



Guideline	<b>CODE OF PROFESSIONAL ETHICS</b>
-----------	------------------------------------

Implemented	August 2016	Updated	July 5, 2016
Date Approved			
Cross Reference	Respectful Workplace Policy, Complaint Guidelines or School Complaint Policy and School Code of Conduct Policy		

**PURPOSE**

The purpose of this document is to provide members of the Manitoba Catholic School community with a set of ethical principles guiding the standards of conduct that they are expected to uphold in their interactions with students, each other and the wider community. Manitoba Catholic Schools are committed to fostering the dignity, self-esteem, and integrity of every person. The provision of a safe and supportive environment is essential to ensure that all Members, and students entrusted to our care are affirmed in their dignity and worth as a person. Manitoba Catholic Schools believe that all students should develop skills in building positive relationships based on those modelled by our Members.

This Code was developed by the Manitoba Catholic Schools Office and has been approved by the Archbishops of Winnipeg and Saint Boniface for use in their respective schools.

**DEFINITIONS**

“Church” means the Catholic Church.

“Code” means this Code of Professional Ethics.

“Manitoba Catholic Schools” means all Catholic Schools in the Archdiocese of Winnipeg, Archdiocese of Saint Boniface and the Ukrainian Archeparchy of Winnipeg and “School” means individual Catholic Schools in Manitoba.

“Member/s” means each and all: (i) employees of any school in Manitoba, including permanent, part-time, temporary or casual employees or independent contractors and service providers, and includes all teachers, administrators, and support staff; (ii) members of the Board of Directors of each school and (iii) other volunteers who participate in activities involving a school.

---

## INTRODUCTION

All Members serve in the name of the Church. Each Member undertakes to support the Catholic ethos of the Manitoba Catholic Schools and, as a condition of his or her employment or volunteer engagement with a Manitoba Catholic School, each Member is expected to demonstrate their support for the Vision and Mission of Catholic education.

### **Mission and Vision of Manitoba Catholic Schools**

- to teach and nurture the faith, values, traditions and beliefs of the Catholic Church;
- to assist parents as the primary educators of their children;
- to assist every child in reaching their full social, academic, emotional, and spiritual potential;
- to foster the development of leadership and service to others including matters of justice and peace;
- to foster respect for all human life and all of creation.

### **APPLICATION of the Code**

This Code applies to all Members. If there is any conflict between this Code and any applicable legislation, the legislation will prevail. Any Members questions or concerns about the interpretation of this Code should be first directed to the Member's school Principal. If the interpretation cannot be clarified among the Member and School Principal, the interpretation may be referred to the Superintendent, Manitoba Catholic Schools.

This code is not intended to be and shall not be used to intimidate, coerce or threaten Members.

---

## **1. LAWS AND REASONABLE DIRECTIONS**

- 1.1. Members shall not participate in any illegal activities and shall comply with all applicable federal, provincial and municipal laws in carrying out their duties and responsibilities as Members.
- 1.2. Members must comply promptly, conscientiously and effectively with all reasonable decisions and directions given by a person having authority to give such directions.
- 1.3. Members must not knowingly or deliberately impede compliance with, or implementation of, a lawful and reasonable decision or direction.
- 1.4. When making decisions or giving direction, Members must act within their legal and organizational responsibilities and delegations. Members must make what they believe to be competent decisions and give fair and reasonable guidance and directions.

## **2. PROFESSIONALISM AND ETHICAL CONDUCT**

- 2.1. In the course of their employment or position in the school community, Members must act in a professional and respectful way that enhances their professional reputation and the reputation of Catholic education. Members should be aware that personal conduct and lifestyle outside of normal working hours can reflect either positively or adversely on Catholic education and therefore they should act appropriately in the presence of student(s) at all times, both within and outside school hours. At all times Members should conduct themselves in a manner that does not bring Catholic education into disrepute.
- 2.2. Members must treat fellow Members, students and others within the school community with the respect and dignity that all deserve.

