

**Purpose/Background**

The Division recognizes that every person possesses basic human rights including the right to respect, dignity, and protection from all forms of harassment and violence. The Division will adhere to the spirit and intent of all applicable legislation governing workplace harassment and violence including, but not limited to, the Alberta Human Rights Act, Occupational Health and Safety Act, and Board Policy 19 – Respectful Learning and Working Environments. The responsibility for a respectful learning and working environment is shared as follows:

Associate Superintendent of Human Resources (or designate) shall:

- Establish procedures to effectively address alleged instances of workplace harassment and violence
- Ensure any incidents of harassment or violence are investigated and take appropriate corrective actions
- Maintain confidentiality of personal information of those involved, where appropriate
- Ensure all employees are provided training and information regarding the Procedure
- Monitor compliance with this Procedure and related policies
- Review this Procedure annually, ensuring it is current, appropriate, and effective

Supervisors will:

- Foster a harassment and violence-free workplace
- Model respectful behaviour in the workplace
- Report any incidents or potential for harassment and violence to the Associate Superintendent of Human Resources

Failure of supervisors, in keeping with their authority, to respond in accordance with this Procedure to allegations of , harassment or violence may be considered as condoning such behaviour and therefore a violation of this Procedure.

Employees will:

- Familiarize themselves with this Procedure
- Attend any training related to this Procedure
- Seek clarification from Human Resources regarding this Procedure if they have questions
- Treat everyone with respect and dignity
- Participate in education programs as well as the development and implementation of policies and procedures
- Reduce incidents of and refrain from workplace harassment and violence
- Immediately report instances of actual or potential workplace harassment and violence, whether directly experienced or witnessed, to their Supervisor and/or Human Resources.

The Division is committed to maintaining a workplace where all employees, as defined below, are treated with dignity and respect, and will not tolerate any known form of harassment or violence towards its employees. This Procedure outlines the commitment, principles, and procedures the Division will follow with respect to preventing and stopping harassment and violence in the workplace. Any violation of this Procedure or Board Policy 19 will be subject to disciplinary action up to and including termination.

This Procedure does not prohibit supervisory staff from carrying out functions which fall within their rights and responsibilities, provided this is done in an appropriate, professional manner which does not constitute an abuse of power. Such functions include, but are not limited to, conducting performance appraisals, addressing performance and conduct issues, delegating work assignments, and determining work locations and schedules for staff.

This Procedure protects employees from workplace harassment and violence by those individuals whom employees may contact in the course of their job duties. These include, but are not limited to, clients, members of the public, and those who supply goods and services to the Division.

This procedure does not preclude employees from exercising their rights under the Alberta Human Rights Act; the Occupational Health and Safety Act, Regulation or Code; or any other legislation.

### **Definitions**

**Employee:** As used in this Administrative Procedure, the term “employee” includes any full-time, part-time, probationary, interim, temporary, term and casual worker as well as volunteers.

**Complainant:** Refers to the employee who files a harassment complaint.

**Respondent:** Refers to the individual(s) against whom a harassment complaint is filed.

**Reprisal:** Refers to a negative action or omission against an employee who:

- Invokes this Procedure, whether on behalf of oneself or another individual
- Participates or co-operates in any inquiry under this Procedure
- Associates with a person who has invoked or participated in this Procedure
- Performs a legitimate role under this Procedure

**Workplace:** Locations and situations covered by this Procedure include, but are not limited to:

- Division facilities
- Other buildings or premises under the jurisdiction of the Division
- Division vehicles
- Social functions sanctioned by or under the jurisdiction of the Division, whether held at Division facilities or at other locations approved by the Division
- Student or work-related travel outside of Division facilities
- Incidents which occur outside the workplace but have negative repercussions at work or adversely affect working relationships

- Harassment by electronic means (e-mail, telephone, voice mail, internet, or fax) or written communication
- Any other locations or events where Division business, operations, or social functions are carried out

**Workplace Harassment:**

Workplace harassment means engaging in a course of vexatious comments or conduct, against a worker in a workplace, which is known, or ought reasonably to be known, to be unwelcome. This includes comments or actions in the workplace, which negatively affect working relationships or productivity or create a poisoned work environment. Workplace harassment includes discrimination, sexual harassment, and abuse of power and authority. Harassment may occur as one incident, or a series of incidents, involving unwelcome comments or conduct. Examples of harassing behaviour include but are not limited to:

- Verbal abuse or inappropriate displays of anger
- Bullying behavior
- Comments or actions which constitute harassment or discrimination under the Alberta Human Rights Act including, but not limited to, sexual harassment and harassment based on race, religion, ethnic background, or disability
- The display, circulation, or electronic transmission of pornographic, racist, or other offensive or derogatory text or pictures
- Conduct which interferes with a person's learning or work performance or creates an intimidating, hostile or offensive learning or work environment
- Unfounded complaints which are made in bad faith, in reprisal, frivolously or with malicious intent
- Interfering with a workplace violence or harassment investigation; intimidating a complainant, respondent, or witness; or influencing a person to give false or misleading information
- Reprisal as defined in this Procedure
- Any other inappropriate, negative, disrespectful, or unprofessional treatment of others

**Discrimination:**

Discrimination violates one or more of the protected grounds under the Alberta Human Rights codes. Discrimination targets:

- Race
- Sex (Gender)
- Colour
- Ancestry
- Place of Origin

- Religious Beliefs
- Gender Identity
- Gender Expression
- Age
- Physical Disability
- Mental Disability
- Marital Status
- Family Status
- Source of Income/Public Assistance
- Sexual Orientation

**Sexual Harassment:**

Sexual harassment is a form of discrimination based on the ground of gender, including transgender, which is prohibited under the [Alberta Human Rights Act](#). Sexual harassment is any unwelcome sexual behaviour that adversely affects, or threatens to affect, directly or indirectly, a person's job security, working conditions or prospects for promotion or earnings; or prevents a person from getting a job, living accommodations or any kind of public service. Sexual harassment is usually an attempt by one person to exert power over another person. It can be perpetrated by a supervisor, a co-worker, or a service provider or a service provider. Sexual harassment is unwanted, often coercive, sexual behaviour directed by one person toward another. It is emotionally abusive and creates an unhealthy, unproductive atmosphere in the workplace. Sexual harassment in the workplace can be costly for employers in terms of employee morale, particularly for employers who do not have an effective sexual harassment policy and who do not treat such complaints seriously.

Employees, customers or clients can make sexual harassment complaints to the Alberta Human Rights Commission.

All individuals can experience sexual harassment. Sexual harassment can occur between individuals of different genders (for example, male to female) or between individuals of the same gender (for example, female to female).

Sexual harassment can be expressed in many ways, from very subtle to very obvious, through any of the following:

- suggestive remarks, sexual jokes or compromising invitations
- verbal abuse
- visual display of suggestive sexual images
- leering or whistling
- patting, rubbing or other unwanted physical contact
- outright demands for sexual favours

- physical assault

**Abuse of Power and Authority:**

Which takes away rights and undermines self-esteem through favoritism and exclusion. It is also present when using condescending, patronizing, threatening, punishing actions or language.

**Violence:**

Violence, whether at a work site or work related, is defined as the threatened, attempted, or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm. It can include

- physical attack or aggression
- threatening behaviour
- verbal or written threats
- domestic violence
- sexual violence

**Domestic Violence:**

Domestic violence becomes a workplace hazard when it occurs or spills over into the workplace. It may put the targeted worker at risk and may pose a threat to coworkers. Employers must take reasonable precautions to protect affected workers if they are likely to be exposed to domestic violence at a work site.

**Sexual Violence:**

Sexual violence as a workplace hazard refers to any sexual act, attempt to obtain a sexual act, or other act directed against a worker's sexuality using coercion, by any person regardless of their relationship to the victim, in a workplace or work-related setting. Sexual violence exists on a continuum from obscene name-calling to sexual assault and/or homicide. It includes online forms of sexual violence, such as internet threats and harassment, and sexual exploitation.

**Bullying:**

Bullying is defined as repeated and hostile or demeaning behaviour by an individual where the behaviour is intended to cause harm, fear, or distress to one or more other individuals including psychological harm or harm to an individual's reputation. There are four types of bullying: verbal, physical, social, and cyber.

