



POLICY: GCPDA  
SUBJECT: RESPECTFUL WORKPLACE  
APPROVAL DATE: November 10, 1987  
REVISION DATES: December 6, 1994, February 16, 2004,  
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## 1. GUIDING PRINCIPLES

- 1.1 The Winnipeg School Division (WSD) believes that every employee is entitled to work in an environment that is respectful and free from all forms of harassment including sexual harassment and bullying.
- 1.2 The Winnipeg School Division (WSD) will not tolerate any form of discrimination, harassment and/or bullying as defined under the Workplace Safety and Health Act or the Human Rights Code of Manitoba. This policy applies to all activities on WSD property or WSD sponsored events.
- 1.3 WSD is committed to creating a diverse and inclusive community where every person can work and learn in an environment that is supportive of productivity and academic achievement and respects the dignity and worth of all members in the school community.
- 1.4 WSD believes that all staff, students, parents/guardians/visitors have rights and obligations to ensure a safe workplace and learning environment for everyone.
- 1.5 Any employee who experiences or witnesses behaviour in violation of this policy is encouraged to report it immediately to the principal in accordance with this policy.
- 1.6 WSD shall investigate all formal complaints in accordance WSD policies.
- 1.7 Nothing in this policy precludes the legal right of individuals from exercising any other rights, actions or remedies that may be available to the individual under any other law.

## 2. DEFINITIONS

- 2.1 Harassment conduct is defined in the Workplace Safety and Health Act as:
  - a) Objectionable, if it is based on race, creed, religion, colour, sex, sexual orientation, gender determined characteristics, marital status, family status, source of income, political belief, political association, political activity, disability, physical size or weight, age, nationality, ancestry, or place of origin; or
  - b) Severe, if it could reasonably cause a worker to be humiliated or intimidated and is repeated, or in the case of a single occurrence, has a lasting, harmful effect on a worker. Reasonable conduct of an employer or supervisor in respect of management and direction of workers in the workplace is not harassment;
  - c) A written or verbal comment, a physical act or gesture or a display, or any combination of them.
- 2.2 The characteristics as referred of The Human Rights Code include:
  - a) Ancestry, including colour and perceived race;
  - b) Nationality or natural origin;
  - c) Ethnic background or origin;
  - d) Religion or creed, or religious belief, religious association or religious activity;
  - e) Age;
  - f) Sex, including sex-determined characteristics or circumstances, such as pregnancy, the possibility of pregnancy, or circumstances related to pregnancy;
  - g) Gender identity;
  - h) Sexual orientation;
  - i) Marital or family status;
  - j) Source of income;



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- k) Political belief, political association or political activity;
- l) Physical or mental disability or related characteristics or circumstances, including reliance on a service animal, a wheelchair, or other remedial appliance or device;
- m) Social disadvantage.

2.3 Section 19(2) of The Human Rights Code 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 to reasonably know that it is unwelcome; or
- d) A reprisal or threat of reprisal for rejecting a sexual solicitation or advance.

2.4 What is Not Harassment

Reasonable actions by managers or supervisors to help manage, guide or direct workers or the workplace are not harassment. Appropriate employee performance reviews, counselling or discipline by a supervisor or manager is not harassment.

2.5 Complainant

Refers to the person who believes that they are being harassed and has initiated a complaint with the Principal or Supervisor.

2.6 Respondent

Refers to the person against whom the complaint has been made.

2.7 Sexual Harassment may include:

- a) Unwanted, persistent or abusive sexual attention;
- b) A sexual advance or solicitation made by a person in a position to grant or deny a benefit which may affect the employment status of an employee or the academic status of a student where the individual knows or ought reasonably to know that this attention is unwanted;
- c) Sexually oriented behaviour or remarks which create a negative psychological environment for work or study. Such behaviour or remarks include, but are not restricted to:
  - Demeaning remarks based on gender;
  - Suggestive jokes about sex;
  - Inappropriate comments about clothing, physical characteristics or activities;
  - Inappropriate displays of sexual pictures or materials;
  - Derogatory terms, graffiti which degrades a person based on their sex or sexual orientation;
  - Leering, ogling and suggestive or insulting sounds;
  - Unwanted questions or comments about one's private life;
  - Unwanted physical contact, such as brushing up against one's body, patting or pinching
  - Sexual assault (an offence under the Criminal Code);
- d) A reprisal or threat of reprisal for the rejection of a sexual solicitation or advance.



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## 2.8 Personal Harassment

Any inappropriate conduct, comment, display, action or gesture by a person that is made on the basis of race, creed, religion, colour, sex, sexual orientation, gender determined characteristics, marital status, family status, source of income, political belief, political association, political activity, disability, physical size or weight, age, nationality, ancestry or place or origin.

