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The Importance of Difficult Conversations *Where Communication and Legal Duties Intersect*

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“When we avoid difficult conversations, we trade
short-term discomfort for long-term dysfunction”

-Peter Bromberg

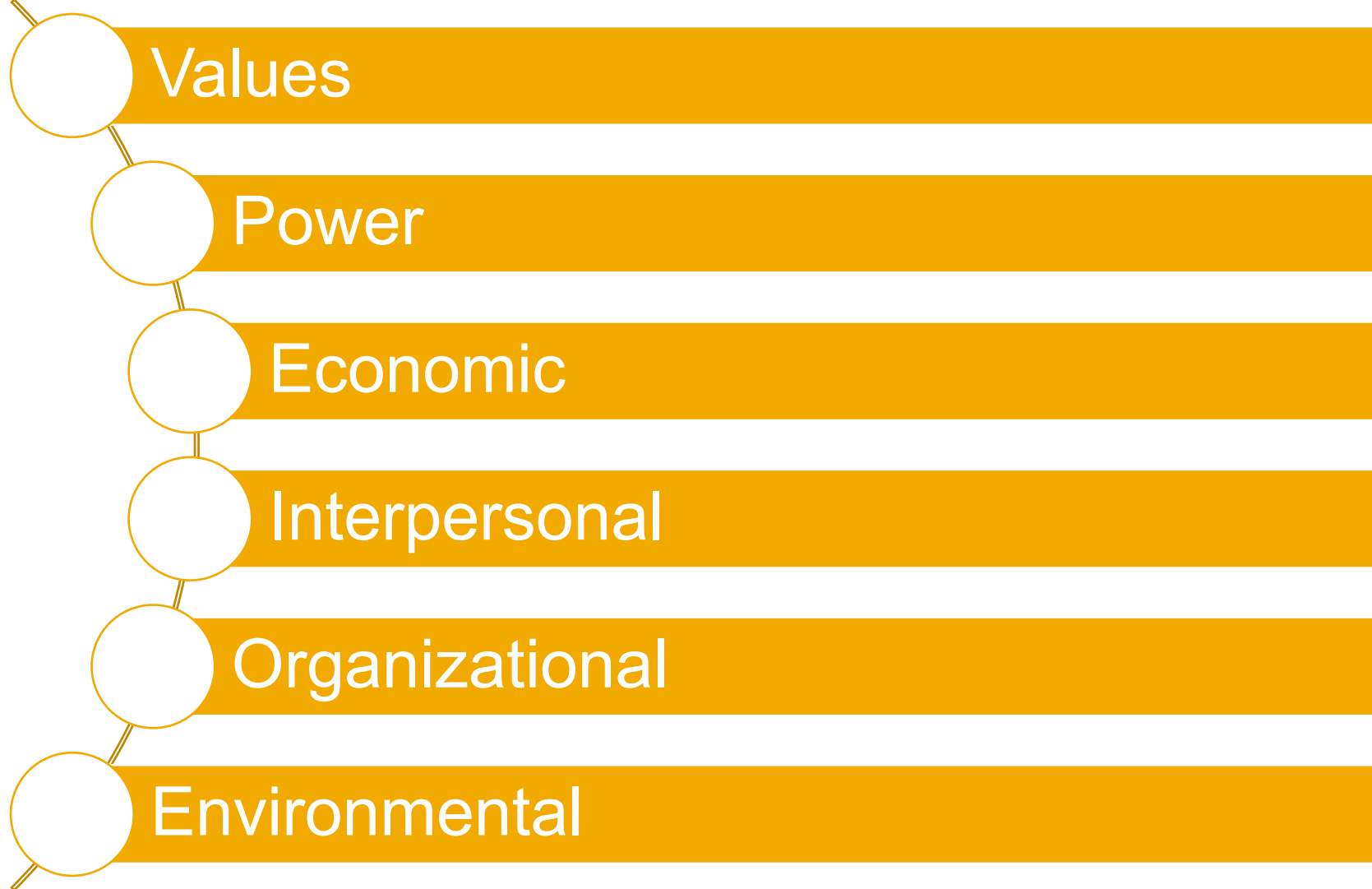


Why Is This Important?