- 2.3. Members whose work involves interacting with students have a special responsibility to comply with duty of care requirements and not to be engaged in inappropriate behaviors which may negatively impact on them being seen as appropriate role models for those students.
- 2.4. Members must be aware of and at all times comply with the school's policies and procedures that are applicable to role and position within the Manitoba Catholic School community. Administration must make relevant information available to staff.
- 2.5. Members must uphold and comply with:
  - 2.5.1. Applicable Federal, Provincial and Municipal laws and regulations;
  - 2.5.2. Applicable agreements, professional standards and codes of practice that do not conflict with this Code or other policy of Manitoba Catholic Schools;
  - 2.5.3. This Code, Manitoba Catholic Schools and applicable archdiocesan and government directives, policies and procedures.
- 2.6. Members shall behave in ways that promote the safety, welfare and well-being of students, fellow Members and others in their school environment in accordance with relevant occupational, health and safety legislation.
- 2.7. Members must perform their work duties or volunteer responsibilities competently and responsibly, with a focus on delivering or supporting high quality educational services to students, and delivering high quality services to other internal or external Catholic education clients.
- 2.8. Members must maintain currency of their professional competence through appropriate professional development or learning experiences.
- 2.9. Dress, personal appearance and hygiene are important elements of professional presentation. Members must ensure that their personal appearance and presentation are clean, tidy and appropriate for their role in accordance with any established dress code or in its absence the local expectations of the School.
- 2.10. Members must ensure that school resources are not used improperly. These resources include financial and material resources as well as intellectual, information, system and knowledge resources and database related to the work of Catholic education.

### 3. INTERACTIONS WITH COLLEAGUES

- 3.1. In relation to colleagues, Members have a responsibility to:
  - 3.1.1. Build an atmosphere of collaboration, trust, mutual respect and candor;
  - 3.1.2. Recognize and respect the individual potential and talents of colleagues irrespective of race, gender, age, religion, etc.;
  - 3.1.3. Encourage openness and tolerance among colleagues;
  - 3.1.4. Use constructive methods of resolving any conflict which may arise following the appropriate process as established by the school's relevant policies and procedures;
  - 3.1.5. Observe the principles of justice in dealing with any complaints against colleagues;
  - 3.1.6. Avoid behaviors which might reasonably be perceived as abuse, harm, harassment, bullying or intimidation in accordance with Respectful Workplace Policy;
  - 3.1.7. Foster unity, harmony and cooperation in working relationships;
  - 3.1.8. Respect the ethical professional practice of colleagues in all settings.

- 
- 3.2. All Members must in first instance direct any criticism of the professional activity and related work of a colleague to that colleague in private following the School's established process. A Member shall not be considered in contravention of this article in the following circumstances:
    - 3.2.1. When consulting with school administration
    - 3.2.2. When taking any action that is allowed or mandated by legislationNo Member shall criticize another Member's performance to students, parents, or colleagues. Performance evaluation is the responsibility of an Member's Principal or supervisor in accordance with School policy and should always be done in a professional manner.
  - 3.3. Gossiping about other Members, students or their families must always be avoided.

#### 4. RESPONSIBILITIES

- 4.1. All Members have a responsibility to reasonably protect others from foreseeable harm. While this applies in all aspects of a Member's work or obligations, it is particularly important for those Members who have interaction with and responsibility for students.
- 4.2. Teachers and Educational Assistants have additional legal and ethical duties and responsibilities towards students, including the duties not to cause harm to the student and to act in the best interest of the student, as a parent would.
- 4.3. All students have a basic and expected right to a physical and emotional environment that is free from unreasonable risk of harm. Harm includes any significant detrimental effect to the student's physical, psychological or emotional well-being by any cause and includes minor harm that is cumulative in nature and which would result in a detrimental effect of a significant nature to the student if allowed to continue. Amongst other things, harm can be caused by:
  - 4.3.1. Physical, psychological or emotional abuse or neglect; or
  - 4.3.2. Sexual abuse or exploitation; or
  - 4.3.3. Domestic or family violence; or
  - 4.3.4. Bullying; or
  - 4.3.5. One's own actions.Members are referred to the Catholic Schools Policy for the Protection of Youth and Vulnerable Adults and Provincial Legislation which lay out the reporting procedures required of Members in Manitoba Catholic Schools.
- 4.4. Members must actively seek to maintain a physically safe teaching and working environment in accordance with *Provincial Workplace Health and Safety* Legislation.
- 4.5. Members must take reasonable steps to prevent harm to students and to support students who have been harmed.

