

A RESPECTFUL WORKPLACE, VIOLENCE AND HARASSMENT PREVENTION POLICY

POLICY

CODE: A 3.7

Policy Statement:

The Board is committed to promoting a respectful, healthy and safe working environment for all employees based on mutual respect, cooperation and understanding. Any act of violence or harassment committed by or against any employee, member of this Board or the public is unacceptable conduct and will not be tolerated.

It is not the intent of this policy to address violent acts between students which are addressed separately under the Safe School Acts and supporting policies and procedures.

Purpose:

The London District Catholic School Board (the "Board") values and respects inclusive systems to foster and maintain positive learning and working environments in all Board facilities. We are entrusted each day to nurture and support our students and our employees in a respectful and healthy environment that is rooted in our Catholic faith.

Acts of workplace violence or harassment can take the form of verbal or physical contact and may occur as a single incident or may involve a continuing series of incidents. Workplace violence and harassment erodes the mutual trust and confidence that are essential to the Board's operational effectiveness and the well-being of our employees. Situations involving domestic violence can sometimes also cross over into the workplace.

Application and Scope:

1. Principles:

The Board will ensure that individuals:

- are aware of and understand that acts of workplace violence and harassment are considered a serious offence for which necessary action and consequences will be imposed.
- subjected to acts of workplace violence, harassment or domestic violence are encouraged to access any assistance they may require in order to bring their concerns forward.
- subjected to workplace or domestic violence are aware of supports and safety plans that can be implemented in the workplace for the protection of themselves and their co-workers.
- are advised of available recourse if they are subjected to, witness or become aware of situations involving workplace violence and/or harassment.

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- have the right to refuse unsafe work based on workplace violence if he/she has reason to believe that the workplace violence is likely to endanger himself or herself. Section 43 (3) b 1 of the Occupational Health and Safety Act (OHSA).

The Board will ensure the following measures and procedures are in place:

- for workers to report incidents of workplace violence, harassment, or domestic violence.
- to investigate and respond to incidents/concerns/complaints of workplace violence and harassment in an objective and timely manner.
- to include measures and procedures to summon immediate assistance where workplace violence occurs.
- to take necessary action to respond to those incidents and depending on the circumstances, work with the parties to find resolution and/or impose consequences commensurate with the findings of the investigation.
- to conduct risk assessments periodically at each site and review those assessments as often as is necessary.
- to control the risks of workplace violence identified in the assessment that could expose a worker to physical injury.
- to conduct re-assessments of workplaces as often as is necessary to ensure that the related policy and program continues to protect workers from workplace violence.
- to implement safety plans in the event of a concern related to domestic violence.

This policy aligns with the provisions of the Occupational Health and Safety Act (OHSA) for the health and safety of all employees and applies to all members of the Board community, including but not limited to employees, managers/supervisors, trustees, students, visitors such as parents and community members, volunteers, permit holders, contractors, and employees of other organizations who work at or are invited onto Board property.

Posting of the Policy:

The policy and procedure concerning workplace violence and harassment is posted electronically on the staff portal.

Review of the Policy: The Board will review the policy at least annually with respect to workplace violence and harassment and as often as is necessary, to ensure that policy and program continue to protect employees from workplace violence.

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Respecting Privacy while Protecting Workers: The employer's duty is to take every precaution reasonable in the circumstances to protect workers however, sometimes this may outweigh an individual's expectation of privacy. An individual's privacy may need to be balanced against ensuring the safety of others.

Communicating on a "need to know" basis will ensure that information about an incident of violence, harassment or domestic violence is kept confidential or restricted to a minimum number of employees (for example, those who are directly involved or those directly responsible for ensuring the safety of those workers who may be at risk).

Complaint Resolution Alternatives: A person affected by workplace harassment or violence has the right to pursue their concern through complaint investigation or alternative forums such as a grievance, mediation or other forms of dispute resolution. Nothing in this policy prevents an individual from pursuing other remedies to an incident of workplace harassment or violence such as criminal or civil action, or a complaint to the Ontario Ministry of Labour or the Ontario Human Rights Tribunal.