Verbal bullying includes behaviours such as:

- name-calling, insults, and put-downs
- teasing or taunting

- threatening
- making or telling jokes that shame or humiliate someone
- making racist, sexist, or homophobic comments
- harassing using sexualized language

Physical bullying includes behaviours such as:

- hitting, slapping, or punching
- pushing or kicking
- grabbing or choking
- spitting
- making obscene gestures
- froshing or hazing
- stealing or damaging property

Social/relational bullying includes behaviours such as:

- gossiping or spreading rumours
- ganging up on someone
- leaving someone out
- ignoring or denying someone's accomplishments
- keeping someone away from their friends or peers

Cyberbullying includes behaviours such as:

- sending mean or hurtful content through texts, email, or social media
- taking embarrassing pictures of someone and sharing them online without their permission
- using someone else's account and sending hurtful content while pretending to be them
- creating online polls to rate people in demeaning or hurtful ways

### **Procedures**

1. Lodging a Complaint – Within one year of the most recent event of harassment or violence, any person who feels they have experienced workplace harassment or violence may take the necessary steps, file a complaint under this Procedure, or initiate proceedings, without prejudice or fear of

reprisal. Any person who believes they have been subjected to harassment or violence has the right to access assistance in communicating their objections and, if warranted, in pursuing the complaint more formally. Human Resources will be the point of contact for employees who wish to access assistance. In all cases, employees have the right to address their concerns to the Alberta Human Rights Commission. If you believe that you have been subjected to workplace harassment or violence, the following steps are to be followed:

### 1.1. Step One

- 1.1.1. Ask the person to stop. Do so as soon as you experience any form of unwelcome comment or conduct. You may make your feelings known verbally to the offender, directly or with the assistance of a third party. Although this may be difficult to do, telling the person you do not like their actions is often enough to stop the behaviour. Remind the person the conduct is against Division policy. It is imperative the alleged offender immediately be made aware the behavior or conduct is offensive, so they have the opportunity to cease such behavior. If you are not comfortable with approaching the person, go to Step Two.
- 1.1.2. If you believe someone who is not an employee, e.g., a customer, supplier, etc., has subjected you to harassment or violence, please report the incident to your Supervisor immediately. Harassing behaviour from non-employees is not acceptable and will be dealt with under this Procedure.
- 1.1.3. Keep records of the incident(s) including dates, location, witnesses, your response to the individual and any other pertinent information.

### 1.2. Step Two

- 1.2.1. If the harassing or violent behaviour does not stop, bring the complaint immediately to the attention of your Supervisor who shall then discuss with the Associate Superintendent of Human Resources or designate. If the complaint is against your supervisor, you may go to the next level of supervisor or directly to Human Resources. **Please note:** as a teacher, you have the option to go directly to the Alberta Teacher's Association under your Code of Professional Conduct for Teachers and Teacher Leaders . Any formal written complaint filed by an employee should contain:
  - 1.2.1.1. Name(s) of the respondent(s) to the complaint
  - 1.2.1.2. The date or dates of the incident(s)
  - 1.2.1.3. Location(s) of the incident(s)
  - 1.2.1.4. Details of the incident(s)
  - 1.2.1.5. Names of any witnesses (if applicable)
- 1.2.2. The Associate Superintendent of Human Resources or designate will then address the issue with the respondent in accordance with Step Three.

### 1.3. Step Three

- 1.3.1. The Associate Superintendent of Human Resources will review the written complaint and may determine an investigation is warranted if there is sufficient evidence to indicate that harassment or violence has occurred. Effective temporary measures will be implemented to protect the complainant, if necessary.

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1.3.2. Administrative Procedure pertaining to Workplace Investigations will be followed.

*Reference:*

- Education Act
- Alberta Human Rights Act
- Child Youth and Family Enhancement Act
- Employment Standards Code
- Occupational Health and Safety Act, Regulation and Code
- Canadian Charter of Rights and Freedoms
- Canadian Human Rights Act
- Criminal Code
- Individual's Rights Protection Act
- Student Record Regulation
- Code of Professional Conduct for Teachers and Teacher Leaders
- RVS Policy 19 – Welcoming, Caring, Respectful and Safe Learning and Working Environments
- Administrative Procedure 404 – Employee Code of Conduct
- Administrative Procedure 410- Employee Progressive Discipline
- AP413 – Workplace Investigations