

Toronto District School Board

Operational Procedure PR739

Title: **PROMOTING RESPECT IN THE WORKPLACE**

Adopted: April 18, 2023
Effected: April 18, 2023
Revised: N/A
Reviewed: N/A
Authorization: Executive Council

1. RATIONALE

The Promoting Respect in the Workplace Procedure (the “Procedure”) provides guidance and support to Board staff and Trustees in handling complaints raised by members of the public in order to promote responsiveness and to maintain a work environment which provides for the safety and wellbeing of its employees and supports organizational effectiveness and productivity.

This Procedure is aligned with and supports implementation of the Board Code of Conduct (PR585) and the Code of On-line Conduct (PR571).

2. OBJECTIVE

To establish consistent and transparent processes and practices for handling complaints and conduct in a manner that provides a respectful workplace for TDSB employees.

3. DEFINITIONS

Board is the Toronto District School Board (also referred to as TDSB).

Culturally Responsive Approach is an approach that enables individuals and organizations to respond respectfully and effectively to people of all cultures, languages, classes, races, ethnic backgrounds, disabilities, religions, genders, sexual orientations, and other diversity factors in a manner that recognizes, affirms, and values their worth. Being culturally responsive requires having the ability to understand cultural differences, recognize potential biases, have a desire to make a difference, maintaining high standards, having a deep knowledge and care of students and look beyond differences to work productively and affirmatively with children, families, and communities whose cultural contexts are different from one’s own.

Employee means an individual employed by TDSB to perform services in exchange for a salary or an hourly wage on a casual, temporary or permanent basis. For clarity, independent and dependent contractors and their staff and subcontractors are not considered Employees.

Frivolous Complaint means a complaint or request that has no serious purpose or value or may have little merit and be trivial and is part of a pattern of conduct that amounts to an abuse of the right of access, interferes with the operations of the institution, or is made in bad faith or for a purpose other than to obtain access.

Principal includes Principal and vice-principal throughout this document.

Superintendent refers to Superintendents of Education

TDSB is the Toronto District School Board, which is also referred to as the “Board”.

Trauma-Informed means practices that recognize the connections between violence, trauma, negative health outcomes and behaviours. These practices increase safety, control and resilience for people who are seeking services in relation to experiences of violence and/or have a history of experiencing violence.

Unreasonable Complaint and Conduct means any behavior which, because of its nature or frequency, raises substantial health, safety, resource, or equity issues for the parties to a complaint. For the purpose of this Procedure a complaint includes a complaint made to the Board, including complaints made in accordance with the Parent Concern Protocol (PR505). Unreasonable complaint and conduct usually takes the form of a pattern of behaviour over time. Examples include:

- Making complaints without any specific grounds/allegation and refusing to specify the grounds of a complaint, despite offers of help.
- Not cooperating with the resolution process.
- Submitting high volume and frequency of communications to one or more TDSB employees.
- Not accepting that certain issues are not within the scope of TDSB to address.
- Insisting that complaints be dealt with in ways which are incompatible with TDSB policies and procedures.
- Making unjustified complaints about employees who are trying to deal with the issues raised in the complaint.
- Behave in a deceitful, abusive, offensive, or threatening manner towards TDSB employees.
- Making excessive demands on the time and resources of TDSB employees with lengthy phone calls and emails, emails to numerous

TDSB personnel, or detailed letters every few days, and expecting immediate responses.

- Refusing to accept a decision or explanation or repeatedly arguing the same points with no new or additional information.
- Making complaints that lack any serious purpose or value. An apparent lack of value would not usually be enough on its own to make a complaint unreasonable but may when considered with other factors.
- The complaint is made as an act of retaliation or is initiated with the intent to embarrass or annoy a TDSB employee or another person or made in an attempt to use TDSB as a tool in a personal dispute.
- Causing distress to employees using intimidation or hostile, abusive, or offensive language, or an unreasonable fixation on an individual employee, including attempts to harm their professional reputation.
- Excessive, repeated, or hostile acts or contact with TDSB employees, which is intended to, or has the effect of causing embarrassment or damage to the reputation of TDSB employees.

Vexatious Complaint means a complaint or request without merit, that is pursued in a manner that is malicious, intended to inconvenience, embarrass, or harass the recipient or is a pattern of conduct by the complainant that amounts to the misuse of the complaints processes and procedures.

4. RESPONSIBILITY

Associate Director, Organizational Transformation and Accountability.

