

## **402.8.1 Harassment, Discrimination, and Violence Prevention in the Workplace**

### **1. Definitions:**

#### **1.1 Conflict**

Conflict is a serious disagreement or argument that may or may not be long-term. It is possible for two or more employees to have a conflict that does not include harassment, discrimination, nor violence.

#### **1.2 Complainant(s)**

A Complainant(s) is an individual or group of individuals who report(s) a complaint of harassment, discrimination, or violence.

#### **1.3 Respondent**

A Respondent is the individual who is alleged to have committed the act of discrimination, harassment, or violence.

#### **1.4 Workplace**

The Workplace includes the immediate school or school jurisdiction office. It can also extend to the playground, school bus, school or work related social activities, school or work related travel and field trips or other settings where the individuals involved are engaged in work related or school related activity. The workplace may also include all forms of communications.

#### **1.5 Division Employee**

A Division Employee is an individual employed by Lethbridge School Division and includes members of the Alberta Teacher's Association, Local 41 and Canadian Union of Public Employees, Locals 290 and 2843, contract personnel employed on a temporary basis to provide a specific service, and individuals occupying non-union positions. Individuals who volunteer their services within Lethbridge School Division No. 51 shall be considered Division employees for the purposes of this policy. The Principal or designate must take steps, when appropriate, to inform volunteers of their inclusion in this policy.

#### **1.6 Union or Association**

The Union or Association refers to both the Alberta Teacher's Association, Local 41 and the Canadian Union of Public Employees, Locals 290 and 2843.

#### **1.7 Person in Authority**

The Person in Authority is the supervisor or principal responsible for the particular workplace.

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### **1.8 Discrimination**

The denial of individual rights and freedoms in a manner which contravenes the Canadian Charter of Rights and Freedoms and/or the Alberta Human Rights Act (AHRA). Discrimination on the basis of race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, creed, sexual orientation, and citizenship is prohibited

### **1.9 Harassment**

Is any behavior or pattern of repeated behaviour that disparages, humiliates, or harms another person physically and/or emotionally, therefore denying that individual dignity and respect. Repeated harassment is also known as bullying.

### **1.10 Sexual Harassment**

Is any unwelcome behaviour that is sexual in nature. Such behavior may directly or indirectly affect, or threaten to affect, in an adverse manner a person's job security, prospects, promotion, earnings, work conditions, or workplace.

### **1.11 Violence**

Is the threatened, attempted, or actual conduct of a person that causes, or is likely to cause, physical injury in the workplace.

**1.12 Discrimination, Harassment, Sexual Harassment and Violence** do not need to be intended to be considered as such. It is sufficient that one knows, or ought reasonably to know, that his/her behaviour is offensive and unwelcome. Actions can include, but are not limited to, verbal, physical, written and cyber messaging that is unwelcome or intimidating and denies individual dignity and respect.

## **2. Prior to Reporting a Complaint of Harassment, Discrimination, or Violence in the Workplace**

2.1 The complainant may access advice and assistance specific to the complaint process or regarding strategies to address harassment, discrimination, and/or violence. Division employees should contact Human Resources and/or their respective union or association representative.

2.2 Employees who believe they have been the subject of harassment, discrimination, and/or violence should consider making their objection clearly known to the respondent. Although it is preferable that objections to harassment, discrimination,

and/or violence be voiced to the respondent, it is not a prerequisite to reporting a complaint.

2.3 The complainant may wish to attempt informal mediation with the respondent.

### **3. Reporting a Complaint of Harassment, Sexual Harassment, Discrimination, or Violence in the Workplace**

3.1 Complaints regarding alleged incidents of harassment, sexual harassment, discrimination, and/or violence will be dealt with through the following process:

3.1.1 The complainant informs the person in authority, in writing, of the complaint. The person in authority should collect and document as much of the following information as possible:

3.1.1.1 the allegation of harassment, discrimination, and/or violence;

3.1.1.2 description(s) of the specific incident or incidents;

3.1.1.3 the dates and times (be as specific as possible); and

3.1.1.4 any witnesses to the event(s).

3.1.2 The person in authority may attempt to resolve the complaint through corrective action at the workplace, between the complainant and respondent.

3.1.3 Where a complaint is being made against the person in authority, the complaint shall be made directly to Human Resources. If the person in authority is in the Human Resources department, the complaint shall be made directly to the Associate Superintendent of Business Affairs.

3.1.4 Where possible, confidentiality of all information regarding the complaint shall be maintained by all parties.

3.2 These procedures do not remove the right to file a complaint with the Alberta Human Rights Commission, union, or through civil or criminal court. In the event a complaint is filed with an outside organization, the complainant should advise the designated person in authority.

### **4. Processing a Complaint of Harassment, Discrimination, and/or Violence in the Workplace**

4.1 Upon receipt of the written complaint that has not been resolved at the level of the person in authority, the person in authority shall advise Associate Superintendent, Human Resources, or designate who shall:

4.1.1 Acknowledge receipt of the complaint within ten (10) working days and advise the complainant of their right to consult a health professional for

- treatment or referral to deal with injuries or symptoms resulting from the alleged workplace harassment, discrimination, and/or violence;
- 4.1.2 advise the respondent, in writing, of the nature and specifics of the allegations and that an investigation will be initiated;
  - 4.1.3 conduct an investigation that may consist of personal interviews with the complainant, the respondent and others who have direct knowledge of the incidents or circumstances that led to the complaint;
  - 4.1.4 the investigation must be concluded not more than 120 business days from the date on which the complaint is acknowledged;
  - 4.1.5 the above timelines may be extended if approved by the Superintendent.

## 5. Outcome of Complaint

- 5.1 The results of the investigation shall be communicated to the respondent and the complainant;
  - 5.1.1 If the investigation findings support the complaint appropriate action shall be taken including but not limited to the following:
    - 5.1.1.1 Attempt at complaint resolution through informal mediation;
    - 5.1.1.2 Implementation of corrective measures within the workplace, in cooperation with the workplace supervisor;
    - 5.1.1.3 referral to the Associate Superintendent, Human Resources for disciplinary measures as per policy (*Employee Discipline* 403.3).
  - 5.1.2 If the investigation findings do not support the complaint and the investigation concludes that the allegations were made in an intentionally false, malicious or vindictive manner there will be referral to the Associate Superintendent, Human Resources for disciplinary measures as per policy (*Employee Discipline* 403.3), appropriate disciplinary action shall be applied.
  - 5.1.3 Either party has the right to seek civil or criminal redress through the courts or to file a complaint with their union, association or the Alberta Human Rights Commission.

## 6. Retaliation

- 6.1 Any retaliatory action with the intent of dissuading or punishing an individual for participating in the complaint resolution process (including the complainant, witnesses, the respondent and the investigator) is not acceptable. An individual who engages in retaliatory action shall be subject to discipline as per policy (*Employee Discipline* 403.3).