#### 5. PSYCHOLOGICAL HARM

- 5.1. Members must not behave in ways that a reasonable person would consider to be offensive, intimidating, humiliating or threatening. Such conduct might include, but not be restricted to, targeting others with unfair and continued criticism; exclusion and or shunning; making excessive or unreasonable demands of others; and making any form, either oral or written (including electronic communication), of derogatory comments to students, parents, work colleagues or the general public. Should such unacceptable behavior occur, then all recipients of such behaviors have recourse to the processes contained within the school's Respectful Workplace Policy and Complaint Guidelines.

- 
- 5.2. The following practices are unacceptable:
    - 5.2.1. Intimidating a student;
    - 5.2.2. Swearing at a student;
    - 5.2.3. Using sarcasm to humiliate;
    - 5.2.4. Criticizing a student rather than the student's actions;
    - 5.2.5. Using fear or practices which instill fear as a means of controlling a student;
    - 5.2.6. Exposing a student to material that contains adult concepts or themes that are inappropriate to the student's age or the relevant curriculum expectations.

## 6. PHYSICAL CONTACT WITH CHILDREN

- 6.1. Members must not engage in conduct that could physically harm a student and this should be noted especially in cases involving disciplinary action.
- 6.2. Corporal punishment is prohibited.
- 6.3. There may be occasions; however, where reasonable physical intervention is appropriate in order to protect students, self and others. In such a circumstance reasonable physical intervention by a Member is permitted to prevent harm or further harm to students, self and others provided that the Member seeks to avoid inflicting physical harm where possible. The physical intervention would need to be proportionate to the circumstances and reported immediately to supervisors.
- 6.4. The following practices are unacceptable:
  - 6.4.1. Using an object, such as a ruler, book, sports equipment, duster, chalk or whiteboard marker to gain a child's attention in a hostile or an inappropriate physical manner;
  - 6.4.2. Restraining a student for any purpose other than in accordance with section 6.3 above;
  - 6.4.3. Hitting or kicking a student;
  - 6.4.4. Shaking or throwing a student;
  - 6.4.5. Refusing biological necessities as a means of punishment;
  - 6.4.6. Applying painful or noxious conditions.

## 7. SEXUAL CONDUCT

- 7.1. Members' interactions with students and colleagues must be, and be seen to be, professional at all times.
- 7.2. Members must not sexualize a relationship with a student. To do so is a breach of trust, an abuse of authority, professional misconduct, immoral and criminal.
- 7.3. Members must not provide or exchange personal contact details such as telephone numbers or email addresses with students, unless there are specific work related reasons as authorized by the Principal. Similarly, Members must not enter into unauthorized electronic communications with students such as text, pod-casting, and chat rooms, etc.
- 7.4. The following behaviors constitute either misconduct or sexual misconduct towards students or members;
  - 7.4.1. Unwarranted and inappropriate touching
  - 7.4.2. Suggestive remarks or actions of a sexual nature
  - 7.4.3. Sexual exhibitionism
  - 7.4.4. Inappropriate conversations of a sexual nature
  - 7.4.5. Comments that express a desire to act in a sexual manner
  - 7.4.6. Deliberate exposure to sexual behavior of others including display of pornographic material
  - 7.4.7. Obscene gestures, language, jokes containing sexual references

- 
- 7.5. The following behaviors constitute sexual misconduct relevant to students;
    - 7.5.1. Deliberately exposing students to the sexual behavior of others in any form, other than in the case of prescribed curriculum material in which sexual themes are contextual
    - 7.5.2. Flirtatious behavior directed at a student
    - 7.5.3. Dating a student
    - 7.5.4. Spending significant time alone with a student other than to perform one's professional duties, or without other reasonable explanation
    - 7.5.5. Personal correspondence (including electronic communication) with a student in respect of the adult's sexual feelings for a student or vice versa
    - 7.5.6. Expressing romantic feelings towards a student in any way.
  - 7.6. Sexual misconduct can also include grooming behavior. Grooming behavior is a process whereby sexual offenders condition and build rapport with children or young persons in order to reduce their resistance to, and increase compliance with, sexual abuse. The grooming process can include:
    - 7.6.1. Misleading students by pretending that they are particularly special, for example by spending inappropriate time with students, inappropriately giving gifts, showing certain special favors to certain students but not to other students, allowing students to overstep the accepted school rules.
    - 7.6.2. Breaking of accepted school standards of behaviors for example undressing in front of students allowing students to sit on their lap, talking about sex, apparently *accidental* touching.
    - 7.6.3. Engaging in inappropriate, personalized forms of communication.
  - 7.7. Members must discourage and reject any advances of a sexual nature initiated by a student. Should such a situation arise then Members must report such instances immediately to their Principal/Principal delegate to assist in preventing repetition and avoiding subsequent allegations. Allegations will be investigated thoroughly and may involve police.

