

EMPLOYEE HARASSMENT, SEXUAL HARASSMENT, DISCRIMINATION AND VIOLENCE REPORTING AND INVESTIGATION

BACKGROUND

The Charter Board recognizes that every person has basic human rights, including the right to respect, dignity, and protection from all forms of harassment. The Charter Board will adhere to the spirit and intent of all applicable legislation governing workplace harassment, including but not limited to the *Alberta Human Rights Act*, *Occupational Health and Safety Act*, and Board Policy 13 – Caring, Respectful and Safe Working and Learning Environments. The responsibility for a respectful working and learning environment is shared as follows:

PURPOSE

The Charter Board is committed to maintaining a workplace where all employees, as defined below, are treated with dignity and respect and will not tolerate any known form of harassment towards its employees. This procedure outlines the commitment, principles and procedures the Charter Board will follow with respect to preventing and stopping harassment in the workplace. Any violation of Board Policy 13 will be subject to disciplinary action up to, and including, termination.

DEFINITIONS

In this administrative procedure:

1. “Employee” includes any full-time, part- time, probationary, temporary and casual worker as well as volunteers, and students.
2. “Complainant” refers to the employee who files a harassment complaint.
3. “Respondent” refers to the individual(s) against whom a harassment complaint is filed.
4. “Reprisal” refers to a negative action or omission against an employee who:
 - 4.1 invokes this procedure, whether on behalf of oneself or another individual;
 - 4.2 participates or co-operates in any inquiry under this procedure;
 - 4.3 associates with a person who has invoked or participated in this procedure;
 - 4.4 performs a legitimate role under this procedure.
5. “Workplace” locations and situations covered by this procedure include, but are not limited to:
 - 5.1 charter board facilities;
 - 5.2 other buildings or premises under the jurisdiction of the charter board;
 - 5.3 social functions sanctioned by or under the jurisdiction of the Charter Board, whether held at charter board facilities or at other locations approved by the charter board;
 - 5.4 student or work-related travel outside of charter board facilities;
 - 5.5 incidents which occur outside the workplace but have negative repercussions at work or adversely affect working relationships;

- 5.6 harassment by electronic means (e-mail, telephone, voice mail, internet, text message or fax) or written communication; and
 - 5.7 any other locations or events where charter board business, operations, or social functions are carried out.
6. "Harassment" means engaging in a course of vexatious comments or conduct against a worker in a workplace, which is known, or ought reasonably to be known, to be unwelcome. This includes comments or actions in the workplace which negatively affect working relationships or productivity or create a poisoned work environment. Workplace harassment includes psychological or personal harassment and bullying, as well as comments and conduct prohibited under the grounds stipulated in the *Alberta Human Rights Act*. Harassment may occur as a single incident or a series of incidents involving unwelcome comments or conduct. Examples of harassing behaviour include but are not limited to:
- 6.1 verbal abuse or inappropriate displays of anger;
 - 6.2 bullying behaviour;
 - 6.3 comments or actions which constitute harassment or discrimination under the *Alberta Human Rights Act*;
 - 6.4 the display, circulation, or electronic transmission of pornographic, racist or other offensive or derogatory text or pictures;
 - 6.5 conduct which interferes with a person's learning or work performance or creates an intimidating, hostile or offensive learning or work environment;
 - 6.6 unfounded complaints which are made in bad faith, in reprisal, frivolously or with malicious intent;
 - 6.7 interfering with a workplace violence or harassment investigation; intimidating a complainant, respondent or witness; or influencing a person to give false or misleading information;
 - 6.8 reprisal as defined in this procedure; and
 - 6.9 any other inappropriate, negative, disrespectful, or unprofessional treatment of others.

SCOPE

The superintendent will:

- 1. Establish procedures to effectively address alleged instances of workplace harassment;
- 2. Provide all employees with training and information regarding the procedures;
- 3. Monitor compliance with this procedure and related policies; and
- 4. Review this procedure annually, ensuring it is current, appropriate and effective.

Supervisors will:

- 1. Foster a harassment-free workplace;
- 2. Model respectful behaviour in the workplace;
- 3. Ensure employees under their supervision receive adequate information and training on the procedure; and
- 4. Report any incidents or potential for harassment to the superintendent.

Failure of supervisors, in keeping with their authority, to respond in accordance with this procedure to interpersonal misconduct or allegations of discrimination or harassment may be considered as condoning such behaviour and therefore a violation of this procedure.

Employees will:

- 1. Familiarize themselves with this procedure;

2. Attend any training related to this procedure;
3. Seek clarification from their supervisor regarding this procedure if they have questions;
4. Treat everyone with respect and dignity;
5. Participate in education programs as well as the development and implementation of policies and procedures;
6. Reduce incidents of harassment by practicing principles of prevention;
7. Refrain from workplace harassment as defined in the procedure; and
8. Immediately report instances of actual or potential workplace harassment, whether directly experienced or witnessed, to their supervisor.

This procedure is applicable whenever an employee:

1. Carries out duties or conducts business on behalf of the charter board;
2. Represents the charter board on committees or at learning- or work-related events/conferences;
3. Attends learning or work-related functions; and
4. Socializes with other employees.

This procedure does not prohibit supervisory staff from carrying out functions within their rights and responsibilities, provided they do so in an appropriate, professional manner that does not constitute an abuse of power. Such functions include, but are not limited to, conducting performance appraisals, addressing performance and conduct issues, delegating work assignments, and determining work locations and schedules for staff.

