

# **Fort McMurray Catholic Schools Operating Policies and Procedures**

## **OP 108 – Respectful Workplace**

### **Policy**

The Fort McMurray Catholic School District is committed to providing a work/educational environment that is free from discrimination and harassment in all forms and fosters respect for the dignity, self worth, and well being of all members of the Board's Catholic Community regardless of disability, race, creed, culture, nationality, religion, sexual or gender orientation, gender identity and gender expression.

### **Background**

The spirit, intent and procedures of this Policy have been established to uphold the inherent right of all individuals to be treated with dignity and respect. It is important to realize that all forms of harassment and discrimination are contrary to the Catholic values of the system. This forms the basis of our "Core Values, A Call to Discipleship".

The Fort McMurray Catholic School District recognizes its responsibility under the Human Rights, Citizenship and Multiculturalism Act to ensure that all employees are free from harassment and discrimination.

### **Purpose**

The purpose of this regulation is to ensure that individuals are:

- a. aware of and understand their obligation to treat each other with dignity and respect;
- b. advised of available recourses if they are subjected to, or become aware of situations involving inappropriate or disrespectful behaviour which diminishes the dignity of any person(s) and can create a poisoned or hostile work environment;
- c. aware that failure to demonstrate appropriate behaviour may lead to disciplinary or legal action or removal from premises of the Catholic Board of Education.

Conduct that is the subject of a complaint under this regulation may also be:

- a. investigated under the Occupational Health and Safety Act;
- b. investigated under the Human Rights, Citizenship and Multiculturalism Act;
- c. investigated under Operating Policy 408 - Code of Conduct for Employees;

- d. the subject of a complaint and investigated under Operating Policy 102 - Personal and Sexual Harassment;
- e. addressed under Operating Policy 331 – Student Conduct;
- f. addressed under any other Fort McMurray Catholic Board of Education policies and Operating Policy; and
- g. investigated by the police.

## **Application**

This policy applies to anyone affiliated with the Fort McMurray Catholic Board of Education and its worksites, including, but not limited to, students, parents, employees, agents, appointees, consultants, contractors, persons on secondment, volunteers, practicum students, student teachers, exchange teachers and students on a work assignment.

Where an incident is the result of student behaviour, the student conduct provision of the Alberta School Act must be taken into consideration.

## **Definitions**

**Workplace:** means the office or school where the individual is customarily employed, and includes all other places, which result from employment responsibilities or employment relationships.

**Appropriate Behaviour:** means behaviour that support and creates a respectful workplace such as, but not limited to:

- a. being polite and courteous;
- b. treating others equitably and fairly;
- c. accepting responsibility for actions, reactions, and behaviours that impact others;
- d. respecting the differences in people and their ideas and opinions;
- e. showing proper care and regard for District property and for the property of others; and
- f. demonstrating honesty and integrity.

**Inappropriate/Disrespectful Behaviour:** among employees means behaviour that is or ought reasonably to be known to be objectionable and/or unwelcome to an individual, or group, which diminishes the dignity of any person(s) and can create a poisoned or hostile work environment. Examples of inappropriate / disrespectful behaviour include, but are not limited to:

- a. Written or verbal comments, actions, gestures, behaviours or “jokes” which would reasonably be perceived as unwelcome, humiliating, offensive, hurtful, or belittling;
- b. Bullying or intimidating behaviour;
- c. Abuse of authority;
- d. Yelling, shouting, screaming, or swearing;
- e. Deliberately excluding or isolating a person from relevant work activities or decision making;
- f. Stereotyping or making inappropriate assumptions about an individual based on an individual’s personal qualities, characteristics or role; and
- g. Devaluing or trivializing a person’s successes, contributions or concerns.

**It does not include:**

- a. a reasonable and appropriate exercise of supervising responsibilities, including training, direction, instruction, performance appraisal, and discipline; or
- b. acceptable and appropriate social interaction, good-natured and appropriate humour or joking in the workplace.

**Bullying, includes cyber bullying:** means persistent, offensive, and abusive, intimidating or insulting behaviour, abuse of power and/or unfair punitive sanctions which makes the recipient’s feel upset, threatened, humiliated and/or vulnerable, which undermines the recipient’s self confidence and/or reduces the recipient’s feelings of self-esteem and self worth and/or which may cause the recipient to suffer undue stress.

**Poisoned work environment:** means work environment or atmosphere where inappropriate / disrespectful behaviour has an adverse impact on an individual or a group, that may include psychological or physiological harm, feelings of intimidation, impaired job performance, reduced job satisfaction, increased absenteeism and/or turnover. The offending behaviour does not need to be directed at an individual. A poisoned work environment may result from a series of events or a serious, single remark or action.

