

#100442

GBAA

Respectful Workplace

The St. James-Assiniboia School Division affirms its commitment to maintain a safe and respectful working environment that is free from harassment and at all times supports the dignity and self-esteem of individuals. Behaviour contrary to this policy will not be tolerated. An employee who believes she/he is being harassed, bullied, or treated disrespectfully by a person in a position of authority, or by a co-worker, or by any other person affiliated with the Division, should report the incident immediately, following the procedures herein set forth.

As well, the Division commits to ensuring that all of its employees, including administrators and supervisors learn about and understand this policy.

I. Consistent with the Manitoba Human Rights Code, Harassment is defined as:

- a) A course of abusive and unwelcome conduct or comment directly related to the following:
 - i) ancestry, including colour and perceived race;
 - ii) nationality or national origin;
 - iii) ethnic background or origin;
 - iv) religion or creed, or religious belief, religious association or religious activity;
 - v) age;
 - vi) sex, including sex-determined characteristics or circumstances such as pregnancy, the possibility of pregnancy, or circumstances related to pregnancy;
 - vii) gender-identity;
 - viii) sexual orientation;
 - ix) marital or family status;
 - x) source of income;
 - xi) political belief, political association or political activity;
 - xii) physical or mental disability or related characteristics or circumstances, including reliance on a dog guide or other animal assistant, a wheelchair, or any other remedial appliance or device;
 - xiii) social disadvantage.

- b) A series of objectionable and unwelcome sexual solicitations or advances;
or

- c) A sexual solicitation or advance made by a person who is in a position to confer any benefit on, or deny any benefit to, the recipient of the solicitation

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or advance, if the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or

- d) Sexually oriented behaviour or remarks which create a negative psychological environment. Such behaviour or remarks include, but are not restricted to:
 - i) demeaning remarks based on gender
 - ii) suggestive jokes about sex
 - iii) inappropriate comments about clothing, physical characteristics or activities
 - iv) inappropriate displays of sexual pictures or materials
 - v) leering, ogling, or suggestive or insulting sounds
 - vi) unwanted questions or comments about one's private life
 - vii) unwanted physical contact, such as brushing up against one's body, patting or pinching
 - viii) sexual assault (an offence under the Criminal Code); or
- e) A reprisal or threat of reprisal for rejecting a sexual solicitation or advance; or
- f) In addition to the behaviours defined in the Manitoba Human Rights Code the Division also recognizes:
 - i) a course of abusive and unwelcome conduct or comment undertaken or made on the basis of physical size or weight, medical circumstances or illness as harassment; and
 - ii) retaliation against an individual who:
 - a. invokes the policy; or
 - b. participates or cooperates in an investigation under the policy; or
 - c. associates with a person who invokes the policy or participates in the complaint procedure under the policy.

II. Bullying and Disrespectful Behaviour

The St. James-Assiniboia School Division believes that bullying can be a serious problem that when occurring, requires prompt and accurate intervention. For that reason, bullying has been included in the Division's Harassment Policy. Complaints involving bullying of staff will be addressed according to the procedures outlined in this policy. Bullying is defined as unfair and one-sided aggression towards another person and may include physical, verbal, social, or written aggression (including electronic communication such as social media, text messaging and email), isolation or intimidation. It often

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involves an imbalance of power and strength and results in the target person feeling humiliated and/or distressed. Bullies generally hurt, threaten, and/or frighten others in a repetitive, intentional way. However, severe objectionable conduct that adversely affects a person's psychological or physical well-being will be considered harassment whether it happens once or more than once.

Disrespectful behavior towards others is also contrary to the values and objectives of the Division. Employees are expected to treat every other employee, student and visitor in a respectful manner such that their behavior would set an example of appropriate conduct for students. Examples of disrespectful behavior could include swearing, yelling, name calling, gossiping, reprimanding in the presence of others, the improper use of power or authority inherent in one's position, offensive, hateful, or inappropriate remarks, gestures, behavior or displays of material. Where an employee is subject to disrespectful behavior, every effort should be made to resolve the issue directly with the other party first. Where this has not resolved the problem, the employee should submit a complaint in accordance with this policy, and include reference to the informal efforts previously made.

Reasonable actions by administrators or supervisors to manage, guide or direct employees or the workplace are not harassment. Appropriate employee performance reviews, counseling and disciplinary or corrective action taken towards an employee is not harassment.

III. Complaint Procedure

Any person who believes that he/she is, or any person who witnesses another person being harassed, bullied, or treated disrespectfully within the definitions as just outlined, should act promptly in order to resolve the situation by using the following procedures:

- a) Complaints are to be made in writing directly to the appropriate-Human Resources contact. If a complaint involves the Director, Human Resources, a complaint may be made in writing directly to the Superintendent/CEO and Secretary-Treasurer/CFO. If a complaint involves the Superintendent/CEO or Secretary-Treasurer/CFO, a complaint may be made in writing directly to the Board Chair who will advise the Board that a complaint has been filed. The Board Chair will contract with an independent investigator. A complaint must be filed within one month of the circumstances giving rise to the complaint, unless the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay.

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- b) Once the written complaint is received, an immediate and confidential investigation will be made by the designated contact. Both the complainant and the person against whom the complaint was made will be contacted.
- c) The designated contact will endeavour to resolve the matter and in doing so shall:
 - i) Assume responsibility for investigating all such complaints to the highest level of confidentiality possible by sharing the minimum amount of information from the written complaint required to perform a thorough investigation. At no time will personal health information be shared with the person against whom the complaint has been lodged.
 - ii) If necessary, take steps to ensure that there is no recurrence of the situation while the investigation is in progress.
 - iii) Take appropriate disciplinary action where such is found to be warranted.
 - iv) Inform the complainant and the person against whom the complaint has been lodged of the outcome of the investigation.
 - v) If through the investigation, the designated administrator finds that there were no grounds for the complaint and that it was done willfully or maliciously, disciplinary action will be taken against the complainant.

Note: this policy is not intended to discourage or prevent the complainant from exercising any other legal rights including the right to file a complaint with the Manitoba Human Rights Commission.

IV. Consequences of Policy Violation

Where it is found that a violation of the policy has occurred, the Division may take action including, but not restricted to, the following:

a) **Disciplinary Action**

Appropriate disciplinary action will be taken to redress the situation which could include immediate dismissal or notification that continuation or repetition of conduct found to be in violation of this policy will be cause for further disciplinary action up to and including dismissal; and/or

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b) Disciplinary Directive

A directive from the Division which specifies certain behaviour with which the party (ies) must comply. If the directive is disregarded, further action will be taken; and/or

c) Transfer of employees; and/or

d) Notification of the appropriate authorities.

V. Confidentiality

All records, documents, notes and transcripts of an investigation shall remain confidential. Parties to a complaint are advised to refrain from discussing the complaint with anyone else.

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