

YORK CATHOLIC DISTRICT SCHOOL BOARD



BOARD POLICY	
<i>Policy Section</i> Human Resources	<i>Policy Number</i> 425
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July 4, 2001	October 12, 2010 June 19, 2012 November 26, 2013 November 10, 2014 March 29, 2016 March 28, 2017

POLICY TITLE: WORKPLACE HARASSMENT

SECTION A

1. PURPOSE

The YCDSB is providing a policy and associated procedures that are intended to nurture a harassment free workplace for all Board employees. The policy is in keeping with provincial health and safety legislation.

2. POLICY STATEMENT

It is the policy of the York Catholic District School Board that all persons employed or contracted by the Board are entitled to perform their duties in a respectful work environment free from workplace harassment. This policy applies to all workers and it addresses workplace harassment from all sources.

3. PARAMETERS

- 3.1** All issues in respect to this policy shall be investigated and addressed in a timely manner and in accordance with the procedures of this policy.
- 3.2** Records Management
All reports regarding workplace harassment will be kept in strict confidence, except as is necessary to investigate the complaint and to respond to any legal or administrative proceedings arising out of or relating to the workplace harassment report.
- 3.3** Upon the conclusion of an investigation and School Superintendent/Superintendent of Human Resources review, all notes, statements, documents and reports made or collected in connection with the investigation shall be placed in a sealed file. The sealed file shall be retained separate from personnel files under the control and direction of the Superintendent of Human Resources. Such files may only be accessed under the following circumstances:

- 3.3.1 By any subsequent investigator who considers the information relevant to their investigation;
- 3.3.2 As required by law;
- 3.3.3 In the event there is a subsequent allegation of a related or similar nature.
- 3.3.4 All persons reviewing the sealed file material shall place in the file a notification indicating the name, date and reason for the review. The file shall be resealed after examination. The person accused of harassment may apply to the Superintendent of Human Resources to consider further restricting access to the sealed file material so that the material may be accessed only as required by law.

3.4 All documentation in connection with an investigation is to be considered permanent in accordance with the *Municipal Freedom of Information and Protection of Privacy Act and Limitations Act*.

3.5 Reprisals

No person involved as either a party or a witness to a complaint filed under this policy shall be subjected to intimidation, reprisals or discrimination as a result of their involvement.

3.6 False/Frivolous or vexatious complaints

The Board does not condone false/frivolous or vexatious complaints. If it is determined as a result of an investigation that a complaint was made maliciously with intent to harm or made in bad faith, formal disciplinary action will be taken against the complainant, including, but not limited to, a letter of reprimand, suspension or possible dismissal from employment in accordance with the Board's Progressive Discipline Policy #412. Such disciplinary action will be placed in the employee's personnel file.

3.6.1 The Board reserves the right to pursue legal costs should a complaint be found to be false, frivolous or vexatious.

3.7 Reasonable Actions

A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

A situation between two employees that involves a disagreement, a misunderstanding or conflict or a single comment or action or rudeness is not generally considered workplace harassment for the purpose of this policy.

3.8 Additional Support

An employee may seek additional support from his/her Union, Human Rights Legal Support Centre or Employee and Family Assistance program, as appropriate.

3.9 Annual Review

This policy will be reviewed annually in accordance with the *Occupational Health and Safety Act* in consultation with the Joint Health and Safety Committee or when any gaps or deficiencies in the procedures are identified as a result of an investigation.

3.10 Training

All workers will be provided with information and instruction on this policy and the procedures, which will include:

- 3.10.1 What conduct is considered workplace harassment, including workplace sexual harassment and how to recognize it;
- 3.10.2 How and to whom to report an incident;

- 3.10.3 How the complaint will be investigated;
- 3.10.4 How the results of an investigation will be reported.

3.11 All workers shall be informed of any substantive changes to the procedure as they occur.

3.12 Supervisors, Managers and the Joint Health & Safety Committee will be provided with information and instruction on how to recognize workplace harassment and how to handle a complaint.

3.13 All new Supervisors, Administrators and School Superintendents will be trained by the Superintendent of Human Resources or designate on how to conduct an investigation into a complaint of workplace harassment, including sexual harassment as part of the orientation to the new role. Additional training on how to conduct investigations will be provided every two years to all other members of management.

3.13.1 A Supervisor, Manager and School Superintendent shall not be responsible for conducting an investigation under this policy unless they have received training in accordance with article 3.10.3.

