



Respectful Work and Learning Environment Guidelines

Background

The below confirms KTCEA's expectations that its work and learning environments promote respectful interactions and full compliance with Alberta Human Rights legislation.

KTCEA is committed to a respectful and violence and harassment-free work and learning environment, and to creating an environment that respects the dignity of every individual.

The Alberta Human Rights Act prohibits discrimination in employment and education based on the grounds of race, colour, ancestry, place of origin, religious beliefs, gender, gender identity, gender expression, age, physical disability, mental disability, marital status, family status, source of income and sexual orientation.

As it relates to employment, certain protected grounds may not apply in the case of a bona fide occupational requirement.

Guidelines

Discrimination

Discrimination is an action or a decision that results in the unfair or negative treatment of a person or group because of their race, colour, ancestry, place of origin, religious beliefs, gender, gender identity, gender expression, age, physical disability, mental disability, marital status, family status, source of income or sexual orientation. These are referred to as the protected grounds.

The behaviour giving rise to a complaint need not be intentional in order to be considered discrimination.

Harassment

1. Harassment is defined as a single or repeated incident of objectionable or unwelcome conduct, comment, bullying or action intended to intimidate, offend, degrade or humiliate a particular person or group. Harassment occurs when someone:
 - a. Offends or humiliates you physically or verbally
 - b. Threatens or intimidates you
 - c. Makes unwelcome remarks about your race, colour, ancestry, place of origin, religious beliefs, gender, gender identity, gender expression, age, physical disability, mental disability, marital status, family status, source of income or sexual orientation
 - d. Makes unnecessary physical contact with you, such as touching, patting, pinching or punching, which can constitute assault
2. Harassment to be a serious issue that can create an unhealthy environment and result in psychological harm to employees and students
3. Harassment does not include any reasonable conduct by a supervisor or instructional staff related to the normal direction of employees or the instruction, evaluation or discipline of students. Differences of opinion or minor disagreements between co-workers and students

are not generally considered to be workplace harassment if steps are taken to resolve the conflict. The imposition of discipline does not constitute harassment, provided it is done in a respectful manner

Employees or students of KTCEA who engage in workplace harassment are subject to disciplinary action, up to and including termination of employment or expulsion.

Sexual Harassment

1. Sexual harassment is a form of discrimination based on the ground of gender, including gender identity or expression, which is prohibited under the Alberta Human Rights Act. Sexual harassment is any unwelcome sexual behaviour that adversely affects, or threatens to affect, directly or indirectly, a person's job security, working conditions, prospects for promotion or earnings, or learning opportunities or educational advancement
2. Sexual harassment is usually an attempt by one person to exert power over another person. It can be perpetrated by a supervisor, by a co-worker, by instructional staff, by a student, by a volunteer, or by someone external to KTCEA including contractors, suppliers, clients or other visitors including members of the general public. Sexual harassment is unwanted, often coercive sexual behaviour directed by one person to another. It can be abusive and create an unhealthy, unproductive work and learning environment
3. Sexual harassment can present itself in many ways, from subtle to very obvious actions, through any of the following:
 - a. Suggestive remarks, sexual jokes or compromising invitations
 - b. Verbal abuse
 - c. Visual display of sexually suggestive images
 - d. Leering or whistling
 - e. Patting, rubbing or other unwanted physical contact
 - f. Outright demands for sexual favours
 - g. Physical assault
4. KTCEA is responsible for the actions of its employees and students and must ensure that it maintains a work and learning environment free from sexual harassment by or against its employees, students, contractors, suppliers, clients and other visitors including members of the general public
5. Mutually acceptable flirtation, behaviour or comments from one employee to another, or from one student to another, may not constitute harassment per se, but may still be inappropriate and unacceptable within the KTCEA environment
6. Under no circumstances is flirtation or sexually related comments between KTCEA employees and KTCEA students acceptable

KTCEA employees and students who engage in sexual harassment are subject to disciplinary action, up to and including termination of employment or expulsion

Violence

1. KTCEA is responsible for ensuring workplace health and safety. Violence, whether at a place of employment or in a school, is defined as the threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm. It can include:
 - a) Physical attack or aggression
 - b) Threatening behaviour

- c) Verbal or written threats
- d) Domestic violence
- e) Sexual violence
- f) Lateral violence*

*Lateral violence occurs within marginalized groups where members strike out at each other as a result of being oppressed. The oppressed become the oppressors of themselves and each other. Common behaviours that prevent positive change from occurring include gossiping, bullying, finger pointing, backstabbing and shunning. (Source- Lateral Violence in First Nations Communities- Kreykway Consulting)

2. KTCEA is responsible for the health and safety of its employees and students and must ensure that it maintains a work and learning environment free of violence by or from employees, students, volunteers, contractors, suppliers, clients or other visitors to the workplace including the general public

Individuals who engage in violent behaviour are subject to disciplinary action, up to and including termination of employment or expulsion, and may be subject to criminal prosecution.