**Alternative Dispute Resolution:** means non-adversarial ways of resolving disputes. Alternative dispute resolution methods are designed to help parties resolve their differences without resorting to a more confrontational adjudicative process. These methods are designed to yield solutions that are adapted to the particular circumstances of individual cases, and to solve problems rather than to impose solutions such as results through an adjudicative process.

## **Confidentiality**

Confidentiality during the complaint process will be maintained at all times as practical and appropriate under the circumstances for each case and except where disclosure of names is necessary for purposes of investigating the complaint or where legal procedures require disclosure.

All records of complaints, including notes from meetings, interviews, results of inquiries and other relevant material will be kept confidential by the Fort McMurray Catholic School District, except where disclosure is required by a disciplinary or other remedial process or required by law or as a consequence of contemplated or actual litigation. These records will be retained in a confidential file in the office of the Deputy Superintendent.

It is the expectation that all parties to a complaint under this policy shall act in good faith throughout the process and shall maintain confidentiality at all times.

### **Procedure: 1st Stage – Informal**

It is in the best interests of all parties to address these situations as quickly as possible and in a way that preserves and fosters good working relationships as well as minimizes disruption in the workplace.

Employees (complainants) who believe that they have been subjected to discrimination or harassment are encouraged to:

q Where possible, inform the alleged harasser (the respondent) that their behaviour is offensive and against the Policy and clearly indicate that the conduct is unacceptable. This may resolve the issue.

q Document (note the details of) any communication he or she has with the respondent. Keep a record of the incidents, dates, times, locations, possible witnesses, and reaction of the alleged harasser.

q In some situations informing the respondent may be difficult or the respondent may not change their behaviour even if told to do so. Employees are encouraged to then bring any concerns to their own Principal/ Vice Principal/ Supervisor/ Manager (provided the Principal/ Vice Principal/ Supervisor/ Manager is not the person named by the complaint). If the alleged harasser is the immediate Principal/ Vice Principal/ Supervisor/ Manager, the complaint should contact the Deputy Superintendent. The incident and its effects shall be explained to the Principal/ Vice Principal/ Supervisor/ Manager, if appropriate. A plan of action shall be agreed upon and follow-up meeting scheduled.

q Counsellors in the Employee Assistance Program may be available to provide personal supportive counselling for employees experiencing harassment or discrimination in the workplace.

q If the activity or behaviour does not stop after the employee has spoken to the alleged harasser or his/her Principal/ Vice Principal/ Supervisor/ Manager then the employee may pursue the formal method.

q Even if the matter is resolved to the satisfaction of the complainant, the Fort McMurray Catholic School District may nonetheless be obliged to continue the inquiry

due to statutory obligations under the Human Rights, Citizenship and Multiculturalism Act to ensure a working environment free from discrimination and harassment.

If a Principal/ Vice Principal/ Supervisor/ Manager of a site receives a verbal or written complaint they shall consider the following:

q Discussing the complaint with the complainant, the respondent with a view to reaching a resolution to the situation. The process provides the Principal/ Vice Principal/ Supervisor/ Manager with an opportunity to resolve (relatively straight forward) complaints in an expeditious manner.

q Any settlement would have to be satisfactory to the complainant and the person accused. The Deputy Superintendent shall be advised of the complaint and agreed upon resolution of the parties.

q If resolution to the complaint is agreed upon, a resolution agreement is drafted and signed by all parties. A copy of the signed agreement should be given to both parties. If no resolution is achieved the employee may initiate a formal complaint.

#### Informal Complaint: 2nd Stage Informal

When a person (the complainant) does not feel able to bring the matter directly to the attention of the person responsible (the respondent) or where such an approach is attempted and does not produce a satisfactory result or when involving the immediate supervisor/principal does not achieve the desired result, the complaint may make contact with the Deputy Superintendent. The Deputy Superintendent shall discuss the matter with the caller at this point.

At this stage, the Deputy Superintendent shall inform the parties of:

q The purpose of the policy and how the procedures work.

q The right to receive fair treatment.

q The availability of counselling and other support services offered through the Board.

q The right to proceed with a formal written complaint, if they so choose, where the alleged harasser is an employee of or acts in some capacity for the Fort McMurray Catholic School District, is a service provider, contractor, parent, guardian or member of the general public.

q The need, when making a formal complaint, to follow the appropriate complaint procedures as outlined in this policy and to give strong consideration to utilizing all stages, including the informal options for resolution, prior to making a formal written complaint.

q The right to be represented or assisted by a person of his or her choice (i.e., a friend, colleague, a union representative, legal counsel [complainant will be responsible for any costs]).

q The right to withdraw from any further action in connection with the complaint at any stage (even though the Fort McMurray Catholic School District may continue to investigate the complaint due to statutory obligations under the Human Rights, Citizenship and Multiculturalism Act).

q The right to obtain information about the review of their complaint, subject to the principles of the Access to Information Act and the Privacy Act.

q Other options of recourse such as Alternative Disputer Resolution, the right to utilize the provisions of the Collective Agreement, to file a complaint with the Human Rights, Citizenship and Multiculturalism Act to take civil action, or where appropriate the right to lay a charge under that Criminal Code.

q Time limits which may apply to such other avenues or recourse.

