



**SECTION 1000 – HUMAN RESOURCES
RESPECTFUL WORKPLACE**

Lord Selkirk School Division is committed to providing a safe and respectful environment free from harassment and violence for all members of the school communities and members of the public as well as outside workers and contractors.

The division shall not tolerate acts of harassment or violence against or by any division worker. No one has the right to discriminate against, harass (sexual, psychological, personal), bully, be disrespectful or violent toward anyone else at work or in any situation related to Lord Selkirk School Division.

Any behavior which contravenes this procedure shall not be tolerated or condoned. Necessary and appropriate action to address such situations shall be taken. It is the responsibility of every worker to conduct themselves in a manner consistent with these procedures.

WORKPLACE HARASSMENT PREVENTION

The Human Rights Code as referred to in subsection 9(2) prohibits harassment on the basis of ancestry, including colour and perceived race, nationality or national origin, ethnic background or origin, religion or creed, or religious belief, religious association or religious activity, age, sex, including sex-determined characteristics or circumstances, such as pregnancy, the possibility of pregnancy, or circumstances related to pregnancy, gender identity, sexual orientation, marital or family status, source of income, political belief, political association or political activity, social disadvantage, physical or mental disability or related characteristics or circumstances, including reliance on a service animal, a wheelchair, or any other remedial appliance or device.

The Human Rights Code, section 19(2), defines harassment as:

- (a) a course of abusive and unwelcome conduct or comment undertaken or made on the basis of any characteristic referred to in subsection 9(2); or
- (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 or advance, if the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or
- (d) a reprisal or threat of reprisal for rejecting a sexual solicitation or advance.

What does not Constitute Harassment:

- the exercise of normal management activities does not constitute harassment. Normal management of discipline work performance or absenteeism, the assignment of tasks, the application of progressive discipline and even termination of employment constitute the legitimate exercise of management rights.

Cross Reference:			
Board Informed: February 2020	Procedure Review Date: September 2023	Procedure Revision Date:	Page 1 of 5



**SECTION 1000 – HUMAN RESOURCES
RESPECTFUL WORKPLACE**

The actions do not constitute psychological harassment as long as management rights are not exercised in an abusive or discriminatory manner;

- difficult conditions of employment and professional requirements, job related stress and organizational changes that are justifiable on an economic or technological basis where they affect personnel in a manner that is not arbitrary.

What Constitutes Harassment:

- any objectionable, inappropriate or offensive conduct, comment, action, gesture or display, directed at a person or group of persons that degrades, demeans, humiliates or embarrasses and that a reasonable person should have known would be unwelcome;
- behavior that threatens the health or safety of a worker, endangers a worker’s job or threatens the economic livelihood of a worker, undermines the worker’s job performance or negatively interferes with the worker’s career in any other way, adversely affects the worker’s dignity or psychological or physical integrity and results in a harmful workplace for the worker;
- it also includes an improper use of power or authority inherent in a person’s position. Sexual Harassment Sexual harassment is defined as any type of offensive or humiliating sexually-oriented conduct, comments or gestures that are unwelcome, offensive, or unsolicited. What Constitutes Sexual Harassment:
- behaviour that is humiliating or offensive based on a person’s sex;
- behaviour of a sexual nature that creates an intimidating, hostile or toxic work environment; and
- behaviour that demands sexual favours in exchange for favourable reviews, assignments, promotions, or continued employment, or promises of same.

What does not Constitute Sexual Harassment:

- where the people involved consent to what is happening;
- where appropriate performance reviews, counselling, or discipline by a supervisor occur; and/or
- where physical contact is necessary for the performance of the work.

Psychological Harassment:

Psychological harassment is defined as bullying or the abuse of authority which creates a risk to the health of another worker. It may consist of a single instance or repeated instances.

What constitutes psychological harassment:

- instances of objectionable and unwelcome comments or conduct directed at another person; and/or

Cross Reference:			
Board Informed: February 2020	Procedure Review Date: September 2023	Procedure Revision Date:	Page 2 of 5



**SECTION 1000 – HUMAN RESOURCES
RESPECTFUL WORKPLACE**

- behaviour that has no legitimate work purpose and has the effect of interfering with the other person’s work performance or creates an intimidating, humiliating or hostile work environment.

Rights and Responsibilities:

- workers have the responsibility to treat each other with respect;
- any worker who experiences any type of harassment or sees another person being harassed shall report it to the appropriate person in their workplace;
- workers are responsible in co-operating with the investigation of a harassment complaint;
- administrators/supervisors in the division shall ensure that there is a safe and respectful environment free from harassment;
- the division shall take corrective action toward anyone who harasses another person; and
- all workers have the right to file a complaint with the Manitoba Human Rights Commission or exercise other legal rights pursuant to any other law.

