

SD 42 POLICY: 7210

WORKPLACE DISCRIMINATION OR BULLYING AND HARASSMENT

PHILOSOPHY

The Board of Education is committed to ensuring a respectful workplace, free from discrimination or bullying and harassment.

Discrimination or bullying and harassment is not acceptable or tolerated in this workplace. All workers will be treated in a fair and respectful manner.

DEFINITIONS

Bullying and Harassment

- (a) 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
- (b) Excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

Examples of conduct or comments that might constitute bullying and 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.

Not every unpleasant interaction, instance of disrespectful behaviour, or workplace conflict constitutes bullying and harassment. Examples of behaviours that may not constitute bullying and harassment, if undertaken in an appropriate manner, include expressing differences of opinion, offering constructive feedback, guidance, or advice about work-related behaviour and performance, and making a legitimate complaint about someone's conduct through established procedures.

Complainant

A worker who believes he or she has been subjected to or observed discrimination or bullying and harassment in the workplace.

Discrimination

Discrimination is defined by the B.C. Human Rights Code and is specific to the Indigenous identity, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.

Person

A person includes any individual, whether or not they are a workplace party. This means that a person could be a workplace party such as an employer, supervisor, or co-worker, or non-workplace party such as a member of the public, a student, or anyone a worker comes into contact with at the workplace.

Respondent

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

RESPONSIBILITIES

School District

The School District will take reasonable steps to prevent where possible, or otherwise minimize workplace discrimination or bullying and harassment by:

- Promoting the district policy statement with respect to workplace discrimination or bullying and harassment not being accepted or tolerated;
- Taking steps to prevent where possible, or otherwise minimize, workplace discrimination or bullying and harassment;
- Maintaining procedures for workers to report incidents or complaints of workplace discrimination or bullying and harassment including how, when and to whom a worker should report incidents or complaints. Included must be procedures for a worker to report if the employer, supervisor or person acting on behalf of the employer, is the alleged bully or harasser;
- Maintaining procedures for how the employer will deal with incidents or complaints of workplace discrimination or bullying and harassment;
- Informing workers of the policy statement;
- Training supervisors and workers on:
 - Recognizing the potential for bullying, harassment and discrimination;
 - Responding to bullying, harassment and discrimination;
 - Procedures for reporting, and how the employer will deal with incidents or complaints of discrimination or bullying and harassment.
- Annually reviewing the policies and procedures;
- Not engaging in discrimination or bullying and harassment of workers and supervisors;
- Applying and complying with the School District's policies and procedures on bullying, harassment and discrimination.

Principal/Supervisor Responsibility

A supervisor has a duty to take all reasonable steps to ensure the health and safety of workers under their supervision, and as a result, a supervisor must take all reasonable steps to prevent where possible, or otherwise minimize workplace bullying, harassment and discrimination.

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

- Not engaging in discrimination or bullying and harassment of workers, other supervisors, the employer or persons acting on behalf of the employer;
- Applying and complying with the School District policies and procedures on discrimination or bullying and harassment;
- Ensuring staff at their school/site have received the discrimination or bullying and harassment training and are aware of the requirements to comply with these policies and procedure;
- Liaising with Human Resources to undertake and participate in investigations.

Worker Responsibility

A worker has a duty to take reasonable care to protect the health and safety of themselves and other persons, and as a result, a worker must take all reasonable steps to prevent where possible, or otherwise minimize workplace bullying, harassment and discrimination.

A worker's obligation to take reasonable care to protect the health and safety of themselves and others includes:

- Not engaging in discrimination or bullying and harassment of other workers, supervisors, the employer or persons acting on behalf of the employer;
- Reporting if discrimination or bullying and harassment is observed or experienced in the workplace; and
- Applying and complying with the School District policies and procedures on discrimination and bullying and harassment.

FALSE ACCUSATIONS OR VEXATIOUS COMPLAINTS

Sometimes individuals make allegations about situations that are not discrimination or bullying and harassment. The accusation might be vexatious in intent, or a person might not understand the definition of workplace discrimination or bullying and harassment. False accusations can have a negative effect on the accused and the workplace overall. Complaints that are viewed to possibly be vexatious may be formally investigated as an act of misconduct.

APPLICATION

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

APPROVED: April 27, 2022