



Policy

Title: Workplace Harassment and Workplace Sexual Harassment	Policy #: PO320
Policy Area: Human Resources and Administrative Services	
Source: Superintendent – Human Resources and Administrative Services	
Date Approved: November 12, 2007	
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1.0 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 of harassment and discrimination.

The Board will not tolerate harassment including that which is sexual, by an employee or other individual in the workplace or at any work-related functions, or in any other circumstances that are likely to cause offence or humiliation to an employee including incidents that occur beyond the normal workplace, on social media or outside of working hours. The Board has an obligation under the *Ontario Human Rights Code (OHRC)* and the *Occupational Health and Safety Act (OHSA)*, to investigate incidents and complaints of alleged harassment and/or discrimination in the workplace that are contrary to law.

The Board upholds the *Ontario Human Rights Code* which states, "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 by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability".

The Board policies and administrative procedures shall adhere to the spirit and intent of the Code. Notwithstanding, this Policy should not be construed as affecting the Board's denominational rights as afforded and protected in the *Constitution Act, 1867*, confirmed in the Canadian Charter of Rights and Freedoms and provided for under the Ontario Human Rights Code. The Board does not relinquish these rights.

2.0 **Definitions**

Discrimination – Is defined to include harassing behaviour (see Workplace Harassment and Sexual Workplace Harassment definition) as well as unfair treatment, or the denial of normal privileges, opportunities, services, goods and/or facilities because of any grounds protected under the Ontario Human Rights Code: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability. Subsection 19(1) the OHRC provides that “this Act shall not be construed to adversely affect any right or privilege respecting separate schools enjoyed by Separate School Boards or their supporters under the *Constitution Act of 1867 and the Education Act.*”

Workplace Harassment – As defined in the Ontario *Occupational Health and Safety Act* (OHSa) consists of “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”. It includes, but is not limited to, systemic or persistent actions such as taunts, annoyances and demands designed to inflict distress such as:

- name calling, insults, threats, slurs, degrading or suggestive remarks, offensive songs or records, demeaning racial or ethnic remarks and jokes or innuendoes;
- communication by means of written or graphic materials, unwanted notes, posters, cartoons or letters, and emails, including the display of racist, derogatory or offensive pictures, graffiti or other materials which demean, embarrass or humiliate;
- use of stereotypical images or language (including jokes and anecdotes) which suggest that all or most of a particular identity are the same;
- differential treatment, and the avoidance or exclusion of any group or individual, including the refusal to converse or work with an employee because of his/her racial or ethnic background or gender identity;
- sexual solicitation, advances, threats or innuendoes;
- any activity or behaviour, not necessarily directed at anyone in particular that creates a hostile or offensive workplace;
- abuse of authority such as acts or misuse of power as intimidation, threats, aggressive behaviour, blackmail or coercion;
- withholding of information necessary to perform ones duties;
- verbal and emotional abuse;
- inappropriate staring; and
- “bullying” – which is an attempt to undermine an individual through criticism intimidation, hostile verbal and non-verbal communication and interfering actions.

Workplace Sexual Harassment – Is defined in the Ontario *Occupational Health and Safety Act* (OHSa) as “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 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”. Sexual harassment is an expression of power in a sexual manner. Sexual harassment includes, but is not limited to, that which creates a hostile or offensive work environment, or could be reasonably thought to put sexual

conditions on a person's job or employment opportunities. Sexual harassment is prohibited under the Code regardless of the gender of the persons involved. Sexual harassment may include, but is not limited to:

- unwelcome sexual innuendo;
- unwelcome sexual advances;
- inappropriate body contact;
- request for sexual favours;
- display of exploitive material;
- leering;
- unwelcome questions or comments about a person's sexual life; and
- unwelcome comments on a person's sexual attractiveness or unattractiveness;

Note: For the purposes of this procedure, the term "harassment" is intended to include not only the forms of harassment outlined above, but to also include discrimination and other forms of workplace conduct, which an individual knows or ought reasonably to know to be unwelcome.

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

Threat – Is a written or verbal promise or overt action forewarning trouble, worry or harm.

Note: Reasonable actions taken by the Board or supervisor relating to the management and direction of workers or the workplace is not considered workplace harassment.

Workplace –The workplace includes, but is not limited to:

- any place where employees, contract employees,volunteers, and other users perform work or work-related duties or functions;
- schools and school-related activities such as extracurricular activities, co-co-instructional activities and excursions, comprise the workplace, as do Board offices and facilities;
- conferences, training sessions, workshops, social and travel gatherings are included within this Policy;
- activities within offices, staff rooms, classrooms, cafeterias/lunch rooms and other Board property;

3.0 **Purpose**

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

4.0 **Application/Scope**

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

5.0 **Principles**

The Board believes that:

5.1 All forms of workplace harassment and workplace sexual harassment are inconsistent and undermine Catholic values/social teachings and ethical standards in the workplace;

5.0 **Principles (cont'd)**

5.2 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;

5.3 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;

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

6.0 **Requirements**

6.1 The Director of Education, in consultation with the Joint Occupational Health and Safety Committee (JHSC) shall issue administrative procedures and programs to support this policy and amend them thereafter as the need may arise.

6.2 The Board shall review this policy and related administrative procedure on an annual basis in consultation with the JHSC.

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 attendant 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.

7 Sources

- Education Act
- Ontario College of Teachers Act
- Municipal Freedom of Information and Protection of Privacy Act
- Occupational Health and Safety Act
- Ontario Human Rights Code
- Youth Criminal Justice Act
- Trespass Act
- Criminal Code of Canada
- Anti-racism Ethnocultural & Equity Act
- Police/School Board Protocol

8 Related Policies and Administrative Procedures

- Workplace Harassment and Workplace Sexual Harassment Administrative Procedure (AP320-1)
- Acceptable Use of Information and Communication Technology Policy (PO431)
- Acceptable Use of Information and Communication Technology Administrative Procedure (AP431-1)
- Code of Conduct Policy (PO610)
- Code of Conduct Administrative Procedure (AP610-1)
- Student Discipline Policy (PO611)
- Student Discipline Administrative Procedure (AP611-1)