ADMINISTRATIVE PROCEDURE 520 RESPECTFUL WORKPLACE – REPORTING, INVESTIGATION AND RESOLUTION PROCEDURES

These procedures support the implementation of Policy 545 Respectful Workplace and set clear behavioural expectations for respectful conduct.

Where a collective agreement includes provisions respecting the prohibited conduct outlined in these procedures, a process for intervention in the circumstances of the complaint, or right to union representation during a process, then the provisions of the agreement will continue to apply in conjunction with the provisions of this Procedure.

Definitions

Capitalized terms in this Procedure have the meanings set out in the Policy, and the following additional terms shall have the following meanings.

- Prohibited Conduct – Includes any behaviours or actions that can be defined as Harassment, Discriminatory Harassment, Sexual Harassment, Bullying, Violence or Retaliation.
- Complainant – an individual who reports a complaint of prohibited conduct directed towards them.
- Respondent – the person who is alleged to have engaged in prohibited conduct.
- Witness – someone who observes or has knowledge of behaviours or actions that are considered prohibited conduct where the conduct is not directed towards them.
- Parties – the individuals directly involved in the complaint, most often the Complainant and Respondent.

Examples of Prohibited Conduct

1. Bullying and Harassment includes:
    - Verbal or physical abuse, threats, or violence.
    - Yelling, name-calling or insults.
    - Harmful or offensive hazing or initiation practices.
    - Vandalizing someone's belongings or work equipment.
    - sabotaging someone's work.
    - personal attacks based on someone's private life or personality traits.
    - spreading malicious gossip or rumors about a person.
    - derogatory comments or name calling.

- derogatory or degrading posters, cartoons, drawings or gestures.
- physical conduct such as assault, obstruction of free movement, uninvited physical contact or interference with work.
- subtle conduct such as unwelcome non-verbal gestures, manipulation, ignoring or isolating a person.
- Bullying.
- discriminatory harassment.
- sexual harassment.

2. Bullying and Harassment does not include:
   - Human resources management – Supervision, direction or management of employees undertaken in a good faith manner for a legitimate work purpose does not constitute Bullying and Harassment.
   - Interpersonal conflict - Work-related disputes between people is not Bullying and Harassment unless the conflict results in behaviour that is considered threatening or abusive. Personal disputes over non work-related matters should not be engaged in at the workplace.
   - Interpersonal relations – Disputes arising from normal social interaction or consensual relationships that are normally connected to the roles and functions in the workplace do not constitute Bullying and Harassment.

Reporting Prohibited Conduct

As a Complainant:

1. If more than one incident, keep a written record of dates, times, the nature of the behaviour, and witnesses, if any.
2. Where possible, advise the other individual that their conduct is unwelcome and that you believe their behaviour falls under Prohibited Conduct as defined in this Procedure.
3. If it is not appropriate to approach the individual or if the incident(s) do not stop after speaking with the individual, contact an appropriate party for assistance in addressing the concern (supervisor, Human Resources, union representative).
4. Submit a written statement of complaint directly to Human Resources if an informal resolution option is not appropriate. The written statement should include detailed information and evidence to support the allegation(s). See section C. Resolution of Complaints of Prohibited Conduct (below).
5. If the Respondent is a Trustee, the Superintendent of Schools, or the Assistant Director of Human Resources, submit the written statement of complaint directly to the Secretary Treasurer or as defined under collective agreement.

6. Any person who makes knowingly false, frivolous, malicious or reckless allegations of Prohibited Conduct will be subject to appropriate remedial steps and consequences as outlined in E. Remedial Steps and Consequences (below).

As a Witness:

1. Where possible and immediately after witnessing prohibited conduct, speak with the Complainant and encourage them to report the conduct to their Supervisor or Human Resources.
2. Where appropriate, speak with the Respondent to share the impact of their behaviour and to raise awareness of prohibited conduct.
3. If the incident is severe and warrants immediate action, report the prohibited conduct to your Supervisor or Human Resources.
4. Any person who makes knowingly false, frivolous, malicious or reckless allegations of Prohibited Conduct will be subject to appropriate remedial steps and consequences as outlined in E. Remedial Steps and Consequences (below).

As a Respondent:

1. If a Complainant or Witness has advised you that your behaviour is unwelcome and in breach of policy:
   1.1. Listen to the concerns raised.
   1.2. Consider how your behaviour may be impacting others.
2. If applicable, change behaviours that are unwelcome and be mindful that all employees share a responsibility to each other and the District to refrain from prohibited conduct in the workplace.
3. Seek assistance from your Supervisor or union representative in understanding the policy and desired behaviours that contribute to a respectful workplace.

Resolution of Complaints of Prohibited Conduct

When a complaint of prohibited conduct is advanced by an employee or where a concern otherwise comes to the attention of the District, steps to promote timely resolution will be taken.

Informal Complaint Resolution:

1. Dependent on the nature and severity of the alleged conduct, the parties can elect to resolve the issue informally before moving to formal complaint resolution.
2. Informal methods will be subject to the consent of the individual who is the subject of the alleged prohibited conduct.
3. Methods may include but are not limited to: mediation, drafting of behavioural guidelines, agreements, apology, or other resolution agreed between the parties and the District.

