



Procedure: Workplace Harassment – Report, Investigate & Respond

Effective Date: September 21, 2010.

Last Revision Date: (24-Oct-16)

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I. Overview / Procedure Description

This Procedure outlines the requirements for reporting, investigating and responding to incidents and complaints of workplace harassment.

II. Areas of Responsibility

- a) Board employees shall promptly report all incidents of workplace harassment to their Principal, Manager or Supervisor. In the event that the Principal, Manager or Supervisor is the alleged harasser the incident of workplace harassment shall be reported to the immediate supervisor of the Principal, Manager or Supervisor; or to a Board Superintendent.
- b) Board Principals, Managers and Supervisors shall immediately report all incidents and complaints of workplace harassment to the Manager of Human Resources Services. In the event that the Manager of Human Resources is the alleged harasser the incident of workplace harassment shall be reported to the Superintendent of Business Services or to another Board Superintendent.
- c) Board Principals, Managers and Supervisors have responsibility for the investigation of incidents and complaints of workplace harassment.
- d) In his or her discretion the Director of Education may designate another staff member or a neutral third party to investigate any incidents and complaints of workplace harassment.
- e) The appropriate Board Supervisory Officer and/or the Manager of Human Resources Services have the responsibility for reviewing the results of any investigation and taking appropriate action.

III. Procedure Steps / Checklist

1. Reports & Complaints of Workplace Harassment:

- a) Complaints or reports of workplace harassment shall be made promptly, in writing, and no more than one year from the incident or one year from the last incident in a series of related incidents.
- b) The written complaint shall:
 - provide the complainant's contact information (name, home address or work location, phone/cell and email);
 - describe the particulars of the incident(s) or situation (date, time, location and what happened);
 - identify the relevant persons involved (name, contact information, status (employee, student, other));
 - set out any other relevant information; and
 - furnish the remedy sought.
- c) Board employees shall promptly report all incidents of workplace harassment to their Principal, Manager or Supervisor. In the event that the Principal, Manager or Supervisor is the alleged harasser the incident of workplace harassment shall be reported to that employee's immediate supervisor or to a Board Superintendent.



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- d) Board Principals, Managers and Supervisors shall immediately report all incidents and complaints of workplace harassment to the Manager of Human Resources Services. In the event that the Manager of Human Resources is the alleged harasser the incident of workplace harassment shall be reported to the Superintendent of Business Services or to another Board Superintendent.

2. Teachers and Adverse Reports:

- a) Teachers who report an incident or file a complaint of workplace harassment involving another teacher are reminded that section 18 (1) (b) of the Regulation made under the Teaching Profession Act requires the teacher reporting the incident or the complaint to provide the alleged teacher offender with a written statement of the complaint or incident at the earliest possible time and not later than three days after making the report.
- b) The Teaching Profession Act defines a teacher as a person who is a member of the Ontario College of Teachers and is employed by a board as a teacher but does not include a supervisory officer, a principal, a vice-principal or an instructor in a teacher-training institution.

3. Confidentiality and Disclosure of Information:

As much as possible confidentiality will be maintained in the process. However, the right of an alleged offender to know the case against him or her, reporting obligations, the obligation to investigate and the obligation to take any necessary action means that absolute confidentiality cannot be guaranteed to the employee filing the complaint / report or to the employee against whom a complaint is made.

4. Representation for an Alleged Offender / Complainant:

- a) An alleged offender who is a unionized employee has a right to have his or her union representative present at any investigative meeting or a meeting which may result in disciplinary action. An alleged offender who is not a unionized employee has a right to have a representative present at any investigative meeting or a meeting which may result in disciplinary action.
- b) A complainant who is a unionized employee has a right to have his or her union representative present at any meeting resulting from an incident or complaint of workplace harassment. A complainant who is not a unionized employee has a right to have a representative present at any meeting resulting from an incident or complaint of workplace harassment.

5. Interim Action:

After a written complaint of workplace harassment has been received, the Manager of Human Resources Services shall assess whether any interim action is required to provide the complainant with a workplace free from harassment.

6. Informal Resolution:

In less serious incidents of workplace harassment an informal resolution process may be used to attempt to resolve the dispute between the parties to the alleged incident(s).

7. Investigation

- a) Written workplace harassment complaints shall be investigated promptly.
- b) Prior to making a final decision on the complaint the alleged offender shall be given the particulars of the complaint / investigation and provided with an opportunity to make a written response to the allegations.



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8. Assessment of the Complaint:

The response of the alleged offender shall be considered prior to making a determination of what happened and what action should be taken.

9. Reporting to the Complainant / Alleged Harasser:

The complainant and the alleged harasser shall be advised, in writing, of the results of the investigation and of the action the Board has taken or will take to maintain a harassment free workplace.

10. Record of Complaint, Investigation & Response:

- a) The report of the investigation, supporting documents and Board response shall be retained by the Manager of Human Resources Services in a confidential Board Folder. If discipline was administered as a result of the workplace violence, the necessary disciplinary documentation shall be filed in the employee's personnel file.
- b) If the complaint was resolved by an informal resolution process, a record shall be kept of the original complaint, the results of the informal dispute resolution process and the records from any follow up or monitoring of the situation.

11. Alternative Routes for Dealing with Complaints:

At any stage in, before or after this process, a complainant may choose to refer the complaint to the Police, the Human Rights Tribunal of Ontario, or their Professional Organization or Association. The Manager of Human Resources Services may choose to involve the Police.

IV. Definitions

supervisor means a person who has charge of a workplace or authority over a Board employee or a worker who is paid to perform work or supply services. Board supervisors include Superintendents, Managers, Principals/Vice-Principals and their designates, Lead Hands and any other person who supervises Board employees or contract workers.

workplace means any land, premises, location or thing at, upon, in or near which a worker works.

workplace harassment means:

- 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 means,

- (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.

V. Related Information

Related Board Policy

POLICY: Workplace Harassment