

## **POLICY 505: EMPLOYEE WELFARE ADMINISTRATIVE PROCEDURES**

### **Occupational Health and Safety**

The Superintendent is responsible for establishing and maintaining policies, procedures and work practices that provide a safe working environment for all employees in accordance with regulations of WorkSafeBC.

School District and school administrators are responsible for ensuring that all employees are made aware of policies, procedures, and work practices which have been established by the Superintendent to ensure safety in the workplace and for arranging appropriate training for employees when necessary. School District and school administrators are also responsible to make certain that school buildings and equipment are maintained in a manner to provide a safe working environment for employees.

It shall be the responsibility of each employee to observe School District safety policies and procedures, to work in a prudent and safe manner, and to report any safety or health hazards to the appropriate School District or school administrator.

The Superintendent shall establish a Joint District Occupational Health and Safety Committee, composed of not fewer than nine (9) members, chosen by and representing equally, the Board, the North Vancouver Teachers' Association, and the Canadian Union of Public Employees, Local 389. It shall be the responsibility of committee members to promote safe work practices and conditions and to assist in creating a safe place of work by recommending actions to the Superintendent that may improve the safety of the workplace.

### **Violence in the Workplace**

Violence is defined in the Workers' Compensation Board Regulations as "the attempted or actual exercise by a person, other than a worker, of any physical force so as to cause injury to worker, and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that worker is at risk of injury."

The Superintendent shall ensure that all School District employees are aware of the following procedures for responding to and reporting incidents of violence:

- In the case of a violent incident where there is a continuing danger of violence, the police shall be notified by calling 911 and the employee's immediate supervisor shall be informed immediately.
- After a violent incident where the immediate threat has passed, the immediate supervisor shall be informed and the police notified through non-emergency procedures. In both circumstances, the employee shall complete a Threat/Violence Report form and the supervisor shall review the report with the employee. The supervisor shall forward a copy of the report to the Occupational Health and Safety Manager.

The Superintendent will make available to principals and vice-principals an administrative manual entitled Managing Violent Incidents – An Administrative Guide. The manual provides detailed procedures for handling major incidents of violence.

The Superintendent shall provide in service in conflict resolution and intervention strategies for dealing with violent incidents as the need arises and shall inform workers who may be exposed to the risk of violence of the nature and extent of the risk. Information and procedures shall be provided related to the risk of violence from persons who have a history of violent behaviour and whom workers are likely to encounter in the course of their work.

### **Sexual/Personal Harassment**

The Board recognizes and is committed to supporting the right of all employees to work in an environment free from discrimination, personal and sexual harassment. To this end, bullying and harassment in the workplace is unacceptable and will not be tolerated by the School District. Employees shall comply with the BC Human Rights Code and Workers Compensation Act.

Bullying and Harassment are defined as:

- a) Including any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but
- b) Excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

The following are definitions of personal harassment:

- Any improper behavior that is directed at or offensive to a reasonable person, is unwelcome, and which the perpetrator knows or ought to reasonably know would be unwelcome
- Objectionable conduct, comment, materials or display made on either a one-time or continuous basis that demeans, belittles, intimidates, or humiliates another person
- Exercise of power or authority in a manner which serves no legitimate work purpose and which a perpetrator ought reasonably to know is inappropriate
- Misuses of power or authority such as intimidation, threats, coercion, and blackmail
- Expressions of bias in any form such as derogatory comments made on the basis of race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or that group or class of persons.

The following are definitions of sexual harassment:

- Any comment, look, suggestion, physical contact, or real or implied action of a sexual nature which creates an uncomfortable working environment for the person and which the perpetrator knows or ought reasonably to know is unwelcome
- Any circulation or display of visual material of a sexual nature that has the effect of creating an uncomfortable working environment
- An implied promise of reward for complying with a request of a sexual nature
- A sexual advance made by a person in authority over the recipient that includes or implies a threat or an expressed or implied denial of an opportunity which would otherwise be granted or available and may include a reprisal or a threat of reprisal made after a sexual advance is rejected.

The following are examples of harassment:

- Remarks or correspondence with sexual overtones
- Jokes that cause awkwardness or embarrassment (dirty, ethnic, or religious jokes)
- Innuendoes, taunting or intimidation

- Gender based remarks of a derogatory or sexual nature, or general insulting remarks
- Proposal of intimacy of a sexual nature
- Repeated unwelcome invitations, requests for dates or sexual favours
- Leering, patting, pinching, touching, hugging, brushing against
- Displays of materials, pictures, cartoons or sayings of a derogatory, sexist, ethnic, pornographic, otherwise demeaning nature
- Cyberbullying or inappropriate use of electronic communication, including email, Facebook, Twitter or similar social media networks.

These are not examples of harassment:

- An occasional compliment
- A grumpy or abrupt response
- Flirtation or banter when it is mutually acceptable between/among peers or friends
- Normal exercise of supervisory responsibilities including disciplining when warranted.