5. APPLICATION AND SCOPE

This Procedure applies to TDSB employees (including, temporary, permanent and occasional employees).

The Procedure also covers Trustees, parents/guardians, school council members, visitors, third party service providers, volunteers, permit holders, customers of the Board and other members of organizations while partaking in any activities that occur in Board premises or while engaging in Board or school related activities, either in person or online. For clarity, complaints from members of the public or employees about Trustee conduct are dealt with under the Board Member Code of Conduct (P075).

6. PROCEDURES

6.1. General Principles

- 6.1.1. All members of the school community, including TDSB staff, must respect differences in people, their ideas and opinions; treat one another with kindness, dignity and respect at all times, especially

when there is a disagreement. Complainants may raise a valid concern however they may not engage in conduct that would negatively impact the well-being of others in doing so.

6.1.2. TDSB recognizes the importance of a positive and constructive working relationship with the school community and welcomes feedback from school community members. Most complaints are resolved by the manager/supervisor, Principal, and/ or Superintendent of Education in accordance with related TDSB policies and procedures. Some complainants are not satisfied with the outcome of this process, or with the process itself, and will continue pursuing the matter. A persistent complainant is not necessarily unreasonable and just because a complainant is persistent does not make them wrong.

6.1.3. Unreasonable complaints and conduct may impact staff/student wellbeing, reputation, productivity, and school and workplace environment, therefore proactive and collaborative engagement between school staff and parents/guardians/caregivers and school community members is crucial in addressing complaints. For example:

- a) When interacting with TDSB employees, complainants are expected to communicate respectfully in accordance with the Board Code of Conduct Procedure (PR585), and to refrain from further aggravating the situation through aggressive language and/or actions;
- b) If required, Professional Support Services working with Employee Services will support staff who are experiencing challenges dealing with unreasonable complaints/conduct;
- c) Managers/supervisors are expected to intervene at an early stage if their staff are involved in a developing challenging issue related to a complaint, and engage Employee Services and/or Legal Services as required.

6.1.4. Unreasonable conduct does not mean there is not a valid issue that should be addressed. An individual may be demonstrating unreasonable complaint and conduct as a coping mechanism to help them deal with difficult life circumstances or historical trauma.

In accordance with the Equity Policy (P037) and Human Rights Policy (P031), a person's physical and mental disabilities and/or historical trauma is not the basis for disregarding a complaint/complainant. TDSB employees must remain impartial and fair regarding the complaint/complainant and attempt to understand the complaint and de-escalate conflict where possible.

TDSB employees and Trustees should apply unbiased, trauma informed, and culturally responsive approaches when responding to complaints (including vexatious, frivolous, and/or unreasonable conduct).

6.2. Dealing with Complaints

6.2.1. Responsibility to Investigate

- a) When a TDSB employee receives a complaint, it is their responsibility to deal with the complaint objectively, fairly, and in a timely way, in accordance with TDSB policies and procedures.
- b) If the complainant is not accepting a response to their complaint after several attempts to resolve it, and is escalating in their behaviour, TDSB employees may utilize the DESC (Describe, Express, Specify, Consequences) technique. The DESC technique can be used to help manage unreasonable conduct. The technique suggests that staff:
 - Describe: the problematic behaviour, objectively and descriptively. Specify the issue or number of times something has happened in concrete terms, and without judgment.
 - Express: or explain the impact of the behaviour on you.
 - Specify: or suggest how the behaviour could change. Make a specific and concrete request of what you would like the person to do.
 - Consequences: state – first the positive, then the negative, that relate to the person’s behaviour. Offer the person the choice of what they would like to do.
- c) Managers/Principals or site managers in TDSB schools, departments, and buildings will consider ways to encourage a respectful environment, such as posting signs in the building (see Appendix A and B for examples of TDSB signage), public facing workstations, and communicating expectations in local school newsletters.
- d) To respond effectively and prevent escalation if an individual raises a complaint, TDSB staff will apply the following:
 - Respond promptly to the complaint
 - When working through complaints, prioritize conflict resolution
 - Take the time to listen and demonstrate understanding the complainant’s concern. Engaging in a live conversation (e.g.,

by telephone) instead of exchanging emails may help facilitate a better understanding of the issues.

