



BOARD ADMINISTRATIVE PROCEDURE

ADMINISTRATIVE PROCEDURE

**Workplace
Harassment
Prevention**

ADMINISTRATIVE PROCEDURE
NUMBER

AP- 508

Directional Policy

Employee Relations - 500

TITLE OF ADMINISTRATIVE PROCEDURE:

Workplace Harassment Prevention

DATE APPROVED: February, 2020

PROJECTED REVIEW DATE: February, 2021

DIRECTIONAL POLICY ALIGNMENT:

This Administrative Procedure aligns with the Employee Relations Directional Policy. The PVNC Catholic District School Board will ensure that all employees act, and are seen to be acting, in the best interest of the students they serve as they conduct themselves and perform their duties with integrity and professionalism in light of our Catholic faith.

ALIGNMENT WITH MULTI-YEAR STRATEGIC PLAN:



Strategic Priorities 2017-2020

Vision

Achieving Excellence in Catholic Education
LEARN • LEAD • SERVE

Mission

To educate students in faith-filled, safe, inclusive Catholic learning communities by nurturing the mind, body and spirit of all.

LEARN

Achieve excellence in instruction and assessment to enable all students to become reflective, self-directed, lifelong learners.

LEAD

Foster critical thinking, creativity, collaboration, and communication, to enable all students to realize their God-given potential.

SERVE

Inspire engagement and commitment to stewardship for creation to enable all students to become caring and responsible citizens.

The Board is committed to providing a work environment in which all workers are treated with respect and dignity. Workplace harassment will not be tolerated from any person in the workplace and all complaints will be taken seriously.

ACTION REQUIRED:

1.0 Initiating Complaints:

- 1.1 Complaints may be initiated on an informal basis (see Appendix A) or by following the Formal Complaint Process (see Appendix B).
- 1.2 It is the expectation of the Board that all complaints will be brought forward in a timely manner and must be reported within one year of the most recent alleged harassing behaviour. A complaint outside this time frame may be considered by consulting the Superintendent of Schools/Human Resource Services.
- 1.3 Anonymous reports will not be entertained for dispute resolution under this Procedure.
- 1.4 The complainant is free to discontinue a complaint at any time. The Board may deem the circumstances worthy of further investigation and initiate its own action.
- 1.5 Subject to the Ontario Human Rights Code, and to ensure the integrity of the Board's Administrative Procedure, action may be pursued in the absence of a formal complaint.

2.0 Confidentiality:

- 2.1 Procedural fairness requires that the respondent to a complaint be apprised of the nature of the complaint and by whom it has been made so that they have an opportunity to respond to the allegations. A copy of the Workplace Harassment Formal Complaint Form will be shared with employee respondents to a complaint. The disclosure of witness names and statements to the parties may also be necessary.
- 2.2 All correspondence and other documents generated under these Procedures must, subject to the Municipal Freedom of Information and Protection of Privacy Act, be marked "PRIVATE AND CONFIDENTIAL" and be stored in a locked and secure file in Human Resource Services.
- 2.3 The Board may be required to provide information obtained during an investigation to an outside agency such as, but not limited to, police services, court or tribunal that has the right to require information otherwise protected by the Municipal Freedom of Information and Protection of Privacy Act.

3.0 Misuse of Complaint Process and Reprisals:

- 3.1 If there is a determination on a balance of probabilities that a complaint has been filed in bad faith, the complaint process may discontinue and disciplinary action may occur.
- 3.2 Reprisals against individuals because they have reported a complaint are strictly forbidden. Alleged reprisals will be investigated as formal complaints and, if substantiated, are subject to the same consequences as complaints of harassment.

4.0 Rights of Complainants, Respondents and Witnesses:

- 4.1 Nothing in this Procedure denies or limits access to other avenues of redress available under the law or through the filing of a grievance or through progressive discipline. Where there is such an occurrence, this process will cease until the parties and their respective representatives have met with the Superintendent of Schools/Human Resource Services to determine whether a formal investigation will proceed or whether the complainant wishes to proceed under another process. Multiple processes will not be permitted to proceed concurrently, although informal dispute resolution attempts will be permitted at any time with the agreement of the Board and the parties.
- 4.2 Prior to initiating any complaint and throughout the complaint process, complainants have a right to assistance and support. Individuals who are named as respondents in a complaint, as well as witnesses, also have a right to assistance and support throughout the complaint process. The following people may provide support:

- parent/guardian/family member
- professional support staff
- employee or colleague
- trained resource person
- union/federation/association representative
- religious advisor
- translator/interpreter (if necessary)

4.3 Each employee has the right and is encouraged to contact his or her union/federation for assistance and advice throughout this process. Non-unionized employees are encouraged to consult with the Manager of Human Resource Services, the Superintendent of Schools/Human Resource Services, or the Director of Education.

