



## RESPECTFUL WORKPLACE: Policy and Procedures

Responsible Division: <b>Human Resources</b>	Date Approved: <b>November 22, 2010</b>	
Responsible Authority: <ul style="list-style-type: none"><li>• <b>Director of Education</b></li><li>• <b>Assistant Director of Education, HR</b></li></ul>	Effective Date: <b>November 22, 2010</b>	
	Last Review Date: <b>N/A</b>	Next Review Date: <b>November 2011</b>

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## **RESPECTFUL WORKPLACE: Policy and Procedures**

### **s1: Purpose**

A respectful workplace will allow our employees the opportunity to complete their work in a safe, effective and efficient manner, free from unnecessary distractions, harassment and/or discrimination.

### **s2: Our Commitment**

The Labrador School Board recognizes the dignity and worth of every person and is therefore committed to building and preserving a safe, productive and healthy working environment for its employees based on mutual respect.

The Labrador School Board strictly prohibits Violence in the workplace. We are committed to providing a safe and healthy work environment free from violence, threats of violence, harassment, intimidation and disruptive behaviour for all our employees. The Labrador School Board firmly believes that by working together with our employees, the risk of workplace violence can be minimized.

In pursuit of this goal, the Labrador School Board does not condone and will not tolerate Acts of harassment, discrimination or violence against or by any Labrador School Board employee.

### **s3: Application and Scope**

This policy applies to all Labrador School Board employees; permanent, full time, part-time, casual, substitute, apprentice, student, work-term/Intern, contract, volunteer – excluding the Director of Education.

This policy covers all schools, Board Offices, Bus Depots and all other places and areas where district related work may be carried out by school board staff.

Any formal complaint against the Director of Education shall be dealt with by the Labrador School Board of Trustees. The Board shall determine a course of action in accordance with governance policies.



## **s4: Respectful Workplace Policy**

In order to achieve our vision of a respectful workplace, The Labrador School Board recognizes that the work-environment must be one which demonstrates respect, dignity, equity and safety for all employees. Harassment is offensive, insulting, intimidating, and hurtful. It creates an uncomfortable work environment and has no place in employee relationships or in the workplace. Any form of discrimination or harassment is expressly prohibited, will not be tolerated, and the District will consider all complaints serious.

Where harassment or discrimination has been determined to have occurred, action, including disciplinary action, shall be taken, up to and including termination of employment.

Where it has been determined that anyone knowingly made false complaint of harassment or violence, or provided false information about a complaint, action - including disciplinary action, shall be taken, up to and including termination of employment.

The Labrador School Board shall encourage and provide a means through which employees can seek resolution to harassing and discriminatory behaviour.

The Labrador School Board's Respectful Workplace Policy is not meant to stop free speech or to interfere with everyday social relations and interactions.

## **s5: Policy Requirements**

- All employees must be informed of this policy.
- Learning opportunities related to the Policy on the Prevention and Resolution of Harassment in the Workplace must be made available to employees and managers/supervisors.
- Employees must be informed of the name or title of the applicable manager/supervisor/administration at his or her school/worksite/ department.
- Early resolution should be used to resolve problems at the outset. See *Early Problem Resolution* section.
- Mediation must be offered before an investigation is initiated – where appropriate.
- The complaint process, including the investigation if necessary, should be completed without undue delay, normally in six months or less.



- Corrective action must be timely in all situations of harassment
- Harassment may result in corrective or disciplinary measures being taken, up to and including termination of employment. Disciplinary or corrective measures may also be taken against the following: any manager/supervisor/school administration who is aware of a harassment situation and who fails to take corrective action; anyone who interferes with the resolution of a complaint by threats, intimidation or retaliation; or anyone who files a complaint that is frivolous or in bad faith.
- All departments and Schools must meet the requirements of this policy.

## **s6: Confidentiality**

The Labrador School Board will do everything it can to protect the privacy of the individuals involved and to ensure that complainants and respondents are treated fairly and respectfully. The Labrador School Board will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law.

Neither the name of the person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever, unless such disclosure is necessary for an investigation or disciplinary action. Any disciplinary action will be determined by the Board and will be proportional to the seriousness of the behaviour concerned. The Labrador School Board will also provide appropriate assistance to any employee who is victim of discrimination or harassment.

