



Division: Human Resources

Policy #: HR-800

Policy Name

Respectful Workplace/Harassment Prevention and Resolution

Policy Statement

All employees are entitled to a respectful workplace. The Newfoundland and Labrador English School District (“District”) will foster a respectful workplace through the prevention and prompt resolution of harassment and discrimination. The District will provide a forum for resolving harassment and discrimination early and make available a means through which employees can seek resolution options to address harassing and/or discriminatory behaviour.

The Respectful Workplace/Harassment Prevention and Resolution Policy (the “Policy”) is intended to achieve these objectives.

Harassment and discrimination are unacceptable and will not be tolerated. When harassment or discrimination has been determined to have occurred, disciplinary action, up to and including dismissal, shall be taken.

Background

The District is committed to providing a work environment where people are treated with dignity and respect. A respectful workplace will allow employees the opportunity to complete their work in a safe, effective and efficient manner, free from harassment and/or discrimination. The purpose of this Policy is to outline expectations for appropriate conduct in the workplace and the resolution process for employees who believe they are experiencing harassing or discriminating conduct.

Scope

This Policy applies to all District employees: unionized, non-unionized and management; full-time, part-time, casual, substitute; permanent or temporary; apprentice, work-term/intern or contract. Bargaining unit employees should also consult their respective collective agreements.

Approved: November_22, 2014

EFFECTIVE: December 1, 2014

Amended: November 21, 2020

Definitions

Complainant

Any employee who has brought forward or filed a complaint under this Policy alleging discrimination or harassment.

Discrimination

The refusal to employ or continue to employ, or to intentionally or unintentionally deny a right, benefit or opportunity on the basis of an actual or perceived prohibited ground of discrimination as outlined in the **Human Rights Act, 2010**. Discrimination imposes burdens, obligations, or disadvantages on an individual or group not imposed upon others.

Harassment

- Comments or conduct which are abusive, offensive, demeaning or vexatious that are known or ought reasonably to be known to be unwelcome. Harassment may be intended or unintended.
- Any conduct that endangers any employee's employment, undermines any employee's performance, or threatens the economic livelihood of any employee.
- Any use of power or authority by a supervisor that endangers, undermines, threatens, interferes with or influences an employee's job, the performance of that job, or the economic livelihood of the employee. This does not include the legitimate and proper exercise of supervisory responsibilities such as distribution of work assignments or training opportunities, work evaluation, disciplinary measures taken for valid reasons and or staffing decisions.
- Bullying behaviour consisting of actions or verbal comments that are intended to intimidate, offend or humiliate a particular person or group of people.

Investigation

The systematic and objective examination of the facts relevant to a workplace harassment or discrimination complaint. An investigation may involve interviewing and obtaining signed statements from complainants, respondents, and witnesses, as well as a review of physical evidence such as documents or emails.

Mediation

A voluntary problem-solving process in which a neutral third party assists the parties to negotiate a resolution in good faith. Mediation may be held between two or more parties, is oriented to the future, and is not designed to lay blame, investigate facts, or determine guilt. Both parties must mutually agree to participate in mediation.

Approved: **November 22, 2014**

EFFECTIVE: **December 1, 2014**

Amended: **November 21, 2020**

Procedural Fairness

Includes the right to be heard; the right to be treated without bias; the right to be informed of allegations being made and to be provided with an opportunity to respond to them, and the right to information regarding the status of the complaint.

Respectful Behaviour

The universal duty to respect all people and accept the differences that diversity brings to a workplace.

Respondent

Any employee against whom allegations of harassment or discrimination are made.

Sexual Harassment

Unwanted and unwelcomed conduct of a sexual nature.

Workplace

The workplace is any place where employees perform work-related duties or functions. Workplaces can include schools, buses, school-related activities and excursions, work-related social events, board offices and other board facilities. Conferences and training sessions fall within the parameters of this policy.

Policy Directives

1. Workplace harassment, as defined in the regulations of the **Occupational Health and Safety Act**, will not be tolerated. All District employees are obligated to report observations or experiences of bullying, inappropriate conduct, and or workplace harassment.
 2. All managers/supervisors/school administrators shall promote respectful workplaces and take a proactive role in addressing inappropriate conduct. When a supervisor/manager/school administrator of the District becomes aware of situations involving alleged harassment or discrimination, they are obligated to intervene, even in the absence of a complaint.
 3. Employees are obligated to report observed instances of workplace harassment to their manager.
 4. Third party harassment (by contractor, student, parent/guardian) in the workplace will not be tolerated and employees who experience harassment will bring the issue to their immediate supervisor or school administrator.
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Approved: **November 22, 2014**

EFFECTIVE: **December 1, 2014**

Amended: **November 21, 2020**

5. Learning opportunities regarding respectful workplace and this Policy shall be made available to employees.
 6. Every effort should be made to resolve workplace issues through an informal resolution process, with open communication and in a cooperative manner. Informal resolution can involve the immediate supervisor or a Human Resources Manager.
 7. In cases where an employee believes that they are experiencing harassing or discriminating conduct, and where the situation cannot be resolved informally, the employee can access a formal complaint resolution process. The complaint must be made in writing and be submitted in accordance with the administrative procedures/regulations outlined for this Policy.
 8. All complaints of harassment and discrimination shall, to the extent possible, be dealt with in a timely manner.
 9. The District encourages all employees to speak up when they believe they are experiencing harassing or discriminating conduct.
 10. The District will endeavour to ensure that complainants and respondents are treated fairly and respectfully throughout the process.
 11. The District will endeavour to protect victims of harassment and discrimination from any repercussions that may result from a complaint.
 12. The District will endeavour to protect the privacy of individuals involved, so long as doing so remains consistent with the enforcement of this Policy and adherence to the law.
 13. Harassment and discrimination do not include supervisory and management actions, such as assignment of work, performance reviews, coaching, and disciplinary action, when conducted in a respectful manner and in good faith for valid reasons.
 14. Where harassment or discrimination has been determined to have occurred, action, including disciplinary action, shall be taken, up to and including termination of employment.
 15. A complainant who makes a complaint under this Policy that involves a falsehood or malicious intent, or is otherwise made in bad faith, shall be subject to appropriate disciplinary action.
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Approved: **November 22, 2014**

EFFECTIVE: **December 1, 2014**

Amended: **November 21, 2020**

16. This policy is in addition to, and not a substitution for, such rights as an individual may have under applicable collective agreements, the **Human Rights Act, 2010**, and the **Criminal Code of Canada**.

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