DURHAM CATHOLIC DISTRICT SCHOOL BOARD
*Learning and Living in Faith*

# POLICY – PO320

## Workplace Harassment and Workplace Sexual Harassment

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Area: Human Resource Services
Source: Superintendent of Human Resource Services

Approved: Nov. 12, 2007
Revised: Sept. 26, 2016 (Interim); Oct. 24, 2016

Review Cycle: Annually

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## 1. Introduction

The Durham Catholic District School Board (the 'Board') is a Catholic learning community committed to providing a work environment supportive of the dignity of each and every employee, contract employee and volunteer. In addition, because the Board is entrusted with the nurturing and education of students, it is important that all employees be positive role models for the students in their care. The Board believes that all employees and volunteers have the right to work in an environment that is free from harassment and discrimination.

## 2. Definitions

**Discrimination (under the Ontario Human Rights Code)** – treating someone unfairly by either imposing a burden on them, or denying them a privilege, benefit or opportunity enjoyed by others, because of their Race, Ancestry, Place of Origin, Colour, Ethnic Origin, Citizenship, Creed (Religion), Sex, Sexual Orientation, Gender Identity, Gender Expression, Disability, Age, Marital Status (including same-sex partners), Family Status, receipt of public assistance (in housing accommodation only), and record of offences (in employment only).

**Intimidation** – the use of verbal, written or non-verbal action intended to frighten, discourage or inhibit.

**Occupational Health and Safety Act (OHSA)** - sets out the rights and duties of all parties in the workplace, as well as procedures for dealing with workplace hazards and for enforcement as needed.

**Threats** – any statement, act, or communication intended or apparently intended to intimidate or threaten a person, in circumstances where the person threatened believes, or has reasonable grounds to believe, the threat may be carried out.

**Workplace** – any land, premises, location or thing upon which an employee performs work or work-related duties or functions. Schools and school-related activities, including but not limited to extracurricular activities and excursions, comprise the workplace, as do Board offices and facilities. Conferences and training sessions fall within the direction of this policy.

**Workplace Harassment** (as defined in the Ontario *Occupational Health and Safety Act* (OHSA) - *"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 workplace sexual harassment"*.

**Workplace Sexual Harassment** - (as defined by the Ontario *Occupational Health and Safety Act* (OHSA)) - 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 making a sexual solicitation or advance where the person making it 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. Purpose

The purpose of this policy is to provide a framework for a harassment and discrimination free working environment.

## 4. Application / Scope

4.1 This policy applies to every employee, contract employee, and volunteer of the Board.

## 5. Principles

5.1 The Board believes that:

a) all forms of workplace harassment and workplace sexual harassment are inconsistent and undermine Catholic values/social teachings and ethical standards in the workplace;

b) the climate of the workplace must be one that promotes and protects the dignity and self-worth of all employees and, to that end, all employees are entitled to work in an environment that is free of workplace harassment;

c) all employees have a right to expect and receive respect of person and property, and to have that right supported and enforced by the Board;

d) victims of workplace harassment and workplace sexual harassment have a right to be supported by the provisions of legislation, Board policies and administrative procedures.

## 6. Requirements

6.1 The Director of Education shall issue administrative procedures to support this policy and to amend them thereafter as the need arises.

6.2 The Board shall review this policy and related administrative procedure on an annual basis in consultation with the Joint Occupational Health and Safety Committee.

6.3 Every employee shall refrain from engaging in conduct that is in any way harassing, threatening or intimidating.

6.4 Nothing under this policy and its attendant administrative procedures shall impede management from directing, supervising, assessing and evaluating employee conduct and performance in accordance with board policies, administrative procedures and applicable collective agreements/terms and conditions of employment or service contracts.

6.5 All forms of workplace harassment and workplace sexual harassment, including discrimination, intimidation and threatening conduct, constitutes a breach of this policy and its attendance administrative procedures and is subject to disciplinary action that could result in dismissal.

6.6 Reprisals, including intimidation and threat against a complainant or witness are subject to disciplinary action that could result in dismissal.

6.7 Complaints shall be investigated, addressed and resolved through internal and external processes and in accordance with the administrative procedures attendant to this policy.

6.8 All employees will be required to acknowledge their review of the Workplace Harassment and Workplace Sexual Harassment policy and administrative procedure on an annual basis in accordance with the Policy Development and Implementation administrative procedure (AP210-1).

## 7. Sources

7.1 Education Act
7.2 Ontario College of Teachers Act
7.3 Municipal Freedom of Information and Protection of Privacy Act
7.4 Occupational Health and Safety Act
7.5 Youth Criminal Justice Act
7.6 Trespass Act
7.7 Anti-racism Ethnocultural and Equity Act
7.8 Ontario Human Rights Code
7.9 Criminal Code of Canada
7.10 Police/School Board Protocol

## 8. Related Policies and Administrative Procedures

8.1 Workplace Harassment and Workplace Sexual Harassment Administrative Procedure (PO320-1)
8.2 Acceptable Use of Information and Communication Technology Policy (PO431)
8.3 Acceptable Use of Information and Communication Technology Administrative Procedure (AP431-1)
8.4 Code of Conduct Policy (PO610)
8.5 Code of Conduct Administrative Procedure (AP610-1)
8.6 Student Discipline Policy (PO611)
8.7 Student Discipline Administrative Procedure (AP611-1)