

1. PURPOSE

To prevent and resolve any employment-related incident of harassment, sexual harassment, workplace violence, and/or discrimination against any or all of its employees and/or volunteers.

It is important for us to realize that workplace violence, harassment, sexual harassment and discrimination are not only illegal in a secular context, but totally inconsistent with the Catholic values of our system. It is incumbent on all of us, regardless of circumstances, to recognize the inherent right of all individuals to be treated with dignity and respect.

2. DEFINITIONS

WORKPLACE VIOLENCE

The exercise, attempt to exercise, or a statement or behaviour that would be interpreted as a threat to exercise physical force against a worker, in a workplace, that causes or could cause physical injury.

DISCRIMINATION

Any conduct, comment, gesture or contact which is based on the grounds of sex, sexual orientation, race, ancestry, colour, ethnic background, place of origin, language or religion, age or handicap, and might be perceived as placing a condition of employment, promotion/advancement, work or assignments, training or compensation, or any other aspect of the employment relationship.

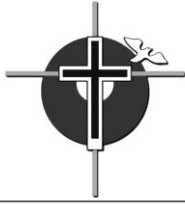
HARASSMENT

Any repeated conduct, comment, gesture or contact which creates a working environment that is intimidating, humiliating or uncomfortable. It includes behaviour that the persons know, or reasonably should know, is offensive.

SEXUAL HARASSMENT

“Workplace sexual harassment” 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; (“harcèlement sexuel au travail”)

3. RESPONSIBILITY

Joint Health and Safety Committee

To recognize hazards including workplace violence in the course of carrying out regular functions such as inspecting workplaces. To provide feedback orally or in writing on this procedure.

Management

The Board considers that it is the primary responsibility of all levels of management, particularly immediate supervisors, to prevent, investigate and resolve complaints of harassment, sexual harassment, workplace violence, or discrimination.

Complainants

The complainants are responsible for making their disapproval and/or unease known to the offender immediately, and to report the incident to their supervisor. Should the supervisor be the offender, complainants are responsible to contact the Superintendent responsible for their school or department, or the Manager of Human Resources. The roles of persons involved in the redress procedure are outlined in the Complaint Procedure.

All Employees

If someone is witness to incidents of harassment, sexual harassment, workplace violence, or discrimination, he/she should speak to the person being harassed about the incidents. If the person being harassed is unwilling to report the incidents because of fear of retaliation or ridicule, the witness can contact the Human Resources Department and report only the incidents which he/she has witnessed. The report will be filed and used as reference, should other incidents be reported concerning the alleged offender.

4. WHAT CAN YOU DO IF YOU ARE A VICTIM OF HARASSMENT, SEXUAL HARRASSMENT, WORKPLACE VIOLENCE, AND/OR DISCRIMINATION?

When workplace violence occurs or is likely to occur, employees are encouraged to act immediately and summon assistance. For threats of violence, assaults, or other violent incidents,



employees should contact their supervisory or managerial personnel, if possible, and/or CALL 9-1-1 immediately.

After requesting police involvement, and when the emergency situation is under the proper control, the particulars of the event will be recorded by the supervisor, pursuant to the formal Complaint Procedure, which follows.

Some specific actions that may be taken in situations involving sexual harassment are:

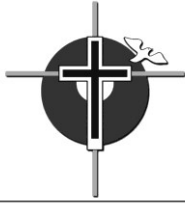
1. **DON'T FEEL GUILTY**, and remember that in cases of sexual harassment, this type of behaviour is not a sexual issue but an expression of power. Studies show that sexual harassment can occur regardless of age, appearance or marital status.
2. **TAKE ACTION**, otherwise your non action and silence may be interpreted as acknowledgement of and consent to the behaviour.
3. **TELL THE HARASSER** in a very clear, direct and firm way that the comments or actions concerned are considered offensive. If this is done verbally, it is wise to have a witness present; if this is done in writing, keep a copy of the letter. **This action is very important.**
4. **REMEMBER**, you have the initial responsibility to attempt to control the situation before proceeding further. Keep a detailed written record of the event(s). Include the **NAME, PLACE, DATE, TIME, WITNESSES** (if any), and details of the offensive behaviour.

5. THRESHOLD ASSESSMENT

All formal reports filed under the Harassment, Sexual Harassment, Workplace Violence and Discrimination Procedure will be subject to an immediate threshold assessment, to determine whether the alleged conduct would, if proven, meet the definition of workplace violence, harassment, sexual harassment, or discrimination.

