

RESPECTFUL WORKPLACE POLICY

The Seven Oaks School Division believes in providing a respectful workplace and safeguarding the dignity of all its employees. As such, it opposes harassment in any form, discrimination, disrespectful behaviour and workplace violence. The Division will ensure, as much as possible, that no staff member is subjected to harassment or violence in its facilities. It is the responsibility of all persons to work together to treat each other with respect and dignity.

1. Definitions

Harassment

There are two types of harassment covered by the Workplace Safety and Health legislation, they are:

1. Any inappropriate conduct, comment, display, action or gesture by a person that is made on the basis of:
 - a. Race, creed, religion, colour.
 - b. Sex, sexual orientation, gender-determined characteristics.
 - c. Marital status, family status, source of income.
 - d. Political belief, political association, political activity.
 - e. Disability, physical size or weight.
 - f. Age, nationality, ancestry or place of origin.
2. Behaviour that is sometimes referred to as “bullying”. This may involve:
 - a. Severe, repeated conduct that adversely affects a worker’s psychological or physical well-being if it could reasonably cause a worker to be humiliated or intimidated.
 - b. A single occurrence, if it is shown to have a lasting, harmful effect on an employee.

Forms of harassment:

- Verbal or written abuse or threats.
- Insulting, derogatory (mean, critical, embarrassing) comments, jokes or gestures.
- Personal ridicule (put down or teasing) or malicious (mean) gossip.
- Malicious or uncalled-for interference with another’s work.
- Refusal to work or co-operate with others.
- Interfering with or vandalizing (damaging) personal property.
- Unwelcome remarks or jokes related to a person's ancestry, race, religion, age, sex, sexual orientation, physical characteristics, marital or family status or disability, socio economic status.

- Unwelcome sexual remarks or requests (including persistent unwanted contact after the end of a consensual relationship).
- Displays of sexually explicit, sexist, racist or other derogatory material.
- Written or verbal abuse or threats.
- Unwelcome physical contact.
- Condescending behaviour or bullying.

Violence: Any abusive or aggressive incident (physical, sexual or verbal) that threatens to or results in injury to any person or damage to property. This can include verbal or written threats of harm, practical jokes that could result in injury, and vandalism of personal property.

Complainant: A person who believes he/she has been subject to harassment or violence as defined in this policy.

Respondent: The person or persons against whom a complaint under this policy has been made.

Workplace harassment and/or violence can take place inside or outside of the physical workplace, for example, in a situation that is connected to work or where an individual is contacted at home.

Appropriate supervision including performance appraisals and appropriate discipline does not constitute a violation of this policy.

2. Responsibilities

The Seven Oaks School Division will ensure that all employees are aware of this policy and the procedures available to deal with cases of harassment and/or violent behaviour.

The Superintendents' Team shall inform employee groups for which they have responsibility that harassment and/or violence as described in this policy is not acceptable and will not be tolerated.

School Principals and Directors shall inform staff that harassment and/or violence is not acceptable and will not be tolerated. School Principals and/or Directors will at all times set a good example in creating and maintaining a respectful workplace and will deal with allegations of a violation of this policy quickly, confidentially, and in accordance with this policy and regulation GAEA-R. Principals and/or Directors shall immediately notify the Superintendent to whom they report in the event of a complaint pursuant to this policy.

All members of staff are encouraged to intervene in those situations where harassment and/or violence is observed or overheard, or where knowledge of a violation of this policy is shared with them.

3. Complaint Procedure

Formal and informal allegations of a violation of this policy will be investigated and resolved according to established procedures which are contained in Policy GAEA-R.

Corrective action will be taken by the Division when it has determined that a violation of this policy has occurred.

A staff member has the right either instead of or in addition to this procedure to file a complaint with the Manitoba Human Rights Commission. This Respectful Workplace Policy is not intended to discourage or prevent a complainant from exercising any other legal rights they may have.

4. Confidentiality

The identity of a complainant or a respondent and the circumstances relating to a complaint will not be disclosed unless disclosure is necessary to investigate the complaint and/or to take corrective action or as required by law.

It should be recognized that where parties choose to initiate proceedings or make comments outside of this internal procedure confidentiality cannot be guaranteed by the Division.

Appendix A

A determination of what is or what is not harassment will depend on the facts of each and every case. The following examples may be of assistance in considering whether conduct in a workplace is appropriate or not.

Examples

Personal Harassment by a Co-worker

Jane is an assistant to the manager in an administration office. During her 11-year career, she has been acknowledged for how well she does her job (efficient, professional and friendly). A few months ago, Susan started working in the office. Susan gets along well with the manager, but she seems to want to make things hard for Jane. Susan often says mean things about Jane's work. Susan has sent e-mails to other staff criticizing Jane as a person and a worker. Susan also hides files and doesn't give Jane important information she needs to do her job. This makes Jane look unorganized in front of the manager and other staff. Susan seems to enjoy seeing Jane embarrassed and uncomfortable.

Jane recently spoke to her manager about Susan's conduct towards her. The manager said Jane and Susan must work things out by themselves. Susan will not cooperate and Jane is becoming more uncomfortable and unhappy at work. Jane feels that the stress of her work environment is affecting her health.

Personal Harassment by a Manager

Jill is a computer technician who works at a small computer repair company. On one of her first projects, a customer was upset with her work. Jill's boss, Garry yelled at her in front of the customer and said he might fire her. Since then, Garry has been really hard on Jill. He hovers over her while she works, yelling at her for being too slow or doing her work wrong. He never gives Jill help or advice on how to improve her work.

Garry doesn't do this to any other staff and they have started avoiding Jill and won't help her. When Garry told Jill that she made a mistake on a computer she rebuilt, he would not tell her what she did wrong. Jill spent all evening going over the computer, even asking a friend for help, but could not find any mistakes. She was afraid to come to work the next day, thinking that Garry would yell at her or fire her.

Reasonable Conduct is not Harassment

Reasonable, day-to-day actions by a manager or supervisor that help manage, guide or direct workers or the workplace is not harassment. Appropriate employee performance reviews, counseling or discipline by a supervisor or manager is not harassment.

Example**Reasonable Conduct by a Manager**

Joe is a mechanic in an auto body and repair shop. A new manager, Tom, started working in the shop. Joe does not like some of the changes Tom is making, including following the rules about the hours of work. Joe is often late for work, but his old manager did not seem to mind. Tom says Joe must begin work on time. Tom first talked with Joe to find out why he was late. Joe thinks the reason he's often late is none of Tom's business.

Tom put up a memo to tell all employees that they must be on time for work. Joe was mad about the memo. The next time Joe was late, Tom asked Joe to meet him to talk about it. Joe got mad and walked out of Tom's office. When Tom asked Joe to do something later that day, Joe refused. Tom is thinking about suspending Joe for a day without pay.