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## PROCEDURE PR.652.HR

### TITLE: RESPECTFUL WORKPLACE

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### 1.0 OBJECTIVE

- 1.1 To establish guidelines that support the Board's commitment to providing a workplace in which all employees are treated with respect and dignity.
- 1.2 To outline a process to resolve workplace conflicts between employees.

### 2.0 DEFINITIONS

In this procedure,

- 2.1 **Workplace** means the office or school where the individual is customarily employed, and includes all other places which result from employment responsibilities or employment relationships, including locations at work-related social functions, work assignments outside the office/school, field trips, work-related conferences or training sessions, and work-related travel.
- 2.2 **Appropriate Behaviour** means behaviour that supports and creates a respectful workplace such as, but not limited to:
  - a) being polite and courteous;
  - b) treating others equitably and fairly;
  - c) accepting responsibility for actions, reactions, and behaviours that impact others;
  - d) respecting the differences in people and their ideas and opinions; respecting the rights of others;
  - e) showing proper care and regard for District property and for the property of others; and
  - f) demonstrating honesty and integrity.
- 2.3 **Inappropriate/Disrespectful Behaviour** among employees means behaviour that is or ought reasonably to be known to be objectionable and/or unwelcome to an individual, or group, which diminishes the dignity of any person(s) and can create a poisoned or

hostile work environment. Examples of inappropriate/disrespectful behaviour include, but are not limited to:

- a) written or verbal comments, actions, gestures, behaviours or 'jokes' which would reasonably be perceived as unwelcome, humiliating, offensive, hurtful, or belittling;
- b) bullying or intimidating behaviour;
- c) abuse of authority;
- d) yelling, shouting, screaming, or swearing;
- e) deliberately excluding or isolating a person from relevant work activities or decision making;
- f) stereotyping or making inappropriate assumptions about an individual based on an individual's personal qualities, characteristics or role; and
- g) devaluing or trivializing a person's successes, contributions or concerns.

2.4 **Bullying**, including cyber bullying, means persistent, offensive, and abusive, intimidating or insulting behaviour, abuse of power and/or unfair punitive sanctions which makes the recipient's feel upset, threatened, humiliated and/or vulnerable, which undermines the recipient's self-confidence and/or reduces the recipient's feelings of self-esteem and self-worth and/or which may cause the recipient to suffer undue stress.

2.5 **Poisoned work environment** means a work environment or atmosphere where inappropriate/disrespectful behaviour has an adverse impact on an individual or a group, that may include psychological or physiological harm, feelings of intimidation, impaired job performance, reduced job satisfaction, increased absenteeism and/or turnover. The offending behaviour does not need to be directed at an individual. A poisoned work environment may result from a series of events or a serious, single remark or action.

2.6 **Alternate Dispute Resolution** means non-adversarial ways of resolving disputes. Alternate dispute resolution methods are designed to help parties resolve their differences without resorting to a more confrontational adjudicative process. These methods are designed to yield solutions that are adapted to the particular circumstances of individual cases, and to solve problems rather than to impose solutions such as results through an adjudicative process.

2.7 **Inappropriate/Disrespectful Behaviour** does not include:

- a) the reasonable and appropriate exercise of supervisory responsibilities, including training, direction, instruction, performance appraisal, and discipline; or
- b) acceptable and appropriate social interaction, good-natured and appropriate humour or joking in the workplace.