## 8. DISCRIMINATION AND HARASSMENT

- 8.1. Members are committed to providing workplaces free of all forms of harassment (including bullying and sexual harassment) discrimination and violence. The provisions set forth in Appendix A—Respectful Workplace Policy are incorporated into this Code.
- 8.2. Members must not discriminate against, victimize or harass any colleague, student or parent, nor discriminate in how services are provided to the community. All Members of Catholic schools have the responsibility to act fairly and evenly toward other Members, students and the general public.
- 8.3. Discrimination, victimization or harassment will not be tolerated and will be dealt with in accordance with existing policies.

## 9. USE OF TOBACCO, ALCOHOL, MARIJUANA OTHER DRUGS AND MEDICATION

- 9.1. Members shall comply with all applicable laws and School policies relating to the use of tobacco, alcohol, marijuana and other drugs. Without limiting these obligations, the provisions in this Article 9 shall also apply. ,
- 9.2. Members shall ensure that their use of alcohol, marijuana, and drugs, whether illicit, over-the-counter or prescribed as medication, does not adversely affect their work performance or endanger the health and safety of others.
- 9.3. The illicit use of drugs, marijuana, and alcohol at any time within a professional context, particularly in association with the supervision of students, is strictly prohibited. Any exception would have to come in the form of a letter from the Principal to supervising staff.

- 
- 9.4. Members whose use of drugs, marijuana, or alcohol adversely affects their work performance or professionalism are encouraged to access relevant Member or other Assistance Programs.
  - 9.5. Members must not provide students with tobacco, alcohol, marijuana or other illicit drugs and must not encourage or condone the illegal use of alcohol or marijuana (including underage drinking or smoking) or the excessive consumption of alcohol.
  - 9.6. Members should reasonably endeavor to avoid direct social contact with students where a student's consumption of alcohol, marijuana or illicit use of drugs occurs.
  - 9.7. Members must not consume or be affected by alcohol, marijuana or illicit drugs in any school related circumstances where they are responsible for students. This includes camps, retreats, excursions and other such activities.
  - 9.8. Member consumption of alcohol is generally not permitted at any School organized or sponsored activity or event where students will be present such as fairs, barbecues and graduation. However, in special circumstances where School authorities have authorized the serving of alcohol, have secured applicable licenses and permits and have set aside a clearly defined area for such purposes, the limited consumption of alcohol by Members is permitted.
  - 9.9. At the request of parents and with the agreement of appropriately trained Members, Members are authorized to administer prescribed medications to students in accordance with School policies and procedures. Members must not provide students with non-prescribed medications or over-the-counter drugs without the appropriate authorization of parents and School authorities.

## 10. ILLICIT ACTIVITY

Members must not commit fraudulent acts. In general, fraud is an act committed which, through deceit, falsehood or other such behaviors, either deprives the School of its assets, property or other resources (this includes theft), or causes the School to act to its own detriment or prejudice.

Fraud may include acts committed with the intent to deceive, involving either misappropriation of assets, property or other resources or misrepresentations of financial or other information to conceal such misappropriations, by such means as;

- 10.1. Manipulation, falsification or alteration of records or documents
- 10.2. Suppression of information, transactions or documents
- 10.3. Recording of transactions without substance
- 10.4. Misapplication of accounting principles

All members shall work in accordance with both the Board controls established to prevent fraudulent misconduct and all applicable laws, licenses, copyrights, regulations and government guidelines. All members shall exercise honesty, integrity, objectivity and diligence and shall not knowingly be a party to any fraudulent activity, including theft

## 11. CONFLICT OF INTEREST

- 11.1. A conflict of interest may exist when a Member's personal interests could interfere with the Members duties and obligations to his or her School. Any activity involving a potential or actual conflict of interest of a Member must be disclosed by the Member to his or her Principal or Board of Directors, shall be reasonably avoided and shall not be undertaken without the express permission of the Member's Principal or Board of Directors.
- 11.2. In many cases only individual Members themselves will be aware of the potential for conflict. The onus therefore, is on the Member to notify the Principal or Board of Directors of a potential conflict of interest.

