

SUPERIOR-GREENSTONE DISTRICT SCHOOL BOARD

Section	PERSONNEL	
Policy Name	WORKPLACE HARASSMENT & HUMAN RIGHTS Management Guideline Applies	717
Board Approved:	December 5, 2011 February 20, 2007	Reviewed: September 26, 2011 Review By: December 2020 December 2016

POLICY RATIONALE

The Superior-Greenstone District School Board (SGDSB) is committed to providing a safe, nurturing, equitable and respectful learning and working environment ("workplace"); free from harassment and discrimination. It is a shared responsibility across SGDSB to foster a workplace, where every individual is treated with dignity and respect.

~~The Superior-Greenstone District School Board is opposed to any form of harassment in the workplace. Since the Board is also entrusted with the nurturing and education of students, it is important that all employees provide positive and appropriate role models for students in their care. The Board will investigate thoroughly any incidents or complaints received in accordance with its guidelines and procedures for such matters.~~

~~The Superior-Greenstone District School Board SGDSB must be providing and maintaining a working and learning environment ("Workplace") and where employees and students. The Board SGDSB respects the dignity and human rights of all individuals and recognizes that Harassment, negatively affect working relationships, the learning process and personal well-being. The Board is committed to creating a workplace that values diversity.~~

RATIONALE POLICY

It is the policy of the Superior-Greenstone District School Board to adhere to and uphold the Ontario Human Rights Code. Under the Code in that all employees, students, prospective employees, trustees, volunteers, visitors, parents, contractors and all other users that are involved with the Board, have the right to freedom from Harassment and Discrimination based on any of the following grounds:

- Sex (includes pregnancy);
- Race;
- Ancestry;
- Place of origin;
- Colour;
- Ethnic origin;
- Citizenship;
- Creed (religion);
- Age;
- Record of offences (in employment);
- Marital status;
- Family status;
- Disability;
- Sexual orientation;
- Gender identification; or
- Gender expression.

This policy also includes any new prohibited grounds that may be added to the Human Rights Code at a future date and prior to policy review. Harassment and discrimination will not be

tolerated or condoned in the workplace. This policy also fulfils SGDSB's obligations to address workplace harassment according to the *Occupational Health and Safety Act (OHSA)*.

The goal is to promote a safe, nurturing, equitable and respectful Workplace and work to prevent Harassment and Discrimination. The Board SGDSB will, where necessary, investigate thoroughly and respond to any incidents or complaints of harassment, discrimination or workplace harassment received in accordance with its procedural guidelines and procedures for such matters.

SGDSB is committed to providing reasonable accommodation to its constituents to fulfil obligations according to the *Code*. The *Code* also permits the creation of special programs at SGDSB to remedy discrimination or inequality. The Superior Greenstone District School Board seeks to provide a work environment supportive of both productivity and the dignity of every employee.

Since the Board is also entrusted with the nurturing and education of students, it is important that all employees provide positive and appropriate role models for students in their care.

Ontario law requires that every employee has the right to freedom from harassment by a supervisor or other employee because of sex, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or disability.

APPLICATION AND SCOPE

This Policy addresses harassment, discrimination and workplace harassment and it applies to all employees/workers and Trustees at SGDSB. The Policy covers harassment, discrimination and workplace harassment from all sources including students, parents, guardians, volunteers, contractors, customers of SGDSB, members of the public and other members of organizations not related to SGDSB but who nevertheless work on or are invited on to SGDSB premises or utilize SGDSB services. Reasonable action taken by the employer or manager relating to the management and direction of employees/workers or the workplace, is not harassment or workplace harassment.

Actions will be consistently taken to address student behaviours that are contrary to this policy and provincial, SGDSB and school codes of conduct according to the appropriate SGDSB policy or procedure; such as the policy on Progressive Discipline and School Safety (Policy 535).

DEFINITIONS

Harassment (Human Rights Code-Based) means engaging in a course of a vexatious comment or conduct that is known to be, or ought reasonably to be known to be, unwelcome based on age, disability, family status, marital status, creed, race, ancestry, place of origin, colour, ethnic origin, sex, sexual orientation, gender identity, gender expression, citizenship and record of offences. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome, based on a ground of discrimination identified by this policy. Harassment can occur based on any of the *Code*-based grounds.

Discrimination means any form of unequal treatment based on a *Code* ground, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people. Types of discrimination include systemic discrimination and poisoned environment.

Student is anyone regardless of age, who is enrolled in an educational program offered by SGDSB.

Workplace Harassment under OHSA is 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

or is workplace sexual harassment.

Workplace Sexual Harassment under OHSA means a) 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 b) 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.

Employee/Worker is any person included in the definition of "worker" under the OHSA and includes all SGDSB employees. Worker is an employee who performs work or supplies services and includes, a secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.

Workplace is defined as any land, premises, location or thing at, upon or near where a worker works. It includes places where individuals perform work or work-related duties or functions. It includes all SGDSB schools, offices and facilities. Work related functions include business trips, conferences, seminars, co-op placements, social and extra-curricular events that arise out of SGDSB involvement.

