
RESPECTFUL WORKPLACE ADMINISTRATIVE PROCEDURE

Objective

The Division is committed to maintaining a safe and respectful working environment that respects and promotes human rights, personal dignity, health, and safety. The environment should be free from harassment, bullying, discrimination, sexual harassment, and workplace violence. Behavior contrary to this procedure will not be tolerated.

Scope

This procedure applies to employees who believe they are being harassed, bullied, or treated disrespectfully by a person in a position of authority, a co-worker, or any other person affiliated with the Division. It also applies to circumstances involving staff, students, parents/guardians, volunteers, and members of the public who visit Division facilities or related events or correspond with Divisional employees. All staff, as well as parents/guardians, volunteers, and members of the public, are entitled to an environment free from disrespect. Where differences and/or conflicts arise, people involved are expected to respond professionally and follow procedures to diffuse and resolve the concern. This procedure is not intended to apply to cases of suspected child abuse, which must be referred directly to Child and Family Services.

Definitions:

- **Complainant:** A person reporting an incident of potential disrespectful behavior.
- **Respondent:** The person alleged to have committed disrespectful behavior, including staff, parents/guardians, volunteers, or members of the public.
- **Staff:** All persons employed or contracted by the Division as well as members of the Board of Trustees.
- **Parents/Guardians, Volunteers or Members of the Public:** All persons who have involvement in the Division including partner agencies and visitors. It is recognized that the respondent's participation in any process herein is voluntary and cannot be mandated if they are a parent/guardian, volunteer, or member of the public.
- **Disrespectful Behavior:** Actions or comments that are inappropriate, demeaning, or otherwise offensive behavior intended or not to create an uncomfortable, hostile, and/or intimidating work environment. It may occur both in and outside the workplace. Employees are expected to treat every other employee, student, and visitor respectfully, setting an example for students. Examples may include swearing; yelling; name calling; gossiping; reprimanding in the presence of others; the improper use of power or authority inherent in one's position; and offensive, hateful, or inappropriate remarks, gestures, behavior, or displays of material.
- **Defamation:** Any expression that attacks or injures the reputation or honor of an individual or recognized group by, amongst other things, false and malicious statements, which malign, slander, or libel.
- **Discrimination:** Differential treatment of an individual or group based on a Protected Characteristic rather than on personal merit, as defined in the Manitoba Human Rights Code.

- **Harassment:** Objectionable conduct, comment, or display made either at one time or on a continuous basis that demeans, belittles, or causes personal humiliation or embarrassment to staff, or adversely affects an individual's psychological, physical well-being or employment opportunities. Severe objectionable conduct that adversely affects a person's psychological or physical well-being will be considered harassment whether it happens once or more than once.

Consistent with the Manitoba Human Rights Code, harassment is defined as:

- A course of abusive and unwelcome conduct or comment directly related to ancestry (including color and perceived race), nationality or national origin, ethnic background or origin, religion or creed, age, sex (including pregnancy-related circumstances), gender identity, sexual orientation, marital or family status, source of income, political belief or association, physical or mental disability (including reliance on a service animal, wheelchair, or remedial appliance/device), or social disadvantage.
- A series of objectionable and unwelcome sexual solicitations or advances.
- A sexual solicitation or advance by someone in a position to grant or deny benefits, if they know or should know it's unwelcome.
- Sexually oriented behavior or remarks that create a negative psychological environment. This includes, but is not limited to: demeaning remarks based on gender, suggestive jokes about sex, inappropriate comments about clothing, physical characteristics, or activities, inappropriate displays of sexual pictures or materials, leering, ogling, or suggestive or insulting sounds, unwanted questions or comments about one's private life, unwanted physical contact (e.g., brushing against someone, patting, pinching), or sexual assault (an offence under the Criminal Code).
- A reprisal or threat of reprisal for rejecting sexual solicitation or advance.
- A course of abusive and unwelcome conduct or comment based on physical size or weight, medical circumstances, or illness.
- Retaliation against an individual who invokes the policy, participates in an investigation, or associates with someone who does.
- Types of Harassment may also include Verbal Harassment (slurs, jokes, insults, epithets, teasing, derogatory comments or threats), Visual Harassment (offensive written, electronic or graphic material display/distribution), Physical Harassment (hitting, pushing, blocking, aggressive invasion of space, touching, threats, lewd gestures), and Psychological Harassment (bullying or abuse of authority creating health risk or hostile environment).
- Sexual Harassment may involve any intentional or unintentional, unwelcome sexually-oriented conduct, including advances, requests for favors, or other verbal/physical contact of a sexual nature. It encompasses conduct made a term or condition of employment or compensation, and when decisions are based on acceptance/rejection of such conduct. Examples include sexually related comments/jokes/epithets/flirtations/advances/propositions, sexually degrading