## 2.9 Bullying

Any repeated humiliation or intimidation that adversely affects an individual's psychological or physical well being. In the case of an isolated incident, harassment is severe conduct which has a lasting harmful effect on the individual.

## 2.10 Racial/Ethnic/Homophobic Incident

A verbal or non-verbal exchange, expression or graphic/visual display including but not limited to derogatory terms language, images and graffiti which degrades a member or members of a racial/ethnic group or community, or an individual's sexual orientation.

## 2.11 Workplace Violence

An attempt or actual exercise of physical force against a person, or any threatening statement or behavior that gives a person a reasonable cause to believe that physical force will be used against the person.

## 2.12 Hate Crime

An offence such as an assault, threat, or act of vandalism motivated by hatred of the victim's race, religion, sexual orientation, gender or ethnic background.

## 2.13 Hate Propaganda

Any form of communication that is intended to promote hatred toward groups or individuals. Hate propaganda may be distributed by telephone contact, broadcasting, graffiti, written materials, posters, electronic technology or music.

## 2.14 Investigator

May include the Chief Human Resources Officer or their designate. Investigations may be referred to a third party, or where the authority may be delegated by the Superintendent to someone other than the Chief Human Resources Officer.

## 2.15 Disrespectful Behaviour

A course of conduct or comment(s) that is (are) inappropriate, demeaning or otherwise offensive behaviour intended to create an uncomfortable, hostile and/or intimidating work environment. Disrespectful behaviour may be found to have taken place in or outside our facilities. Types of behaviour considered disrespectful include (but are not limited to) Discrimination, Harassment, Personal Harassment, Sexual Harassment or Workplace Violence.



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Disrespectful behaviour does not include consensual banter or consensual romantic relationships (providing surrounding staff members or people present are not made uncomfortable), performance reviews, performance management, managerial functions or activities, counseling and/or discipline imposed by the Division.

#### 2.16 Discrimination

As defined in the Manitoba Human Rights Code, the differential treatment of an individual, or group of individuals, on the basis of a protected characteristic rather than on personal merit.

#### 2.17 Workplace Violence

Any act that results in injury or threat of injury, real or perceived, by an individual, including but not limited to:

- a) Acts of aggression;
- b) Verbal or written threats; or
- c) Vandalism of personal property.

### 3. RESPONSIBILITIES

#### 3.1 Superintendent/CEO

The Superintendent/CEO is responsible for the implementation of this policy and development of procedures to deal with reported cases of harassment.

#### 3.2 Assistant Superintendents

The Assistant Superintendents are responsible to ensure that all staff are informed that harassment is not acceptable under any circumstances and will not be tolerated in WSD. All WSD schools facilities shall implement the procedures established for handling complaints or incidents of harassment and shall inform staff, students and community of this policy.

#### 3.3 Principals

Principals shall inform staff, parents and students annually (where appropriate) that harassment is not acceptable under any circumstances and will not be tolerated in WSD.

#### 3.4 Principal/Manager

The Principal/Manager of a WSD facility may obtain support/advice from the Chief Human Resources Officer in order to resolve an incident of harassment.

If the complaint involves the Principal or Manager of a WSD facility, the complainant may lodge the complaint with the Chief Human Resources Officer.

#### 3.5 Employees

All employees shall intervene in those situations where harassment is observed or overheard.



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#### 4. COMPLAINTS

- 4.1 A formal complaint of harassment must be made in writing in accordance with the procedures specified hereinafter, detailing the specific allegation(s) and naming the respondent with reference to the complaint.
- 4.2 WSD shall determine whether disciplinary action is warranted against the complainant or the respondent. Any action shall be taken in accordance with the Policy GCP – Discipline & Discharge if the complaint involves an employee or Policy JG – Safe Schools if the complaint involves a student.
- 4.3 The handling of complaints or incidents of harassment involving students shall be subject to the procedures established by this policy and Policy JG – Safe Schools. Principals will institute disciplinary measures which will reflect the seriousness of the offenses.
- 4.4 Complaints or incidents of harassment involving a staff member shall be treated as a disciplinary issue and shall be addressed in accordance with this policy and Policy GCP – Discipline and Discharge.
- 4.5 Complaints or incidents of harassment involving or caused by parents/guardians or visitors may involve police or other forms of reporting harassment or violence.
- 4.6 Where it is found that a violation of the Policy has occurred, the disciplinary action taken against a staff member or student may include, but not be restricted to the following:
- a) Verbal warning;
  - b) Written warning included in the staff or student's file;
  - c) Suspension:
    - Of staff with or without pay for specified period of time;
    - Of students for a specified period of time or exclusion from a school;
  - d) Transfer to another location;
  - e) Dismissal/expulsion;
  - f) Police involvement;
  - g) Involvement of Child and Family Services;
  - h) Exclusion from WSD facilities.

