

## **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 Discrimination**

“Discrimination” means discrimination in employment based on a person’s sex, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sexual orientation, age, or criminal conviction which is unrelated to the person’s employment. Discrimination includes Sexual Harassment, as defined below.

##### **1.2 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.

##### **1.3 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.

##### **1.4 Discriminatory Harassment**

Discriminatory harassment is defined as discrimination contrary to the Human Rights Act and includes discriminatory acts against an employee with respect to the work environment or any term or condition of employment because of race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, or age of that staff member or because that employee has been convicted of a criminal or

summary conviction offence that is unrelated to the employment or to the intended employment of that person.

### 1.5 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.

### 1.6 Complainant

An employee who believes he or she has been subjected to or observed Discrimination or Bullying and Harassment in the workplace.

### 1.7 Respondent

A person in the workplace against whom a complaint of Discrimination and/or Bullying and Harassment has been made. A respondent includes an individual, whether or not they are a workplace party. This means that a respondent could be a workplace party such as an employer, supervisor, or co-worker, or a non-workplace party such as a member of the public, a student, or anyone an employee comes into contact with at the workplace.

## **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 these policies and procedures.

## 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 his/her 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 except where a specific provision is contained in a Collective Agreement in which case the provision(s) of the Collective Agreement shall also apply to employees covered by that Agreement.

It is recommended that employees covered by a Collective Agreement, seek the counsel of union representatives before proceeding with a complaint.

### **4. Complaint/Report and Investigation Procedure**

CTA/CUPE employees should also consult their collective agreement.

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

#### **4.1 Informal Complaint Process**

Don't ignore harassment or bullying.

Complainants are encouraged but not required to immediately tell the bully/harasser 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 he or she has a complaint of harassment may approach his/her 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. When? Where? Who? What?

#### **4.2 Formal Complaint Process**

If you are unable to resolve the matter informally, proceed with a formal complaint by writing a letter to the Superintendent which includes specifics of the behavior/conduct leading to your complaint.

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

CTA/CUPE employees shall be accompanied by their union representative during any proceedings relating to the investigation of the complaint, providing no costs are incurred by School District No. 43 (Coquitlam).

Excluded employees may be accompanied by a person(s) 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).

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

It is recognized that false or malicious complaints may damage the reputation of, or be unjust to those accused of bullying or harassment and therefore disciplinary action will apply to any individual making a malicious or vexatious claim.

#### 4.3 Responding to a Formal Complaint

A confidential investigation in accordance with due process will be undertaken, expeditiously, under the direction of the Superintendent or designate to substantiate and/or resolve the complaint.

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 counselling and/or courses that develop an awareness of harassment, a verbal warning, a written warning, suspension and/or dismissal. Appropriate remedies for the complainant may be cited in the written report.

Bullies/harassers who take retaliatory action against employees who have filed complaints will be subject to discipline.

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 of Bullying and Harassment and/or Discrimination may be subject to disciplinary or corrective action.

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 Act  
WCA, OHS Policies

Reviewed: September 2022