- 11.3. Members who operate a business or activity for profit for themselves or others should not use their position in the school community with students, parents, or colleagues for personal gain. Members should seek approval from the Principal or Board of Directors prior to carrying out business activities with colleagues on School premises.
- 11.4. Members shall not use School email distribution lists to solicit or advertise business or sales.
- 11.5. It is understood that situations may occur where Members are related to other Members, prospective Members, students or prospective students or have a romantic relationship with another Member or prospective Member. Where such relationships exist, then the potential for conflict of interest exists and should be disclosed.
- 11.6. Members who participate in the selection, granting of tenure, performance appraisal, termination or transfer of any person who is related to that Member or with whom they have, or have had, a romantic relationship should be disclosed to the Principal or Board of Directors. However, the existence of a romantic or family relationship does not constitute a bar to the employment, promotion, granting of tenure or transfer of any individual.
- 11.7. Outside employment or consulting engagements by employee Members, including tutoring, may give rise to a conflict of interest. Members should seek prior approval from the Principal before engaging in any such outside employment or engagement. For clarification, tutoring students that are currently under the assignment of the Member should be considered part of the Member's employment obligations and should not be remunerated separately.
- 11.8. The receipt of a gift by a Member from those considered as part of the broad client base of the organization (e.g. Students/families in a school setting) may present the potential for a conflict of interest.
- 11.9. Members may accept appreciation gifts (ex. Christmas/Yearend) if they are of a reasonable value that would be acceptable in the Manitoba Catholic School community.

## 12. PRIVACY AND CONFIDENTIALITY

- 12.1. As a Member, you may be entrusted with access to information of a confidential or sensitive nature. Such information shall only be shared on a need-to-know basis, shall remain private and shall only be shared among those authorized by the Principal, Board of Directors, or as directed by applicable legislation.
- 12.2. Members must ensure that confidential and sensitive information is handled carefully and that the integrity of such information is maintained at all times in compliance with relevant privacy legislation.
- 12.3. A Member shall not use or disclose confidential information (including contact information of Members or students) obtained during the course of his/her employment or engagement with the School for any purpose not related to the Member's employment or engagement with the School. This obligation shall survive the termination of the Member's employment or engagement with the School.

## 13. USE OF SCHOOL RESOURCES AND INTELLECTUAL PROPERTY RIGHTS

- 13.1. Members must ensure that all school equipment, resources, and other property are used appropriately for the work and business of the School. Members must seek permission from the Principal or Board of Directors to use school resources for private use. Limited and occasional private use of School equipment and resources is permitted without permission, providing such use does not adversely affect the performance of the Member's work or duties, or the work duties of others, or the business or reputation of the School or have a financial expense to the school. Examples of where this might occur include:
  - 13.1.1. Limited, occasional and brief private telephone calls (outside of teaching times)
  - 13.1.2. Limited and occasional use of a photocopier or other office equipment

- 
- 13.1.3. Limited and occasional use of computers, email and internet subject to school policy on acceptable use by Members of ICT resources.
  - 13.2. Members must ensure that school equipment is maintained and used in accordance with the manufacturer's requirements, and that all use is both safe and legal.
  - 13.3. Members must have prior approval to use school equipment and resources off site for work purposes, and must ensure that they are safely stored and secured.
  - 13.4. Members must ensure that they do not breach copyright law or licensing arrangements when copying any school property such as software, library and reference materials, or copying other materials for school use.
  - 13.5. All intellectual property rights in any work product created or modified by Members in the course of their employment or engagement are owned by the School. Such work may include, without limitation, exams, tests, course outlines and curricular materials. The creator of any such work retains authorship and has the right to have his/her name on the work or to be anonymous. Members must obtain the express written consent of the School before using any such works outside of the School or after termination of the Member's employment or engagement. Copies of any such works created by Members may be retained by the School and used for various purposes and may be shared with others at the discretion of the School.
  - 13.6. Members whose work duties involve purchasing or managing resources on behalf of the school must act within their delegated authority and comply with legislative requirements, local policies and procedures for the purchase, use and disposal of any school resource.