4. RESPONSIBILITIES

This policy applies to all York Catholic District School Board employees. All staff are expected to abide by this policy by refraining from any form of harassment and by fully co-operating in any investigation of a harassment complaint. A harassment free workplace is a shared responsibility.

4.1 Director of Education

4.1.1 To oversee compliance of the Workplace Harassment policy.

4.2 Superintendent of Human Resources

4.2.1 To ensure that all employees are aware of the policy.

4.2.2 To ensure leadership in the implementation and training of this policy.

4.2.3 To facilitate the investigation of complaints.

4.2.4 To report to the Human Resources Committee the number of workplace harassment complaints on an annual basis.

4.3 Superintendents of Education

4.3.1 To support the implementation of the Workplace Harassment policy and procedures as required or guided by the Superintendent of Human Resources.

4.4 School Administrators / Department Managers / Supervisors

4.4.1 To recognize and address actions of workplace harassment that offend, embarrass or humiliate others, whether deliberate or unintentional.

4.4.2 To treat each situation as a serious matter and conduct an investigation where appropriate.

4.4.3 To facilitate the situation towards a resolution between the parties if possible, with a view to correcting behaviour and preserving long term working relationships.

4.4.4 To consult with Human Resources if the situation cannot be resolved between the parties.

4.4.5 To ensure employees are aware of this policy.

4.5 Employees

4.5.1 To treat others with respect.

- 4.5.2 To become familiar with the Board's policy on Workplace Harassment.
- 4.5.3 To address workplace harassment by bringing it to the attention of the employee displaying it or to a person in authority, as soon as possible.
- 4.5.4 To not make allegations of harassment that are false, frivolous or vindictive.
- 4.5.5 To make every effort to resolve Workplace Harassment issues, where possible.

5. DEFINITIONS

5.1 Workplace Harassment

5.1.1 Sexual Harassment

- i) Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- ii) Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Examples of sexual harassment include, but are not limited to:

- i) Expressing bias on the basis of sex through derogatory or degrading remarks;
- ii) Unwelcome inquiries or comments about a person's clothing, body or social activities;
- iii) Remarks, jokes, or innuendoes of a sexual nature;
- iv) Persistent objectionable looks at a person's body;
- v) Unnecessary and unwanted physical contact;
- vi) Displaying pornographic or other offensive or derogatory pictures or cartoons in the workplace;
- vii) Condescension or paternalism which undermines self-respect;
- viii) Coercive behaviour that asserts control and/or influence over the victim;
- ix) Sexual assault (criminal offence – police to be contacted)

5.1.2 Workplace Harassment

- i) Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.
- ii) Workplace sexual harassment.

Examples of personal harassment include, but are not limited to:

- i) Unwanted comments, inferences or suggestions;
- ii) Various forms of intimidation and aggressive behaviour;
- iii) Verbal and emotional abuse;
- iv) Withholding information necessary to perform one's duties; and
- v) 'Bullying' which is an attempt to undermine an individual through cruel and humiliating behaviour, including 'cyber-bullying'
- vi) Regular use of profanity and abusive or violent language;
- vii) Violent behaviours – slamming doors, throwing objects;
- viii) Frequent angry shouting/yelling or blow-ups;
- ix) Targeting individual(s) in humiliating practical jokes.

5.2 Timely Manner

Any complaint made under this policy must be filed in a timely manner following the occurrence of the incident(s). The Board adopts a twelve (12) month time frame and may, in its discretion, decide not to address the complaint when the facts upon which

the complaint is based, occurred more than twelve (12) months prior to the date the complaint was filed.

5.3 Workplace

In respect to this policy includes locations where activities related to the business of the Board take place including:

- 5.3.1 Activities within offices, staffrooms, classrooms, cafeterias/lunchrooms, and other Board property;
- 5.3.2 Board/School sponsored events associated with and including co-instructional and extra-curricular activities;
- 5.3.3 Electronic venues such as internet, email, and telephones;
- 5.3.4 Activities outside of Board premises including field trips, external work assignments, work-related conferences, training sessions, travel or social gatherings; as well as
- 5.3.5 Situations in other locations where workplace harassment may have a subsequent impact on the work relationship, performance or environment.

6. CROSS REFERENCES

YCDSB Policy 408 Employee Acceptable Use of Information Technology

YCDSB Policy 412 Progressive Discipline

YCDSB Policy 506 Racial and Ethnocultural Harassment

YCDSB Procedure (Addendum to Workplace Harassment Policy)

Limitations Act

Municipal Freedom of Information and Protection of Privacy Act

Occupational Health and Safety Act

Ontario Human Rights Code

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