All School District employees have a responsibility to promote, provide, and maintain a working environment that is free from personal or sexual harassment and a responsibility to take seriously any incident or allegation of harassment. Every effort should be made to informally resolve incidents involving harassment between the parties concerned. The following are avenues available to individuals who wish to pursue a complaint regarding alleged harassment:

North Vancouver School District Policy 406: Resolving Concerns Regarding Personnel, Programs, or Procedures

- A claim under the Workers' Compensation Act
- A complaint under the BC Human Rights Code (contact the BC Human Rights Tribunal)
- A complaint to the police should there be a possibility of criminal charges
- A complaint under the relevant collective agreement articles for unionized employees
- A complaint to the Superintendent for non-unionized employees.

The following are procedures for managing complaints regarding alleged bullying or harassment:

- Any employee involved in a sexual or personal harassment complaint shall hold in the strictest confidence all information of which he or she becomes aware
- Complaints of bullying or harassment will be dealt with in a fair, unbiased, and timely manner, in accordance with North Vancouver School District Policy 415: Standards of Investigation and incident investigation procedures as per WorkSafeBC. All persons have the right to representation at any meeting related to a complaint
- Individuals are encouraged to report incidents of bullying or harassment without fear of reprisal or retaliation
- Every complainant has the right to redress if the allegations are upheld.
- Where complaints are made and are found to be false or malicious, disciplinary action may result.

It is the intention of the Board that the provisions of this policy shall apply to:

- All persons while working for the Board, involved in or communicating about Board-sponsored programs or activities, or on Board premises. This shall include, but is not limited to, such persons as the Board and its representatives, employees, students, parents, community resource representatives, volunteers, contractors, service providers, or any other persons

- All persons equally, since all persons may be vulnerable to sexual harassment
- Anyone coming in contact with another person regardless of the relationship whether supervisor, subordinate, or peer
- This policy will be reviewed on an as needed basis, a minimum of once per year. This review will be the responsibility of the Joint District Occupational Health and Safety Committee and captured in the respective minutes of this committees work.

## **Personnel Records**

Administrative procedures for personnel records of teaching personnel shall be in accordance with the collective agreement between the Board and the North Vancouver Teachers' Association.

For all other employees the following procedures shall be followed:

- Permanent personnel records shall be accurately maintained in the School District administrative offices for each current and former employee. Electronic and paper records shall be updated annually and shall contain:
  - A cumulative history of each employee's education, training and employment
  - Details of the current assignment
  - Relevant legal documents such as those related to birth, marriage, citizenship, name changes, medical reports and other demographic information
  - Official performance reports
  - Written statements of commendation and references
  - Salary and benefits documentation
  - Pre employment information collected at the time of application for employment.

All personnel records are considered confidential with access restricted to the Superintendent, Secretary-Treasurer, Assistant Superintendents, principals, and officials in the Human Resources Department in the discharge of their duties. No other person or agency may have access to information in an employee's records except when the employee has given written consent for the release of information to a specific person or agency or when such information is required by law to be released. Confidential reference and other similar information collected at the time of application for employment shall be kept in a sealed envelope in an employee's permanent file.

In the event that disciplinary action is taken by a supervisor or by the School District against an employee, the reporting practices and reporting history will be in accordance with current collective agreements, statutory requirements and legislation.

Employees shall have access to their own personnel records at all reasonable times after presentation of appropriate identification. This right of access shall include the right to have another individual of the employee's choosing present. Examination of the files shall take place in the Human Resources Department offices under the supervision of the Superintendent or officials in the Human Resources Department authorized by the Superintendent.

The Superintendent shall take all reasonable precautions to protect personnel records data from unauthorized access, and accidental or purposeful manipulation or destruction. Appropriate security measures shall also be instituted so that transfer of unauthorized individually identifiable personnel data is not possible to any other data system.

### **Reimbursement for Personal Property Losses**

The Board will reimburse its employees for personal property losses sustained as a result of theft and/or vandalism in accordance with the provisions of the Canadian Union of Public Employees' (CUPE) Local 389 and North Vancouver Teachers' Association's (NVTA) collective agreements.

### **Communicable Diseases**

In the case of an employee contracting a communicable disease, the employee's physician is responsible for evaluating the employee's health and for making recommendations to the School District, through the Director of Human Resources, regarding the employee's capacity to perform the duties of his/her position adequately and without endangering the health of the employee in question or others.

The employee may be restricted from his or her work only if the School District, with benefit of the medical opinion of the employee's physician and the Medical Health Officer, determines that the employee does not have the capacity to efficiently and reliably carry out the required duties of the position and/or is not able to carry out those duties without endangering his/her health or that of others.

An employee so restricted from his or her work will have full access to sick leave, long-term disability and medical benefits or whatever other provisions are contained within the appropriate collective agreement or individual contract of employment.