- Remain respectful in communications, allow complainant to explain and try to identify and address underlying issue; understand that there may be other issues involved that are beyond the control of the Board/school.
- Spend time to listen and resist being defensive; take the concerns seriously as in some cases, an investigation may be necessary
- Focus on the facts and issue at hand, not the emotions surrounding it
- Try to determine what outcome the complainant is seeking
- Explain the TDSB's complaints process and what action will be taken in response to their complaint, including applicable timelines
- Offer an apology if required
- Demonstrate empathy
- Treat people with dignity and respect in accordance with the Human Rights Policy (P031), the Equity Policy (P037), and the Board Code of Conduct (PR585).
- Provide clear and meaningful reasons for decisions, particularly when the outcome is unfavourable for the individual who is affected.

6.2.2. Classification and Review of Complaint

- a) **Document:** There is no rigid test or criteria in deciding whether this Procedure applies as each case will be considered on an individual basis. Employees are expected to establish and document (e.g., emails, letters, employee notes reporting a conversation or incident, voice mails), that the complaint is a form of frivolous or vexatious complaint and/or that the complainant expresses unreasonable complaint and conduct before applying the process outlined in this Procedure. For example, complainants who submit a series of complaints may be deemed as unreasonable, because of the frequency and/or content of their complaint.
 - b) **Consult:** If an employee believes that a complaint is a form of frivolous or vexatious complaint and/or the complainant expresses unreasonable conduct, the employee will consult with their Principal or manager/supervisor (as applicable), provide supporting materials and other related information, including:
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- The length of time that the employee has been in contact with the complainant and the amount of correspondence that has been exchanged with the complainant
- The number of complaints that the complainant has brought and the status of each
- The nature of the complainant's behaviour
- Other departments and employees the Complainant has also contacted.

In addition:

- Employees are required to document all meetings/calls/emails received from the complainant, being mindful that all documentation could be subject to disclosure under FOI request as per the FOI and Protection of Privacy Policy (P094) and/or legal proceedings.
- Employees will immediately notify their manager/supervisor and Legal Services at legalservices@tdsb.on.ca of any threat of legal action/recourse from complainant.

6.2.3. Reviewing the Complaint Received and Related Information

- Review and Recommend:** Once the employee has provided the related information to their Principal or manager/supervisor about the complaint, the Principal or manager/supervisor will review and then, if confirmed to be unreasonable, frivolous, or vexatious, provide a communications plan and recommendations on implementing some or all restrictions and strategies under 6.2.5 to the appropriate Superintendent/Senior Manager for approval.
- Resolve if Possible:** Appropriate Superintendents and/or Senior Manager of the areas affected by the complaint are responsible for reviewing the complaint received and information provided by Trustees, employees, Principals or department managers and for determining if the provisions of this Procedure are applicable. Where the complainant has raised a genuine issue or concerns that have not been resolved, the Superintendent and/or the Senior Manager will attempt to resolve the complaint.
- Approve any measures and strategies:** Superintendent/Senior Manager will review restriction recommendations presented by the Principal or manager/supervisor (as applicable) and will approve appropriate measures/strategies. Before implementing any of the restriction recommendations outlined in this Procedure (see

6.2.5), the Superintendent/Senior Manager must be satisfied that:

- The complaint has been dealt with properly and in accordance with any relevant policies, procedures, or statutes.
- Employees have made reasonable efforts to satisfy or resolve the complaint and communication with the complainant has been adequate.
- The complainant is not attempting to provide any significant new information when contacting employees.

6.2.4. Trustees may seek staff support in dealing with unreasonable complaint and conduct and/or responding to frivolous or vexatious complaints by directing corresponding communications to the appropriate Executive staff for review and resolution in accordance with this Procedure.

6.2.5. Restrictions and Strategies

- a) The Superintendent/Senior Manager will write to the complainant, identifying the unreasonable complaint or conduct in question, and ask the complainant to communicate respectfully and in accordance with this Procedure, the Workplace Harassment Prevention Policy (P034), Occupational Health and Safety Policy (P048), Human Rights Policy (P031), Equity Policy (P037), and Board Code of Conduct (PR585) as applicable.
- b) Where a Superintendent/Senior Manager has determined that a complaint has been sufficiently addressed in accordance with TDSB policies and procedures, and that all avenues of complaint resolution have been exhausted (including with the Trustee under the Parent Concern Protocol PR505), the Superintendent/Senior Manager may advise the complainant to contact the Ontario Ombudsman's Office if they are still not satisfied, and that TDSB considers the matter closed.
- b) If necessary, the Superintendent/Senior Manager may also take one or more of the following steps to manage the complainant's unreasonable behavior:
 - Limiting communication to a designated person, and disregarding all other communications
 - Limiting the number and frequency of communications that can be sent regarding the complaint

- Limiting the form or mode of communication to a single channel and disregarding all other communications
- Require the complainant to make contact only through another individuals (e.g., in-house lawyer for legal matters, Ombudsman Ontario)
- Require that the complainant produce full disclosure of documentation or information before employees will investigate any new complaints
- Instruct employees not to investigate any complaints regarding an issue that has already been investigated, or which is substantially similar to an issue which has already been investigated
- In extreme circumstances, instruct employees to severely reduce or completely cease responses to further complaints and correspondence from the complainant
- In extreme circumstances, implement an email block against the complainant for all employees other than a designated contact person
- Any other action as deemed appropriate

6.2.6. In extreme circumstances, if the complainant persists, the Superintendent/Senior Manager after discussing with appropriate Executive Superintendent/Officer and/or Associate Director will work with Legal Services to write a cease-and-desist letter to the complainant, advising them of the actions that may be put into effect if the complainant's unreasonable behaviour continues.

Review

- a) After three (3) months, the cease-and-desist letter may be reconsidered by the Superintendent/Senior Manager after discussing with appropriate Executive Superintendent/Officer and/or Associate Director.
- b) Where the complainant has stopped their unreasonable conduct after the cease-and-desist letter, the cease and desist should be revoked and normal relations should resume between the parties.

6.2.7. New Complaint

- a) Complaints on a separate or new issue from a complainant who has come under this Procedure will be treated on individual merits and reviewed appropriately as outlined within this Procedure.

- b) The Superintendent/Senior Manager will inform the complainant if restrictions are applied to the new complaint.

7. EVALUATION

This Procedure will be reviewed as required, but at a minimum every four (4) years after the effective date.

8. APPENDICES

Appendix A: Infographics

Appendix B: Posters

9. REFERENCE DOCUMENTS

Policies:

- Equity (P037)
- Freedom of Information and Protection of Privacy (P094)
- Human Rights (P031)
- Occupational Health and Safety (P048)
- Workplace Harassment Prevention for Non-Human-Rights-Code Harassment (P034)

Operational Procedures:

- Board Code of Conduct (PR585)
- Parent Concern Protocol (PR505)
- Code of On-line Conduct (PR571)

Government Policies and Directives

- Policy and Program Memorandum 128: The Provincial Code of Conduct and School Board Code of Conduct

Promoting Respect in the Workplace



Steps to Address Questions and Concerns

Below is the best way to talk to us, and who you should reach out to and when. Please also refer to the TDSB Parent Concern Protocol (PR505) for more information.



Step 1 - Classroom Teacher

The first place to go about any classroom-related question or concern is your classroom teacher. They can help you with:

- Any questions about the classroom
- Homework and assignments
- Classroom rules and consequences



Step 2 - School Principal

If you would like more information or if you have questions that are beyond the classroom, talk to your school principal. They can help with:

- Concerns about an individual school
- Student suspensions
- Budget and fundraising
- Student registration
- School Council
- Report card concerns
- Student schedules
- Code of Conduct
- Homework and assignments
- Safety and security



Step 3 - School Superintendents

Superintendents are responsible for a Network of Schools.

They support school staff and can be contacted if you have questions that have not been answered or for help with:

- Alternate attendance request
- Suspension appeals



Step 4 - Trustees

Trustees are your elected community officials. They are available to help you with the following areas of the TDSB:

- Concerns about your community
- Ideas and suggestions for the Board
- Board policies under review
- Items on Board Agendas
- Board budget
- Collective bargaining



All TDSB schools and buildings should be welcoming spaces for working and learning.

Visitors to TDSB schools and buildings are expected to treat our staff and everyone within the TDSB community with kindness, dignity and respect. Harassment of any kind will not be tolerated.

TDSB recognizes the importance of a positive and constructive working relationship with the school community and welcomes feedback. We want to hear your questions and concerns. As per PR739: *Promoting Respect in the Workplace*, all staff have a responsibility to deal with complaints objectively, fairly, and in a timely way.



Kindness



Dignity



Respect

APPENDIX A: INFOGRAPHICS

Promoting Respect in the Workplace



All TDSB schools and buildings should be welcoming spaces for working and learning.



Visitors to TDSB schools and buildings are expected to treat our staff and everyone within the TDSB community with kindness, dignity and respect. Harassment of any kind will not be tolerated.