## **s7: Definitions**

### **1. Complaint**

- A formal allegation of harassment submitted in writing to the applicable Supervisor/School administration/Manager, and which is based on actions defined as *harassment*.

### **2. Complainant**

- A person who is or has been subjected to the alleged harassment. The person filing the complaint.

### **3. Respondent**

- Someone who's alleged conduct is the subject of a complaint.



#### 4. Workplace

- The workplace is any place where employees and student interns perform work-related duties or functions. Schools, as well as school-related activities such as extra-curricular activities and excursions, comprise the workplace as do board offices and other facilities. Conferences and training sessions fall within the parameters of this policy.

#### 5. Discrimination

- Treating people differently through prejudice. Unfair treatment of one person or group, usually because of prejudice about race, ethnicity, age, religion, or gender, etc.
- Discrimination generally refers to actions toward or practices regarding members of a group which results in them being disadvantaged. Discrimination is prohibited under the Human Rights Act.
- The Human Rights Act provides that every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, color, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, same-sex partnership status, family status, disability or the receipt of public assistance.

#### 6. Harassment

- Harassment is a form of discrimination and is against the law. Harassment is defined in the Human Rights Act as: *“engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.”*
- Behavior that threatens or torments somebody, especially persistently.
- Harassment may be:
  - i. Physical (*e.g. pushing or other unwelcome contact*),
  - ii. Verbal (*e.g. threats or insults*),
  - iii. Written or visual (*e.g. graffiti or display of offensive and hurtful materials designed to exclude or marginalize their target*) and includes use of the Internet.
    - a. Includes use of internet on site; during working hours, as well as off site; home use to post/display hurtful, inappropriate and/or offensive materials.
    - b. See the Labrador School Board’s Acceptable Use Of Technology Policy for further information.
- Harassment does not necessarily need to target a specific student or employee. A single act or expression can constitute harassment, for example, if it is a serious violation.



## 7. Racial Harassment / Ethnic Harassment

- Racial or ethnic harassment is defined as any conduct or comment which causes humiliation to an employee because of their racial or ethnic background, their colour, place of birth, citizenship or ancestry.
- Examples of conduct which may be racial or ethnic harassment includes:
  - Unwelcome remarks, jokes or innuendos about a person's racial or ethnic origin, colour, place of birth, citizenship or ancestry.
  - Displaying racist or derogatory pictures or other offensive material.
  - Insulting gestures or practical jokes based on racial or ethnic grounds which create awkwardness or embarrassment.
  - Refusing to speak to or work with someone or treating someone differently because of their ethnic or racial background.

## 8. Sexual Harassment

- Defined as any interaction between individuals, regardless of gender, that can be characterized as unwelcome sexual advances or misconduct. This includes, but is not limited to:
  - i. Requests for sexual favours;
  - ii. Verbal conduct of a sexual nature;
  - iii. Physical conduct of a sexual nature;
  - iv. Submission to sexual favours or conduct as being implied as condition of an employee's employment;
  - v. Implying that rejection of sexual advances will affect employment decisions regarding that individual;
  - vi. Creating a sexually intimidating or offensive working environment; or
  - vii. Creating a sexually degrading, humiliating, or hostile work environment. (Generally, a single sexual joke, offensive epithet, or request for a date does not constitute hostile environment sexual harassment; however, being subjected to such jokes, epithets, or requests repeatedly may constitute a hostile environment sexual harassment.)



## 9. Workplace violence

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker
- An attempt to exercise physical force against a worker, in a workplace, that causes or could cause physical injury to the worker
- A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against a worker, in a workplace, that causes or could cause physical injury to the worker

## 10. Retaliatory Acts

- Any retaliation, retribution, or reprisal by a Respondent against any Complainant who reports an incident of alleged harassment, or against any employee who testifies or otherwise participates in an investigation or hearing relating to the allegation of harassment.
  - i. Retaliatory Acts of any kind are explicitly forbidden, and will not be tolerated by the Labrador School Board.

