

**BOARD OF EDUCATION
School District #33 (Chilliwack)**

402.1

ADMINISTRATIVE REGULATION

Respectful Workplace – Definitions and Responsibilities

The Respectful Workplace Regulations (402.1 and 402.2) are intended to set clear behavioral expectations for respectful conduct to support a culture of mutual respect and cooperation among all employees and Board members in School District No. 33 (Chilliwack). The regulations apply to the interactions of these individuals with one another and with parents, students, and members of the public with whom they engage on behalf of the Board or the District. They apply to all functions and activities whether or not they occur within the District or on the property of the District, where there is an impact on the Board or District working environment.

These Regulations are intended to meet the legal obligations of the District and Board as employers and enhance the promotion of a respectful workplace. Where a collective agreement or association agreement includes provisions respecting the prohibited conduct outlined in these Regulations, or a process for intervention in the circumstances of the complaint, the provisions of the agreements will continue to apply in conjunction with the provisions of this Regulation.

False Complaints

Complaints or reports of bullying and harassment, discriminatory harassment and retaliation 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 dismissal.

DEFINITIONS

Bullying and Harassment

Includes any inappropriate conduct, comment, display, action, or gesture directed at another that a reasonable person knows or ought to know would have the effect of creating an intimidating, humiliating, hostile, or offensive work environment. To constitute Bullying and Harassment there must be:

Cross Refs: Bullying and Harassment WorkSafeBC Policy, *BC Human Rights Code*, Provincial Teachers' Collective Agreement

Adopted: April 26, 1994
Reviewed: July 15, 1997
Revised: February 13, 2018

- a. repeated conduct, comments, displays, actions or gestures; or
- b. a single serious occurrence that has a lasting, harmful effect on a person.

Examples of Bullying and Harassment can include:

- 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;
- subtle conduct such as unwelcome non-verbal gestures, manipulation, ignoring or isolating a person; or
- bullying.

Bullying is a form of Personal Harassment that is marked by intentional, persistent attempts of a person or group to intimidate, demean, humiliate, torment, control, mentally or physically harm, or isolate another person or group. This behavior, through its persistence or severity, diminishes the dignity or the psychological or physical integrity of the target(s).

Bullying and Harassment DOES NOT include:

- a. 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. For example, Bullying and Harassment does not include changes to working conditions, corrective action, discipline, termination of employment, decisions relating to workload and deadlines, performance evaluation, transfers, changes in job duties, lay-offs, demotions and reorganizations unless such conduct is carried out in an abusive or threatening manner or is intended to cause emotional harm.
- b. Interpersonal conflict between people is not Bullying and Harassment unless the conflict results in behavior that is considered threatening or abusive. Personal disputes over non work-related matters should not be engaged in at the workplace. Disputes over work-related matters should be resolved respectfully between the persons involved or with the assistance of a Principal, Vice Principal, Supervisor or human resources.
- c. Interpersonal relations that are normally connected to the roles and functions in the workplace do not constitute Bullying and Harassment. Bullying and Harassment is a serious matter and is

intended to apply to serious circumstances. It is not intended to limit normal social interaction or consensual relationships.

Discriminatory Harassment

Is related to an individual's rights under the *Human Rights Code* and WorkSafeBC regulations. It is defined as conduct that relates to employment and:

1. is based on, or related to, a prohibited ground of discrimination as set out in the *Human Rights Code*, including: race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, age, or criminal or summary conviction that is unrelated to employment;
2. is unwelcome or is of such a nature that it would be reasonable to assume that it is unwelcome; and
3. detrimentally affects the work environment or leads to adverse job related consequences for the target of the harassment.

The conduct does not have to be directed at a specific individual or be intentionally offensive to be considered Discriminatory Harassment. Some examples of conduct that may be Discriminatory Harassment include:

- imposing job requirements that are not bona fide occupational requirements and which cannot be met due to disability;
- unwelcome comments, jokes, innuendo or teasing based on a prohibited ground of discrimination;
- homophobic comments or conduct;
- email or other digital or social media material that contains inappropriate or unwelcome content related to a protected ground; or
- sexual harassment.

Sexual harassment is a form of Discriminatory Harassment and is based on sex, sexual orientation, gender identity or gender expression. It can occur between men and women, individuals of the same gender, individuals of the same or differing sexual orientation, and includes harassment on the basis that an individual is transgender.

Sexual harassment may take a variety of forms, examples of which can include:

- unwelcome gestures or comments regarding physical appearance;
- unwelcome physical contact or sexual advances;
- posters, pinups, pictures or digital content related to sex;

- any conduct that reasonably leads to the perception that a condition of a sexual nature is being placed on a person's employment or any opportunities for persons in the workplace; or,
- conduct related to formerly consensual relationships or where there is a work related power imbalance between persons in an otherwise consensual relationship.

Retaliation

Retaliation is an adverse action taken against a person to whom this Regulation applies for having:

- invoked this Regulation in good faith;
- participated or cooperated in any investigation under this Regulation; or
- associated with a person who has invoked this Regulation or participated in these procedures.

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

RESPONSIBILITIES

Everyone in the District plays an important role in maintaining a respectful workplace.

School District Administration and the Board:

Must proactively maintain a workplace free from discrimination, bullying and harassment. This includes creating, communicating and administering this Regulation and providing training and support related to this Regulation. Human Resources will ensure that this Regulation is reviewed regularly and steps may be taken to amend the Regulation as needed.

Board members, School District Administrators, Principals, Vice-Principals, and Supervisors

Must communicate this Regulation, model respectful behavior, intervene and respond to reported or suspected breaches of this Regulation in a timely and fair manner, by means of application of this regulation, and comply with all laws that may be applicable under this Regulation. These parties should be observant in the workplace, listen carefully to concerns that are raised and take the appropriate steps to address the situation. When they become aware of a concern under the Regulation, they will consult with School District Administration, including Human Resources, as appropriate.

All Employees and Board Members

Are responsible for understanding the Regulation, treating everyone at the workplace with dignity and respect, not engaging in prohibited conduct of any kind, immediately reporting breaches of this Regulation, and cooperating fully with any investigations under this Regulation. This includes reporting any evidence of prohibited conduct related to the workplace including when it is observed toward others.