PROCEDURES GUIDELINES

1.0 Definition

1.1 — Harassment

~~Harassment is defined in Ontario as any course of comments or conduct consisting of words or actions that disparage or humiliate a person in relation to one of the prohibited grounds as outlined in the 'Rationale' stated above.~~

~~Harassment is also defined as any course of vexatious comment or conduct that is known or ought to be known to be unwelcome.~~

1.2 — Sexual Harassment

~~Any course of vexatious comment or conduct including sexual remarks or physical contact that is known or ought reasonably to be known to be unwelcome.~~

1.3 — Race & Religious Harassment

~~Any derogatory comments, taunts, jokes or jeers about race, creed, colour, national or ethnic origin.~~

1.4 — Workplace Harassment

~~Any unwelcome conduct, which is intimidating, coercive or malicious.~~

2.1 — Process

~~Any employee or student who believes that he/she is being harassed by a person affiliated with the Board, should proceed as follows:~~

- ~~a) Politely but firmly request whoever is perpetrating the harassment to stop, and;~~
- ~~b) Prepare and maintain a written record of the details and reactions of the person confronted, and;~~
- ~~c) Advise the Principal or Supervisor if the harassment continues.~~

3.0 — Reporting

~~The Principal or Supervisor shall initially investigate each and every complaint in a timely manner.~~

~~The appropriate Supervisory Officer is to be informed of the complaint and actions being pursued.~~

4.1 Investigating

~~Within ten (10) working days of the complaint, the person investigating in consultation with the appropriate Supervisory Officer, shall:~~

- ~~a) Inform the party complained about, that the allegations are being investigated,~~
- ~~b) Interview all parties in order to establish a perspective re the situation,~~
- ~~c) Assure the complainant that his/her job security is not in jeopardy,~~
- ~~d) Ensure that the parties involved are separated, if possible, and,~~
- ~~e) Interview employees and any other possible witnesses to determine if racial harassment has occurred.~~

5.0 Discipline

~~If allegations are found to have substance, the Board representative may impose discipline as appropriate and consistent with the circumstances.~~

6.1 Other

~~If the allegations are found to have no substance, the investigator shall:~~

- ~~a) Review the matter with each party,~~
- ~~b) Confirm the substance of each interview, in writing, and,~~
- ~~c) Inform the parties that copies of the report(s) will be placed on file.~~

GUIDING PRINCIPLES AND RESPONSIBILITIES

1. All persons at SGDSB and interacting with SGDSB, are expected to engage in respectful conduct, adhere to and uphold this policy and will be held responsible for not following it. All employees are responsible for contributing to a climate of understanding and mutual respect for the dignity of each person.
 - a. Managers at SGDSB have additional responsibilities:
 - i. To create and promote a safe, nurturing, equitable and respectful workplace that promotes human rights.
 - ii. To act on observations or allegations of harassment, discrimination or workplace harassment.
 - b. The Board of Trustees have responsibilities to:
 - i. Engage in respectful conduct.
 - ii. Through governance, create and promote a safe, nurturing, equitable and respectful workplace that promotes human rights.
 - iii. Refer concerns and complaints of harassment, discrimination and workplace harassment to the Director of Education or designate.
2. The Director of Education is responsible for implementing this Policy and ensuring that it is reviewed annually.
3. SGDSB takes concerns and complaints of harassment, discrimination and workplace harassment seriously. All persons are urged to express concerns and file complaints of harassment, discrimination and workplace harassment. Reprisal is prohibited under this

policy.

- a. Complainants can be an individual/s at any level of SGDSB or school system (e.g. student, peer, co-worker, supervisor, visitor, or volunteer). Throughout this document, Complainant, refers to the person who makes a complaint of harassment, discrimination or workplace harassment under this policy.
 - b. Respondents can be an individual/s at any level of the SGDSB or school system (e.g. student, peer, co-Worker, supervisor, visitor, or volunteer). Throughout this document, Respondent, refers to the person who has a complaint made against them under this policy.
4. SGDSB will provide procedures to address incidents or complaints of harassment, discrimination or workplace harassment. Complaints shall be dealt with in a fair and timely manner. Employees shall cooperate with managers who are addressing incidents or complaints under this policy.
 5. Any person reporting an incident or complaint of harassment, discrimination or workplace harassment who participates in a process to resolve the complaint under this policy, is required to keep the incident/complaint-related information confidential or as required by law. Those with supervisory authority at SGDSB or designates, who are involved with addressing a complaint will strive for confidentiality and will share information on a need to know basis to the extent necessary to protect employees/workers, for actions such as investigation, follow-up, corrective action or as otherwise required by law.
 6. If a complainant withdraws a complaint, SGDSB may continue to act if required.
 7. If it is determined that a complainant has made a complaint that is malicious or made in bad faith, it may result in disciplinary action.
 8. An employee/worker found in violation of this policy may be subject to remedial action or discipline, up to and including termination of employment, in accordance with applicable collective agreement provisions.
 9. Nothing in this policy precludes the employee's/worker's from seeking support from their union or the Employee and Family Assistance Program where available or externally from the Human Rights Legal Support Centre.

~~10. Employees, students and other users shall behave in a manner that is socially and professionally acceptable.~~

~~2.0 Employees, students, and other users will strive to foster a respectful workplace through the prevention and prompt resolution of harassment. Incidents and complaints will be taken seriously and handled professionally.~~

~~3.0 The Board shall provide mechanisms employees, students, and other users for to lodge informal and formal complaints.~~

~~4.0 The Board shall provide a fair and objective formal process for dealing with alleged incidents of harassment.~~

~~5.0 Confidentiality will be maintained to every extent possible, but it should be understood that the nature of the investigation may be expanded beyond the complainant(s) and the respondent(s) to verify factual information.~~

RELATED POLICIES

Accessibility Policy - 719

Bullying Prevention and Intervention Strategies - 525

Equity and Inclusive Education - 536

Progressive Discipline and School Safety

Safe Schools System Expectations - 520

Workplace Violence Policy – 720

SIGNED AND APPROVED BY THE DIRECTOR OF EDUCATION

DATE:
