

Administrative Procedure 409

WORKPLACE DISCRIMINATION, BULLYING AND HARASSMENT

Background

The District is committed to maintaining a workplace which is free from discrimination, bullying or harassment.

All workers shall be treated in a fair and respectful manner. Discrimination, bullying and harassment in the working environment is not acceptable and any employee who violates this administrative procedure may be subject to disciplinary or remedial action, up to and including termination of employment.

WorkSafeBC requires that workers report if bullying or harassment is observed or experienced in the workplace and that the employer initiate an investigation.

Examples of reportable activities would be:

- Sexual harassment.
- Any improper behavior that is directed at or offensive to any person, is unwelcome, and which the person knows or ought reasonably to know would be unwelcome.
- Objectionable conduct, comment, materials or display made on either a one-time or continuous basis that demeans, belittles, intimidates, or humiliates another person.
- The exercise of power or authority in a manner which serves no legitimate work purpose;
or
- Such misuses of power or authority as intimidation, threats, coercion and blackmail.

This administrative procedure applies to all workers including permanent, temporary and casual. It applies to interpersonal and electronic communication.

Definitions

Bullying and Harassment: Includes any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

Complainant: A worker who believes they have been subjected to or observed discrimination, bullying or harassment in the workplace.

Discrimination: Defined by the [B.C. Human Rights Code](#) and is specific to race, colour, ancestry, place of origin, religion, marital or family status, physical or mental disability, sex, sexual orientation, age (19 years and over), criminal conviction (in employment), political belief (in employment).

Respondent: A person in the workplace against whom a complaint of discrimination or bullying and harassment has been made.

Sexual Harassment: Any comment, look, suggestion, physical contact, real or implied action of a sexual nature which creates an uncomfortable working environment for the recipient, made by a person who knows or ought reasonably to know such behavior is unwelcome.

Sexual harassment includes:

- Any circulation or display of visual materials of a sexual nature.
- Implied promise of reward for complying with a request of a sexual nature.
- A sexual advance made by a person in authority over the recipient that includes or implies a threat or an implied denial of an opportunity which would otherwise be granted or available and may include a reprisal or threat of reprisal made after a sexual advance is rejected.

Examples of conduct or comments that might constitute discrimination, bullying or harassment include verbal aggression or insults, calling someone derogatory names, harmful hazing or initiation practices, vandalizing personal belongings, and spreading malicious rumours. This also includes conduct through electronic communication.

Procedures

1. Duty to Disclose

- 1.1. The District and WorkSafeBC expect that an employee who is aware/witnessed discrimination, bullying or harassment will bring the matter to the attention of the Superintendent and give the District a reasonable opportunity to investigate and take corrective actions appropriate to the circumstances. All reports are considered confidential.

2. Responsibilities

- 2.1. The District will take reasonable steps to prevent, where possible, or otherwise minimize workplace discrimination, bullying or harassment by:
 - 2.1.1. Developing or implementing procedures for workers to report incidents or complaints of workplace discrimination, bullying or harassment.
 - 2.1.2. Training supervisors and workers regarding:
 - 2.1.2.1. Recognizing the potential for discrimination bullying or harassment.
 - 2.1.2.2. Responding to discrimination, bullying or harassment.

- 2.1.2.3. Supervisors have a duty to take all reasonable steps to ensure the health and safety of workers under their supervision.
- 2.1.2.4. All workers have the duty to take reasonable care to protect the health and safety of themselves and other persons, and as a result, must take all reasonable steps to prevent where possible, or otherwise minimize workplace bullying, harassment and discrimination.

3. Reporting a Complaint

- 3.1. Employees are to submit claims about any reportable activity to the Superintendent by either confidential email or regular mail. The report is to contain particulars of the alleged improper activity and the name(s) and affiliation of each person involved. Attach any supporting documents such as electronic communication, handwritten notes or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted.
- 3.2. Incidents or complaints are to be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated and addressed properly.

4. Investigation

- 4.1. Upon receiving a complaint, the Superintendent will record the receipt of the complaint and determine whether the matter is, in fact, a reportable activity under this administrative procedure.
- 4.2. If the complaint is determined to be a legitimate reportable activity, he or she will open an investigation file and commence an investigation in a timely manner.
- 4.3. Most investigations will be conducted internally. In complex or sensitive situations, an external investigator may be retained.
- 4.4. The investigation will be undertaken promptly and diligently and will include, but will not be limited to, discussions with the reporting employee, the party against whom the allegations have been made and witnesses, as appropriate.
- 4.5. Employees shall not impede or obstruct any investigation.
- 4.6. It is the obligation of all employees to cooperate in an investigation.
- 4.7. Confidentiality will be maintained and the identity(s) of the person(s) involved, subject to the need to conduct a full and impartial investigation and remedy any violations of law, Board Policies or District Administrative Procedures.
- 4.8. Records of all formal and informal resolutions will be kept by the Director of Human Resources.
- 4.9. Following the investigation, the Manager of Health and Wellness will review and revise if necessary, workplace procedures to prevent any future discrimination, bullying or harassment incidents in the workplace.
- 4.10. No individual shall be subject to reprisal, interference, penalty or harassment as a result of reporting a complaint of discrimination, bullying or harassment that the complainant reasonably believes to be valid.

4.11. Furthermore it is recognized that false or malicious complaints may damage the reputation of, or be unjust to other employees and therefore the complainant may be subject to disciplinary action.

Reference: Sections 22, 65, 85 School Act
Employment Standards Act
Freedom of Information and Protection of Privacy Act
Personal Information Protection Act
Collective Agreements
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