POLICY:	WORKPLACE HARASSMENT	#	820
SECTION:	800 : Personnel and Employee Matters	Page	1 of 6
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CROSS REFERENCE:	Workplace Harassment Procedure Handbook Policy 406: Computer Technology - Internet Acceptable Use Policy 906: Indigenous Education Advisory Committee Sexual Harassment of/among Students Policy 816: Employment Equity	Ontario Human Rights Code Education Act and Regulations Teaching Profession Act Occupational Health and Safety Act, R.S.O. 1990, CHAPTER O.1. Parental Harassment Protocol

A: POLICY

1. 1.1 The Thunder Bay Catholic District School Board believes that the workplace must provide and encourage a climate that recognizes and promotes the dignity and self-esteem of all employees.

1.2 The Board recognizes that workplace harassment, as a form of discrimination or otherwise, undermines personal and professional growth and negatively impacts upon the opportunity for individuals to work in an environment of mutual trust and respect.

1.3 The Board believes that workplace harassment is not within the ethical and moral standards expected from those who uphold the ideals of a Catholic educational community.

1.4 Therefore, it is the policy of this Board that workplace harassment, as a serious abrogation of the rights of employees, is prohibited, and that all harassment complaints will be dealt with as expediently, judiciously and confidentially as possible.

B: GUIDELINES

2. Definitions

2.1 Harassment is defined under the Ontario Human Rights Code as:

Harassment is a course of comments or actions that are known, or ought reasonably to be known, to be unwelcome. 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 within this policy. Harassment can occur based on any of the grounds of discrimination.

Examples of harassment include:

- Epithets, remarks, jokes or innuendos related to a person's race, gender identify, gender expression, sex, disability, sexual orientation, creed, age, or any other ground
- Posting or circulating offensive pictures, graffiti or materials, whether in print form or via e-mail or other electronic means
- Singling out a person for humiliating or demeaning "teasing" or jokes because they are a member of a *Code*-protected group
- Comments ridiculing a person because of characteristics that are related to a ground of discrimination. For example, this could include comments about a person's dress, speech or other practices that may be related to their sex, race, gender identity or creed.

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2.2 Workplace Harassment is defined under the Ontario Occupational Health and Safety Act as:

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.

2.2 The "workplace" is: any environment where an individual is acting in the capacity of a Board employee, or attending a function sanctioned by the Board.

2.3 The "supervisor" is: one who is designated as such according to the organizational structure of the Board, or by the respective employment contract or collective agreement.

3. General Guidelines

3.1 What is Not Harassment

3.1.1 The accepted social interaction or consensual relations between employees are not to be construed as harassment.

3.1.2 Managing and/or coaching that includes counseling, performance appraisal, work assignment, and the implementation of disciplinary actions, is not a form of personal harassment, and the policy does not restrict a manager/supervisor's responsibilities in these areas.

3.2 Prohibited Grounds

The Board explicitly prohibits harassment because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offenses, marital status, family status or handicap. However, it should be noted that in order for the harassment provisions of this policy to apply, the activity at issue need not expressly refer to a prohibited ground of discrimination. These provisions are in accordance with the Ontario Human Rights Code. Application of this Policy will give due consideration to any unique constitutional rights that a School Board may have under Section 19(1) of the Ontario Human Rights Code.

3.3 Ought Reasonably to be Known to be Unwelcome

3.3.1 In some situations it should be anticipated that comments or conduct that are motivated by race, sex, etc. would be offensive or unwelcome and there is no requirement that the behaviour be objected to before a violation of this policy is found.

3.3.2 Conduct or comments which may not, on their face, be considered offensive may still be "unwelcome" from the perspective of a particular individual. If the individual

clearly indicates that this is the case, then a repetition of a similar type of activity will, in most instances, constitute harassment.

3.3.3 It is also recognized that in some instances it would be unreasonable to require an individual, who may be in a vulnerable position, to object to the offensive treatment before being able to claim a right to be free from such treatment.

3.4 Poisoned Work Environment

3.4.1 The Board prohibits abusive, offensive or threatening comments or conduct that may result in a "poisoned" work environment in which certain employees' rights to equal treatment, as guaranteed by the Ontario Human Rights Code or otherwise, may be violated. The Code looks to the impact of the comment or conduct on the individual, rather than the number of times the behaviour occurs, in determining whether a poisoned work environment has been created.