#### 5. EMPLOYEES COVERED BY COLLECTIVE AGREEMENTS

- 5.1 Where provisions with respect to harassment exist within a Collective Agreement, they shall apply.

#### 6. DISCIPLINE

- 6.1 Students who have been involved in harassment or violent situations toward staff shall be subject to discipline in accordance with Policies JGD – Suspension of Students and/or Policy JGE – Expulsion of Students.
- 6.2 WSD may impose disciplinary measures for conduct that occurs throughout the school day or after school hours, as well as off school property where there is evidence of an online threat or intimidation through the internet including social media. This includes text messaging, instant messaging, websites, and email which results in a disruption in the school community or is harmful to the physical or mental well-being of students or staff and intended to create a negative school environment for another person.



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6.3 Staff involved in acts of harassment or violence towards other individuals shall be subject to discipline in accordance with Policy GCP – Discipline and Discharge.

6.4 Individuals who are not students that are involved in harassment or violence toward staff shall be dealt with in accordance with this policy, the Public Schools Act and/or involvement of the appropriate police jurisdiction.

6.5 Incidents of harassment or violence may be referred to the Winnipeg Police Service and/or Child and Family Services depending on the nature of the incident.

## 7. CONSEQUENCES

### 7.1 Level of Harassment or Violence

Consequences shall be applied in accordance with Policy GCP, Discipline and Discharge, the Code of Conduct or applicable legislation as appropriate. Consequences may be considered up to and including termination of employment for employees or expulsion for students.

### 7.2 Criminal Code of Canada

Where appropriate, incidents of harassment or violence at a school/building shall be reported to, and investigated by, the Winnipeg Police Service. Criminal charges may potentially be laid against anyone involved in the commission of an unlawful activity as defined by the Criminal Code of Canada.

### 7.3 Civil Litigation

Where appropriate, incidents of harassment or violence at a school/building may result in civil litigation for the redress of damages and costs to persons, property or reputations associated with WSD staff members.

### 7.4 Fraudulent Allegations

Any individual who has made a false allegation of harassment or violence against another individual shall be subject to disciplinary/criminal action.

## 8. PREVENTION

8.1 The Workplace Safety and Health Committee shall assess the risk for harassment or violence in all facilities:

- a) Once annually; or
- b) More often if required; or
- c) If a violent incident occurs.

8.2 All WSD buildings shall have a process in place to identify individuals who have demonstrated an increased risk for violent behaviors.



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- 8.3 All students having the potential for violence shall be assessed in accordance with WSD's Policy IGBA – Special Education Supports/Programs. Information regarding the assessment, student Individual Education Plan (IEP) and any other pertinent information shall be placed in the student's file. Information shall be shared on a need to know basis with staff likely to work in close proximity to the student.
- 8.4 Personal safety and de-escalation skills training (NVCI) shall be provided to all staff working directly with, or have to potential to work directly with, a student where this training is identified as a requirement of the IEP of that student. Administrators and affected staff shall ensure assistance can immediately be summoned by using an appropriate communication device or other suitable method.
- 8.5 All staff shall:
- a) Have the opportunity to review the Respectful Workplace Policy at orientation;
  - b) Be provided with appropriate information, including personal information, within the limitations of the law any time there has been a change in the nature or extent of the risk of harassment or violence.
- 8.6 All Principals/managers shall:
- a) Ensure staff follow the plan(s) developed to ensure their individual safety;
  - b) Ensure staff requiring to have specialized training receive the training prior to their assignment.
9. RETALIATION
- 9.1 Any individual who retaliates in any way against a person who has complained of harassment or violence, given evidence in a harassment or violence investigation or been found guilty of harassment or committing a violent act, will be considered to have committed harassment or violence and will be subject to disciplinary action.
10. ANNUAL REPORT
- Each Principal/Building Manager shall prepare an annual report by the end of May detailing all reported incidents of violence in the school/building. The annual report shall be provided to the appropriate District Superintendent and the Central Safety and Health Committee no later than June 1 of each year.
11. APPEAL
- 11.1 Within seven (7) calendar days of the complainant or respondent becoming aware of action being recommended, the action may be appealed to the Superintendent/CEO.
- 11.2 The Superintendent/CEO shall review the details of the complaint and render a decision on the action or may substitute an alternative solution to the complaint.
- 11.3 The Superintendent/CEO may or may not choose to hear the parties to the complaint before rendering a decision.
- 11.4 This does not preclude the complainant from exercising any other rights, actions or remedies that may be available to the individual under any other law or the Collective Agreement.