#### 14. ELECTRONIC COMMUNICATION AND SOCIAL MEDIA

- 14.1. All Members must follow the School policies on using electronic communication and social media.
- 14.2. Except for official purposes or in accordance with School policy, Members must not use school resources, including mobile phones, the internet, electronic mail systems, or other means of electronic communication for:
  - 14.2.1. Accessing, storing, or transmitting words, images or other material that are illegal, sexually explicit, violent or that a reasonable person would find offensive. (This does not include material that is part of a complaint, report or notification about alleged improper conduct of a person made in accordance with an authorized procedure.)
  - 14.2.2. Gambling
  - 14.2.3. Accessing chat lines and social media sites
  - 14.2.4. Transmitting inappropriate jokes
  - 14.2.5. Sending of inappropriate programs or mail
  - 14.2.6. What a reasonable person would see as excessive use of the internet
  - 14.2.7. Unauthorized use of the school's email distribution lists
- 14.3. All Members should maintain a sense of professionalism in their use of electronic communications and social media at all times, in their personal and professional lives. See Appendix B -

#### 15. PROCEDURE FOR DEALING WITH ALLEGATIONS AND APPARENT BREACHES OF THE CODE OF PROFESSIONAL ETHICS

- 15.1. Alleged and actual breaches of this Code will be dealt with in accordance with the principles of procedural fairness.
- 15.2. All Members have the obligation to report any situation where there are reasonable grounds for suspecting child abuse to proper authorities as per school policy and legislation. The Principal should also be notified.

- 15.3. Each Member is encouraged to report to the Principal any knowledge of fraud, theft or other illicit activities. Each Member is encouraged to report to the Superintendent any knowledge of fraud, theft or other illicit activities that involve the Principal.
- 15.4. Potential breaches may be addressed in the content of established Complaint Policy or as detailed in other appropriate school based policies such as the Respectful Workplace Policy. Members have the option of taking an informal or formal approach to raising a concern or filing a formal complaint.
- 15.5. The administration will investigate breaches of this Code. The Board of Directors may bring in a third party to investigate formal complaints.
- 15.6. The Board of Directors will bring in a third party to investigate formal complaints involving the school Administration or members of the Board of Directors.
- 15.7. The Administration or the Board of Directors according to their responsibilities and areas of authority may apply disciplinary action or other sanctions if this Code is breached by a Member. Depending on the nature of the breach, various sanctions such as the following may be applied:
  - 15.7.1. Appropriate warnings
  - 15.7.2. Counselling
  - 15.7.3. Corrective actions
  - 15.7.4. Demotion
  - 15.7.5. Suspension (with or without pay)
  - 15.7.6. Dismissal/Removal from position
  - 15.7.7. Laying of criminal charges or civil action
- 15.8. There shall be no reprisal against a Member who in good faith exercises rights under this code. Reprisal is an actual or threatened harmful act. Reprisal not only involves penalizing someone, it can also be the withholding of a benefit.
- 15.9. If it is determined that a complaint was deliberately made for frivolous or vindictive reasons, the Member making the allegation may be subject to discipline. This does not apply to complaints made in good faith but which are not proven.

This code is not intended to discourage a Member from exercising any legal right, including filing a complaint with the Manitoba Human Rights Commission or contacting the police.

## APPENDIX A: Respectful Workplace Policy

### 1. HARASSMENT

#### 1.1. Defining Harassment

Harassment is defined as any objectionable or offensive conduct, comment, action, gesture or display, directed at a person or a group of persons that degrades, demeans, humiliates or embarrasses and that a reasonable person should have known would be unwelcome, thus creating an uncomfortable, hostile and/or intimidating work and learning environment. It also includes an improper use of power or authority inherent in a person's position. It is behaviour that is unwelcome, vexatious, hostile, inappropriate and unwanted that:

- Threatens the health or safety of a Member.
- Endangers a Member's job or threatens the economic livelihood of the Member.
- Undermines the Member's job performance or negatively interferes with the Member's career in any other way.
- Adversely affects the Member's dignity or their psychological and/or physical integrity.
- Results in a harmful workplace for the Member.

Harassment may be a one-time event or a series of incidents and may also exist systemically as part of the work environment. Retaliatory behaviour in response to a complaint is also considered harassment.