Bullying

Bullying is a repeated pattern of behaviour intended to intimidate, offend, degrade, or humiliate a particular person or group- the bully's target.

While bullying can include physical abuse or the threat of abuse, it usually causes psychological rather than physical harm. Bullying can also include lateral violence (see above reference to lateral violence and examples).

Anyone can be a workplace or school bully or the target of a bully—employees, students, contractors, suppliers and clients including members of the public.

Bullying has the potential of affecting our workplace through:

1. Poor performance, reduced quality, and missed deadlines
2. Increased absenteeism, turnover, overtime, or decisions to leave school
3. Reduced morale
4. Sabotage when a bullied employee or student retaliates, e.g. by deliberately failing to meet a quota, a standard or a deadline, or to apply themselves to their studies
5. Poor decision-making and increased likelihood of injury or unsafe behavior
6. Increased need for supervision
7. Increased workload for co-workers as a result of the target's underperformance
8. Increased cost of employee assistance programs or student counseling
9. Potential legal liability
10. Recruitment and training costs to replace employees who leave KTCEA employment or the personal, social and other costs of students who leave school because of bullying behavior

Individuals who engage in bullying behaviour are subject to disciplinary action, up to and including termination of employment or expulsion.

Gossip

Gossip about the private, personal or sensitive matters of our work colleagues or students and their families or friends can be destructive both to individuals and to our workplace and school relationships.

Gossip in our workplace and in our schools is strongly discouraged and supervisors should counsel employees and students against engaging in this type of behaviour, just as they would with any other negative workplace or classroom behaviour.

Some gossip constitutes harassment and could lead to disciplinary action, up to and including termination of employment or expulsion.

These guidelines apply to all individuals working at or volunteering for KTCEA, and to students attending KTCEA Schools. It also applies to contractors, suppliers, clients, visitors and the general public. If clarification is required, the individual seeking clarification is requested to speak to their supervisor or, in the case of a student, with their teacher.

| # | Procedure | Roles & Responsibilities |
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| 1. | Adhering to the guidelines as detailed above | Employees and Students |
| 2. | <p>Ensuring that its work and learning environments are free from discrimination based on the protected grounds.</p> <p>Ensuring that its work and learning environments are free of discrimination in all aspects, including the provision of educational services, recruitment, promotions, assignments, and the termination of employment. This includes discrimination that occurs during and outside normal work or classroom hours that has implications or repercussions to the workplace or the classroom.</p> <p>Ensuring adherence to these guidelines during business trips, field trips, school sporting events, social events or other KTCEA-related functions. This applies to face to face contact, by phone, by technology or by any other means of communication.</p> <p>Taking reasonable steps to accommodate employee and student needs related to the protected grounds.</p> <p>Training employees, students and school volunteers on these guidelines, as appropriate, and the requirement for adherence.</p> | Supervisors/Branch Directors/ Superintendent |

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| 3. | <ul style="list-style-type: none"> a. Performing the duties of their position or applying themselves to their studies b. Complying with workplace and school rules, regulations, policies and legislation c. Informing their supervisor, teacher or any other individual in a position of authority of any discriminatory or inappropriate behavior directed at them or to any other individual within the KTCEA environment d. Working with KTCEA in taking reasonable steps to accommodate employee and student needs related to the protected grounds e. Treating coworkers, school staff, volunteers and the public with respect and dignity f. Ensuring they do not participate in discriminatory conduct based on a protected ground g. Informing KTCEA of their needs for accommodation based on the grounds under the Alberta Human Rights Act as listed above h. Not engaging in offensive behaviour in the workplace or at school, or away from the physical workplace or school during KTCEA functions i. Keeping detailed notes of inappropriate or discriminatory action(s) or behaviours, including recording the names of witnesses | Employees/ Students |
| 4. | <ul style="list-style-type: none"> a. Ensuring a work and learning environment free of discrimination and cooperating with KTCEA's attempts to accommodate employee and student needs as protected under the Alberta Human Rights Act b. Working to find workable solutions to accommodate the needs of co-workers and students c. Adhering to Human Rights considerations in our work and learning environment d. KTCEA is responsible for promptly investigating any allegation of discrimination or inappropriate behaviour. If an allegation is substantiated, KTCEA will take appropriate action(s) to ensure the discrimination or inappropriate behaviour stops. Employees and students may be required to participate in the investigation of incidents and are expected to be cooperative during such investigations e. If an employee or student witnesses, or becomes aware of, discrimination or inappropriate behaviours in our | Employees/Students/ Branch Directors/ Superintendent |

