

RESPECTFUL WORKPLACE

Background

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 District's Catholic Community regardless of disability, race, creed, culture, nationality, religion, sexual or gender orientation, gender identity and gender expression.

The spirit and intent of this Administrative Procedure has 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 Alberta Human Rights Act (2000) to ensure that all employees are free from harassment and discrimination and are provided a respectful work environment.

This procedure is part of the District's health and safety program required under the *Occupational Health and Safety Act*.

The District believes in the fostering and maintaining a respectful workplace and learning environment in which all people respect one another and work together to achieve common goals. Any act of inappropriate behaviour committed by or against any worker, student, parent, volunteer or member of the public is unacceptable and such conduct will not be tolerated. The District believes that all individuals have the right to work and learn in a respectful work environment free from violence, personal harassment or sexual harassment. This administrative procedure is in keeping with the District's dedication to providing and maintaining an environment that fosters respectful and responsible behaviours.

With respect to District employees and students, we are committed to:

- Educating our employees in the recognition of appropriate and inappropriate behaviour in the work environment and the operation of this administrative procedure in this regard;
- Investigating reported incidents of inappropriate workplace behaviour in an objective and timely manner;
- Taking necessary action in response to such reported incidents;
- Informing complainants, supervisors and school administrators regarding reporting requirements and supports; and

- Providing appropriate support for complainants.

Purpose

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

- Aware of and understand their obligation to treat each other with dignity and respect;
- 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;
- 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:

- Investigated under the Occupational Health and Safety Act;
- Investigated under the Alberta Human Rights Act (2000);
- Investigated under Administrative Procedure 408 - Code of Conduct for Employees;
- The subject of a complaint and investigated under Administrative Procedure 170 – Discrimination, Harassment and Violence
- Addressed under Administrative Procedure 350 – Student Conduct;
- Addressed under any other Fort McMurray Catholic Board of Education policies and Administrative Procedures; and
- Investigated by the police.

Application

This Administrative Procedure 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

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.

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

- Being polite and courteous;

- Treating others equitably and fairly;
- Accepting responsibility for actions, reactions, and behaviours that impact others;
- Respecting the differences in people and their ideas and opinions;
- Showing proper care and regard for District property and for the property of others; and
- Demonstrating honesty and integrity.

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.

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:

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

It does not include:

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

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.

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.

Procedures

The procedure below outlines the process in place to give effect to the operation of this administrative procedure.

1. Right to Assistance

- 1.1. Any person who has been the subject of violence or harassment has the right to access assistance in communicating their objections and, if warranted, in pursuing a complaint, either formally or informally.
- 1.2. An employee who has been subjected to violence or harassment should advise their immediate supervisor and, if this is uncomfortable or inappropriate in the circumstances, then the Superintendent or designate should be advised of the incident. If the concern relates to the Superintendent may be brought to the attention of the Chairperson of the Board of Trustees.
- 1.3. Students may seek the assistance of a staff member.
- 1.4. Employees must report immediately any concern about school safety, an unsafe or harmful situation at a worksite, that they are aware has occurred, or is likely to occur to either their supervisor or Superintendent or designate. All reports made to a supervisor must be communicated to the Superintendent or designate.

2. Informal Complaint - Possible Steps Prior to Formal Reporting

- 2.1. Where appropriate, the complainant can make their concern known verbally to the respondent, either directly or with the assistance of a third party. This first step is important so that the respondent is immediately made aware that their conduct is offensive to the complainant and must stop. Again, it is recognized that it will not always be possible for the complainant to make the respondent aware of the concern personally.
- 2.2. The complainant should be encouraged to carefully record the details of any incident, including the date and time, nature of the violence or harassment, and the names of any persons who may have witnessed the conduct. The attached Harassment Complaint Form may be utilized and completed as comprehensively as possible in this regard.
- 2.3. The complainant is not required to engage in the informal complaint process prior to making a formal complaint.
- 2.4. At any time during the informal complaint process, the complainant may choose to file a formal complaint.

3. Formal Complaint Reporting

- 3.1. The written record of the complaint should be provided to the Superintendent or designate, where the respondent is the Superintendent, the complaint should be brought to the attention of the Chairperson of the Board of Trustees.

3.2. When a formal complaint is filed, a determination should be made as to whether a report must be filed in accordance with the Occupational Health and Safety Act.

4. No Recriminations or Retaliation

4.1. No individual filing a complaint will be penalized nor subjected to any prejudicial treatment as a result of making a complaint. No correspondence pertaining to the complaint will be placed on the complainant's personnel file.

4.2. No employee shall take retaliatory action against a complainant or a witness with the intention of dissuading or punishing an individual for participating in the complaint process. Sanctions may be imposed for any such retaliation. Retaliation against individuals participating in the complaint process should not be confused with any sanction which may be imposed for making false allegations

5. Investigation

5.1. The District is dedicated to conducting thorough and timely investigations of any complaints received, with the intention of accomplishing the following:

5.1.1. protecting employees and students;

5.1.2. limiting the damaging effects of violence or harassment on victims and others;

5.1.3. increasing worker and student morale;

5.1.4. avoiding negative publicity;

5.1.5. avoiding costly and time consuming legal proceedings; and

5.1.6. lowering the rate of employee turnover and student withdrawal from school.