#### 1.2 Harassment on Human Rights Grounds

Harassment under Human Rights Law is defined as a course of offensive and unwelcome conduct or comments made on the basis of a person's:

- Age
- Ancestry, including colour and perceived race
- Ethnic background or origin
- Gender-determined characteristics or circumstances
- Marital or family status
- Nationality, national origin or citizenship
- Physical or mental disability
- Political belief, political association or political activity
- Record of offences
- Religion, creed, religious belief, religious association or religious activity
- Sex, including pregnancy, the possibility of pregnancy or circumstances related to pregnancy
- Sexual orientation
- Source of income, including funding, financial or economic status

Examples of Human Rights based harassment include, but are not limited to:

- Insulting gestures, remarks, jokes, innuendoes or taunting based on any of the above prohibited grounds or about adornments and rituals associated with cultural or religious beliefs.
- Displaying racist, derogatory or offensive written or visual material.
- Racial or ethnic slurs, including racially derogatory nicknames.
- Unwelcome inquiries about a person's source of income or funding.
- Racially motivated threats, intimidation or physical force.
- Any action, verbal or physical, that expresses or promotes racial intolerance, prejudice, discord or hatred.
- Refusal to work with or cooperate with a Member or client because of any of the above prohibited grounds.
- Any action, verbal or physical, that expresses or promotes racial intolerance, prejudice, discord or hatred.

### 1.3 Personal and Psychological Harassment

Personal and Psychological harassment is also known as “bullying” and can include abuse of authority. This consists of abusive and unwelcome comments and behaviours or actions that offend, abuse, intimidate, humiliate, demean or cause loss of dignity to an individual and can often have the effect of interfering with a person’s work performance. Personal harassment can take place between peers and it can also take place between individuals where there is a power imbalance. “Bullying” occurs when the behaviour criticizes or degrades an individual in a persistent manner or in the presence of others. It is abusive behaviour that makes the recipient feel upset, threatened, humiliated or vulnerable.

“Abuse of authority” harassment occurs when a person in a position of authority uses their position unreasonably and with the intent to interfere with a Member or the Member’s job through the use of humiliation, intimidation, threats or coercion. A “person in authority” is typically someone who has the ability to influence or impact the working conditions of others. Examples of personal and psychological (bullying) harassment include, but are not limited to:

- Written or verbal abuse, threats and/or patronizing comments that are humiliating, demeaning or threatening.
- Condescending remarks or behaviour which undermines self-respect.
- Misuse of authority such as deliberately punitive assignments.
- Reprimanding and belittling an individual publically.
- Threats to one’s employment, working conditions or personal security.
- Dismissive gesture, or comments.
- Using patronizing behaviour, language or terminology which reinforces stereotypes and undermines self-respect or adversely affects work performance or working conditions.
- Practical jokes that cause awkwardness or embarrassment, that endanger a Member’s safety or negatively affect work performance.
- Spreading rumors or gossip about another individual.
- Isolating an individual or refusing to work with an individual without justifiable reasons.
- Displaying graffiti or other material which is racist, sexist, sexually explicit, ethnic-based, offensive, degrading or derogatory.
- Unwelcomed remarks, jokes, innuendoes, or taunting about a person’s appearance, body, height, weight, attire, age, marital status, gender, ethnic background, race, religion, accent, sexual orientation or disability or any other prohibited ground.

### 1.4 Sexual Harassment

Sexual Harassment is defined as any type of sexually-oriented conduct, comment or gesture whether intentional or not, that is unwelcome, offensive or unsolicited and has the purpose or effect of creating a work environment that is hostile, offensive or uncomfortable. Examples of sexual harassment include, but are not limited to:

- Unwelcome sexual jokes, language, advances or propositions.
- Written or verbal abuse of a sexual nature, sexually degrading or vulgar words to describe an individual.
- The display of sexually suggestive objects, pictures, posters or cartoons.
- Unwelcome comments or taunting about an individual’s body, size, attire, sex or sexual orientation.
- Inquiries or comments about a person’s sex life or sexual preferences.
- Unwelcome touching, leering, whistling, brushing against the body, pinching, patting, kissing and can also include suggestive, insulting or obscene comments or gestures.
- Sexual assault.
- Demanding sexual favours in exchange for favorable reviews, assignments, promotions or continued employment or promises of the same.
- Refusing to work with or have contact with other Members because of their sex, gender or sexual orientation.

