



## Authority Policy 4003

# RESPECT IN THE WORKPLACE

**Legal References:** Education Act: 2009, Sections

**Related References:** Bill 177

**Effective Date:** September 2016

**Revisions:**

**Reviewed:**

### 1. Preamble

#### 1.1 Purpose

The purpose of this Respect in the Workplace Policy is to create a climate of understanding and mutual respect where each person feels a part of the workplace and is able to contribute fully to the development of KidsAbility School Authority (KASA), and to outline the obligation of KASA and its employees, to treat each other, as well as anyone they deal with on behalf of KASA, with dignity and respect.

#### 1.2 Commitment

KASA is committed to creating and maintaining a workplace environment where employees and students are treated with dignity and respect. This includes an environment that is free from discrimination, violence and harassment for any reason.

Employees have the right to work in an environment free from violence, discrimination and harassment for any reason, including due to race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability (the “protected grounds”), and/or any other prohibited ground set out in the Human Rights Code. KASA will not tolerate any violation of this Policy.

#### 1.3 Scope and Application

This Policy applies to all employees and volunteers of KASA. This Policy extends to situations that arise at the workplace or any place where work is being performed, or that has a sufficient nexus to the workplace. Incidents covered by this Policy can occur away from the workplace, during or outside working hours, provided that such occurrences have some negative effect on the working relationship, working environment, job security or the work-related rights of the employee(s) concerned.

While this Policy will provide some examples of behaviours that will be covered by this Policy, no policy can provide a full description and definition of behaviours that fall within the meaning of violence, discrimination, harassment and/or bullying.

## **2. Discrimination and Harassment**

### **2.1 Discrimination**

KASA prohibits discrimination based on any of the protected grounds. Discrimination is differential treatment of a person based on any protected grounds as defined by the Code. Discrimination has the effect of imposing burdens, obligations, or disadvantages on such individual or group not imposed on others, or which withholds or limits access to opportunities, benefits, and advantages available to other members of the KASA community or society in general.

### **2.2 Harassment**

KASA strictly prohibits harassment based on any of the protected grounds under the Code, and more generally workplace harassment. Harassment is a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. Harassment includes workplace sexual harassment. Harassment may include, but is not limited to, conduct, comments, or displays of offensive material or gestures. It can be a single incident or conduct/behaviour that continues over time.

Examples of harassment may include, but are not limited to:

- Offensive comments, jokes, emails, visiting pornographic internet sites or behaviour that disparage or ridicule a person's membership in one of the protected grounds, such as race or religion;
- Imitating a person's accent, speech or mannerisms;
- Persistent or inappropriate questions about whether a person is pregnant, has children or plans to have children; or
- Inappropriate comments or jokes about, among other things, an individual's age, sexual orientation, religious beliefs or disability.

### **2.3 Sexual Harassment**

Sexual harassment means engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Sexual harassment may include, but is not be limited to negative or inappropriate comments or conduct that are not necessarily sexual in nature, but which are directed at

an employee because of his or her gender, as well as one or a series of incidents involving unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature.

Examples of behaviours that may constitute sexual harassment include, but are not limited to:

- Sexual advances or demands that a person does not welcome or want;
- Threats, punishment or denial of a benefits for refusing a sexual advance;
- Offering a benefit in exchange for a sexual favour;
- Leering or other inappropriate gestures;
- Displaying sexually offensive material;
- Sexually suggestive or obscene comments, emails or gestures;
- Persistent unwelcome remarks, jokes, innuendos, propositions or taunting about a person's body, clothing or sex;
- Unwanted attention after a consensual relationship ends;
- Physical contact of a sexual nature, such as touching or caressing; and/or
- Sexual/physical assault.

### **3. Workplace Violence**

**3.1** The KidsAbility School Authority (Board), is committed to providing a safe working and learning environment where all individuals are treated with dignity and respect, free from sexual, racial, ethno cultural, or other harassing or discriminatory behaviour.