3.4.2 These activities need not necessarily be directed at an individual employee; rather they may be directed at a particular group of people in general. They may include signs, caricatures and/or cartoons depicting members of a certain group in a demeaning manner. One does not have to be a member of a group targeted by the comment or conduct to experience a poisoned environment. An individual may have seen another person receive this unequal treatment or hear someone tell an offensive joke.

3.4.3 A "poisoned" work environment is created by comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of management) that create a discriminatory work environment. The comments or conduct needs not be directed as a specific person, and may be from any person, regardless of position or status. A single comment or action, if sufficiently serious, may create a poisoned environment.

3.5 Hate Activity

3.5.1 Is defined by the Ontario Human Rights Code as comments or actions against a person or group motivated by bias, prejudice or hate based on race, ancestry, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, marital status, family status, sexual orientation or any other similar factor. It includes, but is not limited to, hate crime, hate propaganda, advocating genocide, telephone/electronic communications promoting hate, and the display of hate through any notice, sign, symbol or emblem.

3.6 Sexual Harassment and Gender-Based Harassment

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3.6.1 Sexual Harassment

The Ontario Human Rights Code states that Sexual Harassment can be defined as a course of comment or conduct based on an individual's sex or gender that is known or ought reasonably to be known to be unwelcome.

3.6.2 Gender-based Harassment

The Ontario Human Rights Code states that Gender-based Harassment is a subset of sexual harassment. It refers to behavior that polices and reinforces traditional heterosexual gender norms.

Forms of sexual and gender-based harassment could include:

- Gender-related comments about a person's physical characteristics or mannerisms
- Paternalistic comment or conduct based on gender, which undermines a person's self-respect or position of responsibility
- Unwelcome physical contact
- Suggestive or offensive remarks or innuendoes about members of a specific gender
- Propositions of physical intimacy
- Gender-related verbal abuse, threats or taunting
- Leering or inappropriate staring
- Bragging about sexual prowess or questions or discussions about sexual activities
- Offensive jokes or comments of a sexual nature about an employee or client
- Rough and vulgar humour or language related to gender
- Display of sexually offensive pictures, graffiti or other materials, including through electronic means
- Demands for dates or sexual favours.

3.6.3 Workplace Sexual Harassment

The Ontario Occupational Health and Safety Act further define Workplace Sexual Harassment as:

(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.

3.6.4 Sexual Solicitation

The Human Rights Code prohibits sexual solicitations or advances by any person who is in a position to grant or deny a benefit to the recipient of the solicitation or advance. This includes managers and supervisors, as well as co-workers where one person is in a position to grant or deny a benefit to the other. Reprisals for rejecting such advances or solicitations are also not allowed.

3.7 Parental Harassment

3.7.1 Parental Harassment may be understood as persistent parental or community criticism of, or interference with, school programs or school staff performance or a course of interaction that is vexatious, unwarranted or unsubstantiated.

3.7.2 Parental harassment does not include the normal interaction of parents with school staff regarding their children.

3.7.3 For the purposes of this policy, the term "parent" also refers to a student's legal guardian or person who is responsible for the care and education of the student.

3.7.4 The Board has developed a Parental Harassment Protocol to assist school communities to foster mutual respect among staff, parents and students.

4. Protection from Reprisals

It is the Board's policy that there will be protection from reprisals against those participating in the complaint process, including complainants, witnesses, representatives, investigators and decision-makers. Retaliation will be treated as seriously as an incident of harassment itself.

5. Timelines

5.1 Harassment complaints should be made within twenty (20) working days following the incident giving rise to the complaint.

5.2 The investigation period of a formal complaint should normally be no longer than ten (10) working days, depending on the complexity of the matter.

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5.3 Appeal to the Director for reconsideration of the facts should be made within twenty (20) working days following any action taken as a result of the investigation.

5.4 The timelines identified herein are to be used as a guide to ensure the matter will be dealt with expediently. Nothing precludes the complainant from initiating a complaint after the timelines set out in this policy. However, it is recognized that delay in bringing forward a complaint may cause the investigation process to be less effective and perhaps prejudicial to the complainant/respondent.