If the Board, following this threshold assessment, determines that the report filed:

- Would not, if true, meet the definition of workplace violence, harassment, sexual harassment, or discrimination.
- Does not provide sufficient details of the alleged incident or threat of workplace violence, harassment, sexual harassment, or discrimination provided the complainant is given notice that insufficient details have been provided, and given reasonable time to provide sufficient details; or,
- Is vexatious, frivolous or trivial, has not been made in good faith or would, if investigated, constitute an abuse of the Harassment, Sexual Harassment, Workplace Violence and Discrimination Policy.



The complainant shall be so advised and no further action shall be taken under this procedure.

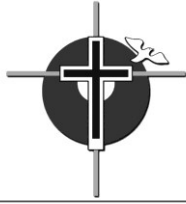
6. WHAT IF THIS DOES NOT SOLVE THE PROBLEM?

The Catholic District School Board of Eastern Ontario has established the following complaint procedure for the prevention and resolution of incidents of harassment, sexual harassment, workplace violence, and discrimination. One or more steps may be needed to correct the problem, but it is likely that most situations will be resolved at Step 1.

THE MANAGER OF HUMAN RESOURCES MAY BE CONTACTED BY ANYONE INVOLVED IN ANY STAGE OF THE PROCESS.

7. TRAINING

Sexual Harassment training to be provided as outlined under Code of Practice (COP) by the Ministry of Labour.



COMPLAINT PROCEDURE

Complaints will be taken seriously and will be handled in a confidential and sensitive manner. The name of a complainant and the circumstances related to the complaint will not be disclosed, except where disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures. It should be noted that protection against such acts extends to their occurrence, either at or away from the usual workplace, during or outside normal working hours, provided the acts are employment-related. All persons concerned must keep in mind the seriousness of such charges and be sensitive to the dignity and self-respect of those involved.

Supervisors (at all levels) must:

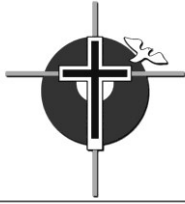
- a) ensure that the rights of employees and volunteers are respected;
- b) ensure employees and volunteers are fully aware of the policy;
- c) make every effort to prevent discrimination, offensive behaviour, harassment, sexual harassment, workplace violence, and discrimination;
- d) investigate promptly and take the appropriate corrective action should they become aware of such behaviour;
- e) impose preventive and corrective measures upon the offenders in accordance with the seriousness of the misconduct;
- f) cooperate in the investigation and in the implementation of the remedial action should the Board's representative become involved.

Step I – INFORMAL DISCUSSION

The complainant would contact his/her immediate supervisor OR the Manager of Human Resources, to discuss the situation and how it might be resolved.

Step II – FORMAL COMPLAINT

The complainant would submit a written account of the incident(s) to her or his immediate supervisor, with a copy to the person accused (who may also want to meet with his/her immediate supervisor). Or, in the case where the supervisor is the alleged offender, a written account to next higher level of supervisor. All three (or four) people would meet to discuss the complaint and try to resolve the problem.



The climate of this meeting should be educational rather than confrontational, and follow-up should be arranged.

Step III – RESOLUTION

The complainant or the alleged offender, or the immediate supervisor(s) could request a meeting of all parties with the Manager of Human Resources for a resolution. If the complaint is upheld, the Manager of Human Resources may request that a record of the incident(s) be placed in the accused offenders personnel file.

AS COMPLAINANT, OR ALLEGED OFFENDER, YOU HAVE THE RIGHT TO ASK A PERSON OF YOUR CHOICE TO BE WITH YOU OR TO REPRESENT YOU THROUGHOUT THE COMPLAINT PROCEDURE.



Questions & Answers

WHAT ARE THE POSSIBLE OUTCOMES OF HARASSMENT, SEXUAL HARASSMENT, WORKPLACE VIOLENCE, AND/OR DISCRIMINATION INVESTIGATIONS?

Once it has been determined that some type of harassment, sexual harassment, workplace violence, and/or discrimination has occurred, disciplinary measures as appropriate, will be taken by the offender's supervisor and under the authority of the Manager of Human Resources, following consultation with the Supervisory Officer.

