



BOARD ADMINISTRATIVE PROCEDURE	
ADMINISTRATIVE PROCEDURE <b>Workplace Harassment Prevention</b>	ADMINISTRATIVE PROCEDURE NUMBER <b>AP- 508</b>
Directional Policy <b>Employee Relations - 500</b>	

#### **TITLE OF ADMINISTRATIVE PROCEDURE:**

Workplace Harassment Prevention

**DATE APPROVED:** February, 2023

**PROJECTED REVIEW DATE:** February, 2024

#### **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:**

The Workplace Harassment Prevention Administrative Procedure supports the Board's Multi-Year Strategic Plan to inspire faith, value relationships, nurture mental health & well-being, ensuring equity and maximizing resources.

[PVNCCDSB Board Vision, Mission and Strategic Priorities](#)

**ACTION REQUIRED:****1.0 How to Deal with an Issue in the Workplace**

If you are experiencing issues with the conduct or behaviour of one of your co-workers, there are some things that may be done in advance of filing a harassment complaint.

**a. Speak to the Person**

If you feel able to do so, advise the person the behaviour is unwelcome verbally or in written communication to stop the behaviour. In many cases, when the offender is aware their conduct is unwelcome and will not be tolerated the behaviour will stop. Harassment and discrimination negatively affects everyone. Bystanders are also encouraged to speak up and ask an offender to stop.

Some of the things an employee may say to another employee that might stop the behaviour include:

- I don't want you to do/say that
- Please stop doing or saying that
- It makes me uncomfortable when you do/say that
- I don't find it funny when you do/say that

**b. Document the Conduct**

Take notes of the offensive conduct by writing down what happened, the time and date(s) when it happened and the names of those who were present. Write down what was said by all parties.

**c. Involve a Union / Association Representative**

If an employee is part of a union or association, a union or association representative may be a good person to get advice from and/or intervene on your behalf. This could involve use of the Joint Protocol for Enhancing Positive Relationships in the Workplace.

**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 will discontinue and disciplinary action will 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 must proceed or whether the complainant wishes to proceed under another process. Multiple processes will not be permitted to proceed concurrently.

4.2 Prior to initiating any complaint and throughout the complaint process, complainants have a right to assistance and support in the form of a union or association representative, if applicable.

4.3 Each employee has the right and is encouraged to contact his or her union/association for assistance and advice throughout this process.

4.4 The complainant is free to commence the complaint procedure at the formal stage outlined herein (see Appendix A). 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.

**The Director of Education is responsible for:**

- 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 harassment 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 statements 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 the employee is complainant, respondent, or any other way involved with the complaint, unless legally required to report.
- Giving consideration to use of the [Joint Protocol for Enhancing Positive Relationships in the Workplace](#) in an effort to resolve the matter before a formal complaint.
- Submitting workplace harassment complaint forms and supporting documents (if required) to Human Resource Services.

**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:**

**Workplace Harassment** - engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. Workplace harassment also includes workplace sexual 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;

**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.

**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 one (1) year before the complaint was filed.

**RELATED DOCUMENTS:**

APPENDIX A – Formal Resolution Process

APPENDIX B – Workplace Harassment Formal Complaint Form

APPENDIX C – Workplace Harassment Complaint Process Flow Chart

[PVNCCDSB Joint Protocol for Enhancing Positive Relationships in the Workplace](#)

**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](#)