment to a different site to work.
- d. Workers are expected to cooperate with investigators and provide details of incidents they have experienced or witnessed.

## **2. What will be included in the investigation**

Investigations will include:

- a. Interviews with the complainant, the alleged target if the target is different than the complainant, the respondent, direct supervisors and managers, and any witnesses.
- b. Review of evidence such as emails, handwritten notes, photographs, video, or physical evidence such as vandalized objects.

## **3. Process for an investigation**

- a. The complainant will be advised of:
  - i. the investigation process,
  - ii. who will be conducting the investigation,
  - iii. that the matter will be treated expeditiously and confidentiality, and
  - iv. that the complainant must keep the complaint confidential and not discuss it with anyone other than their immediate family and their union representative, association representative, or other representative.
- b. The respondent will be advised of:
  - i. the allegation, along with a copy of the report and documents submitted with the complaint,
  - ii. who will be conducting the investigation,
  - iii. that the matter will be treated expeditiously and confidentially,
  - iv. that the respondent must keep the complaint confidential and not discuss it with anyone other than their immediate family and their union representative, association representative, or other representative, and
  - v. that threats or reprisal against the complainant will not be tolerated.
- c. Workers have the right to have a union member, association member, or other representative assist them and provide support during the interviews, or during the meeting to review the findings of the investigation.

- d. The investigator is required to conduct interviews, gather and review evidence, and review the applicable legislation and policies, including Mission Public Schools policy and procedures, the *Workers Compensation Act* including regulations and policies, and the (BC) *Human Rights Code*.
- e. The investigator is to determine whether bullying, harassment, or discrimination occurred, or not, as defined with Mission Public Schools policies and procedures and *WorksafeBC* legislation and regulations, and to make recommendations regarding remedies.
- f. The investigator is to prepare a final report on the investigation, including the findings and any recommendations for updating procedures. As the report will be disclosed to the complainant, the target if different than the complainant, and the respondent, pursuant to the Dorsey protocol, the final report should not use names and avoid identifying information unless it is necessary for reasoning. The report should only include documents necessary to support a finding.
- g. The final report is to be provided to the Secretary Treasurer, Superintendent, or designate.

#### 4. Process for follow-up on findings

- a. The Superintendent, Secretary Treasurer or designate, will advise the alleged target and the respondent of the investigation findings, pursuant to the Dorsey protocol.
- b. Following an investigation, the Secretary Treasurer or designate is responsible for reviewing and revising workplace procedures to prevent any future incidents of bullying, harassment or discrimination in the workplace.
- c. Appropriate corrective actions are to be taken as soon as possible, within a reasonable timeframe.
- d. If the complaint is substantiated, appropriate corrective action will be taken. Appropriate corrective action could include both non-disciplinary or disciplinary actions against the respondent.
- e. If the complaint is not substantiated, and it is determined that the complainant deliberately made a false accusation or acted in a vexatious manner, appropriate corrective action will be taken. Appropriate corrective action could include both non-disciplinary or disciplinary actions against the complainant.
- f. Non-disciplinary or disciplinary action could include one or more of the following actions:
  - i. Education
  - ii. Counseling
  - iii. Verbal discussions
  - iv. Letter of Expectations
  - v. Letter of Discipline
  - vi. Transfer to another worksite
  - vii. Demotion
  - viii. A suspension without pay
  - ix. Termination of employment

*Notations:*

1. *Nothing in this procedure shall restrict an employee's legal or civil right to file a complaint with the BC Human Rights Tribunal, their respective Union, Worksafe BC, or any other legislative body.*
2. *This procedure must be followed in addition to any requirements within the Collective Agreements with CUPE Local 593 and MTU. Where the procedure and the collective agreement differ, the procedure outlined in the collective agreement will also be followed if required.*

**Date Adopted: February 2007**

**Date Amended: April 2011** (procedure 405 Respectful Workplace)

**Date Amended: September 17, 2019**

**November, 2019**

**January 21, 2021**

*Cross Reference: 2.1 Respectful Schools and Workplaces Policy  
- Anti-bullying, harassment and discrimination.*

*Forms*

- *Workplace Bullying, Harassment, Discrimination Complaint Form*
- *Documenting Workplace Bullying, Harassment, and Discrimination Form*

*Resources: Worksafe BC - Workplace Bullying and Harassment Policy Guidelines  
Policy D 3-115-2 Employer Duties  
Policy D3-116-1 Worker duties  
Policy D3-117-2 Supervisor duties*

*Human Rights Code (RSBC 1996), Chapter 210*