words/descriptions, comments about body/orientation/prowess/deficiencies, conversation about sexual conduct, conduct/comments targeted at only one gender, and demanding/requesting sexual favors for job benefits/promises.

- Harassment is distinguished from normal, mutually acceptable socializing. The perception of the receiver determines whether something is acceptable.

What is NOT considered Harassment

Reasonable actions by administrators or supervisors to manage, guide, or direct employees or the workplace. Appropriate employee performance reviews, counseling, and disciplinary or corrective action taken towards an employee is not harassment. The exercise of normal management activities (discipline, work performance, absenteeism, task assignment, progressive discipline, termination) does not constitute harassment if rights are not exercised in an abusive or discriminatory manner. Difficult employment conditions, professional requirements, job stress, and justifiable organizational changes are not harassment if they affect personnel in a non-arbitrary manner.

Bullying

Unfair and one-sided aggression towards another person. It may involve physical, verbal, social, or written aggression (including electronic communication), isolation, or intimidation. It often involves an imbalance of power and strength, resulting in the target feeling humiliated and/or distressed. Bullies generally hurt, threaten, and/or frighten others in a repetitive, intentional way.

Workplace Violence

The attempted or actual exercise of physical force against a person. It also includes any threatening statement or behavior that gives a person reasonable cause to believe that physical force will be used against them and/or vandalism of personal property.

Complaint Procedure:

1. Informal Resolution

Where an employee is subject to disrespectful behavior, every effort should be made to resolve the issue directly with the other party first. If this does not resolve the problem, the employee should submit a formal complaint and include reference to the informal efforts previously made. Options include confronting the offender personally or in writing, discussing with a Supervisor/School Leader or Superintendent, or requesting mediation. For issues with parents/guardians, volunteers, or the public, attempt to meet or call with a School Leader/Supervisor present. Listen carefully with a focus on resolution.

2. Formal Complaint

Any person who believes they are being, or witnesses another person being, harassed, bullied, or treated disrespectfully should act promptly to resolve the situation.

- **Submission:** Complaints are to be made in writing and signed by the individual

directly to the Superintendent.

- **Reporting Conflicts of Interest:** If the complaint involves the Superintendent, it may be made in writing directly to the Secretary-Treasurer. If it involves the Superintendent or Secretary-Treasurer, it may be made in writing directly to the Board Chair, who will advise the Board and contract with an independent investigator.
- **Content:** The written complaint must include the date and time of each incident, the name(s) of the person(s) involved, the name(s) of any witness(es), and a full description of what occurred.
- **Timing:** Complaints should be reported as soon as reasonably practical. A formal complaint must be filed within one month of the circumstances, unless the delay was incurred in good faith and no substantial prejudice will result.

