

Workplace Bullying, Discrimination and Harassment

Environment Free from Bullying, Discrimination and Harassment

The District recognizes the right of all employees to work in an environment free from bullying, discrimination and harassment. Bullying, discrimination, and harassment are not acceptable or tolerated. All employees will be treated in a fair and respectful manner.

1. Definitions

1.1 Bullying and Harassment

Not every unpleasant interaction, instance of disrespectful behavior, or workplace conflict is bullying and harassment.

Bullying and harassment includes any inappropriate conduct or comment by a person towards an employee that the person knew or reasonably ought to have known would cause that employee to be humiliated or intimidated. This Administrative Procedure applies to interpersonal and electronic communications.

Bullying and harassment excludes any reasonable action taken by an employer or supervisor relating to the management and direction of employees or the place of employment.

A. Personal Harassment

Personal harassment is defined as objectionable conduct or comment, directed towards a specific person, or persons and has the effect of creating an intimidating, humiliating, hostile or offensive working environment. Personal harassment does not include conduct or comments made in good faith in the exercise of supervisory rights and responsibilities.

B. Discriminatory Harassment

Discriminatory harassment is defined as discrimination contrary to the Human Rights Code and includes discriminatory acts against an employee with respect to the work environment or any term or condition of employment because of a person's race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, Indigenous identity, age or criminal or summary conviction which is unrelated to the person's employment. Discrimination includes Sexual Harassment, as defined below.

C. Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, comments, looks, suggestions, audio and visual material of a sexual nature, requests for sexual favours and other verbal or physical conduct emphasizing sexuality, sexual identity or sexual orientation when such conduct:

- either explicitly or implicitly is a term or condition of an individual's education, employment, or any opportunity for training or promotion;
- is used as a basis for scholastic, extra-curricular or employment decisions affecting another individual; or
- interferes with an individual's school or work performance or creates an intimidating, hostile, offensive or uncomfortable learning and working environment.

2. Responsibilities

2.1 District

The District is responsible for promoting and maintaining a working/learning environment free from bullying and harassment. The District will take reasonable steps to prevent, where possible, or otherwise minimize workplace discrimination, bullying and harassment.

The District must ensure that staff have received the discrimination, bullying and harassment training and are aware of the requirements to comply with this Administrative Procedure.

2.2 Employees with Supervisory Roles

Employees with supervisory roles are required to exercise supervisory rights and responsibilities with regard to the work of staff. Examples of reasonable management action include: determining job duties or work to be performed; workloads and deadlines; layoffs, transfers, promotions and re-organizations; work instructions, supervision or feedback; work evaluation; performance management; and discipline, suspensions, or terminations.

An employee in a supervisory role has a duty to take all reasonable steps to ensure the health and safety of employees under their supervision and as a result, a supervisor must take all reasonable steps to prevent, where possible, or otherwise minimize workplace discrimination, bullying and harassment. Workplace discrimination, bullying and harassment can lead to injury, illness or death.

A supervisor's obligation to ensure health and safety of employees includes:

- not engaging in discrimination, bullying and harassment of employees, other supervisors, the employer or persons acting on behalf of the employer; and
- applying and complying with the District policies and procedures on discrimination, bullying and harassment;

- liaising with Human Resources to undertake and participate in investigations.

2.3 Employee Responsibility

An employee has a duty to take reasonable care to protect the health and safety of themselves and other persons, and as a result, an employee must take all reasonable steps to prevent, where possible, or otherwise minimize workplace discrimination, bullying and harassment. Workplace discrimination, bullying and harassment can lead to injury, illness or death.

An employee's obligation to take reasonable care to protect the health and safety of themselves or others includes:

- not engaging in discrimination, bullying and harassment of other employees, supervisors, the employer or persons acting on behalf of the employer;
- reporting to their direct supervisor if discrimination, bullying and harassment is observed or experienced in the workplace; and
- applying and complying with the District policies and procedures on discrimination, bullying and harassment.

3. Application

This Administrative Procedure applies to all employees.

It is strongly recommended that employees covered by a Collective Agreement, seek the counsel of union representatives regarding workplace labour relations issues.