Assistance: An employee with questions, concerns or a complaint regarding workplace violence, harassment or domestic violence are encouraged to contact their manager/supervisor, Human Resources Services or their Union Representative for assistance or advice.

Work Refusal: A worker has the right to refuse unsafe work under the Act and this right also applies, if properly exercised, to workplace violence that is likely to endanger himself or herself, where there is an imminent risk.

No Retaliation: Reprisals by an employer are strictly prohibited. All persons involved in the circumstances giving rise to a complaint of workplace harassment, violence or domestic violence (i.e. respondent, co-workers, and manager/supervisor) will ensure that the complainant, respondent and/or witnesses are neither penalized nor subjected to any prejudicial treatment as a result of making the complaint or participating in the complaint process or investigation. Disciplinary action will be taken against any person who takes any retaliation or reprisal against a person who reports workplace violence or harassment.

False Allegations: A person, who submits a complaint in good faith, even where the allegations cannot be substantiated, has not violated the policy. However, if an investigation results in a finding that the complainant falsely and knowingly accused the respondent of workplace violence or harassment or did so with malicious intent or in a malicious manner, the complainant may be subject to appropriate disciplinary action, up to and including the possibility of termination. Making false allegations is considered a violation of the policy and the investigation results and any sanctions will be recorded in the employee's personnel file.

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2. Definitions:

- i) **Respectful Workplace:** A respectful workplace is one where people are able to work collaboratively and professionally. Behaviours that create and support a respectful workplace are:
- positive communication and collaborative working relationships.
 - courteous and respectful treatment of others.
 - treating everyone equitably and fairly.
 - listening to what others have to say.
 - recognizing and valuing diversity in the workplace.
 - willingly and sincerely apologizing to people when something you say or do has or may have offended another individual.
- ii) **Manager/Supervisor:** For the purpose of this policy, manager or supervisor means a person who has charge of a work place or authority over a worker (i.e. Director, Superintendents, Executive Officers, Principals, Vice-Principals, Managers, and Supervisors).
- iii) **Workplace:** The workplace is any place where employees perform work or work-related duties or functions. Schools and school-related activities, such as extra-curricular activities and excursions, comprise the workplace, as do Board offices and facilities. Conferences, off-site meetings, training sessions and social events also fall within the scope of this policy. This policy applies to all activities that occur while on Board premises, or while engaging in workplace activities on or off Board property, or while engaging in Board sponsored or workplace social events, or while using Board issued vehicles or electronic equipment, or virtually through the use of social media or personal electronic devices.
- iv) **Continuum of Inappropriate Behaviours:** It is important to identify that there are various forms of behaviours in the workplace that can range from lack of common courtesy to offensive remarks, rude or inconsiderate conduct to sexual or workplace harassment. Workplace harassment can escalate over time to threats, or acts of physical violence. In some cases violence escalates as a result or prolonged harassment in the workplace.
- v) **Complaint:** A Complaint is an allegation of harassment communicated verbally or submitted in writing. For the harassment complaint process, a written complaint must be submitted.
- vi) **Complainant:** The Complainant is the person who believes he/she has experienced workplace violence and/or harassment and makes a complaint.

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vii) Respondent: The Respondent is the person against whom a complaint has been made.

viii) Workplace Sexual Harassment:

1. 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
2. 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.

ix) Workplace Harassment:

- **As defined by the Occupational Health and Safety Act**, workplace harassment is 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.
- **As defined by the Ontario Human Rights Code**, is 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 *and is related to one or more of the 14 protected grounds: Age (18-65), Race, Place of Origin, Marital Status, Disability, Record of Offences, Colour, Citizenship, Sexual Orientation, Ancestry, Religion, Sex, Ethnic Origin, Family Status.*

Workplace harassment may have some or all of the following components:

- it is generally repetitive, although a single serious incident may constitute workplace harassment if it undermines the recipient's psychological or physical integrity and has a lasting harmful effect.
- it is hostile, abusive or unreasonable.
- it affects the person's dignity or psychological integrity.
- it results in a poisoned work environment.

