

WORKPLACE BULLYING AND HARASSMENT

Background

The District is committed to providing a workplace where bullying and harassment are not acceptable or tolerated. It is obligated by WorkSafe BC to take reasonable steps to prevent or otherwise minimize workplace bullying and harassment. This Administrative Procedure describes the steps the District will take to achieve its commitment.

Definition

Bullying and Harassment is defined to include “any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated.” (Worksafe BC)

Examples of bullying and harassment might include:

- Verbal aggression, insults or calling someone derogatory names
- Vandalizing a worker’s personal belongings
- Sabotaging another person’s work
- Carrying out harmful or offensive initiation practices or hazing
- Making personal attacks based on a worker’s private life or personal traits
- Making aggressive or threatening gestures
- Cyber-bullying, including sending harassing emails or text messages or posting humiliating or intimidating information on social media or websites

Bullying can come from many sources including coworkers, supervisors and employers, or from external sources such as students, parents, members of the public or workers from other organizations.

Not every unpleasant interaction, instance of disrespectful behaviour or workplace conflict is bullying and harassment. Expressing a difference of opinion, offering constructive feedback or advice about work-related behaviour and making a legitimate complaint through established procedures about a manager’s or another worker’s conduct are not bullying and harassment.

It’s also important to note that reasonable management action is not considered workplace bullying and harassment. Principals and supervisors have many responsibilities – including directing and supervising how work is performed, monitoring workflow and providing feedback on performance. As long as those actions are taken in a respectful manner, they do not constitute bullying and harassment.

Procedures

1. The District will take steps to prevent where possible, or otherwise minimize, workplace bullying and harassment and will:
 - 1.1. Develop and implement procedures for workers to report incidents or complaints of workplace bullying and harassment;
 - 1.2. Develop and implement procedures for how the District will deal with incidents or complaints of workplace bullying and harassment;
 - 1.3. Inform workers of the District's procedure statements and the steps it has taken to prevent or otherwise minimize workplace bullying and harassment;
 - 1.4. Train all supervisors and workers on recognizing the potential for bullying and harassment, responding to bullying and harassment, and procedures for reporting and how the District will deal with incidents or complaints of bullying and harassment;
 - 1.5. Annually review this Administrative Procedure;
 - 1.6. Not engage in bullying or harassment of workers and supervisors; and
 - 1.7. Apply and comply with the District's procedures on bullying and harassment.
2. Effects of Bullying and Harassment
 - 2.1. Bullying and harassment poses a risk to the physical and mental health of workers. It can lead to lower productivity, physical illness and it can increase the risk of injury if a worker is distracted while performing their job.
3. Employer's Legal Obligations
 - 3.1. The District must ensure the health and safety of its workers and any other workers present at the workplace. The District must also provide workers with the information, instruction, training, and/or supervision necessary to ensure work is performed safely.
4. Supervisor's Legal Obligations
 - 4.1. Supervisors must ensure the health and safety of all workers under their direct supervision.
 - 4.2. In the context of bullying and harassment, supervisors:
 - 4.2.1. Must not bully and harass others
 - 4.2.2. Must ensure members of their staff do not bully and harass others
 - 4.2.3. Must report any bullying or harassing behaviour they experience or observe in the workplace
 - 4.2.4. Must apply and comply with the District's procedures on bullying and harassment
5. Workers' Legal Obligations
 - 5.1. Workers have an obligation to:
 - 5.1.1. Not bully or harass others

5.1.2. Report any bullying or harassing behaviour they experience or observe in the workplace

5.1.3. Apply and comply with the District's procedures on bullying and harassment

6. More Information Available

WorkSafe BC has resources on bullying and harassment on their website at <http://www.worksafefbc.com>

7. Reporting and Investigations

Reporting Incidents of Complaints of Workplace Bullying and Harassment

7.1. If you witness or experience bullying and harassment in the workplace, you must report it. If the alleged bully is an employee, report it to either the Superintendent or the Secretary-Treasurer directly or to them through your Principal or Supervisor. If the alleged bully is a student, parent or other member of the public, report it to the worker's Principal or Supervisor.

7.2. One of the following processes must be used when a complaint is received:

7.2.1. Informal Process – You may seek the assistance of a third party (Principal, Union representative, Manager of Human Resources) for less serious allegations where there is a reasonable likelihood of a resolution between the parties if both parties are willing to meet. These parties would meet in a timely manner and the final resolution would be documented and reported to the District for statistical purposes and regulatory compliance but the details of the resolution would be kept confidential.

7.2.2. Formal process - Complaints must be in writing, using the complaint form attached to this document ([Form 172-1](#)). The District will not investigate anonymous complaints. The complaint must include the names of the parties involved, any witnesses to the incident, the location, and date and time of the incident, as well as details about the incident (behaviour, words used, etc.). The Complainant may provide additional information and supporting documents such as emails, handwritten notes, photographs and physical evidence like vandalized personal belongings.

7.2.2.1. The respondent will be given a copy of the complaint (personal information may be withheld).

7.2.2.2. When teachers are involved as the complainant in harassment complaints, Article E.2 of the Collective Agreement will be followed.

8. District Action

8.1. The District will treat incidents or complaints of workplace bullying and harassment seriously and will address them promptly. As described above, reports or complaints of workplace bullying and harassment are to be submitted in writing to the worker's Principal or Supervisor or to either the Superintendent or the Secretary-Treasurer. The option of reporting to either one of the District's senior officers will ensure that workers are able to bypass their Supervisor if he or she is the alleged bully.