This procedure protects employees from workplace harassment by those individuals whom employees may contact in the course of their job duties. These include, but are not limited to, clients, members of the public, and those who supply goods and services to the charter board.

PROCEDURES

1. Lodging a Complaint

Any person who feels he/she has experienced workplace harassment may take the necessary steps, file a complaint under this procedure, or initiate proceedings, without prejudice or fear of reprisal. Any person who believes they have been subjected to violence and harassment has the right to access assistance in communicating their objections and, if warranted, in pursuing the complaint more formally. Human resources will be the point of contact for employees who wish to access assistance. In all cases, employees have the right to address their concerns to the Alberta Human Rights Commission. If you believe that you have been subjected to workplace harassment, the following steps are to be followed:

1.1 Step One:

Ask the person to stop. Do so as soon as you experience any form of unwelcome comment or conduct. You may make your feelings known verbally to the offender, directly or with the assistance of a third party. Although this may be difficult, telling the person you do not like their actions is often enough to stop the behaviour. Remind the person that the conduct is against Charter Board policy. It is imperative is immediately made aware that the behaviour or conduct is offensive, so they have the opportunity to stop. If you are not comfortable with approaching the person, go to step three.

If you believe someone who is not an employee, e.g. a customer, supplier, etc., has subjected you to harassment, please report the incident to your supervisor

immediately. Harassing behaviour from non-employees is not acceptable and will be dealt with under this procedure.

1.2 Step Two:

Keep records of the incident(s) including dates, location, witnesses, your response to the individual and any other pertinent information.

If allegations of workplace harassment or violence are made against you, keep a record of your version of the alleged incident. If you believe the complaint is unfounded or made in bad faith, discuss the matter with your immediate supervisor or with the human resources director.

1.3 Step Three:

If the violent or harassing behaviour does not stop, bring the complaint immediately to the attention of your immediate supervisor and the superintendent. Any formal written complaint filed by an employee must contain:

- 1.3.1 name(s) of the respondent(s) to the complaint;
- 1.3.2 the date or dates of the incident(s);
- 1.3.3 location(s) of the incident(s);
- 1.3.4 details of the incident(s); and
- 1.3.5 names of any witnesses.

The superintendent will then address the issue with the alleged offender in accordance with step four.

1.4 Step Four:

The superintendent will review the written complaint and may determine sufficient evidence indicates harassment has occurred. If necessary, the superintendent will implement effective temporary measures to protect the victim.

The complainant will be advised that the respondent has a right to know who is making allegations against him/her and will be provided with a copy of the written complaint for their response.

Confidentiality will be maintained at all times except where the disclosure of names is necessary for the purpose of investigating the complaint, when taking any action in relation to the complaint, or where disclosure is required by law.

If criminal actions are alleged, witnessed, or found to have occurred, the superintendent will contact the police immediately. Criminal actions include, but are not limited to, the following behaviours:

- 1.4.1 the displaying of hate-based graffiti or pornography;
- 1.4.2 the transmission or storing of electronic telecommunications that incite hatred and violence or that constitute pornography;
- 1.4.3 the displaying of symbols or emblems (including clothing) that suggest racial supremacy and incite hatred and violence;
- 1.4.4 stalking (persistently pursuing a particular individual although the advances are clearly unwelcome);
- 1.4.5 sexual assault or threat of sexual assault;
- 1.4.6 threats against an individual or their loved ones or family;
- 1.4.7 extortion; and
- 1.4.8 physical assault or threats of physical assault.

Whether or not a formal complaint is filed or retracted after being filed, the superintendent may be obliged to proceed with an investigation if it appears that applicable legislation and/or this procedure has been violated.

2. Investigating a Complaint

- 2.1 The human resources director will undertake an investigation immediately, and all necessary steps will be taken to resolve the problem.
- 2.2. Individual interviews with the complainant, the respondent and any witnesses will be held. If an individual is interviewed, a co-worker or other support person (employee) may be present as an observer.
- 2.3. If the investigation reveals evidence to support the complaint of workplace violence or harassment, appropriate measures will be taken. These may include disciplinary action up to and including termination.
- 2.4. If the respondent is disciplined, the incident will be documented and filed in his/her personnel file in accordance with Administrative Procedure 403 – Personnel Files.
- 2.5. If the investigation fails to find evidence to support the complaint, documentation will be placed in the individual's personnel file.
- 2.6. If resolution is not achieved, the complainant may exercise his/her/their rights under the *Alberta Human Rights Act* or the *Occupational Health and Safety Act*, as appropriate.
- 2.7. Workers who make legitimate complaints of harassment in good faith will not have their employment affected in any adverse manner.
- 2.8. Where the complaint is determined to be abusive, frivolous, vindictive, or made in bad faith, the charter board will take appropriate action towards the complainant.
- 2.9. Reprisal against an individual who has filed a complaint in good faith or who has been named as a witness or respondent in a complaint, whether or not the complaint was substantiated and whether or not the complaint was resolved through any of the procedures set out in this procedure, may itself become an incident of workplace harassment and could result in disciplinary action being taken by the charter board.

Legal Reference:

Education Act
Alberta Human Rights Act
Child Youth and Family Enhancement Act
Employment Standards Code
Occupational Health and Safety Act
Canadian Charter of Rights and Freedoms
Canadian Human Rights Act

Cross Reference:

AP 416 -Harassment, Sexual Harassment and Discrimination
AP 403 -Personnel Files
Board Policy 13-Welcoming, Caring, Respectful and Safe Working and Learning Environments

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