4. If a resolution is reached informally, then the parties and the District must agree that the outcome is satisfactory.

Formal Complaint Resolution:

1. If informal resolution is unsuccessful or not pursued, allegations brought to the District's attention will be formally reviewed and where appropriate or required by a collective agreement, investigated.
2. Formal complaints will be treated seriously and responded to promptly.
3. Allegations must be submitted as a written statement directly from the Complainant or the Witness. See Form 520A Workplace Bullying and Harassment Complaint Form for a suggested template.
4. The written statement of complaint should include the following:
   4.1. as much detail as possible about the circumstances including dates, times, persons involved, witnesses, and the specific conduct (including specific words)
   4.2. available relevant documents or other evidence that may support the allegations (including emails, handwritten notes or photographs).
5. In normal circumstances, the written statement of complaint should be submitted directly by the Complainant or the Witness. Contact Human Resources for alternative arrangements if this is not possible.
6. Formal complaints must include the name of the person submitting the written statement and the identity of the Complainant and the nature of the complaint will be made known to the Respondent.
7. The Respondent will be provided the opportunity to provide a response to the allegation of prohibited conduct to Human Resources, and this explanation will be properly considered.
8. If there is sufficient information provided in the written complaint or in any circumstances where the District otherwise deems it necessary to do so, the District will carry out a formal investigation.
9. In the event that a Complainant does not proceed with a formal complaint, the District may still initiate an investigation if deemed necessary to ensure the commitment to providing a respectful workplace, health and safety of persons at the workplace or to comply with any applicable laws including the B.C. Human Rights Code and the Workers Compensation Act and applicable regulations and policies.

Investigations

The following guidelines will apply to Respectful Workplace investigations, with the intent that these procedures and any investigation carried out must be flexible and responsive to the specific circumstances that arise. The District reserves the right to engage in a different procedure as deemed appropriate in any given circumstance in order to meet its statutory

obligations regarding a respectful workplace. Where provisions in a collective agreement differ from these Regulations, the provisions in the agreements will apply.

When the Respondent is employed by the District:

1. The written statement of complaint will be forwarded to Human Resources for review and investigation if necessary.
2. Human Resources will ensure the investigation processes applied are consistent with WorkSafeBC requirements and any applicable collective agreement processes, policy or other requirements. Where the matter involves employees under more than one collective agreement, Human Resources will determine the applicable process to investigate the conduct in consultation with union representatives.
3. An investigator will be assigned who may be a member of the Human Resources department, a designate employed by the District, or an external investigator.
4. Investigation documentation and records will be submitted to and confidentially maintained by Human Resources.
5. Any documentation regarding remedial corrective action or discipline will be placed in the appropriate personnel file.

When the Respondent is not employed by the District and is not a Board Member:

1. The Respectful Workplace Policy and Regulations are intended for employees and board trustees.
2. Allegations of prohibited conduct from a parent or visitor should be addressed through either Administrative Procedure 460 (Reporting Incidents of Violence), the school's code of conduct or the School Act.
3. In extreme circumstances, an investigation may be conducted at the discretion of Human Resources.

When the Respondent is a Trustee or the Superintendent of Schools:

1. The written statement of complaint will be forwarded to the Secretary Treasurer or as defined under collective agreement.
2. Without undue delay, the District will engage an external independent investigator.
3. Investigation documentation and records will be submitted to and confidentially maintained by the Secretary Treasurer.
4. Where parties include Trustees, Human Resources will seek legal advice to determine an appropriate process which engages the Board and which may be contained in the applicable Board Trustee policy.

In all circumstances where an investigation is conducted:

1. The District will ensure that the investigation processes applied are timely, and consistent with due process and any applicable legislated or policy requirements.

    1.1. The District will maintain confidentiality of related information and will share such information only as necessary to ensure that the investigation is fair, to address the outcome of any investigation, and as may otherwise be required by legislation or enforceable order.

    1.2. When a formal investigation is completed, the Complainant and Respondent will be notified of the conclusion and findings of the investigation. Remedial steps will be taken by the District if needed and shared with the appropriate parties.

    1.3. Participants in an investigation are expected to cooperate fully and truthfully in any investigation process undertaken by the District and to maintain confidentiality.

    1.4. For District employees, subject to any applicable grievance process, the decision of the District in respect of the outcome of a complaint is final and not subject to appeal.

Remedial Steps and Consequences

All conduct that is found to constitute a breach of this Procedure will be addressed by attempting to remedy the harm caused and prevent further harm.

This may include:

- Introduction of procedural safeguards including limitations on conduct.
- Restorative processes.
- Counselling or mediation.
- Conflict resolution or other applicable training.
- Adjustments to work assignment or organization.
- Corrective or disciplinary action as appropriate, up to and including termination of employment.
- Application of the *School Act*.
- Measures under the applicable Board Trustee Policy or Procedure.

Confidentiality

All persons to whom this Procedure applies are expected to respect and preserve the confidentiality of any complaint and process brought under this Procedure.

Confidentiality of any complaint or process under this Procedure will be maintained to the extent possible and information will be disclosed only to the extent necessary to carry out procedures provided for within this Procedure, including the conduct of a fair investigation and the implementation of corrective and remedial measures, and where disclosure is required under lawful authority. In all circumstances, only the minimum amount of information required will be disclosed.

A breach of confidentiality may result in discipline up to and including dismissal, or other corrective action as appropriate.

Retaliation

Retaliation damages the workplace by intimidating and silencing individuals for speaking up or for offering support.

The District prohibits retaliation against any employee for reporting conduct in violation of this Procedure, or against any employee for participating in an investigation or complaint. Such retaliation against an individual will be treated as a serious violation of this Procedure and will be subject to disciplinary action up to and including dismissal.

False Complaints

Complaints or reports of prohibited conduct are serious matters. Employees who are found to have made frivolous, vexatious, or malicious complaints may be subject to disciplinary action, up to and including termination of employment.

Resources:

- Policy 545: Respectful Workplace
- Form 520A: Workplace Bullying and Harassment Complaint Form