



## Policy Manual – Human Resources

### H.M.11 – Policy Against Harassment and Discrimination in the Workplace

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#### **POLICY STATEMENT**

The Hamilton-Wentworth Catholic District School Board (HWCDSB) is committed to providing a cooperative work environment that is free from discrimination, harassment and any form of bullying in accordance with its shared beliefs, mission and vision and in conjunction with the Ontario *Human Rights Code*, as well as the *Occupational Health and Safety Act*. The Board, through this policy, confirms the centrality of Jesus Christ in our lives, the adherence to the teachings of the Catholic Church and fosters respect for the dignity, self-worth and well-being of all members of the Board’s Catholic Community.

The Board will treat any complaint of harassment, sexual harassment or discrimination as a serious matter and will respond in compliance with the Board’s values and legal responsibilities using a variety of interventions including investigations as appropriate. All reports and documentation gathered under this policy will be dealt with in confidence and in accordance with the *Municipal Freedom of Information and Protection of Privacy Act, 1990*.

#### **Purpose:**

The purpose of this policy is the following:

- To clearly state the commitment of the Board to protect the dignity and rights of its employees and members of the HWCDSB community by denouncing and responding to any act of harassment, sexual harassment, discrimination or bullying at any of its worksites.
- To advise and educate the employees and all parties covered under the policy that harassment, sexual harassment, discrimination and bullying are prohibited under the laws of Canada and Ontario, are contrary to the Board’s Mission, Vision and Catholic values, and will not be tolerated.
- To advise and educate the employees and all parties covered under the policy of the definitions of workplace harassment, workplace sexual harassment and discrimination:
  - Workplace Harassment: 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 including workplace sexual harassment. Harassment may, dependent on the circumstances, consist of a single action or a series of incidents. Reasonable action taken by the Board or any supervisory or managerial personnel relating to the management and direction of Board employees or the workplace is not workplace harassment.



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- Workplace Sexual Harassment: (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.
- Discrimination: Unfair or adverse treatment 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.
- To confirm that this policy applies to all full-time, part time, probationary, temporary and casual employees as well as adult program students in temporary placements (e.g. teacher’s college candidates, Social Worker candidates, Speech and Language Pathologists candidates, etc...) and volunteer workers.
- To advise that this policy is applicable when any person covered under this policy:
  - Carries out duties or conducts business on behalf of the Board;
  - Represents the Board on committees or at work related events, meetings or conferences;
  - Attends work-related functions;
  - Experiences acts of behaviour covered under this policy which occur inside and outside the workplace and have negative repercussions at work or adversely affect working relationships. This also includes any form of harassment or discrimination that occurs in person, via phone, digital and all forms of written communication.
- To advise that there is an administrative procedural document, The Respectful Catholic Workplace Guidelines and Procedures Document, which accompanies this policy document and governs the operational procedures regarding addressing harassment, sexual harassment, discrimination and disrespectful behaviour in the workplace. In addition to the above information, the document addresses the following:
  - The expectation of confidentiality throughout this process except in circumstances where mandatory reporting is required by law.
  - Definition of interpersonal conduct and conflict as covered by this policy
  - Timelines for filing complaints and the complaints process
  - Formal and informal complaint procedure
  - Options for alternative dispute resolution



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- Roles and responsibilities of Board administrators to act when allegations of harassment, sexual harassment, discrimination and or disrespectful behaviour are reported to them
- Frivolous and vexatious complaints or complaints made in bad faith
- Interfering in an investigative process in any way including intimidating a complainant, respondent or witness and or influencing a person to give false or misleading information
- Confidentiality regarding the identity of and information disclosed by individuals acting as witnesses unless disclosure is necessary in order to take corrective or protective action or otherwise required by law
- To confirm that the results of an investigation and any corrective action taken as a result of the investigation shall be shared in writing with the complainant
- To confirm that there is an appeal process available regarding any determination arising from an investigation
- To confirm that any individual proven to have engaged in harassment/sexual harassment or discrimination may be disciplined up to and including dismissal
- Record retention
- Additional definitions
- To advise the complainant that, at any point in this process, they may seek resolution through their union or association, legal channels, the Ontario Human Rights Tribunal and or the Ontario Labour Relations Board.

**Responsibility:** Director of Education

**Regulations:**

- Canadian Charter of Rights and Freedoms
- Ontario’s Human Rights Code
- Accessibility for Ontarians with Disabilities Act
- Child and Family Services Act
- Criminal Code of Canada
- Education Act
- Municipal Freedom of Information and Protection of Privacy Act
- Occupational Health and Safety Act
- Occupiers Liability Act
- Personal Health Information Protection Act, 2004
- Trespass to Property Act



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### **H.M.11 – Policy Against Harassment and Discrimination in the Workplace**

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- Internet and Electronic Communications-Acceptable Use for Employees (A.11)
- Personal Electronic Devices – PEDs (A.12)
- Privacy Breach (A.17)
- Multi-Year Accessibility Plan (A.18)
- Integrated Accessibility Standards Regulations (A.19)
- Records Management (A.20)
- Equal Opportunity Employment (H.M. 10)
- Employee Violence in the Workplace Prevention and Response (H.M.13)
- Respecting Home-School Relationships: Resolving Conflict Between Home and School
- “Shared Solutions”: A Guide to Preventing and Resolving Conflict Regarding Programs and Services for Students with Special Education Needs

**Related Board Committee:** Committee of the Whole

**Policy Review Date:**

BM Original Policy Approved May 3, 1994.

Revisions: 27 June 95, 7 November 95, 1 October 96, 5 November/1996, 1 September 98,  
2 November 04, 7 June 05, 24 June 08, 21 June 11, 4 September 12, 6 May 14, 7 April 15,  
1 March 16, 20 June 17, 19 June 18

To be reviewed: Every (1) year.