In addition, behaviour that intimidates, isolates or discriminates against the recipient may also be included.

Some examples of workplace harassment may include:

- verbally abusive behaviour such as yelling, insults, ridicule and name calling including remarks, jokes or innuendo that demean, ridicule, intimidate or offend.
- workplace pranks, vandalism, bullying or hazing.

- gossiping or spreading malicious rumours that demean, ridicule, intimidate or offend.
- excluding or ignoring someone, including persistent exclusion of a particular person from workplace-related social gatherings.
- undermining someone's work efforts by deliberately withholding information that would enable a person to do their job.
- providing demeaning or trivial tasks in place of normal job duties.
- humiliating someone.
- sabotaging someone's work.
- displaying or circulating offensive pictures or e-mails.
- impeding an individual's efforts at promotions or transfers for reasons that are not legitimate.
- making false accusations about someone in memos or other work related documents.

x) What is not workplace harassment? Workplace harassment should not be confused with legitimate, reasonable management actions that are a normal part of the regular work function, including:

- measures to correct performance deficiencies, such as placing someone on a performance management plan.
- imposing progressive discipline for workplace infractions.
- managerial functions which could include coaching, counselling, requesting medical documents in support of an absence from work.

The Board recognizes that differences in opinion or minor disagreements between co-workers occur and this may not generally be considered workplace harassment.

In addition, any behaviour that would meet the definition of workplace violence would not be considered workplace harassment.

xi) Workplace Violence: As defined by the *OHSA*, workplace violence is:

- the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.
- an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to a worker.
- a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against a worker, in a workplace, that could cause physical injury to a worker.

Examples of workplace violence include, but are not limited to:

- threatening behavior such as shaking fists, destroying property or throwing objects.
- verbal or written threats that express an intent to inflict harm.
- physical force or threat of physical force.
- any other act that would arouse fear in a reasonable person in the circumstances, including stalking.

xii) Poisoned Work Environment: As a result of incidents of workplace violence or harassment, the working environment becomes a hostile or uncomfortable place to work, even if the person is not being directly targeted. This is commonly referred to as a poisoned or toxic work environment and it is also a form of harassment.

Some examples of actions that can create a poisoned work environment include:

- displaying offensive or sexual materials such as posters, pictures, calendars, web sites or screen savers.
- distributing offensive e-mail messages, or attachments such as pictures or video files.
- practical jokes that embarrass or insult (someone).
- jokes or insults that are offensive, racist or discriminatory in nature.

xiii) Domestic Violence: also known as domestic abuse, spousal abuse, battering, family violence, and intimate partner violence (IPV), is a pattern of behavior which involves the abuse by one partner against another in an intimate relationship such as marriage, cohabitation, dating or within the family. It can also include ex-partners or ex-spouses

If the Board becomes aware or ought reasonably to be aware that domestic violence is likely to expose an employee to physical injury that may occur in the workplace, the Board will take every reasonable precaution to protect the employee.

xiv) Safety Plan: A safety plan is developed when concerns related to domestic violence and other forms of workplace violence are reported and involves identifying actions that will increase worker safety, and preparing for the possibility of further violence. Safety plans should always be created with input from the victim or group of workers, customized to meet the needs of the individual victim(s), and include available resources and support. Safety plans are a crucial step in ensuring worker safety and are to be dynamic and revised based on the increasing or decreasing risks as determined through monitoring of the situation with the victim.