### 3.0 RESPONSIBILITY

3.1 The Superintendent of Human Resources, supervisory officers, managers, principals, and all employees.

## 4.0 PROCEDURE

- 4.1 The Board expects each employee to be responsible for contributing to a respectful workplace.
- 4.2 The Board expects that all employees will attempt to resolve issues as a result of friction, conflict, or disagreement in a respectful and professional manner that contributes to a healthy and productive workplace.
- 4.3 Where a conflict arises between employees, opportunities for resolution should be sought, or may be presented, by the parties to the conflict in order to resolve the matter. As such, the parties are expected to be open to solutions to the conflict at any time throughout the process.
- 4.4 **Confidentiality**: Confidentiality does not mean anonymity. A fundamental principle of a complaint is that the respondent must be informed of a complaint and who has made the allegations as early as possible in the process.
  - a) The Board recognizes the sensitive nature of making a complaint of disrespectful behaviour against an employee. Confidentiality will be maintained at all stages of the process as far as practicable and appropriate under the circumstances, subject to the right of the person against whom the complaint is made to be treated fairly. All of those involved in the process, including any witnesses who are interviewed in the course of any complaint review, must abide by the confidentiality requirements of this procedure.
  - b) All records of complaints, including contents of meeting interviews, results of complaint review and other relevant material will be kept confidential by the Board, except where disclosure is required by law.
- 4.5 Serious incidents of misconduct that involve actual or threatened harm to a person or property should be reported immediately to a supervisor, superintendent, the Manager, Human Resources, or other appropriate authority.

### STAGE 1

- 4.6 **If an employee believes that he/she has been subjected to inappropriate/disrespectful behaviour**, the following steps should be taken:
  - a) act in a timely manner to try to resolve the matter;
  - b) bring the matter to the attention of the person responsible, either in person or in writing (if possible);\*
  - c) indicate to the person in a clear way that the conduct is offensive (if possible);
  - d) keep a detailed confidential written record of the events for the purpose of this process;
  - e) when an employee feels unable or is unwilling to bring the matter directly to the attention of the person responsible for the conduct, and/or when such an approach is attempted and has not produced a satisfactory result, the employee is encouraged to seek advice on how to satisfactorily resolve the issue from a supervisor (e.g., principal, vice-principal, manager, supervisor, superintendent, etc), your union representative, or a Human Resources representative.\*

\* TEACHERS PLEASE NOTE - The *Teaching Profession Act*, Section 18.1b (Duties of a Member to Fellow Members) requires "A member shall on making an adverse report on another member, furnish him with a written statement of the report at the earliest possible time and not later than three days after making the report."

## STAGE 2

- 4.7 **Where the parties cannot resolve the conflict through the steps outlined in 4.6,** the supervisor or Respectful Workplace Office may be asked by either party to intervene to assist in the resolution of the conflict. At this stage, the Employer will be involved in any resolution.
- 4.8 Where the Employer is required to intervene, among the factors to be considered are:
- a) issues contributing to the conflict;
  - b) solutions suggested and actions taken by the parties to resolve the conflict;
  - c) how each of the parties is contributing to the conflict;
  - d) whether the complaint has been made in a timely fashion as determined based on the individual circumstances, including prejudice to the employee against whom the complaint has been made resulting from the delay.

## STAGE 3

- 4.9 **If the parties are still unable to resolve the conflict, a complaint review may be conducted:**
- a) Both parties to the complaint will complete a Respectful Workplace Questionnaire (OCDSB Form 653 – Reference Appendix 2) and submit it to the Manager of Human Resources. Employees may seek assistance from a supervisor, union representative or other person of their choice.
  - b) The Manager of Human Resources, or designate, will assess the complaint to determine whether the situation properly falls under this procedure as follows:
    - (i) it is not a supervisory/disciplinary matter;
    - (ii) the conflict is not being dealt with through another process (i.e., grievance, Human Rights Complaint);
    - (iii) the situation offers itself to an alternative dispute resolution process; and/or
    - (iv) the situation warrants a complaint review.
  - c) **A complaint review may include:**
    - (i) interviews with the parties (employee(s) has right to Federation representation);
    - (ii) interviews with witness(es) or other(s) who may have relevant information to provide;
    - (iii) review of supporting materials; and
    - (iv) suggestions for resolution(s) to the conflict.
  - d) A meeting will be held to share information gathered from the complaint review, offer suggestions for resolution, and to offer an opportunity to resolve the conflict between the parties.

- e) **If the conflict remains unresolved**, the findings and recommendations for resolution will be submitted to the Manager of Human Resources, for final resolution which will be communicated to the parties.

