

The South Slave Divisional Education Council recognizes and endeavours to protect the fundamental right of all employees to a workplace free from harassment by the employer, agent of the employer, another employee, or by a member of the public.

The South Slave Divisional Education Council is committed to providing a climate of understanding and mutual respect for the dignity and worth of each employee. Each employee must feel a part of, and be able to contribute to, the work environment.

REGULATIONS

1. Staff members who have concerns are expected to follow the provisions outlined in the section below titled, *Complaints/Concerns Due Process*
2. Staff members who receive concerns or complaints from others are expected to follow the provisions outlined in the section below titled, *How to Effectively Deal With a Concern/Complaint*
3. Administration will address concerns, questions, and/or complaints of harassment of staff according to the intent, procedures and/or provisions contained in the Government of the Northwest Territories, *Harassment Free and Respectful Workplace Policy*.
4. In the event that the complainant is a student, the student should approach an advocate of his or her choice, and/or a teacher or the principal for proper follow up.
5. In the event of a complaint by a student of sexual or physical harassment, it is the responsibility of the person receiving the information to immediately contact the *Health & Social Services Department* in their community, and then the school principal, following the procedures and guidelines outlined in the Government of the Northwest Territories, *Child Abuse Protocol*.
6. In the event that the alleged harasser is a member of the public and not a GNWT or SSDEC employee, the principal should inform and consult with the Superintendent and the local *District Education Authority* Chairperson in the process of following up.
7. Each complaint will be dealt with in a fair and just way, following two of the principles of natural justice - the right to be heard, and the right to an unbiased decision.
8. Any staff member who violates this policy may be subject to disciplinary action, up to and including dismissal.
9. This policy *DOES NOT* cover verbal, physical or sexual assault, which are criminal offenses, although such behavior by staff or students will also be considered for disciplinary action.
10. The existence and application of this policy does not prevent persons from seeking assistance from their respective employee's union or the NWT *Human Rights Commission*, or pursuing private legal remedies at their own cost.

CONCERNS / COMPLAINTS DUE PROCESS

When a staff member has a concern, the first and most important question to be considered is how best to deal with such concern in a *least confrontational* and *most productive* manner (not retaliatory; not destructive), with an approach that is most likely to result in increased communication, understanding, and the best possible outcome (positive resolution).

A staff member who has a concern is expected to *speak directly* and *in private* to the person with whom they are concerned. They are not to speak of their concern to other staff or community members—spreading negativity about a person to someone not in the chain of management is unprofessional and can result in disciplinary or legal action. The accused must be given the opportunity to hear the concern and address it. Below is a good process to consider for most concerns a staff member may have with someone else:

1. ask person to set time to meet with you in private at a time and location that is convenient for both of you
2. share with person and help them to understand what incident or behavior is of concern and how it makes you feel (no character assassinations—don't jump to conclusions and make accusations as to the person's character or motivation)
3. listen for response and accept portion of blame where possible
4. troubleshoot/strategize for short and long term (what are we each agreeing to take responsibility for doing or not doing to improve the situation?)
5. if issue not resolved to your satisfaction or if behavior continues, speak to again, put the complaint in writing to the person, and/or bring the concern to the next level of management

If the complainant is not satisfied with the response, or the concerning behavior continues, it is appropriate for the concern to be raised with the next level of management.

Nothing in this policy reduces the legitimate and proper exercise of the manager's responsibilities including providing supervision, direction, evaluations, disciplinary measures, and making staffing decisions. When an administrator is considering disciplinary action because of concerns with the behavior of an employee, the manager is expected to consult with the superintendent and to follow the provisions in the *GNWT Public Service Act*, the *Human Resource Manual*, and any applicable Collective Agreement.

The exception to the *speak directly and in private rule* is if the accused is doing something immoral, illegal or dangerous to others, examples being suspected child abuse, stealing, or leaving the classroom unattended, in which case the staff member should immediately inform the proper authority(s).

HOW TO EFFECTIVELY DEAL WITH A CONCERN / COMPLAINT

When receiving a concern or complaint raised by another, respondents are expected to be *responsive* (not defensive or retaliatory) and to use an active listening process such as:

1. seek to understand - ask for clarification
2. show understanding - repeat in own words
3. give perspective and accept blame where possible, and agree to disagree where necessary, but respectfully
4. troubleshoot/strategize for short and long term (what are we each agreeing to take responsibility for doing or not doing to improve the situation?)

References: SSDEC Policy ADA – Principles for Working and Learning Together
GNWT Harassment Free and Respectful Workplace Policy (2011)
A Guide to Applying the Harassment Free & Respectful Workplace Policy (2011)
GNWT Occupational Health and Safety Regulations (2015) section 34
GNWT Public Service Act sections 29-34

Human Resource Manual sections 0400 -Dispute Resolution and 0700 -Discipline
UNW Collective Agreement article 37 - Adjustments & Disputes
NWTTA Collective Agreement article 20 - Grievance & Arbitration Procedures
GNWT Human Rights Code
Canadian Charter of Rights and Freedoms

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