3. Roles and Responsibilities:

- Employer's Responsibilities:** In accordance with Section 25 (2) h of the OHSA to take every precaution reasonable in the circumstances for the protection of the workers, the Board will ensure that there is a process to assess risk and to address concerns related to workplace violence and harassment as defined herein. The Director of Education will ensure that a policy and program exists, is posted and reviewed as often as is necessary, but at least annually to ensure that policy and program continues to protect employees from workplace violence and harassment.
- Manager/Supervisor Responsibilities:** As defined by the OHSA manager/supervisors are also required to take every precaution reasonable in the circumstances for the protection of workers. Associated with this duty, a supervisor shall advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware. This would include workplace violence or harassment. Section 27 (2) (a) of the OHSA.

For the purpose of this policy, manager/supervisors are responsible to:

- ensure the Board's commitment and expectations of having a respectful workplace are upheld.
- promote a respectful workplace free from harassment by modeling and acting respectfully towards other individuals while at work and participating in any work-related activity.

- assess the workplace environment for behaviour/conduct that ought reasonably to have been known to be harassment or present imminent danger in order to minimize or eliminate the risk of workplace violence.
- ensure that this policy is explained to all employees that are directly supervised or managed.
- identify and address training needs for employees.
- ensure that employees understand who to contact regarding concerns about the policy and how to summon immediate assistance when faced with workplace violence.
- ensure employees know who to report an incident or complaint to.
- explain to employees what the manager/supervisors' responsibilities for addressing/reporting concerns.
- ensure the physical safety of employees and your own immediate physical safety if an incident of workplace violence is imminent or occurs, then report criminal behavior to the police and advise your supervisor and Human Resources.
- where a person is killed or critically injured from any cause at a workplace including workplace violence, the employer shall notify the Occupational Health & Safety Officer who will immediately contact the Ministry of Labour, the Joint Health & Safety Committee (JHSC), and trade union of the occurrence by telephone, or other direct means. The employer shall, within forty-eight (48) hours after the occurrence, send to the Director of the Ministry of Labour a written report of the circumstances of the occurrence containing such information and particulars as prescribed by the Act and regulations.
- notify the union and JHSC within four (4) days if an employee is disabled from performing his/her own work, or requires medical attention because of an incident of workplace violence, giving written notice of the occurrence containing prescribed information and particulars.
- ensure that in the event of an employee refusing to work due to concerns related to workplace violence, that the work refusal procedure is followed.

iii. Employee's Responsibilities: Employees also have duties prescribed in the Act and must work in compliance with the Act and regulations.

For the purpose of this policy, as an employee, he/she is responsible to:

- conduct him/herself in a manner that is conducive to a respectful workplace.
- to act respectfully towards other individuals while at work and participating in any work-related activity.
- report to his or her employer or supervisor any contravention of this Act or regulations or the existence of any hazard of which he/she knows (Section 28(1) (d) of (OHSA)).
- co-operate with any efforts to deal with and resolve matters arising under this policy.
- ensure his/her immediate physical safety in the event of workplace violence, then report the incident to the police and to his/her supervisor /manager as the situation warrants.

iv. Union's Responsibilities: Union partners are responsible to uphold the provisions of this policy, corresponding procedures and applicable collective agreement language. Union Representatives will participate in the process to achieve positive outcomes.

v. Joint Health & Safety Committee (JHSC) Responsibilities: The responsibilities and powers of the JHSC are prescribed in Section 9(18) of the OHSA which include, identifying

situations that may be a source of hazard or danger to employees and making recommendations to the Board.

Expected Outcomes of Policy:

The existence of this policy will:

- increase the awareness of the responsibility that all members of the workplace have towards promoting a respectful workplace and reducing both the risk of, and incidents of, workplace violence and/or harassment;
- provide a mechanism for employees to report any incidents of violence and/or harassment, and protect the rights of those employees who report; and
- ensure that incidents of violence and/or harassment are responded to in a timely manner that is respectful of the employees' rights and focused on achieving a resolution that continues to promote a safe workplace.

Adopted: May 11, 1998

Revised: February 26, 2018