- Administration and managers set the tone for workplace and school culture.
- Conflict in the workplace and school environment is inevitable.
 - Parents are increasingly challenging school-based and District-based decisions
 - Employees may resist operational decisions of their employer
 - Individuals have differing working styles, conflict styles, communication skills, opinions, and beliefs.
- Conflict resolution skills encourages early intervention, preventing disputes from escalating.
- Ensures compliance with statutory and other legal obligations.



Types of Conflict



Tone

Plays a big role in productivity and positivity

Tone is a hidden driver of conflict

A negative tone might not result in a finding of harassment but it could still lead to complaints

Be mindful of tone:

- Body language
- Tone of voice
- Words spoken
- Written text

Not All Conflict Is Negative

Destructive Conflict	Constructive Conflict
• Making emotional arguments • Insisting others should listen to you because of your credentials • Treating questions and criticisms as personal attacks • Rejecting others' viewpoints before fully understanding their position • Mocking or ridiculing others' positions • Ignoring or dismissing others' ideas • Disagreeing for the fun of a fight • Refusing to reconsider your position	• Presenting evidence and reasons in support of ideas • Accepting questions and criticisms • Listening closely to others' viewpoints • Asking others to present evidence supporting their decision so that you can make a reasoned decision • Building on others' ideas and suggestions • Disagreeing in order to find the best solution • Being willing to change your mind



Human Rights: The Duty to Accommodate

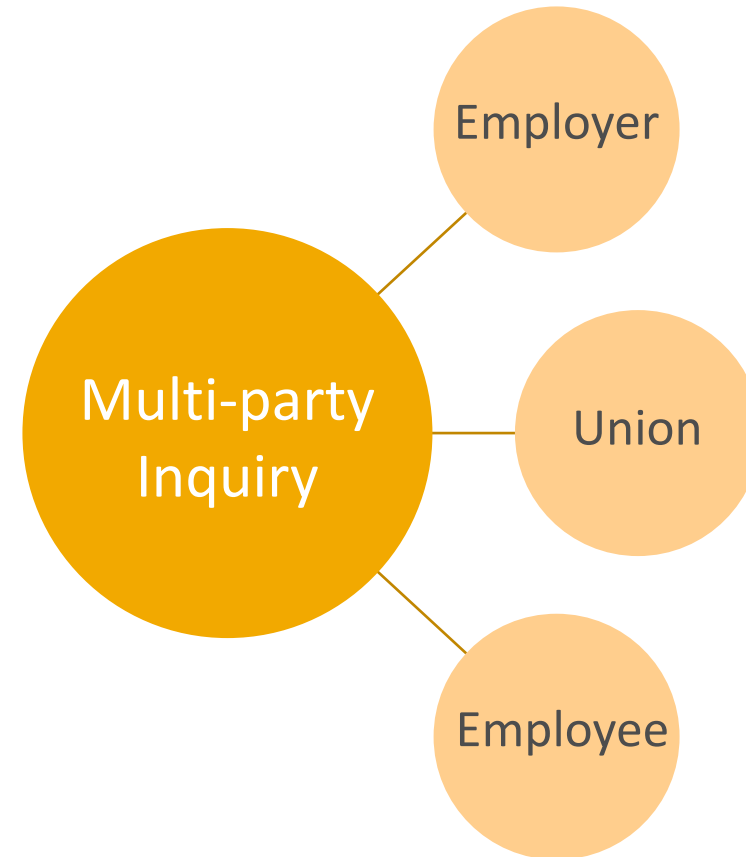
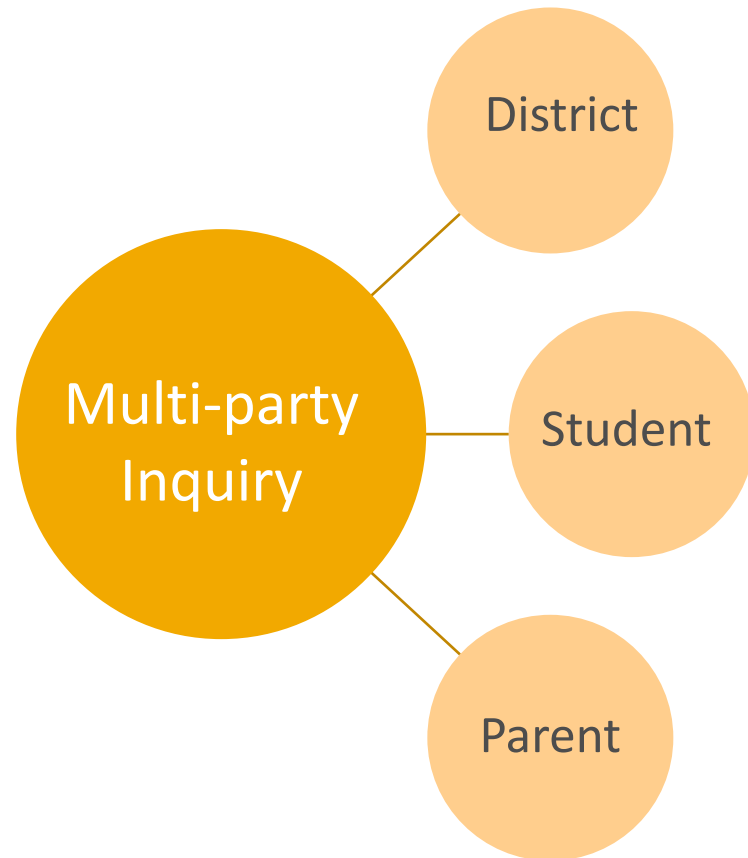