## 11. Mediation

- A voluntary process used to resolve conflict by having a neutral person help the disputing parties arrive at a mutually acceptable solution.

## 12. Managing and/or Coaching

- Includes counselling, performance appraisal, work assignment, and the implementation of disciplinary actions, is not a form of personal harassment, and the policy does not restrict a manager/supervisor's responsibilities in these areas.

## **s8: Roles and Responsibilities**

### **Director of Education:**

- The Director of Education shall be responsible for the implementation, monitoring and revision of this policy.
- The Director of Education or his/her designate shall be responsible for investigating and responding to formal complaints of inappropriate behaviour/objectionable conduct when the complaint is against a member of the senior management team other than the Director.

### **Assistant Director of Education, Human Resources:**

- The Assistant Director of Education (Human Resources) or his/her designate shall be responsible for investigating and responding to formal complaints of inappropriate behaviour/ objectionable conduct against all other employees.



## **Managers / Supervisors / School Administrators:**

- Managers/Supervisors/School Administrators shall be responsible for promoting a respectful workplace that is free of harassment, violence and discrimination, as well as taking a proactive role in addressing inappropriate behaviour and/or objectionable conduct.
- Expected to lead by example and to act respectfully in dealings with employees and other persons working for the School Board.
- Expected to ensure that employees are aware of the policy and to remind them of its contents as deemed necessary.
- Expected to ensure that employees have access to learning opportunities on the prevention and resolution of harassment in the workplace.
- Expected to intervene promptly when they become aware of improper or offensive conduct and to involve the parties in resolving the problem.
- Expected to address any alleged harassment of which they are aware, whether or not a complaint has been made.
- Expected to handle all harassment situations confidentially and to ensure that others act accordingly.

## **Employees:**

- All employees are entitled to the rights of personal privacy; therefore employees are expected to act towards other individuals professionally and respectfully.
- All employees have a responsibility to ensure their behaviour meets an acceptable standard and contributes to a productive positive workplace environment.
- Employees who believe they have been treated in an improper and offensive manner are expected to communicate to the offending party, as soon as possible, directly or through a supervisor/manager, their disapproval or unease. They can get help or guidance from the supervisor, the person designated by the department/organization, or the union.
- Employees will be encouraged to participate in a problem resolution process before proceeding with the complaint process.



## **Investigator(s):**

- Investigators are expected to be impartial in any complaint process in which they are involved.
- They are expected to apply the principles of procedural fairness
- They are expected to apply the established steps in the complaint process.
- They are expected to take the necessary action to ensure the confidentiality of complaints.
- They are expected to ensure that both complainants and respondents have access to support and advice during any resolution process associated with the complaint.
- They are expected to separate the complainant and respondent, hierarchically, physically, or both, for the duration of the complaint process, if they deem it necessary;
- They are expected to ensure that corrective and/or disciplinary measures are taken, where warranted.
- They are expected to ensure that no documents relating to the harassment complaint are placed in the personnel file of either party, other than a disciplinary letter in the file of the employee who is subject to a disciplinary measure.
- They are expected to ensure that parties are provided with the information to which they are entitled.



## s9: Procedure – Complaint Process

See the “*RESPECTFUL WORKPLACE Procedures: Complaint Process*”.

## s10: Resources & References

- Canada: Human Rights Act
- Canadian Human Rights Commission
- Newfoundland and Labrador: Human Rights Code
- Government of Newfoundland and Labrador: Harassment and Discrimination Free Workplace Policy (Creating a Respectful Work Environment)

Some sections of this policy and procedures were borrowed wholly or in part from a wide variety of resources including:

- Nova Central School District: Respectful Workplace/Harassment Policy and Procedures
- Canadian Human Rights Commission
  - Anti-Harassment Policies
  - Anti-Harassment Policies for the Workplace: An Employers Guide
- Treasury Board of Canada Secretariat: “Is it Harassment? A tool to guide employees.”
- Newfoundland and Labrador: Human Rights Code
- Human Rights Act

Please note there is an **Employee Assistance Program (EAP)** available to all Labrador School Board employees. The EAP is a free of charge, confidential information, counselling and referral service for a broad range of personal and work-related concerns. Call **1-888-894-6795**.