## **5.0 SPECIFIC DIRECTIVES:**

- 5.1 A determination of inappropriate behaviour could lead to disciplinary action.
- 5.2 The complainant may be subject to disciplinary action if the complaint is found to be trivial, frivolous, vexatious, or made in bad faith.
- 5.3 For the purposes of this procedure, reprisals against an individual for:
  - a) having invoked this procedure, whether on behalf of oneself or another individual; or
  - b) for having participated or cooperated in a complaint review under this procedure; or
  - c) for having been associated with a person who has invoked this procedure or participated in these procedures;will be treated as an offence which may be subject to disciplinary action.
- 5.4 Discriminatory behaviour prohibited under the Ontario Human Rights Code is dealt with in Policy P.053.HR and Procedure PR.541.HR.
- 5.5 Alleged inappropriate conduct towards a student is dealt with under Procedure PR.542.HR.
- 5.6 Board Member Code of Ethics for Trustees is dealt with under Policy P.073.GOV.
- 5.7 Standards of Behaviour that apply to all individuals involved in the system are defined in policy P.125.SCO School Board Code of Conduct.

## **6.0 APPENDICES**

Appendix 1 – Respectful Workplace Flowchart

Appendix 2 – OCDSB Form 653 Respectful Workplace Questionnaire

*(Sample only – Reference the Forms Conference on BEAM to access the most current version of this form)*

## **7.0 REFERENCE DOCUMENTS**

Ontario Human Rights Code

Board Policy P.103.HR: Alleged Employee Misconduct Towards a Student

Board Policy P.053.HR: Alleged Harassment

Board Policy P.073.GOV: Board Member Code of Ethics

Board Policy P.125.SCO: School Board Code of Conduct

Board Procedure PR.541.HR: Alleged Harassment of an Employee

Board Procedure PR.542.HR: Alleged Employee Misconduct Towards a Student

Board Procedure PR.543.HR: Alleged Harassment of a Student

**Respectful Workplace Flow Chart**

NOTES:

1. **TEACHERS:** The *Teaching Profession Act*, Section 18.1b (Duties of a Member to Fellow Members) requires “A member shall on making an adverse report on another member, furnish him with a written statement of the report at the earliest possible time and not later than three days after making the report.”
2. **Employees who are members of a bargaining unit are entitled to seek advice from and/or federation/union representation at any time during this process.**
3. A determination of inappropriate behaviour could lead to disciplinary action.
4. Confidentiality does not mean anonymity. A fundamental principle of a complaint is that the respondent must be informed of a complaint and who has made the allegations as early as possible. Confidentiality will be maintained at all stages of the process as far as practicable and appropriate under the circumstances, subject to the right of the person against whom the complaint is made to be treated fairly.

Stage 1		Stage 2		Stage 3	
Step 1: If you feel you have been subjected to inappropriate or disrespectful behaviour:		Step 1: The Supervisor or Respectful Workplace Office may be asked by the parties to intervene to assist in the resolution of this issue.		Step 1: Both parties to the complaint will complete a Respectful Workplace Questionnaire (OCDSB Form 653) and submit it to the Manager of Human Resources.	
Step 2: <ul style="list-style-type: none"> <li>• Act in a timely manner</li> <li>• Bring matter to the attention of person responsible</li> <li>• Indicate to the person that the behaviour is offensive</li> <li>• Keep detailed records</li> </ul>		Step 2: Factors to be considered: <ul style="list-style-type: none"> <li>• Issues contributing to the conflict</li> <li>• Solutions suggested and action(s) taken by parties to resolve the conflict</li> <li>• How each of the parties are contributing to the conflict</li> <li>• The timeliness of the complaint</li> </ul>		Step 2: Resolution may include a complaint review which includes: <ul style="list-style-type: none"> <li>• Interviews with the parties</li> <li>• Interviews with witnesses or others with relevant information</li> <li>• Review of supporting materials</li> <li>• Suggestions for resolution</li> <li>• Meeting with the parties to facilitate resolution</li> </ul>	
Step 3: If you feel unable or unwilling to bring the matter directly to the person responsible, you are encouraged to seek advice on how to satisfactorily resolve the issue from the following: <ul style="list-style-type: none"> <li>• A supervisor (e.g., principal, vice-principal, manager, supervisor, superintendent, etc.)</li> <li>• Your union representative</li> <li>• A Human Resources representative</li> </ul>		Step 3: Various opportunities for resolution will be pursued by the parties. These may include such things as alternative dispute resolution, referral to EAP or similar service, etc.		Step 3: Complaint Resolved	Step 4: Complaint Unresolved
Step 4(a): Parties Resolve	Step 4(b): Parties Unable to Resolve (Move to Stage 2)	Step 4(a): Parties Resolve	Step 4(b): Parties Unable to Resolve (Move to Stage 3)		
				Step 4(a): Findings and recommendations submitted to Manager of Human Resources for determination of final resolution.	
				Step 4(b): Meeting with parties to communicate final resolution, outline plan of action, timelines, etc.	