BC Human Rights Code

- Prohibits discrimination and harassment based on protected grounds
 - Applies to employment (s.13) and educational services (s.8)
- Integrates duty to accommodate
 - Procedural and substantive components to the duty
- Can give rise to challenging interactions
 - Entrenched views
 - Preferred accommodations
 - Strong emotions



Duty to Accommodate: Procedural Obligations





Best Practices in Accommodation

- Meet regularly
- Consult with professionals
- Be creative
- Give employee / student opportunity to rebut your information
- Accommodate if necessary during accommodation process



Duty to Inquire

Triggered when you know, or ought to know, the individual requires accommodation

Best Practices For Inquiry Meetings

- Confidentiality
- Purpose
- No negative impact
- Review policy or process
- EAP and other resources
- Documentation



Section 11 Appeals



Section 11 Appeals

- ☐ Parents are often dissatisfied with decisions that are made that impact their children
 - ☐ If they don't get satisfaction at the school level, they escalate to the District
 - ☐ If they don't get satisfaction at the District level, they seek to elevate to the Board.
 - ☐ Sometimes they try and go straight to the Board **without following intermediate steps.**
 - ☐ Section 11 of the *School Act* says:
 - (2) If a decision of an employee of a board significantly affects the education, health or safety of a student, the parent of the student or the student may, within a reasonable time from the date that the parent or student was informed of the decision, appeal that decision to the board.
-



Opportunities for Administration

These intermediate steps are opportunities for administration to de-escalate conflict with dissatisfied parents.

Efforts during these steps can avoid or minimize Section 11 appeals.

Consult your Board policies for communication or problem-solving protocols.



Conflict Resolution Process

Step 1: Meet with the Employee
(e.g. supervision aide, education
assistant, classroom teacher, resource
teacher)



Step 2: Meet with the Supervisor
(e.g. Vice Principal, Principal)



Step 3: Meet with the Director of
Instruction



Conflict Resolution Process cont'd



Step 4: Meet with the Associate Superintendent / Superintendent



If a resolution is not achieved, proceed to the next step



Appeal to the Board of Education within timeline set by Appeal Policy and Procedures Bylaw



Making Decisions During Conflict Resolution

- Duty to act fairly
- Document your decision
- Include:
 - Facts
 - Process
 - Reasons



SOGI and Parent Conflicts



SOGI

- Increasingly common source of conflict between School Boards and parents
- Administration should have a clear understanding of each party's rights and responsibilities
- Come to these interactions prepared



Sources of Board Rights and Responsibilities – Gender Identity Issues

- *School Act and Regulations*
- Charter of Rights and Freedoms
- Ministry of Education: Diversity in BC Schools: A Framework
- *Safe Schools Act*
- District Codes of Conduct
- Case law – “*Old wine in a new bottle*”



Parents rights do not include

- Dictating teacher or class
- Dictating consequences for misconduct
- Disrupting meetings or events
- Humiliating or intimidating others
- Defaming others
- Demanding no references to diversity



Consultation Rights



Duty to Consult

Students with Disabilities or Diverse Abilities Order (s.2(1)):

A board must ensure that a principal, vice principal or director of instruction **offers to consult with a parent** of a student with disabilities or diverse abilities regarding the placement of that student in an educational program.