As per PR739: *Promoting Respect in the Workplace*, all staff have a responsibility to deal with complaints objectively, fairly, and in a timely way.

TDSB staff will respond to complaints promptly and prevent escalation by:

- Listening and demonstrating understanding and empathy.
- Offering an apology, if required.
- Engaging in a live conversation to facilitate understanding of issues.
- Understanding that there may be issues involved that are beyond the control of the Board/school.
- Focusing on the facts and issues, not the emotions.
- Determining outcome the complainant is seeking and explaining the TDSB's complaints process (Parent Concern Protocol).
- Treating people with dignity and respect in accordance with the Human Rights Policy, the Equity Policy, and the Code of Conduct.
- Providing clear and meaningful reasons for decisions.



Full information and guidelines for dealing with unreasonable complaints and conduct are outlined in PR739: *Promoting Respect in the Workplace*, including:

- Expectations for documenting unreasonable complaints and conduct.
- Steps to review complaints and make recommendations for measures and strategies to deal with unreasonable complaints.
- Steps to manage unreasonable behavior and actions that may be put into effect.



Kindness



Dignity



Respect

How to deal with a person not accepting a response and/or escalating behaviour:

Use the DESC Technique



1 Describe

the problematic behaviour, objectively and descriptively. Specify the issue or number of times something has happened in concrete terms, and without judgement.



2 Express

or explain the impact of the behaviour on you.



3 Specify

or suggest how the behaviour could change. Make a specific and concrete request of what you would like the person to do.



4 Consequences

first state the positive, then the negative, that relate to the person's behaviour. Offer the person the choice of what they would like to do.

APPENDIX A: INFOGRAPHICS



Promoting Respect in the Workplace At-a-Glance

STEP 1 Staff investigate & resolve

Staff Investigate & Resolve

- Select one TDSB point of contact to respond
- Respond promptly
- Listen with empathy
- Ask questions, don't assume
- Communicate clear reasons for decision
- Recognize your own unconscious biases
- Trauma-informed

STEP 2 If not resolved, reconsider

If not resolved, reconsider

- Ask for more information
- What is underlying issue(s)?
- Solicit different perspectives

STEP 3 De-escalate

De-escalate

- If behaviour escalates, or is frivolous, vexatious, unreasonable
- DESC: Describe, Express, Specify, Consequences
- Document
- Consult with SO/Manager/others
- Try to resolve Refer to Manager to Resolve

STEP 4 Refer to Manager to Resolve

- Refer matter to SO/Manager to review and help resolve
- Identify unreasonable conduct in writing
- Request respectful communications & compliance with policies
- Exhaust all avenues

STEP 5 Restriction & Strategies

Restriction & Strategies

- Case-by-case
- Refer to Ombudsman
- Refer to Legal Service (legal threats)
- Warn of no further communication

Serious Cases

- No communication
- Email block
- Cease and desist
- No Trespass



APPENDIX A: INFOGRAPHICS



Promoting Respect in the Workplace: DESC (Describe, Express, Specify, Consequences) Technique

If a complainant is not accepting a response to their complaint after several attempts to resolve it, and is escalating in their behaviour, TDSB employees may utilize the DESC (Describe, Express, Specify, Consequences) Technique. The DESC technique can be used to help manage unreasonable conduct.

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STEP 3 Specify

Specify

or suggest how the behaviour could change. Make a specific and concrete request of what you would like the person to do.

STEP 4 Consequences

Consequences

first state the positive, then the negative, that relate to the person's behaviour. Offer the person the choice of what they would like to do.





Choose Respect: It Starts with You!

All TDSB
schools and buildings
should be welcoming spaces
for working and learning.

Please treat our staff and everyone in the TDSB
community with kindness, dignity, and respect.



Here to Help, Not to be Harassed

Staff are doing their best.

Harassment or abuse of any kind
will not be tolerated and you
may be asked to leave.



Kindness



Dignity



Respect



Kindness Matters:



**Please
treat everyone in
the TDSB community
with dignity and respect.**





Positive Energy Welcome

**Treat all staff with kindness,
dignity and respect.**

Our staff are here to serve our
school community and help
students and families.



Kindness



Dignity



Respect



Positive Energy Welcome



Kindness



Dignity



Respect

Our staff are here to serve our school community and help students and families. Treat all staff with kindness, dignity and respect.



Words Have Power Choose Them Wisely

**Harassment of any kind
will not be tolerated.**

Our hardworking staff have the
right to be treated with dignity
and respect.



Kindness



Dignity



Respect