



700.4(7) Procedures

Policy 700.4 Respectful Workplace/Harassment

700.4(7.1) Complaint Process

7.1.1 Complaint Options

a) **Workplace Disputes**

- i. From time to time, workplace disputes may arise between employees. It is expected that employees who are in a dispute should discuss the matter and try to resolve the situation at hand.
- ii. Should the employees not resolve the situation to both individuals' satisfaction, the manager/school administrator should be advised of the situation.
- iii. Where possible, the manager shall intervene and assist with resolving the situation. This may include the involvement of other resource people with the agreement of the individuals in dispute.
- iv. In cases where the situation cannot be resolved at the worksite level, or the dispute involves a manager or school administrator, the matter shall be referred to the Human Resources Division for appropriate conflict resolution steps.

b) **Harassment or Discrimination**

The following options are all available to employees who believe that they are being harassed or discriminated against by another employee:

- i. Employees may choose, as a first response to inappropriate behaviour or objectionable conduct, to advise the other person verbally

- or in writing that their behaviour is offensive and request that the behaviour cease.
- ii. Where employees are not comfortable with approaching the other person directly, or where the circumstances do not permit this course of action, they may choose to discuss the matter with their supervisor.
- iii. Where the alleged behaviour is by a supervisor, the employee may choose to discuss the matter with the Assistant Director of Education (Human Resources) or his/her designate.
- iv. Employees may choose to file an official complaint against another employee with the Assistant Director of Education (Human Resources).
- v. Where the alleged behaviour is by a member of the senior management team, the employee may choose to file an official complaint with the Director of Education.
- vi. Where the alleged behaviour is by the Director of Education, the employee may choose to file an official complaint with the Board of Trustees, via the Chair of the Board.
- vii. If the matter cannot be resolved to the satisfaction of the complainant through steps i to vi, employees who are covered by a collective agreement may choose to file a grievance under the relevant clause of that agreement.
- viii. If the matter cannot be resolved to the satisfaction of the complainant through steps i to vii, employees may choose to file an official complaint with the Human Rights Commission of Newfoundland and Labrador.
- ix. In any matter, employees may choose to file a police report and have the police conduct an official investigation.

7.1.2

Filing an Official Complaint

- a) All official complaints of harassment or discriminatory behaviour must be submitted in writing.
- b) If the alleged behaviour is by the Director of Education, employees are to submit an

- official complaint to the Board of Trustees, via the Chair of the Board.
- c) If the alleged behaviour is by any other member of the senior management team, employees are to submit an official complaint to the Director of Education.
- d) In the case of alleged behaviour by any other employee or post-secondary student, employees are to submit the complaint to the Assistant Director of Education (Human Resources).
- e) In the event that the allegation involves the Director of Education AND other employee(s), the complaint would normally be submitted to the Board of Trustees, via the Chair of the Board.
- f) Complaints should be as specific and detailed as possible. An official harassment/discrimination complaint should include the following details:
 - i) Specific information describing the alleged incident(s);
 - ii) Where possible, time, dates and locations of the alleged incident(s);
 - iii) Where possible, witnesses to the alleged incident(s);
 - iv) Expectations of the complainant (what outcomes the complainant would like to see).

700.4(7.2) Review and Investigation of a Complaint

- 7.2.1 In the event of a formal complaint against a member of the senior management team, the Director of Education shall investigate the complaint or may appoint an external investigator.
- 7.2.2 In the event of a formal complaint against any other employee or student, the Assistant Director of Education (Human Resources) or his/her designate shall investigate the complaint.
- 7.2.3 Once a formal complaint has been filed against a member of the senior management team (excluding the Director) or other employee, the investigator has up to thirty calendar days to acknowledge the complaint and commence an investigation. If necessary, he/she will

seek additional information to determine if the alleged behaviours constitute harassment or discrimination.
 7.2.4 The following are general guidelines for determining whether behaviour may be considered harassment:

What generally constitutes harassment	What may constitute harassment	What does not generally constitute harassment
<i>Serious or repeated</i> rude, degrading, or offensive remarks, such as teasing about a person's physical characteristics or appearance, put-downs or insults. Displaying sexist, racist or other offensive pictures, posters, or sending e-mails related to one of the eleven grounds prohibited under the <i>Canadian Human Rights Act</i> .	Criticizing an employee in public.	Allocating work. Following-up on work absences. Requiring performance to job standards. Taking disciplinary measures. A <i>single</i> or <i>isolated</i> incident such as an inappropriate remark or abrupt manner.
<i>Repeatedly</i> singling out an employee for meaningless or dirty jobs that are not part of their normal duties.	Exclusion from group activities or assignments.	Exclusion of individuals for a particular job based on specific occupational requirements necessary to accomplish the safe and efficient performance of the job.
Threats, intimidation or retaliation against an employee, including one who has expressed concerns about perceived unethical or illegal workplace behaviours.	Statements damaging to a person's reputation.	Measures taken against someone who is careless in his or her work, such as in the handling of confidential documents.
Unwelcome social invitations, with sexual overtones or flirting, with a subordinate. Unwelcome sexual advances.	Making sexually suggestive remarks. Physical contact such as touching or pinching.	A social/romantic relationship welcomed by both individuals. Friendly gestures/consensual banter among co-workers.