Procedures:

- a worker who believes that they are being harassed may speak directly with the person and request them to stop. This can be done in person or in writing. If they feel they are unable to deal with the person directly, they may discuss the matter with the administrator/supervisor or their association/union. They may also file a complaint with senior administration. Disclosures may be reported in writing. LSSD forms are available in Employee Connect;
- a complaint of harassment shall be made as soon after the incident has occurred as is reasonably possible;
- the administrator/supervisor shall investigate the complaint at the workplace level and attempt to resolve the situation;
- if the matter is not satisfactorily resolved, the superintendent/designate shall endeavour to resolve the matter;
- if the matter is still not resolved, the complainant/respondent may appeal to the Board;
- where it is found a person is in violation of this policy, the division shall take corrective action up to and including termination of employment; and
- anyone who retaliates in any way against a person who has complained of harassment, given evidence in a harassment investigation or been found guilty of harassment, will be considered to have committed harassment and will be subject to corrective actions.

WORKPLACE VIOLENCE PREVENTION

The Manitoba Workplace Safety and Health Regulation, MR 107/2011, requires that a violence prevention policy must set out the actions and measures an employer shall take to eliminate the risk of violence to a worker or to control that risk if it is not reasonably practical to eliminate it. The regulation defines violence as “the attempted or actual exercise of physical force against a person and any threatening statement or

Cross Reference:			
Board Informed: February 2020	Procedure Review Date: September 2023	Procedure Revision Date:	Page 3 of 5

**SECTION 1000 – HUMAN RESOURCES
RESPECTFUL WORKPLACE**

behaviour that gives anyone reason to believe that physical force will be used against them.” Under Canada’s Criminal Code workers also have the right to live and work without being subject to violence.

Rights and Responsibilities:

- all workers shall be responsible for working together in a professional manner and issues shall be resolved in a non-violent way;
- the Violence Prevention Policy and Regulations shall be reviewed annually with all workers as part of the orientation. Workers shall follow this policy and the regulation and administrators/ supervisors shall be responsible for the implementations of violent prevention procedures at each work site. The Workplace Working Alone or in Isolation Policy and Regulations shall be reviewed annually with all staff and administrators/supervisors shall ensure all workers are aware of and follow the plan;
- all workers shall bring all issues of violence to the attention of their administrator/supervisor and report any incidents to them as well as cooperate in the investigation of the incidents;
- the division shall assess the risk of violence in all facilities once annually, or after a violent incident occurs. Any time there is a change in the nature or extent of the risk of violence in the workplace, workers shall be provided with the information available, to the extent necessary for the purpose;
- the division shall ensure all workers are aware of the potential risks of violence in the workplace;
- the division shall take corrective action with anyone who subjects a worker to violence;
- the division’s Violence Prevention Policy and Regulations are not intended to discourage or prevent anyone from exercising any other legal rights under any other law; and
- where provisions with respect to violence exist within a Collective Agreement they shall apply.

Procedures for Dealing with and Reporting Violent Incidents:

- any victim of a violent incident should summon immediate assistance to deescalate the incident;
- all threats or acts of violence shall be reported to the administrator/supervisor and if the incident warrants the RCMP may be contacted immediately;
- administrators/supervisors shall notify Senior Administration and the Safety Officer of the incident;
- Senior Administration or a designate shall notify the Manitoba Workplace Safety and Health Division if the incident meets the definition of a “serious incident” (as outlined under Section 2.6 of the Workplace Safety and Health Regulations);
- the administrator/supervisor and worker shall complete an Incident Report Form (available in Employee Connect). The form must be completed for all incidents, whether the incident is a threat or an actual act of violence. Follow-up to a Violent incident:
- division representatives shall conduct an immediate investigation into the incident; make the required notifications, recommendation and implementation plans;
- division representatives will take appropriate action which could include seeking medical attention or counseling for the complainant and deciding whether they shall continue working for that day. If deemed appropriate the abuser shall be removed from the premises and measures shall be identified and the prevention plan modified in order to protect workers or others from further violence; and

Cross Reference:			
Board Informed: February 2020	Procedure Review Date: September 2023	Procedure Revision Date:	Page 4 of 5



**SECTION 1000 – HUMAN RESOURCES
RESPECTFUL WORKPLACE**

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- the division shall not disclose the name of a complainant or the circumstances of the complaint to anyone except where the disclosure is necessary to investigate the complaint or required in order to take corrective action or required by law. Any information that is disclosed shall be the minimum required necessary for the purpose.

Annual Report:

- each year the Safety Officer shall prepare an Annual Report to detail all reported incidents of violence in the division for the past school year. This report shall be provided to the Superintendent no later than September 30th for the previous school year;
- this report shall include the results of any investigation into an incident of violence at the workplace; a copy of any recommendations for control measures or changes to policy; and a description of control measures put in place following the investigation into an incident; and
- the report shall be reviewed by the division’s Workplace Safety and Health Committee at its first regular meeting of the new school year and it shall be reviewed at an October regular meeting of the Board of Trustees.

Domestic Violence:

- if the division is aware or ought to be aware that domestic violence (violence outside the workplace) is likely to expose a worker to harassment or physical injury in the workplace the division shall take every precaution reasonable in the circumstances for the protection of them;
- administrators/ supervisors shall prepare emergency security plans which shall include procedures for contacting police when they become aware of workers being subjected to domestic violence. Senior Administration shall explore options for voluntary relocation of victimized workers as well as options to prevent workers from having to deal with harassing electronic communications of any type including telephone calls, emails, faxes and text messages.

Cross Reference:

Board Informed:
February 2020

Procedure Review Date:
September 2023

Procedure Revision Date:

Page 5 of 5