4.4 'Other user' complainants should report the complaint to the appropriate supervisory or managerial personnel at the Board or, if they require assistance in reporting.

4.5 'Other user' respondents may also want to contact other appropriate personnel; for example, an employee of another organization may want to seek assistance and support from within that organization. For assistance and representation throughout the complaint process, both other user complainants and other user respondents are referred to the suggested support people listed in section 4.2.

4.6 The complainant is free to commence the complaint procedure at the formal or informal stage outlined herein (see Appendices A and B). The complainant is also free to discontinue a complaint at any time. The Board, however, may deem the circumstances worthy of further investigation and initiate its own action.

RESPONSIBILITIES:

The Board of Trustees is responsible for:

- Reviewing this Administrative Procedure to ensure its alignment with the Employee Relations Directional Policy.
- Reviewing the Workplace Harassment Prevention Administrative Procedure as part of its regular policy and procedures review cycle.

Director of Education:

- Designating resources for ensuring the implementation of and compliance with this Administrative Procedure.
- Reviewing the Administrative Procedure with respect to workplace harassment as often as necessary, but at least annually.

Superintendents are responsible for:

- Collecting all pertinent information relating to the behaviours and the reported circumstances.

Human Resource Services is responsible for:

- Ensuring that employees are informed of this Administrative Procedure and how it can be accessed.
- Reviewing this Administrative Procedure at orientations for all employees.

Principals, Vice-Principals, Managers and Supervisors are responsible for:

- Notifying Human Resource Services of workplace violent incident complaints.
- Posting this Administrative Procedure at a conspicuous place in the workplace.
- Addressing and attempting to resolve disputes in a timely fashion.
- Maintaining confidentiality in the complaint process.
- Informing witnesses while obtaining a statement, such statement will be maintained in strict confidence, subject to their ability to conduct a full and thorough investigation.

Board employees are responsible for:

- Initiating complaints if the employee believes he/she is the target of harassment or has witnessed harassment directly, have received reports of harassment incidents, or have reasonable grounds to suspect that harassment is occurring.
- Ensuring all matters are confidential, whether employee is complainant, respondent, or any other way involved with the complaint, unless legally required to report.

PROGRESS INDICATORS:

- PVNCCDSB will continue to provide a work environment in which all workers are treated with respect and dignity.
- Workplace harassment complaints will be addressed and resolved in a timely fashion.

DEFINITIONS:

Other Users - Non PVNCCDSB employees.

Reprisal - any act of retaliation, either direct or indirect.

Supervisory and Managerial Personnel - include principals, vice-principals, managers, supervisors, superintendents, and directors.

Time Limits - set out in the Board's Administrative Procedure; can be extended if, upon the determination of the Board and/or Superintendent of Human Resource Services, or designate, there is an appropriate reason for doing so, or if both parties agree. The Board adopts the one year time frame prescribed by the Human Rights Code and the

Board may, at its discretion, decide not to deal with the complaint when the facts upon which the complaint is based occurred more than six months before the complaint was filed.

Workplace - any place where employees perform work or work-related duties or functions. Schools and school-related activities, such as extra-curricular activities and excursions, comprise the workplace, as do Board offices and facilities. Conferences and training sessions fall within the ambit of this Administrative Procedure.

Workplace Harassment -

- a) 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
- b) workplace sexual harassment; (“harcèlement au travail”)

Reasonable action taken by the Board or Manager relating to the Management and direction of employees or the workplace is not workplace harassment.

Workplace Sexual Harassment -

- 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; (“harcèlement sexuel au travail”)

RELATED DOCUMENTS:

APPENDIX A – Informal Complaint Resolution Process
APPENDIX B – Formal Resolution Process
APPENDIX C – Workplace Harassment Formal Complaint Form
APPENDIX D – Workplace Harassment Complaint Process Flow Chart

REFERENCES:

[Canadian Charter of Rights and Freedoms](#)
[Ontario Human Rights Code, R.S.O. 1990, c.H.19](#)
[Ontario Occupational Health and Safety Act, R.S.O. 1990, c.O.1](#)
[Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56](#)
[Teaching Profession Act, R.S.O. 1990, c.T.2](#)
[Ontario College of Teachers Act, S.O. 1996, c.12](#)
[The Early Childhood Educators Act, S.O. 2007, c.7, Schedule 8](#)
Code of Ethics for Catholic School Trustees
[Social Work and Social Service Work Act, S.O. 1998, c.31](#)
[Psychology Act, S.O. 1991, c.38](#)
PVNCCDSB Joint Protocol for Enhancing Positive Relationships in the Workplace

[Bill 132, Sexual Violence and Harassment Action Plan Act \(Supporting Survivors and Challenging Sexual Violence and Harassment\), 2016](#)
[PVNC Catholic District School Board Vision and Strategic Priorities 2017-2020](#)
[Education Act, RSO 1990, c. E.2](#)