Duty to Consult

IEP Order (s.4(b))

Where a board is required to provide an IEP for a student under this order, the board must offer a parent of the student, and where appropriate, the student the **opportunity to be consulted** about the preparation of an IEP



Duty to Consult

- *Hewko v. BC* – court found Board breached duty to consult
- Consultation ≠ Informing
- Must listen to parents with open mind
- Integrate parent suggestions wherever possible
- Consultation must be meaningful



Managing Conflict and Incivility



School Board Rights and Responsibilities

1 *Workers' Compensation Act*

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2 *School Act*

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Workers' Compensation Act



Protect workers from “workplace bullying and harassment”

Inappropriate conduct or comment by a person towards a worker that the person knew or ought to have known would cause the worker to be humiliated or intimidated

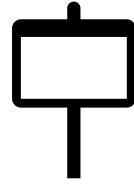


Protect workers from “violence” in the workplace

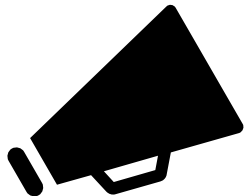
Attempted or actual assaults, threatening statements or behaviour towards a worker by a non-worker, which gives the worker reasonable cause to believe they are at risk of injury

Rights

Evict or expel a person who disturbs school operations, an official school function, or a board meeting



Rights and Responsibilities of School Boards and District Staff



Responsibilities

- Prevent or minimize bullying and harassment in the workplace
- Assess and mitigate risks of violence towards employees
- Manage school building and property
- Ensure safety of students

Approaching Difficult Conversations:

De-Escalating Conflict

- Observe Early Signs of Escalation
 - Spotting the early signs of escalation can prevent a full-blown conflict
 - Some signs associated with a person's behaviour:
 - Raised, stressed, or clipped voice changes
 - Negative body language
 - Behavioural cues



De-Escalating Conflict

- Use Open and Honest Communication Skills
 - Convey your message in a way that diffuses tension
 - Maintain a soft tone
 - Choose words wisely → use objective words, not accusatory or dismissive language
 - Use open body language and non-verbal cues
 - Create an environment where the person feels comfortable expressing themselves without fear of judgment
 - Encourage vulnerability and openness in discussions
 - Emphasize that all thoughts, feelings, and ideas are welcome



De-Escalating Conflict

- Use Active Listening Skills

- **Goals:**

- to truly understand the speaker's perspective (regardless of whether you agree) **and**
 - to communicate that understanding back to the speaker so that they can confirm the accuracy of your understanding.

Active listening is a skill that can be learned



Active Listening

- Give the person your undivided attention
- Confirm your understanding, either through paraphrasing, clarifying, or asking open-ended questions
- Defer judgment
- Summarize key points