8.2. Upon receiving a complaint of bullying and harassment, the District will investigate the incident to determine whether or not bullying and harassment has occurred. In the

event the Superintendent or the Secretary-Treasurer is involved as either the alleged bully or as the target of such behaviour, the District will bring in an impartial outside investigator to conduct the investigation. The District may bring in an outside investigator to conduct the investigation of any other bullying and harassment incident or complaint.

- 8.3. During the course of the investigation, the alleged bully and the target will each have a chance to give their side of the story to the investigator. The investigation will be conducted in an impartial, fair and sensitive manner and will focus on obtaining facts and evidence relating to the allegation. The investigator will be as confidential as possible in the circumstances. The alleged bully and the target may have the assistance of another person, such as their Union representative, during the investigation.
- 8.4. Where appropriate, witnesses, supervisors and others will also be interviewed. Workers are expected to cooperate with the investigator and to disclose all pertinent information to him or her.
- 8.5. At the conclusion of the investigation, both the alleged bully and the target will be provided with a copy of the investigator's findings. The Superintendent will also be provided with a copy of the findings.

9. Follow-up to an Investigation

9.1. Corrective Actions

Once the investigation is complete and, if there is a finding that bullying and harassment did occur, the District is committed to promptly taking action to ensure that bullying and harassing behaviour stops. The action the District will take will vary depending upon the circumstances and may include one or more of the following:

- 9.1.1. Training
- 9.1.2. Counselling
- 9.1.3. Mediation
- 9.1.4. Relocation of one or more workers to a different work site
- 9.1.5. Disciplinary action
- 9.1.6. Prohibiting a bully who is not an employee from coming onto school property
- 9.1.7. Working with teachers, counsellors or principals to develop an appropriate plan if a bully is a student

9.2. Addressing Adverse Symptoms

The District recognizes that a worker who has been the target of bullying or harassment may experience adverse symptoms and the District will assist the affected workers to find help to deal with these symptoms. Examples of assistance the District may offer are:

- 9.2.1. Training
- 9.2.2. Mediation
- 9.2.3. In the event a workplace illness develops, encourage the worker to seek medical assistance. The District will file the appropriate notices with WorkSafe BC.

10. Timelines

10.1. The District will address complaints or reports of workplace bullying and harassment promptly and without undue delay.

10.2. The District will adhere to the following timelines when the formal process is initiated:

Timelines	Action
Within ten working days of receipt of complaint of workplace bullying and harassment:	<ul style="list-style-type: none">• Commence investigation into the allegation of bullying and harassment.• Provide the alleged bully with a copy of the complaint.
Within ten working days of receipt of the investigator's findings:	<ul style="list-style-type: none">• Provide a copy of the investigator's findings to the alleged bully, the target and management.• If the investigator's findings are that bullying and harassment did occur, commence action to ensure that the bullying and harassing behaviour stops and offer assistance to a worker experiencing adverse symptoms of such behaviour.
Within 3 days of becoming aware of a worker developing a workplace illness as a result of bullying and harassment:	<ul style="list-style-type: none">• Complete and file the appropriate WorkSafe BC notices.

11. Training

11.1. Information Sharing

The District will ensure that copies of this Administrative Procedure, and the reporting form ([Form 172-1](#)) are:

11.1.1. Published on the District's website www.sd79.bc.ca

11.1.2. Distributed to each of the District's work sites

11.1.3. Provided to the District's Health and Safety Committee

11.1.4. Provided to the Joint Health and Safety Committee at each of the District's sites

11.1.5. Provided to Canadian Union of Public Employees (Local 606), Cowichan Valley Teachers' Federation and United Steelworkers Local I-1937

11.2. Training Supervisors and Workers

11.2.1. The District will ensure that all workers, including supervisors, understand their responsibilities to help eliminate or reduce workplace bullying and harassment.

11.2.2. The District will provide training for workers that includes the following:

11.2.2.1. Their obligation to not engage in bullying or harassment at the workplace

11.2.2.2. How to recognize the potential for bullying and harassment

11.2.2.3. The effects of bullying and harassment

11.2.2.4. Their obligation to report bullying and harassment they experience or witness

11.2.2.5. Procedures for reporting, and how the employer will deal with incidents or complaints of bullying or harassment. This includes:

- Who workers can go to for help and what help will be provided
- Who the District's contacts are for reporting incidents
- Who is responsible for following up on complaints and incidents

11.2.2.6. Their obligation to apply and comply with the District's procedures on bullying and harassment

11.2.3. The District will provide training for supervisors that, in addition to the training provided for workers, includes their obligation to ensure members of their staff do not bully or harass others.

12. Annual Review

12.1. To be effective, anti-bullying and harassment procedures need to be current and practical. Annually, the Superintendent will review Administrative Procedure 172 – Workplace Bullying and Harassment – to determine whether or not the procedures are effective and if the procedures need to be revised. The District Health and Safety Committee will be asked to provide its perspectives and recommendations to the Superintendent. The review will consider complaints and incidents of bullying and harassment since the previous year's review.

Reference: Sections 20, 22, 65, 85, 177 School Act
Human Rights Code
Workers' Compensation Act
Occupational Health and Safety Regulation

Adopted: February 16, 2016
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