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| | <p>workplace or classrooms or during work or school related functions, they must immediately report such behaviours, regardless of the identity of the alleged perpetrator. KTCEA is legally required to address reports of inappropriate behaviour in a timely manner</p> | |
| 5. | <p>What Employees or Students Should Do If Subjected To Discrimination Or Inappropriate Behaviour</p> <ul style="list-style-type: none"> a. An employee or student who is subjected to discrimination or inappropriate behaviour as outlined in these guidelines should: <ul style="list-style-type: none"> i. Make it clear to the perpetrator that the behaviour is unwelcome and ask that it stop ii. If the behaviour persists or is serious in nature, or if the employee or student is not comfortable speaking to the perpetrator, they should raise their concern(s) with any member of KTCEA supervision or school instructional staff with whom they are comfortable sharing their concerns. If the employee or student fears for their safety, or the safety of others, they should immediately contact someone in a position of authority or, if appropriate, they may choose to contact the police iii. Maintain a record of their concerns including date, location, time, actions and the names of witnesses, if any b. When an employee or student raises a concern with an employee of KTCEA, that employee must advise their supervisor of the employee or student concern | Employees/Students |
| | <p>c. If KTCEA does not respond to the employee or student concern about inappropriate behaviour, or does not appropriately address the concern, the employee or student may choose to pursue action outside of KTCEA, including to the Alberta Human Rights Commission</p> <p>Complaints and Investigations</p> <ul style="list-style-type: none"> a. An employee or student who feels they have been subjected to inappropriate behaviour may file a formal, written complaint b. The complaint should provide details of what occurred, the date and time it occurred, who was involved, the names of any witnesses, where the inappropriate behaviour occurred, and any other relevant information. The employee may submit a written summary of the incident or complete an Employee Report of an Issue, Incident or Concern Form | Employees/Students |

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| | <p>c. The complaint will be investigated formally or informally by Human Resources or an individual or individuals designated by the Superintendent or Deputy Superintendent or, if appropriate, by an external investigator</p> <p>d. Should an investigation be undertaken, interviews will be conducted with the complainant, the alleged harasser, some or all of the witnesses involved, and other parties as appropriate</p> <p>e. At the discretion of the investigator, moral support through the investigative process may be provided to a student or employee who files, or is the subject of, a complaint, or who is required to act as a witness during an investigation</p> <p>f. Confidential information will be shared with individuals who are part of the investigative process on a need to know basis</p> <p>g. To protect the integrity of the process, it is required that the parties to the complaint (complainant, alleged harasser and any witnesses) not discuss the matter amongst themselves or with any employee or student of KTCEA other than the investigator(s). Individuals who do not comply with this requirement are subject to disciplinary action, up to and including termination of employment or expulsion</p> <p>h. The investigator will prepare a confidential investigation report for review by leadership. The report will provide the background to the complaint, the investigator's findings, and the recommended action or actions to address the complaint</p> <p>i. In the event a complaint is substantiated, the Superintendent or designate will determine what action will be taken against the perpetrator. Actions that may be taken against a perpetrator in the event of a substantiated complaint include the requirement for an apology, a warning letter, suspension, job re-assignment, demotion, termination of employment, expulsion, or any other action that the Superintendent or his/her designate deems appropriate</p> <p>j. No disciplinary action will be taken against an employee or student or other individuals who files a complaint in good faith, even if the complaint is not substantiated</p> <p>k. No negative action will be taken against witnesses or others involved in an investigation</p> <p>l. The filing of a false complaint is a form of harassment and may result in disciplinary action against the individual who files a false complaint, up to including termination of employment or expulsion</p> <p>m. Disciplinary action taken as a result of a substantiated complaint will be documented in the file of the</p> | |
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| | <p>perpetrator. Investigation reports will be maintained in a separate file. No record of the complaint will form part of a complainant's file</p> <ul style="list-style-type: none"> n. The investigation should commence and be completed as soon as possible, ideally within two (2) weeks of receipt of the complaint o. An extension or extensions may be required based on the complexity of the matter being investigated, the number of witnesses to be interviewed, witness availability, and other factors. Extensions require the approval of the Superintendent or his/her designate p. The complainant will be advised when the investigation into their complaint has been completed and, in the event the complaint is substantiated, that action has been taken against the perpetrator, though the complainant will not necessarily be provided with the specifics of such action(s) q. In the event that the complainant or alleged harasser disagrees with the disposition of a complaint, they may file an appeal with the KTCEA Superintendent <p>Complaint to Human Rights Commission</p> <p>The forgoing does not prevent a complainant from making a complaint directly to the:</p> <p style="padding-left: 40px;">Alberta Human Rights Commission, Ph. 780-427-7661 (Edmonton) or Toll Free 1-800-432-1838 (within Alberta)</p> <p>Any complaint filed under the Individual Rights Protection Act must be lodged with the Alberta Human Rights Commission within six (6) months of the alleged incident.</p> | |
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References:

Alberta Human Rights Act

Alberta Occupational Health and Safety Act

KTCEA Policy 3 Respectful, Caring and Safe Schools and Workplaces

KTCEA Policy 12 Human Resources

Procedure Amendments and Updates

The responsibility for updating and amending this procedure rests with the Director of Human Resources in consultation with other KTCEA leadership. The next scheduled update of this Administrative Procedure is April annually.