### 1.5 Harassment is not:

- Appropriate performance reviews, counseling, coaching or discipline by a supervisor or manager.
- Day-to-day management or supervisory decisions involving work assignments, workplace assessments, and implementation of appropriate dress codes, provided they are carried out in a manner that is reasonable and not abusive.
- Physical contact necessary for the performance of the work using accepted industry standards.
- Conflict or disagreements in the workplace that are not based on one of the prohibited grounds and would reasonably be considered as acceptable within a workplace setting.
- Occasional misunderstandings, thoughtlessness or poor communications.
- Reasonable words or actions related to isolated stress or frustrations encountered in the performance of work duties.
- Consensual banter or conduct, or romantic relationships, where the people involved do not find it offensive or unwelcome and consent to what is happening.

## 2. DISCRIMINATION

Discrimination in the workplace is described as treating people unfairly or differently based on certain criteria identified in legislation: The Archdiocese of Winnipeg will not discriminate against any person in any aspects of employment based on a person's:

- Age
- Ancestry, including origin and perceived race
- Ethnic background or origin
- Gender-determined characteristics or circumstances
- Marital or family status
- Nationality, national origin or citizenship
- Physical or mental disability
- Political belief, political association or political activity
- Record of offences
- Religion, creed, religious belief, religious association or religious activity
- Sex, including pregnancy, the possibility of pregnancy or circumstances related to pregnancy
- Sexual orientation
- Source of income, including funding, financial or economic status

## 3. VIOLENCE

### 3.1 Defining Violence

Workplace violence is defined as the attempted or actual exercise of physical force by a person against an Member in a workplace that causes, or could cause, physical harm or injury to an Member. It also includes the threat, real or perceived, of any act of physical force or aggression. Examples of workplace violence include, but are not limited to:

- Hitting, scratching, pinching or biting.
- Throwing or slamming things.
- Swearing and the use of profane language.
- Yelling and screaming.
- Direct, conditional or veiled threats.
- Practical jokes that could cause embarrassment or physical harm or injury.
- Vandalism of personal property.
- Use of, or threat to use, a weapon.

Workplace violence can take place in the workplace itself, or outside the workplace in a situation that is somehow connected to work. This includes threatening phone calls from one Member to another at his/her home, or any kinds of verbal or written threats or violent actions against a Member's family or property.

## APPENDIX B –

## 1 MINIMIZING RISK WHEN USING ELECTRONIC COMMUNICATIONS (including forms of Social Media)

Note: Inappropriate use of electronic communication and social media can also result in a person being criminally charged and convicted of facing civil action.

Staff should model ethical and appropriate online behaviour

- Online Do's

- Keep printed and electronic copies of all significant emails;
- Ensure students are not exposed to inappropriate material or communications;
- Avoid impulsive, inappropriate or heated comments in online discussions and ensure that your comments do not incite others to make discriminatory or other professionally unacceptable comments;
- Always maintain a formal, courteous and professional tone in communicating with pupils and ensure that professional boundaries are maintained;
- Only use official channels of communication (i.e. work email addresses) and be aware of and comply with the schools policies;
- Operate online in a way in which would not call into question your position as a professional;
- Manage your privacy settings and keep them under review. These are particularly important in regard to photos. Remember that no privacy mechanism is 100% guaranteed and that all electronic communication which may be considered illegal may be retrieved by police services using a production order to the communication provider;
- Ensure your settings prohibit others from tagging you in any photos or updates without your permission. You can ask others to remove any undesirable content related to you;
- Consider that conversations shared online may not be private. Be aware of who may have access to what you post;
- Assume that information you post can be accessed and altered;
- Respect the privacy and confidentiality of student information at all times;
- Use strong passwords and change them regularly. Protect your mobile phone/smart phone/tablet/computer with a PIN, especially when in school, to protect access to its content and potential misuse;
- Bring the matter to the attention of your employer using the proper procedures, if you are the victim of cyber bullying or are uncomfortable with comments, photos or posts made by pupils about you.

- Online Don'ts

- Do not exchange private texts, phone numbers, personal email addresses or photos of a personal nature with pupils;
- Don't use texting to develop a rapport with students
- Firmly decline student-initiated 'friend' requests from pupils and parents and do not initiate any yourself;
- Do not discuss pupils, colleagues, parents or careers online or criticize your employer or others within the school community;