7.2.5 Certain actions may be considered to be of a criminal nature, such as physical or sexual assault. In such cases, the investigator may advise the complainant to file a complaint with the police.

700.4(7.3) Resolution

7.3.1 Informal Resolution

Issues may be resolved prior to a formal complaint of harassment or discrimination being filed. If an informal

resolution is acceptable to the complainant, the issue need proceed no further.

- a) Every effort should be made to resolve issues as soon as possible, with open communication and in a cooperative manner.
- b) The use of problem-solving mechanisms such as coaching, counselling and facilitation/mediation can, in many instances, resolve an issue and prevent a situation from escalating to the point where filing a complaint is necessary.
- c) Where there is already a formal complaint being investigated, at any time during the investigation the parties may agree to hold the investigation in abeyance and attempt to achieve a mediated resolution.
- d) Mediation is NOT appropriate in the following circumstances:
 - i. Not all parties are sincerely committed to the process;
 - ii. One of the parties is in a position to withhold or confer a benefit, since the authority/power imbalance may result in coercion;
 - iii. Alleged actions may be of a criminal nature.

7.3.2

Formal Resolution

- a) If the investigator concludes that the complaint does not constitute harassment or discrimination, he/she shall inform the complainant and the respondent in writing. He/she may suggest other means of resolving any issues.
- b) If it is concluded that harassment or discrimination has taken place, the investigator shall identify and implement an immediate course of action.
- c) Where it is determined that there has been harassing or discriminating behaviour on the part of a district employee or post-secondary student on workterm, corrective or disciplinary measures may be taken, up to and including termination of employment or internship.
- d) Disciplinary or corrective measures may also be taken in the following situations:
 - i. Where a manager or school administrator has been aware of a situation involving harassment or discrimination but has failed to take corrective action;

- ii. Where someone has interfered with a complaint process through threatening, intimidating or retaliatory behavior;
- iii. Where someone has filed a complaint that is determined to be unfounded or made in bad faith.

700.4(7.4) Rights and Expectations of Complainants and Respondents

7.4.1 Rights of Complainants

Complainants have the right to:

- a) Have their complaint treated seriously and investigated thoroughly;
- b) Have their complaint held in confidence except as necessary for the investigation;
- c) Be accompanied by another person, including a union representative, for support during all interviews related to the complaint;
- d) Expect that reasonable steps will be taken to ensure that they are protected from any repercussions resulting from the filing of a complaint;
- e) Be informed of the outcome of any investigation and be provided with any reports resulting from the investigation.

7.4.2 Expectations of Complainants

Complainants are expected to:

- a) Make a complaint/seek assistance within a reasonable period of time;
- b) Cooperate with those responsible for reviewing the complaint;
- c) Keep their involvement and complaint confidential;
- d) Express the complaint honestly and accurately.

7.4.3 Rights of Respondents

Employees against whom a complaint has been made have the right to:

- a) Be informed that a complaint has been filed;
- b) Be fully informed of all of the allegations;
- c) Be accompanied by another person, including a union representative, for support during all interviews related to the complaint;
- d) Respond to the allegations; or,
- e) Decline to respond to the complaint or allegations;
- f) Be informed of the outcome of any investigation and be provided with any reports resulting from the investigation.

7.4.4 Expectations of Respondents

Employees against whom a complaint has been made are expected to:

- a) Keep their involvement and the complaint confidential, except as necessary for investigation of the complaint;
- b) Seek assistance or advice from a supervisor or union representative on an appropriate course of action;
- c) Not impede the investigation.

700.4(7.5) Notification re Policy

All Nova Central School District employees and post-secondary students completing workterms/internships with the district shall be given notice of this policy, in accordance with Nova Central School District's *Development, Approval and Dissemination Policy*.

700.4(7.6) Inappropriate Behaviour/Objectionable Conduct by Others

Employees may believe that they have been harassed by individuals other than employees or post-secondary students. Such individuals may include (but not be limited to) students, parents, contracted service providers/private operators, volunteers. In such cases, the complainant is encouraged to speak with his/her supervisor or the Assistant Director of Education (Human Resources) to determine a course of action.

700.4(7.7) Information Management

7.7.1 All information and records resulting from the complaint, investigation and resolution (except for complaints against the Director of Education or other member of the senior management team), shall be maintained at the Human Resources Division under secure measures, separate from employee files.

7.7.2 All information and records resulting from a complaint against a member of the senior management team (excluding the Director) shall be maintained at the Director's office.

7.7.3 Collection, use, disclosure and disposal of the information and records shall be in accordance with records management policies and procedures developed by Nova Central School District.