#### Formal Complaint: 3rd Stage Investigation Procedure, Reporting and Conclusion

Where informal attempts to resolve a complaint are not successful or not appropriate given circumstances and/or the nature of the allegations, a formal complaint may be pursued by a complainant with a view to having an investigation conducted.

(It should again be noted that the Board may be obligated to pursue its own formal investigation of any matter brought to its attention due to its statutory obligations under the Human Rights Code.)

q Formal complaints detailing the particulars of the allegations must be made in writing and signed by the complainant. Complaints must be filed as soon as practically possible after the incident occurred and no later than six months after the date of the incidents.

q The expectation that a formal written complaint shall be laid within six (6) months of the offending incidents unless a delay was:

1. Justified because of extenuating circumstances, and
2. Would not result in substantial prejudice to anyone

q All complaints shall be forwarded to the Deputy Superintendent who will immediately notify the Superintendent.

q The respondent shall be notified within five (5) working days that the complaint has been filed, shall be provided with a written copy of the allegations and given the opportunity to respond to the allegations within five (5) working days.

q The Deputy Superintendent will assign an investigator to conduct an impartial investigation of the complaint.

q The complainant, the respondent, along with Principal/ Supervisor and any individual who may be able to provide relevant information shall be interviewed separately. The conversation will be documented and the person conducting the investigation will keep comprehensive interview notes.

q All individuals who are interviewed will be advised that a representative of their choice may accompany them. Members and employees of the Fort McMurray Catholic School District must make any information determined by the investigator to be evidence or potential evidence available unchanged and without delay.

q There will be no interference with the investigation or attempts to coach or intimidate a witness anyone found to be doing so shall be subject to appropriate discipline.

At the conclusion of the investigation, the investigator will prepare a Preliminary Report of investigation findings that shall be forwarded to the Deputy Superintendent for review with the time frame indicated for corrective action or resolution. He/She will then authorize the release of the report to the parties within fourteen (14) working days.

The complainant and the respondent will have ten (10) working days to respond to the report and bring forward any errors or omissions or information that should be considered before the final decision is made.

The Deputy Superintendent shall review the parties' response to the report and consider whether or not to accept the report's conclusion. A final report will then be prepared and submitted to the Superintendent within seven (7) working days. Based on that report, the Deputy Superintendent shall recommended to the Superintendent what action, disciplinary or otherwise, is appropriate to take in the circumstances.

The Deputy Superintendent shall advise both the complainant and the respondent in writing of the final decision within ten (10) working days.

**A Finding that the Complaint is Supported:**

Where a determination is made that the complaint was supported and there was a violation of the policy, the documentation, including the resolution agreement, all reports, the complaint form and all materials provided to the investigator by any of the parties shall be kept in a secure file for a minimum of seven (7) years in the office of the Deputy Superintendent.

It should be noted that any disciplinary action taken as a result of a finding of a breach of this policy shall be placed in an individual's employee file.

## Appeal: 4th Stage Formal

A person who does not agree with the final written outcome of a formal investigation under this policy may appeal to the Superintendent in writing within five (5) working days of receiving the final decision.

The Superintendent will respond in writing providing his/her decision regarding the appeal within thirty (30) calendar days.

### A Finding That the Complaint is Not Supported:

Where the results do not support the complaint of harassment, both parties shall be informed in writing and the file closed.

If the complainant is not satisfied with the outcome of the inquiry or any remedial action taken by the Fort McMurray Catholic School District, the complainant will be reminded of the continuing right to file a complaint with the Human Right, Citizenship, and Multiculturalism Act or where applicable, may wish to proceed with a grievance.

Where a complaint is not upheld, there shall be no consequence for the Complainant unless it is determined that the complaint was made vexatiously or otherwise in bad faith against the respondent. In the event, the complainant may be subject to disciplinary action.

<b>References:</b> <ul style="list-style-type: none"><li>• Occupational Health and Safety Act,</li><li>• Handbook for the Prevention and Management of Critical Incidents</li> <li>• Board Governance Policy EL # 1, EL # 2</li></ul>	<b>Approved:</b>
	<b><i>Date Approved:</i></b>  <i>August 24, 2009</i>
<b>Cross References:</b> OP 150,152,153,154,333	<b>Date Revised:</b> March 4, 2016