

## **SUPERIOR-GREENSTONE DISTRICT SCHOOL BOARD**

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<i>Section</i>	PERSONNEL	
<i>Policy Name</i>	WORKPLACE HARASSMENT & HUMAN RIGHTS Management Guideline Applies	717

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<i>Board Approved:</i> February 19, 2020 December 5, 2011 February 20, 2007	<i>Reviewed:</i> February 4, 2020 September 26, 2011	<i>Review By:</i> December 2020
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### **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.

### **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* 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. SGDSB will, where necessary, investigate and respond to incidents or complaints of harassment, discrimination or workplace harassment.

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.

## **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.

## **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). 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). 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.

**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:**

**February 19, 2020**