

YORK CATHOLIC DISTRICT SCHOOL BOARD



BOARD POLICY	
<i>Policy Section</i> Work Environment - Respectful Workplace	<i>Policy Number</i> 501
<i>Former Policy #</i> 420	<i>Page</i> 1 of 8
<i>Original Approved Date:</i> July 4, 2001	<i>Last Approval Date:</i> October 12, 2010

POLICY TITLE: RESPECTFUL WORKPLACE

SECTION A

1. PURPOSE

The inherent right of all individuals to be treated with dignity and respect is central to Catholic values and Christian beliefs. As a Catholic educational community, the York Catholic District School Board is committed to creating and sustaining a working and teaching environment which fosters mutual respect for the dignity and well being of all employees, while recognizing that every employee has a fundamental right to a workplace free from harassment.

2. POLICY STATEMENT

It is the policy of the York Catholic District School Board that all persons employed/contracted by the Board are entitled to perform their duties in a respectful work environment.

3. PARAMETERS

- 3.1 All issues arising out of this policy shall be dealt with in a timely fashion and in accordance with the procedures of this policy.
- 3.2 All issues in respect to this policy must attempt resolution through the informal process prior to initiating a formal process.
- 3.3 Confidentiality:
All reports regarding workplace harassment will be kept in strict confidence, except as is necessary to investigate the complaint and to respond to any legal or administrative proceedings arising out of or relating to the workplace harassment report.

- 3.4 Reprisals:
No person involved as either a party or a witness to a complaint filed under this policy shall be subjected to intimidation, reprisals or discrimination because of their involvement.
- 3.5 Frivolous or vexatious complaints:
The Board does not condone frivolous or vexatious complaints. If it is determined as a result of an investigation that a complaint was made maliciously with intent to harm or made in bad faith, formal disciplinary action will be taken against the complainant, including, but not limited to, a letter of reprimand, suspension or possible dismissal from employment. Such disciplinary action will be placed in the employee's personnel file.

4. RESPONSIBILITIES

This policy applies to all York Catholic District School Board employees. All staff are expected to abide by this policy by refraining from any form of harassment and by fully co-operating in any investigation of a harassment complaint. A respectful workplace is a shared responsibility.

- 4.1 Director of Education
- To ensure compliance with this policy throughout the Board.
- 4.2 Superintendent of Human Resources
- To ensure that all staff are aware of the policy.
 - To provide leadership in the implementation of this policy.
 - To facilitate the Formal Resolution Process.
- 4.3 School Administrators / Department Managers / Supervisors
- To recognize and address actions that offend, embarrass or humiliate others, whether deliberate or unintentional.
 - To treat each situation as a serious matter.
 - To facilitate the situation towards a resolution between the parties if possible, with a view to correcting behaviour and preserving long term working relationships.
 - To consult with Human Resources if the situation cannot be resolved between the parties.
 - To ensure employees are aware of this policy.
- 4.4 Employees
- To treat others with respect.
 - To recognize and refrain from actions that offend, embarrass or humiliate others, whether deliberate or unintentional.
 - To raise disrespectful conduct with the employee displaying it or with a person in authority as soon as possible.
 - To not make allegations of disrespectful behaviour that are frivolous or vindictive.
 - To make every effort to resolve respectful workplace issues, where possible in an informal manner.

5. DEFINITIONS

- 5.1 Respectful Workplace is a work environment that is free from any type of workplace harassment.
- 5.2 Workplace harassment is behaviour where an individual engages in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome, offensive, embarrassing or hurtful.

Examples of personal harassment include: (not limited to)

- unwanted comments, inferences or suggestions;
- various forms of intimidation and aggressive behaviour;
- verbal and emotional abuse;
- withholding information necessary to perform one's duties; and
- 'bullying' which is an attempt to undermine an individual through cruel and humiliating behaviour, including 'cyber-bullying'
- regular use of profanity and abusive or violent language;
- violent behaviours – slamming doors, throwing objects;
- frequent angry shouting/yelling or blow-ups;
- Targeting individual(s) in humiliating practical jokes.

Personal Harassment does not usually include:

- a disagreement or misunderstanding;
- conflict between co-workers;
- a single comment or action (unless it is serious and has a lasting harmful effect);
- rudeness (unless it is extreme and repetitive).

- 5.3 Workplace in respect to this policy includes locations where activities related to the business of the Board take place including:
- activities within offices, staffrooms, classrooms, cafeterias/lunchrooms, and other Board property;
 - Board/School sponsored events associated with and including co-instructional and extra-curricular activities;
 - electronic venues such as internet, email, and telephones;
 - activities outside of Board premises including field trips, external work assignments, work-related conferences, training sessions, travel or social gatherings; as well as
 - situations in other locations where workplace harassment may have a subsequent impact on the work relationship, performance or environment.

6. CROSS REFERENCES

YCDSB Policy 810A Sexual Harassment (Workplace)
YCDSB Policy 810B Racial and Ethnocultural Harassment

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SECTION B

GUIDELINES COMPLAINT PROCEDURES

Each employee has the right to decide how to respond to a situation where they believe there has been a contravention of the Respectful Workplace policy, including choosing to ignore it or implementing the procedures outlined in this policy. Where an employee decides to address the complaint under the Respectful Workplace policy, they must first utilize the informal resolution process.

Whether a formal or informal process is used, employees are encouraged to take notes which reflect, as much as possible, the dates, times, nature of the behaviour, any witnesses, and what was done. These notes will be useful for anyone assisting in resolving the problem. In addition, you may be asked to file a formal written report or complaint with a person in authority.

Early Intervention

Prior to a workplace matter escalating the complainant should discuss the situation and how it might be resolved with one or more of the following applicable individuals:

- principal,
- manager,
- school superintendent,
- a human resources representative or
- bargaining unit representative

At this stage, only advice is being sought, names need not be disclosed. All such enquiries to a third party will be treated as confidential and the complainant is under no obligation to file a formal complaint.

Informal Resolution Process

In an attempt to resolve the situation the following steps must be utilized in the informal resolution process:

Informal resolution will attempt to be conciliatory rather than adversarial. The informal resolution process involves discussing the issues and attempting to develop appropriate solutions. This process is best used in the early stages where people are willing to come to an agreement. Such an agreement may take the form of a clarification of a misunderstanding, an apology, a conflict resolution conference between the parties or an agreed plan of action to avoid future incidents.

Level 1

Be proactive. Try to resolve the problem on your own. Do not wait until a recurrence or assume the problem will go away. Approach the employee who made you feel uncomfortable, explain how it affected you and ask them to stop. Do this calmly, respectfully, and in confidence. Often, an employee may not be aware that her or his behaviour is offensive, and most will change the behaviour once they are aware of the problem. If another employee approaches you regarding an issue of respect, careful listening, respectful discussion and honesty will often lead to a resolution.

Level 2

If you have attempted to resolve the problem without success or if you are not comfortable addressing the problem on your own, discuss the problem and possible solutions with your immediate supervisor. Confidentiality considerations should be discussed and agreed upon.

Level 3

If for any reason you are unable to discuss the problem with your immediate supervisor, other avenues are available to help you resolve the problem. You may contact another appropriate level of management up to and including Senior Management. The importance of confidentiality will be addressed.

Level 4

If you have attempted to resolve the problem, as outlined in Level 3, and it has failed to correct the situation, then assistance through your Union or Human Resources may be necessary. For non union employees the Superintendent of Human Resources may be contacted. Confidentiality will be reinforced with all individuals involved.

Employee Support

- One may consider counselling to help alleviate the psychological and emotional impact of these events. Suggestions for counsellors can be obtained from the Board's Employee Assistance Program – www.fgiworldmembers.com

Formal Resolution Complaint Process

Step 1 – Filing a Complaint

The complainant will submit a written complaint, in a timely manner* to the Superintendent of Human Resources. The complainant should include the nature of the allegation; the name of the respondent; the relationship of the respondent to the complainant (for example, supervisor, colleague); the date and a description of the incident(s); and, if applicable, the names of witnesses. The information provided should be as precise and concise as possible.

Interim Measures

After a complaint is made, the Superintendent of Human Resources, in consultation with the Director of Education will determine if any immediate action or interim measures are required to protect the health, safety and security of the complainant, the respondent, the Board, its community or any of its members. These measures may include but are not limited to:

- limiting access to facilities and or areas within a department;
- change in reporting relationship or worksite; or
- discontinuing contact between the complainant and the respondent during the period of the proceedings under this policy.

Interim measures, if required, are to be implemented by the appropriate Board personnel. Both parties shall be notified of any interim measures to be implemented. Note that any interim measures are not intended as discipline or a transfer within the meaning of any collective agreement or policy. Where an interim action is taken in the course of the investigation, those named will be presumed innocent until a final determination to the contrary is reached under the terms of this policy.

Step 2 – Screening and Acknowledgment of Complaint

Upon receipt of the complaint, the Superintendent of Human Resources acknowledges receipt within two days. The Superintendent of Human Resources will ensure that the complainant is safe and will enact interim measures if necessary while a complaint is being resolved, investigated, or decided. Interim measures shall include but are not limited to temporary reassignment or transfer to another department if requested by the complainant.

The Superintendent of Human Resources will discuss the complaint with the two parties separately and may also consult with others who are in a position to provide relevant information.

*Any complaint must be filed within a reasonable time following the occurrence of the incident. The Board adopts a twelve month time frame and may, in its discretion, decide not to deal with the complaint when the facts upon which the complaint is based occurred more than twelve months before the complaint was filed.

Both parties have the right to representation (Union/Association) during these and any other discussions during this process and shall be informed of such right by the Superintendent of Human Resources.

A preliminary report will be prepared by the Superintendent of Human Resources following the meeting based on the information provided during the interviews. The report will outline preliminary findings on the complaint and will recommend next steps in the formal process including but not limited to mediation, third party investigation, or the dismissal of the complaint.

In the event mediation is recommended in the preliminary report, this should be concluded expeditiously and within six months or less from the submission of the original written complaint to the Superintendent of Human Resources. Delays however may still occur.

Notwithstanding either parties refusal to cooperate in an investigation, the complaint procedure may still be followed to completion.

Step 3 – Mediation

When the Superintendent of Human Resources receives a complaint, the Superintendent will initiate a mediation procedure, which is the recommended avenue of resolution. Consensual mediation will require the agreement of the complainant and the respondent to use the following process:

1. the Superintendent of Human Resources will discuss the nature of the complaint and agree upon who will conduct the mediation;
2. the mediation process and resolution will be kept strictly confidential by all participants;
3. where a resolution is reached, the complainant and the respondent must agree in writing to the resolution, and the matter will then be considered concluded.

Step 4 – Investigation

Where either the complainant or the respondent does not agree to mediation, or no resolution is reached during the mediation, or mediation is not recommended in the circumstances, the complaint will be referred to an investigator selected from a list of investigators determined by the Superintendent of Human Resources. An investigator will be appointed within ten (10) working days of referral. The appointment of an investigator does not preclude an investigator from mediating the dispute where possible.

The referral should, where possible, include a written statement from the complainant and the respondent, which succinctly outlines the issues(s) in dispute. The referral is assembled by the Superintendent of Human Resources and forwarded to the Investigator with copies sent to the Director of Education.

Any complaint of harassment shall be kept confidential except as is necessary to investigate and resolve the issue and subject to MFIPPA (*Municipal Freedom of Information and Protection of Privacy Act*). Investigators will stress the confidentiality of the investigation with the person(s) interviewed.

Terms of Reference of the Investigation

All investigators are subject to strict obligations to not disclose the information obtained through their investigations except as is necessary. Investigators will remind all participants of the need to maintain privacy and will take extraordinary measures to secure information connected with the investigation throughout the investigation. Investigators must agree to sign and abide by a confidentiality agreement in the following form:

I understand that in the course of this investigation I may become aware of highly confidential information. I agree that I will not disclose, discuss or communicate in any way any of the confidential information which I receive during the investigation other than as provided in the policy.

The investigator shall interview all complainant's and respondent's witnesses or provide written explanation as to why they were not interviewed.

Step 5 – Remedies

If an investigation is conducted then the report shall be reviewed by the Director of Education/Designate and action shall be taken within twenty (20) working days of its submission.

Once an investigation is complete, the Superintendent of Human Resources reviews the report with the Director of Education to determine whether, on a balance of probabilities, harassment occurred and what remedies, if any, are warranted.

The complainant shall be given an opportunity to comment on the proposed remedy before a final decision is made. The complainant may request that measures be taken to correct damage done to his/her career development, physical or emotional health, reputation, or finances. The range of remedies may include, but not limited to: an apology, education for the harasser, or reinstatement. The Superintendent of Human Resources shall inform the complainant, the respondent, and the Director of Education in writing of the decision and ensures the corrective and/or disciplinary measures and actions to heal the workplace are taken, if warranted.

Records

Upon the conclusion of an investigation and Director's review, all notes, statements, documents and reports made or collected in connection with the investigation shall be placed in a sealed file. The sealed file shall be retained separate from personnel files under the control and direction of the Superintendent of Human Resources. Such files may only be accessed under the following circumstances:

- 1) By any subsequent Investigator who considers the information relevant to their investigation;