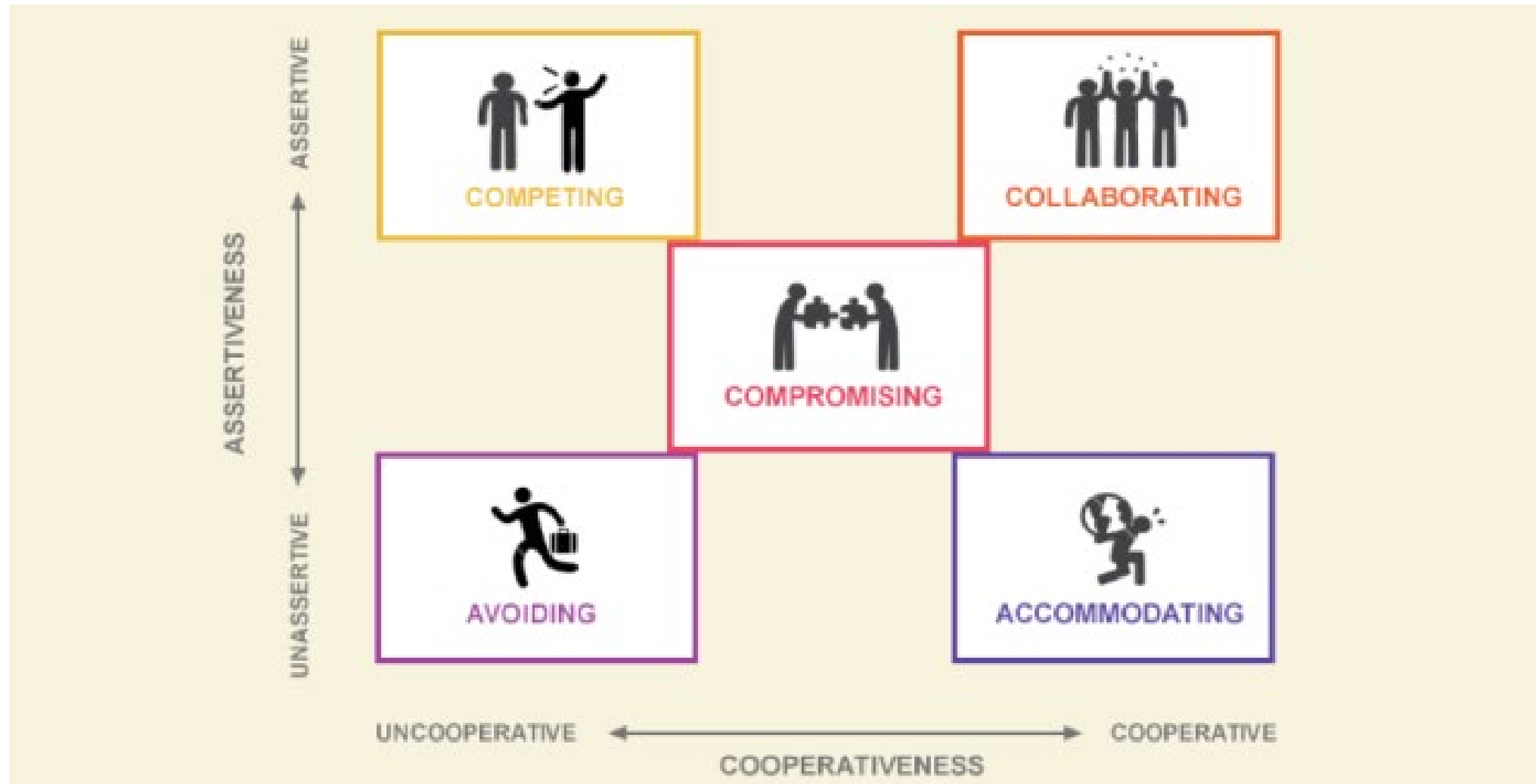
Importance of Empathy

- Empathy is pivotal in turning confrontational interactions into collaborative solutions
- Breaks down barriers of defensiveness and misunderstanding
- When parties in a conflict feel understood and validated, they are more likely to open up to finding common ground and work towards a resolution



	Benefits of Empathy in Conflict Resolution
Reduces Hostility	- Helps one see the situation from the other person's perspective, considering their motivations, challenges, and emotional state - Empathy can soften the approach of individuals in a conflict, reducing the likelihood of escalation - It creates a shift from adversarial to cooperative
Enhances Communication	- Incorporating empathy during active listening fosters clarity and reduces misunderstanding
Promotes Creative Problem Solving	- Individuals are more likely to think creatively and collaboratively about solutions
Builds and Strengthens Relationships	- Empathy contributes to stronger, more resilient relationships - Helps identify shared values or goals that can serve as a relational foundation and resolving conflicts

Know your Conflict Style



Collaboration

- The collaboration conflict style sees conflict as an opportunity for innovation, relationship building, and better understanding.
- Collaboration digs beneath the surface of a conflict → looking for sustainable, long-term solutions.
- While this style requires much more commitment than others, like avoiding or competing, the investment pays off in deeper trust and stronger cohesion.



Steps for Implementing a Collaborative Approach

- Step 1: Create Rules for Respectful Dialogue
- Step 2: Focus on Interests, Not Positions
- Step 3: Explore Solutions
- Step 4: Agree on a Mutually Acceptable Solution
- Step 5: Follow Up and Encourage Accountability



When Conflict Management Is Not Enough: Addressing Incivility

- Insulate the target
- Put expectations for respectful conduct in writing
- Channel communication through a single point of contact
- Prepare a safety plan
- Expel any person causing disruption to school board meetings, school operations, or school functions from the meeting and/or premises and/or
- Contact police





Questions?

THANK
YOU

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