5.2. The Superintendent or designate may choose to investigate the matter or may appoint an investigator to conduct or assist with the investigation.

5.3. Investigations of a formal complaint will be carried out in accordance with the following:

5.3.1. incidents will be investigated as promptly as possible in accordance with the circumstances;

5.3.2. the District will not disclose the circumstances related to an incident or names of the complainant, the respondent to have committed the violence or harassment, and any witness, except

5.3.3. where necessary to investigate the incident or to take corrective action, or to inform the parties involved in the incident the results of the investigation and any corrective action to be taken to address the incident;

5.3.4. where necessary to inform employees of a specific or general threat of violence

or harassment or potential violence or harassment (in doing so, the investigator will disclose only the minimum amount of personal information that is necessary to inform workers of a specific or general threat); or as required by law;

- 5.3.5. in all cases, both the complainant and the respondent will be interviewed and the respondent will be advised of the allegations they face, and provided with an opportunity to answer the same;
- 5.3.6. if a respondent refuse to be interviewed, the investigation may continue without their cooperation;
- 5.3.7. if the respondent is an employee and is unionized, any interview of the respondent shall be conducted in accordance with applicable collective agreement provisions;
- 5.3.8. individuals with knowledge of the incident will be encouraged to keep the information confidential and not to discuss the details with others; and
- 5.3.9. the safety of the complainant will be a paramount consideration throughout the investigation process.

6. Disposition of the Complaint

- 6.1. Following the investigation process, the investigator will determine whether or not complaint has been substantiated. A summary of the findings shall be provided to the complainant and to the respondent. In the event that the complaint is not substantiated, the complainant and the respondent will both be advised separately that the complaint is dismissed, including a removal from the respondent's record of any reference to the complaint.
- 6.2. If a complaint is dismissed, consideration will be given to whether or not the complaint was false, frivolous and vexatious, or made with malicious intent, and if so, what recourse should flow in the event from such a conclusion.
- 6.3. In the alternative, if the complaint is substantiated, the investigator will identify appropriate corrective and disciplinary measures and may include a range of responses. Consideration will be given to the specific circumstances of the incident, the terms and conditions of employment and other relevant factors related to the respondent. Recourse may include both disciplinary and corrective action. The following possible options include one or more of the following:
 - 6.3.1. Apology;
 - 6.3.2. Training;
 - 6.3.3. Referral to an employee assistance plan for counseling;
 - 6.3.4. Reassignment or transfer;

- 6.3.5. With respect to students, suspension or expulsion in accordance with the applicable administrative procedure related to student discipline matters and the School Act provisions;
- 6.3.6. Limiting access to certain areas at the worksite or school, or to District activities;
- 6.3.7. Letter of discipline;
- 6.3.8. Issuing a cease and desist letter to the respondent;
- 6.3.9. A ban of the respondent from attending at the worksite or school in accordance with s. 27 of the School Act;
- 6.3.10. Discharge; and
- 6.3.11. Advising the local authorities of a potential criminal offense.

7. Systemic harassment investigation

- 7.1. Whether or not any complaint has been made, when concerns regarding a worksite or school environment are brought to the attention of the Superintendent or designate, the Superintendent may direct that a systemic review of any worksite or school be completed, to ensure that employees and students are able to work and learn in an environment free from violence, personal harassment or sexual harassment.

8. Confidentiality

- 8.1. Throughout the complaint or investigation process, to the greatest extent possible, reasonable efforts shall be made to respect the confidential nature of a complaint. However, absolute confidentiality cannot be guaranteed owing to the need for an investigation and the need to inform any of the following; witnesses, the respondent, the District's Superintendent or designate, and the District employee assigned to address Occupational Health and Safety matters, and if required an Occupational Health and Safety Officer appointed pursuant to Occupational Health and Safety Act.

9. Program Review and Evaluation

- 9.1. As part of the District's health safety program, the District will engage in ongoing evaluation to monitor the effectiveness of this administrative procedure. Given that the purpose of this administrative procedure is to minimize the occurrence of workplace violence or harassment and establish an environment of non-tolerance to workplace and school violence or harassment, this procedure will be evaluated against that measure at least every 3 years and more frequently if circumstances dictate.
- 9.2. The program review and evaluation may include the following:
 - 9.2.1. a needs assessment of complainants and respondents;
 - 9.2.2. a review of District and worksite training initiatives;

9.2.3. process evaluation in order to measure whether the administrative procedure is meeting its intended objective; and

9.2.4. outcome evaluation to determine whether the administrative procedure has met its objectives and whether additional opportunities for improvement in the program can be identified.

9.3. This program review and evaluation may include canvassing individuals who have made complaints as well as respondents, witnesses, students, parents and other employees, as to their understanding of the administrative procedure, perception of the efficacy and fairness of the process.

Approval Date: January 1, 2019

Reference: Section 20, 45, 45.1, 60, 61, 96, 113 School Act
Occupational Health and Safety Act,
Alberta Human Rights Act
Child Youth and Family Enhancement Act
Employment Standards Code
Canadian Charter of Rights and Freedoms
Canadian Human Rights Act
Criminal Code
Individual's Rights Protection Act
Student Record Regulation 225/2006
ATA Code of Professional Conduct
Handbook for the Prevention and Management of Critical Incidents