3. Investigation:

- 1) Once the written complaint is received, an immediate and confidential investigation will be conducted. The Director of Human Resources will determine if the concerns fall within the procedure. Unless clearly frivolous or vexatious, an investigation will be conducted.
- 2) Both the complainant and the person against whom the complaint was made will be contacted. The investigation may include meeting with the complainant and respondent, collecting relevant evidence, and interviewing witnesses. The respondent may be requested to provide their version of events in writing.
- 3) The investigator shall assume responsibility for investigating with the highest level of confidentiality possible, sharing only the minimum information necessary. Personal health information will not be shared with the person against whom the complaint is lodged.
- 4) If necessary, steps will be taken to prevent the recurrence of the situation during the investigation.
- 5) The investigation will be completed as soon as reasonably practical.
- 6) The Division may assess whether it is appropriate to temporarily change reporting relationships or relocate/remove a party from the workplace pending resolution.
- 7) Union notification and representation for staff members against whom a complaint is made will occur where applicable.
- 8) The investigation may be placed on hold for informal resolution attempts, which can be approved by the Superintendent. If successful, the file is closed; if not, the investigation reinitiates.

Safety First

Staff facing potentially violent situations should exercise extreme caution. Remain calm, distance safely, employ training techniques, and call for assistance if possible. Do not physically prevent an aggressor from leaving, call emergency services instead. Immediately notify the Supervisor/School Leader or authority and complete an incident report.

Immediate Assistance

In circumstances of imminent harm, the Division may act immediately. This may involve removing a staff member from an area or building or reporting to local police.

Risk Assessment

Where complaints involve violence, a risk assessment will be conducted. Risks will be assessed annually or more often. The Division considers staff characteristics, workplace factors, and history of violence. Steps may include safe work procedures, training (like Non-Violent Crisis Intervention - NVCI), reporting procedures, and safety programs. Information about a person with a history of violence will be communicated where staff may interact with them and there is potential risk, disclosing only necessary personal information to protect staff. Staff with court/no-contact orders are encouraged to notify their Supervisor/School Leader and Superintendent and provide a copy; information will be held with utmost confidentiality. Precautions will be taken if domestic violence is likely to expose staff or the workplace to violence.

4. Resolution:

- 1) Upon completion, the investigator prepares a written report summarizing findings and recommending corrective action/control measures.
- 2) Both the complainant and the person against whom the complaint was lodged will be informed of the investigation's outcome in a timely manner.
- 3) Resolution mechanisms may include increased safety measures, counseling, education or retraining, a written apology, and/or mediation.

Malicious Complaints

If the investigation finds no grounds for the complaint and determines it was done willfully or maliciously, disciplinary action will be taken against the complainant. This does not apply to complaints made in "good faith" that are not substantiated. Good faith means the individual believes, on reasonable grounds, that harassment occurred and can provide supporting evidence.

Consequences of Policy Violation

Where a violation of the policy is found to have occurred, the Division may take action including, but not restricted to, the following:

- **Disciplinary Action:** Appropriate disciplinary action will be taken, which could include

immediate dismissal or notification that repetition of the conduct will be cause for further action up to and including dismissal. For violent action, threats, or assault, disciplinary and other measures will be taken, potentially including reporting to police.

- **Disciplinary Directive:** A directive specifying required behavior, with further action if disregarded.
- **Transfer of employees.**
- **Notification of the appropriate authorities.**
- **Immediate termination of service agreements.**
- **Legal action.**
- Where possible, a **consultative process** including counseling and education may be worked out.

Confidentiality

All records, documents, notes, and transcripts of an investigation shall remain confidential. The Division will take reasonable steps to protect privacy and ensure fair treatment of parties. The Division will make every reasonable attempt to not disclose the identity of the complainant or respondent, or the circumstances/information, except where necessary for investigation, corrective action, or required by law. Parties are advised to refrain from discussing the complaint with anyone else. Staff involved in an investigation must keep information confidential, except as necessary or legally required.

Retaliation

Any staff member who retaliates or threatens to retaliate against a person who complained, gave evidence, or was found guilty of disrespectful behavior will be considered to have violated this procedure and will be disciplined accordingly. Retaliation is not condoned or tolerated and may result in disciplinary action, up to and including termination of employment/contract.

Assistance

Any staff member harmed by a violent act or incident has the right to assistance. Staff are recommended to seek consultation with a healthcare provider for treatment or post-incident counseling. Where possible, assistance will be provided through the Employee Assistance Program (EAP).