**Respectful Workplace Questionnaire**  
(References: Policy P.119.HR and Procedure PR. 652.HR)

Where the parties involved in a workplace conflict are unable to resolve the conflict, the complaint will proceed to Stage 3 in the process and a complaint review may be conducted. This Questionnaire, completed by both parties – Complainant and Respondent – will assist with the fact-gathering process. Please ensure your answers are as specific and detailed as possible.

Confidentiality will be maintained at all stages as far as practicable and appropriate under the circumstances, subject to the rights of the person against whom the complaint is made to be treated fairly.

**Name(s) of individual(s) making the complaint: (please include position and work location):**

Name:	Employee ID:
Position:	Location:

**Name(s) of individual(s) the complaint is being made against (please include position and work location):**

Name:	Employee ID:
Position:	Location:

Personal information on this form is collected under the authority of the *Education Act* and will be used for respectful workplace procedure purposes. Questions regarding the collection should be directed to the Manager of Human Resources, 133 Greenbank Road, Ottawa, ON K2H 6L3 (613) 596-8211..

1. Please describe in detail the specific incident that occurred. (Please provide date(s), time(s), where incident occurred)

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2. How did the complainant's behaviour make you feel (eg. hurtful words, belittled, bullied)?

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3. How have you contributed to this conflict (eg. did you retaliate, make remarks, ignore concerns of complainant)?

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4. What steps have you taken to resolve or remedy the situation (eg. did you tell the person his/her actions were inappropriate; did you report the incident to your supervisor, Union Rep, Harassment Prevention Coordinator)?

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5. What would you like the Board to do as a result of your complaint (eg. what remedy are you seeking?)

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6. A detailed record of the events is crucial. Please include, as an attachment to this questionnaire, any relevant information (eg. copies of emails, notes/records of what happened, any materials or other evidence) pertaining to this complaint. If there are any new developments that have arisen since the initial complaint, please indicate them below.

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7. List and identify any witnesses to the incident(s) or persons who have personal knowledge of the information pertaining to your complaint, and for which we may contact: *(please include name, position, and work location)*

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I certify that, to the best of my knowledge, the information contained in this Questionnaire is accurate and true.

I have attached supportive evidence and/or documentation that will assist the Employer in making recommendations for resolution and I will fully cooperate in the Board's investigation of this complaint.

I understand the Board may interview witnesses (named in this questionnaire) or others who may have relevant information to provide in this case. I have the right to Federation/Union representation should the Board wish to interview me in person regarding this matter.

Should the conflict not be resolved, the final resolution of the complaint shall be made by the Manager, Human Resources. I understand that any actions, decisions, or remedies taken will be based solely on non-discriminatory consideration of all the facts found in the course of the file review.

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Teachers Please Note – the Teaching Profession Act, Section 18.1b (Duties to a Member to Fellow Members) requires 'A member shall, on making an adverse report on another member, furnish him with a written statement of the report at the earliest possible time and not later than three days after making the report.'*