
REGULATION 4304

BULLYING AND HARASSMENT

Bullying and harassment is an occupational health and safety issue (*Workers Compensation Act Section 116 (1)(a)*) that poses a potential risk to the physical and mental health and safety of employees. Bullying and harassment behaviours may also involve breaches of human rights under the *Human Rights Code, R.S.B.C, 1996, c. 210* – such as when the behaviour towards an employee is based on a protected ground of the code (e.g. race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age).

Workplace bullying and harassment includes any inappropriate conduct or comment by a person towards an employee that the person knew or reasonably ought to have known would cause that employee to be humiliated or intimidated. Bullying and harassment can also be described as the assertion of power through aggression and targets the competence level of the person being bullied or harassed. Although it can include physical abuse or the threat of abuse, bullying and harassment usually causes emotional rather than physical harm.

Unacceptable bullying and harassment actions include, but are not limited to:

- Spreading malicious rumours, gossip or innuendo;
- Excluding or isolating someone socially;
- Intimidating a person;
- Undermining or impeding someone's work;
- Physically abusing or threatening abuse;
- Stealing credit for work ideas;
- Withholding, or not providing information where it is needed by the other person;
- Intruding on a person's privacy by pestering, spying or stalking;

- Insulting or putting down a person - verbally or electronically;
- Making offensive jokes - verbally or electronically.

WHAT IS NOT CONSIDERED BULLYING AND HARASSMENT?

Bullying and harassment should not be confused with exercising managerial authority. Examples of reasonable management action might include decisions relating to job duties, workloads, deadlines, transfers, reorganizations, work assignment, work evaluation, performance feedback, and disciplinary actions.

ROLES AND RESPONSIBILITIES

Management will:

- Promote a respectful and safe working environment;
- Ensure employee adherence to the Bullying and Harassment Policy;
- Investigate complaints of bullying and harassment promptly and impartially;
- Report the incident to police where appropriate;
- Apply appropriate disciplinary action where appropriate.

Employees will:

- Treat others with respect, and contribute to a respectful and safe work environment;
- Report all acts of bullying and harassment.

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The Witness:

Any employee who witnesses bullying and harassment must:

1. Offer support to the person subject to the bullying and harassing behaviour and inform them that you witnessed the behaviour. Encourage the person subject to the behaviour to come forward and let them know that you will be a witness and will provide a statement in the event of an investigation.
2. Where the employee subject to the behaviour decides to informally address the individual that may be bullying or harassing, you may be asked to be a witness to the conversation or provide support.
3. Where the employee subject to the behaviour does not wish to make a complaint, it is still important that management is aware of the behaviours that may constitute bullying and harassment in the workplace. Witnesses

to the behaviour must report all incidents of bullying and harassment to their principal/direct supervisor or to a member of Human Resources.

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The Complainant:

If you are being bullied and harassed:

(a) Informal Process:

1. Inform the person perpetuating the bullying and harassing actions that their actions are not acceptable to you as soon as they start to occur.
2. Describe the specific actions that they took that caused you to feel uncomfortable, bullied or harassed.
3. It is important to keep a record of dates and times where you have spoken to the person and inform your principal/direct supervisor or Human Resources what occurred.
4. During the informal process the principal/direct supervisor may assist by providing support, advice or mediation.

(b) Formal Process:

Where bullying or harassment has continued to occur after an informal process, where an informal process is not appropriate, or when the nature of the behavior is extreme or dangerous, employees are required to report the behaviour immediately.

1. Speak with your principal/direct supervisor, or directly with Human Resources where your principal/direct supervisor is the cause of concern, and report the bullying and harassment.
2. Write out a statement detailing the incident(s), along with any supporting documentation and the names of any witnesses.
3. An investigation will be instigated by your principal/direct supervisor and/or Human Resources.
4. All complaints shall be taken seriously and investigated fairly by District employees with experience and/or training in investigating workplace misconduct.
5. Where it is determined that the alleged bullying or harassment is criminal in nature, the appropriate authorities will be contacted.

6. Staff members that submit a report or complaint of bullying or harassment shall not be subject to any form of reprisal or retaliation as a result of the complaint.

POSSIBLE OUTCOMES

If the findings of the investigation indicate that a violation of the Bullying and Harassment Policy has occurred, immediate and appropriate disciplinary action, up to and including dismissal, shall be recommended. As well, the principal/direct supervisor will monitor the situation between the employees to ensure that the bullying or harassment does not reoccur. Corrective actions shall be proportional to the seriousness or repetitiveness of the offense.

APPEAL PROCESS

If the complainant or respondent have worked with the process and feel that it has failed at some point, or that the corrective action is not consistent with the incident(s) that led to the original complaint, the complainant may appeal to the Superintendent of Schools in writing. The appeal shall be heard by the Superintendent of Schools (or designate) in a timely fashion.

CONFIDENTIALITY

The District will attempt to maintain the confidentiality of the complainant and respondent. While it is not always possible to do so when soliciting witness statements, the District will endeavor to not release any information to other employees which would jeopardize the confidentiality of the parties involved.

COLLECTIVE AGREEMENTS

This Regulation applies to all employees employed by the Board of Education. Certain employee groups, however, may have specific provisions and/or agreements that address harassment. This Regulation is intended to be harmonized with those provisions and/or agreements and they continue to apply. If there are inconsistencies the language in the collective agreement prevails.

Greater Victoria School District

Adopted: January 2014

Modification to this document is not permitted without prior written consent from the Greater Victoria School District.