

# Scenario #1

Teacher harassment complaint

A teacher comes to you with a complaint about another teacher. She alleges that whenever she finds herself alone with him in the staffroom or the photocopy room he makes comments about her figure and her way of dressing. She told him that she does not appreciate his comments and has asked him to stop making them because it makes her feel uncomfortable.

Since that conversation he has been looking into her classroom and smiling, and making comments about her appearance when they pass in the hallway. Intentionally, all of this is done in a way no one else is aware of his behaviour.

The staff member being referred to is very popular with other staff, students and parents. He is involved with the Pro D Committee, Social Committee, etc..

The staff member bringing the allegations to you has had other incidents in the past regarding male staff members, but she claims she is being harassed.

# Important References for Harassment Incidents

District Policies

Collective Agreement- Langley Teacher Association

Worksafe BC

Federal and Provincial Regulations - Human Rights Code

# Foundations

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Employees are entitled to work in a harassment free environment.

This is supported through the Human Rights Code, common law, collective agreements, district policies, and standards of the BCPVPA.

# Human Rights Code

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BC law prohibits sexual discrimination.

Under the BC Human Rights Code, sexual harassment is a form of sexual discrimination.

Examples of harassment from this scenario of potential sexual harassment include:

Unwelcome remarks, leering, staring.

# Workers Compensation Act; Part 3, Division 3

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## 115(1)(a)

Every employer must ensure the health and safety of:

- All workers working for the employer
- Any other workers present at a workplace at which the employer's work is being carried out



# Workers Compensation Act; Part 3, Division 3

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**115(2)(e)** Every employer must provide

- Health and safety Policies in accordance with regulations
- Information, training, and supervision necessary to carry out their work and to ensure the health and safety of other workers at the workplace

# Langley - Example of Training Policy in Action

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All new staff is required to complete New Hire Bullying and Harassment Training.

Digital Signature marks completion plus quiz completion.

[Langley SWAY](#)

# Policy in Practice D3-115-2

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Employers should

- Develop a policy statement reflecting the act with regards to bullying and harassment
- Take steps to minimize bullying and harassment
- Develop reporting procedures for harassment or bullying incidents

# Policy in Practice D3-115-2

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- Develop and implement comprehensive procedures for how the employer will deal with incidents of bullying and harassment
- Communicate procedures to staff
- Train supervisors to recognize and respond appropriately to these incidents
- Not engage in bullying or harassing behaviours themselves.

# Step 1 - Collective E.3.A

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- a) Employee attempts to resolve conflict with colleague.
- b) Complainant may approach administrative officer, staff representative, or contact person to discuss means of resolving the complaint and request assistance in resolving the matter.

# Step 1 - Collective E.3.A

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If parties agree to meet at this stage, then E.5.a-c are utilized

Essentially, parties can agree to mediation. If respondent admits to harassment, both parties get a copy of the resolution and no record aside from those two copies is kept.

If the two parties do not agree, then proceed to Step 2

## Step 2 - E.3.b.i.

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“If a complainant chooses not to meet with the alleged harasser, or no agreement for resolution of the complaint has been reached, or an agreement for resolution has been breached by the alleged harasser, a complaint may be filed with the superintendent or designate.”

## Step 3.c - Collective Agreement

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In Langley, Superintendent gives this to the assistant-superintendent in charge of HR.

Committee is struck in accordance with Worksafe Harassment Policy.

In compliance with collective agreement

Investigation of incident to be done, the principal is not to be involved at this point.



# At School Level - Principal Role

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Standard 9 “Ensure that acts, laws, regulations, policies, collective agreements, and enhancement agreements govern your decisions and actions”

Standard 7 “Create a safe, orderly, caring, and healthy school environment”

# At School Level - Principal Role

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Maintain confidentiality

Ensure both are honouring not talking about it

Not interfere with the investigation

Provide assistance to the investigation as required

If Staff comes to them, keep confidentiality

Refer new information to committee

# Respondent is found innocent - What's next

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Both parties are required to return to work.

Either party may choose to request a Self Initiated Transfer

Typically, SITs are honoured.

# Complaint is valid- What's next?

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Respondent is issued a Letter of Expectation outlining a procedure to be followed to resolve the matter. (done in consultation with school district legal)

Typically the respondent must:

Complete a boundaries course

Receive some form of censure

Respondent may be presented with the opportunity to DIT

Steps towards possible restorative action with complainant

# Findings are Forwarded to TRB

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Teacher Regulation Branch

They will follow own protocols, separate recommendations.

# Citations

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[Human Rights Code](#)

[LTA Collective Agreement](#)

[Policies for the Workers Compensation Act](#)

[SD35 Bullying and Harassment Training](#)

[Workers Compensation Act](#)