

G-39

Human Rights Discrimination and Harassment or Occupational Health and Safety Workplace Harassment

 **Date** Nov 2017
 **Review** Nov 2022

The District School Board of Niagara (DSBN) is committed to providing a safe environment within which all persons are treated with respect and dignity. The DSBN will take all reasonable steps to protect our employees, students and the employees of those that provide services to us within our workplaces from discrimination and harassment. This Policy applies to all persons who may be in any DSBN workplace. This Policy applies to all DSBN workplaces, including without limitation, all DSBN property, all DSBN transportation and at all DSBN related events or activities (including extra-curricular activities and while on DSBN business travel).

The DSBN is committed to meeting its obligations under the Canadian Charter of Rights and Freedoms (Charter), the Ontario Human Rights Code (OHRC) and Occupational Health and Safety Act (OHSA) by providing safe schools and workplaces that respect the rights of every individual. This Policy is not intended to limit or constrain the reasonable exercise of management functions in the workplace. Reasonable action or conduct by the employer, administrator, manager or supervisor that is part of his or her normal work function would not normally be considered harassment under the OHRC or the OHSA.

Discrimination

The Charter protects against discrimination on the basis of:

- Race
- Religion

- Sex
- National Or Ethnic Origin
- Mental Or Physical Disability
- Colour
- Age

The Code provides that every person has the right to equal treatment with respect to employment or services, goods and facilities, without discrimination because of:

- Race
- Colour
- Creed
- Gender Identity
- Marital Status
- Ancestry
- Ethnic Origin
- Sex
- Gender Expression
- Family Status
- Place Of Origin
- Citizenship
- Sexual Orientation
- Age
- Disability
- And in the case of employment, Record Of Offences (Prohibited Grounds)

There is a prohibition on any form of discrimination based upon a Prohibited Ground, save and except for such differential treatment of a person that is for a reasonable and legitimate purpose. As such, any form of wrongful discrimination is prohibited.

Harassment

Further, under the OHRC, there is a prohibition of any form of harassment based upon a Prohibited Ground. Additionally, the OHRC specifically confirms that every person who is an employee has a right to freedom from harassment in the workplace because of sex. Every person has the right to be free from a sexual solicitation or advance made by a person in a position to 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 the solicitation or advance is unwelcome. In addition, every person has a right to be free from any reprisal or threat of reprisal for the rejection of any such sexual solicitation or advance.

Under OHSA, workplace harassment provisions are not limited to harassment based upon the Prohibited Grounds. Reference should be made to Policy E-15 Workplace Violence and Harassment Prevention.

REFERENCES

Policy E-03: Health and Safety

Policy E-15: Workplace Violence and Harassment Prevention

Policy G-02: Safe Schools

Policy G-08: Code of Student Behaviour

Policy G-28: Student Discipline