This policy is intended to provide a greater awareness of the value of establishing and maintaining respectful working and learning environments and of responsiveness to the damaging effects of harassment in the workplace. The Board will not tolerate harassment of any kind from any person in the workplace.

This policy applies to all work activities that occur while on Board premises, while engaging in workplace activities or workplace social events and extra-curricular activities.

**3.2** Workplace violence means the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker, an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker, a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

**3.3** KASA strictly prohibits workplace violence. Any act of intimidation, harassment, harm, violence, aggression, coercion or any other physical or psychological acts will be addressed by corrective action up to and including termination of employment. Some examples include but are not limited to:

- Hitting and shoving or caging in another person;
- Making threats against a person, their family, friends, or property;

- Harassing by stalking or surveillance; or
- Carrying, pointing or using firearms, weapons or explosive devices.

Workplace Violence may:

- Involve a person with no relationship to the workplace who commits a violent act;
- Involve persons receiving/providing services (students, parents and employees);
- Include Domestic Violence, which is relationship violence that occurs at the workplace (e.g. loved one or family member that commits a violent act against a worker).

If KASA becomes aware, or may reasonably be aware that domestic violence is likely to expose a worker to physical injury that may occur in the workplace, KASA will take every precaution reasonable in the circumstances for the protection of the worker.

#### **4. Poisoned/Hostile Work Environment**

**4.1** Even if no one is the direct target, an individual's harassing comments, conduct or gestures can poison the work environment, making it an uncomfortable place in which to work. Creating a poisoned/hostile work environment is considered harassment and will not be tolerated. One incident alone may be sufficient to create a poisoned/hostile work environment.

Examples of conduct that may create a poisoned/hostile work environment include, but are not limited to:

- Displaying offensive or sexual materials such as posters, pictures, calendars, cartoons, screen savers or visiting pornographic internet sites;
- Practical jokes that embarrass or insult someone; or
- Jokes, insults or e-mail messages that are offensive, racist or sexual in nature.

#### **5. Complaint Process**

**5.1** If an individual believes that he or she is experiencing, or has experienced, discrimination, violence or harassment in the workplace, he or she is encouraged to bring his or her concern directly to the attention of his or her supervisor/manager, but in all instances the employee or supervisor/manager shall notify the Principal or Senior Administrator of the complaint.

**5.2** In circumstances where the employee believes that he or she is experiencing, or has experienced, discrimination or harassment by his or her supervisor/manager, the employee shall report the matter directly to the Principal or Senior Administrator.

**5.3** In circumstances where the employee believes that he or she is experiencing, or has experienced, discrimination or harassment by the Principal or Senior Administrator, the employee shall report the matter directly to the Chair of the Board of Directors.

**5.4** KASA undertakes to seriously examine and investigate any complaint of a violation of this policy made in good faith. Any complaints that are found to be substantiated will be addressed as needed, including by corrective action, up to and including termination of employment.

## **6. The Workplace**

**6.1** Violations of this Policy may be considered employment-related if they occur:

- On work premises or in the working environment; or
- In the course of an individual exercising employment responsibilities or taking part in a work related function (regardless of location).

**6.2** Incidents that occur beyond the normal workplace, on social media or outside of working hours may also constitute workplace violence, harassment or discrimination.

## **7. Not Harassment**

**7.1** A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

## **8. Employee Responsibilities**

**8.1** All employees are responsible for ensuring that the workplace is free from violence, discrimination and/or harassment. Upon becoming aware that some form of discrimination, violence or harassment has occurred, might be, or is occurring, employees are expected to report such circumstances in accordance with the complaint procedures set out above.

**8.2** Any person who does not act properly to prevent and respond to a violation of this Policy may be subject to corrective action, up to and including dismissal for cause.