4. Complaint/Report and Investigation Procedure

CTA/CUPE employees should consult their collective agreement. To the extent that an employee is covered by a collective agreement and the terms of the collective agreement are inconsistent with this Administrative Procedure, the terms of the collective agreement prevail to the extent of the inconsistency.

Other employees should follow the Informal and/or Formal Complaint Processes outlined below.

4.1 Informal Complaint Process

Don't ignore harassment or bullying and also know that not every unpleasant interaction, instance of disrespectful behavior, or workplace conflict is bullying and harassment.

Complainants are encouraged but not required to immediately tell the person who they perceive has engaged in discrimination, bullying or harassment when conduct is considered inappropriate and unwanted and ask that the inappropriate or unwanted conduct stop.

Before proceeding with a formal complaint, an employee who believes they have a complaint of discrimination, bullying or harassment may approach their supervisor, union representative or human resource personnel to discuss the potential means of resolving a complaint and to request assistance in resolving the matter on a formal or an informal basis.

Complainants must record pertinent facts which detail alleged incidents of discrimination, bullying or harassment. When? Where? Who? What?

4.2 Formal Complaint Process

If a complainant is unable or unwilling to resolve the matter informally, the complainant may proceed with a formal complaint by writing a letter to the Superintendent which must include the specifics of the incidents of behavior/conduct leading to the complaint.

An employee accused of discrimination, bullying or harassment will be notified in writing at the earliest opportunity by the Superintendent or designate.

CTA/CUPE employees shall have a right to be accompanied by their union representative or a moral support person during any proceedings relating to the investigation of the complaint, providing no costs are incurred by School District No. 43 (Coquitlam) and providing the individual selected will not impede the procedural fairness or confidentiality of the process and is not in a conflict of interest with respect to the complaint or the parties involved.

Excluded employees may be accompanied by a person of their choice for moral support during any proceedings relating to the investigation of the complaint, providing no costs are incurred by School District No. 43 (Coquitlam) and providing the individual selected will not impede procedural fairness or the confidentiality of the process and is not in a conflict of interest with respect to the complaint or the parties involved.

No employee shall be subject to reprisal, threat of reprisal or discipline as a result of filing a bona fide complaint of discrimination, bullying or harassment.

4.3 Responding to a Formal Complaint

Upon receipt of a formal complaint, the Superintendent or designate may require further details of the complaint prior to taking any further steps. Further, the Superintendent or designate may conduct, or request a qualified third party to conduct, a prima facie analysis of the complaint which may result in the District determining that an investigation is not appropriate. In addition, upon receipt of a formal complaint, the Superintendent or designate may recommend an alternative or informal process to address the complaint. Should an investigation be undertaken, an investigator will be appointed by the Superintendent or designate and a confidential investigation in accordance with due process will proceed, expeditiously, under the direction of the Superintendent or designate.

to substantiate and/or resolve the complaint. The complainant, witnesses, and respondent are required to participate as instructed by the District or third party investigator.

Should an investigation not be able to proceed to conclusion, due to a party the employer requires information from being medically unable to participate in the process, the complaint will be put in abeyance until the first opportunity the party is medically able to participate.

A written, confidential report is to be filed with the Superintendent or designate within one month of completion of the investigation.

Appropriate action will be taken within one month of receiving the written, confidential report. This action may include but is not limited to counselling and/or courses that develop an awareness of harassment, a verbal warning, a written warning, suspension and/or termination.

Complaints or reports of bullying and harassment and/or discrimination are serious matters. Complainants who are found to have made frivolous, vexatious, or malicious complaints may be subject to discipline up to and including termination.

Any employee who takes retaliatory action against an employee(s), who has filed a complaint or is a witness, will be subject to discipline up to and including termination of employment.

In appropriate circumstances employees may be referred to the District EFAP program or be encouraged to seek medical advice.

5. Annual Review

This Administrative Procedure will be reviewed every year. All employees will have access to an electronic copy of the Administrative Procedure.

Reference: Section 65, 85, School Act
Human Rights Code
WSBC, OHS Policies

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