Such disciplinary measures normally shall include:

- a) counselling and oral reprimand
- b) written reprimand
- c) suspension without pay or with pay
- d) suspension with or without pay pending approval for discharge

WHO IS YOUR IMMEDIATE SUPERVISOR?

Your immediate supervisor is the person to whom you are directly responsible in the workplace. For example, people who work in schools are directly responsible to the principal, who is directly responsible to the superintendent, who is directly responsible to the director, and so on.

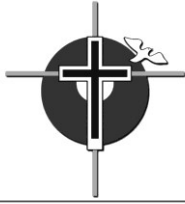
WHAT IF YOUR IMMEDIATE SUPERVISOR IS THE ONE ABOUT WHOM YOU ARE COMPLAINING?

In that case, report to the next level above your immediate supervisor. You will be assured of a fair hearing without reprisals.

WHAT IF YOU STILL FEEL UNCOMFORTABLE ABOUT CONTACTING SUPERVISORS?

Call the Manager of Human Resources, who is available to assist and support you in resolving the situation.

WHAT CAN YOU DO IF YOU WITNESS INCIDENTS OF HARASSMENT, SEXUAL HARASSMENT, WORKPLACE VIOLENCE, AND/OR DISCRIMINATION?



If you are a witness to incidents of harassment or discrimination, you should speak to the person being harassed about the incidents. If the person being harassed is unwilling to report the incidents because of fear of retaliation or ridicule, you can contact the Manager of Human Resources and report only the incidents which you have witnessed. Your report will be filed and used as reference should other incidents be reported concerning the same employee.

ARE THE STEPS CONFIDENTIAL?

Yes, supervisors are expected to treat personnel matters in confidence. Teachers should note, however their obligation under the regulation of the Teaching Profession Act, sec. 18(1) (b): on making an adverse report on another member, a member shall furnish him with a written statement of the report at the earliest possible time and no later than three days after making the report.

All information concerning a case of harassment, sexual harassment, workplace violence, or discrimination will be kept confidential and not placed on the complainant's file as the Board will not disclose the name of a complainant or the circumstances related to the complaint to any person, except where disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures.

WHAT ELSE CAN YOU DO?

If you still feel uncomfortable with the following three-step procedure, help, support, or advice is available through:

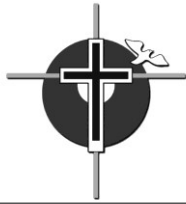
- the Manager of Human Resources, 1-800-443-4562 or 613-258-7757
- your union or federation

WHAT DOES THE LAW SAY ABOUT HARASSMENT, SEXUAL HARASSMENT, WORKPLACE VIOLENCE, AND DISCRIMINATION?

Harassment, sexual harassment, workplace violence, and discrimination are illegal.

All incidents of harassment, sexual harassment, workplace violence and discrimination are serious and everyone has the right to complain to the Human Rights Commission where warranted. In some cases criminal charges may be laid.

The Human Rights Code, R.S.O. 1990, Chapter H. 19, states the following about harassment, sexual harassment, workplace violence, and discrimination:



Part I – FREEDOM FROM DISCRIMINATION

Section 5...

(1) EMPLOYMENT

Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability.

(2) HARASSMENT IN EMPLOYMENT

Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or other employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or disability.

Section 7...

(2) HARASSMENT BECAUSE OF SEX IN WORKPLACES

Every person who is an employee has a right to freedom from harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by his or her employer or agent of the employer or by another employee.

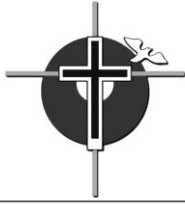
(3) SEXUAL SOLICITATION BY A PERSON IN POSITION TO CONFER BENEFIT, ETC.

Every person has a right to be free from;

- a) a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or
- b) a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

Section 8... REPRISALS

Every person has a right to claim and enforce his or her rights under this Act, to institute and participate in proceedings under this Act and to refuse to infringe a right of another person under this Act, without reprisal or threat of reprisal for so doing.



**CATHOLIC DISTRICT
SCHOOL BOARD OF
EASTERN ONTARIO**
www.cdsbeo.on.ca

ADMINISTRATIVE PROCEDURE

E1:3
Human Resources
Harassment, Sexual Harassment, Workplace Violence and Discrimination
Page 10 of 10

Section 9...INFRINGEMENT PROHIBITED

No person shall infringe or do, directly or indirectly, anything that infringes a right under this Part...