**8.3** Supervisors/Managers, in consultation with the Principal, are also responsible for issuing appropriate corrective action to those who are found to have violated this Policy. This responsibility exists even where no complaint is made but in circumstances where a Supervisor/Manager or the Principal learns of a concern regarding discrimination or harassment and confirms same.

## **9. Investigation of Harassment Complaints**

**9.1** Once a complaint is formally received, an investigation will be conducted. The complainant, the alleged harasser, all potential witnesses (where possible) and any other

individual KASA deems to be relevant will be interviewed by an impartial/unbiased person.

**9.2** Upon completion of the investigation, the appropriate persons (complainant and respondent/alleged harasser) will be advised, in writing, of the conclusions reached and of any corrective action that has been taken or that will be taken as a result of the investigation. If the complaint is substantiated, persons found to have engaged in harassment will be issued appropriate disciplinary action up to and including dismissal for cause, and documentation of the incident and the discipline issued will be placed in his or her file.

**9.3** Complaints of discrimination and violence will also be properly investigated and all relevant parties interviewed by an unbiased person. A determination will be made upon investigation and corrective action will be taken as necessary.

## **10. Confidentiality**

**10.1** The identity of the complainant and the circumstances related to the complaint will not be revealed to any person unless disclosure is necessary to conduct a thorough investigation (e.g. disclosure to individuals involved in the complaint, such as the alleged harasser), to take disciplinary action in relation to the complaint, in the course of the defense of KASA and its agents, officers and employees should legal proceedings be initiated, or except as may be required by law.

**10.2** Individuals have KASA's assurance that all complaints made in good faith will be handled in as confidential a manner as possible.

**10.3** KASA expressly prohibits retaliation of any kind against anyone who makes a good faith report of discrimination or harassment. Any such retaliation may result in corrective action, up to and including dismissal for cause.

## **11. Harassment Program**

**11.1** KASA will, in consultation with the Joint Health and Safety Committee (JHSC) or a health and safety representative, if any, develop and maintain this written program to implement this policy with respect to workplace harassment. This program and Policy will be reviewed as often as necessary, but at least annually, to ensure that it adequately implements protections with respect to workplace harassment .

## **12. Violence Program**

**12.1** KASA will, in consultation with the JHSC or a health and safety representative, if any, develop and maintain this written program to implement this Policy with respect to workplace violence. This program and Policy will be reviewed as often as necessary, but

at least annually, to ensure that it adequately implements protections with respect to workplace violence.

**12.2 KASA will:**

- Conduct workplace risk assessments and reassess as necessary;
- Inform employees of any risks associated with threats, violence or history of violence that may impact their work environment;
- Report deaths and critical injuries to the Ministry of Labour, police (if necessary), within 48 hours outlining all the details;
- Implement corrective action after any incidents where adequate.

**13. Assessing Risks**

**13.1** KASA will assess the potential risks of workplace violence at KASA. This assessment will take into account the common risks at other similar workplaces and risks specific to KASA. These risks may arise from the nature of the workplace, the type of work and the conditions of the work. Such risks will be reviewed as often as necessary to ensure that this Policy and program continue to protect workers from workplace violence. KASA will advise the JHSC or a health and safety representative, if any, of the results of the assessment, and provide a copy if the assessment is in writing.

**14. Disclosing Persons with a History of Violence**

**14.1** KASA is required to disclose information, including personal information, about a person with a history of violent behaviour if:

- (a) a worker can be expected to encounter that person in the course of his or her work; and,
- (b) the risk of workplace violence is likely to expose a worker to physical injury.

Such disclosure shall only be made by KASA following consultation and discussion with the Principal and/or Board of Directors, who shall consider the nature of the violence, how long ago the violence occurred, and if appropriate, the triggers of the aggression. Only information that is reasonably necessary to protect workers from physical injury will be disclosed.

**15. Questions**

**15.1** Please contact the Principal, Principal/Senior Administrator if you have any questions regarding this Policy.

**15.2** This Policy is posted in the workplace in School Office.