

APG# HR13: Workplace Anti-Harassment and Appropriate Conduct

Adopted:	August 18, 2009	APG Number:	HR13
Revised:	September 6, 2016	Former APG Number (if applicable):	
Reviewed:		APG Category:	Human Resources Services
Subsequent Review Date(s):		Page(s):	

PREAMBLE

Employees shall demonstrate their commitment to the Christian values in their daily lives, in their interactions with one another, and with the students they serve. Within this environment, any form of harassment or discrimination is unacceptable as it undermines the integrity of working relationships and threatens personal well-being and performance. It is in the best interest of the Board and its employees that all parties are ensured of an expeditious, objective and professional response to complaints or allegations of harassment or discrimination within the Board.

1. DEFINITIONS

- 1.1 Harassment:** Workplace harassment is defined in accordance with the Ontario Occupational Health and Safety Act (OHSA) as: 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.
- 1.2 Workplace Sexual Harassment:** The OHSA further defines 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.
- 1.3 Poisoned Work Environment:** Insulting or degrading comments or actions in a workplace may cause employees to feel that the workplace is hostile or unwelcoming. When comments or conduct of this kind have an influence on others and how they are treated, this is known as a “poisoned environment.”
- 1.4 Prohibited Grounds:** Any unwanted or unwelcome behaviour encompassing “prohibited grounds” may be guilty of harassment. Under the Ontario Human Rights Code “prohibited grounds” include: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same sex partnership status, family status or disability.
- 1.5 Supervisor:** For the purpose of this APG, supervisor means “a person who has charge of a workplace or a worker.”

2. SCOPE OF THE APG

This APG applies to the Board’s employees, including temporary, casual and contract staff, volunteers, and people who work to gain experience.

The APG applies to all activities which take place on Board premises or connected to the workplace and during any employment-related duties or activities, including social functions, extra-curricular activities, field trips, conferences, training sessions and travel.

3. PURPOSE

Guidelines:

The purpose of this document is:

- a. To provide information and education for all who are covered by the Scope of the APG (*section 2*), to the fact that workplace harassment and discrimination is prohibited under the laws of the Province, as well as contrary to Catholic teachings and values. In addition, inappropriate workplace conduct is also contrary to Catholic teachings and values.
- b. To identify the rights and responsibilities of all covered by the Scope in relation to this APG.
- c. To establish measures to prevent and stop harassment by and against all who are covered by the Scope.
- d. To provide confidential, impartial and effective procedures for responding to concerns of harassment or inappropriate conduct, respecting the rights of all involved parties.
- e. To provide effective responses to complaints, and appropriate consequences where findings of harassment or inappropriate conduct have occurred.

The Board will not tolerate harassment or inappropriate conduct in the workplace and will make every reasonable effort to prevent and eliminate conduct which falls within the scope of this APG.

4. EXPECTATIONS

4.1 Employees' Rights and Responsibilities

The Board recognizes the right of every employee to a working environment that is free from harassment. Each and every member of the organization is expected to assist in the implementation of this APG by conducting themselves in a manner which honours diversity, demonstrates professional conduct and mutual respect for others in the workplace.

- a. Employees are expected to act towards all other individuals professionally and respectfully. That includes students, co-workers, colleagues, supervisory staff, subordinates, volunteers, elected officials, parents and members of the public.
- b. Employees who believe they have been treated in an improper and offensive manner are expected to communicate to the offending party, as soon as possible, directly or through a supervisor, their disapproval or unease. Guidance is available from their supervisor, the Human Resources department, or the Union.
- c. They can expect to be informed of the Board's policy and APG.
- d. They can expect prompt action if they report an incident of harassment to their supervisor or if necessary, to another appropriate supervisor.
- e. They can expect to be treated without fear of embarrassment or reprisal when dealing with a harassment situation or in the resolution of a complaint.
- f. They will be encouraged to participate in a mediation process before proceeding with the complaint process.

4.2 Complainants, Respondents, and Witnesses

Everyone covered under the scope of the APG is expected to participate, fully and in good faith, in any Informal Resolution Process or Formal Complaint and Investigation Process in which they have been reasonably identified as having potentially relevant information pertaining to a complaint of harassment.

- a. Complainants, respondents, and witnesses are expected to provide information as required in the steps noted below under 'complaint process'.
- b. They are expected to cooperate in the complaint process when called upon to do so.
- c. They are expected to limit the discussion of the complaint to those who need to
- d. know.
- e. Complainants and respondents will receive information related to the complaint in writing, including allegations, as noted under 'complaint process'.
- f. Complainants and respondents may have with them, during meetings and
- g. interviews related to the resolution of the complaint, a person of their choice who has agreed to accompany them and who is not a party to the process.
- h. Complainants and respondents will be informed in writing of the outcome of the investigation.
- i. If the complaint is founded, complainants will be informed whether corrective or disciplinary measures will be taken as a result of their complaint.
- j. If the complaint is frivolous or in bad faith, respondents will be informed whether corrective or disciplinary measures will be taken.

4.3 Roles and Responsibilities of Supervisory and Management Personnel

All employees are expected to share in the implementation of this APG, through understanding and acting in accordance with its content. It is important to recognize however, that those in positions of authority with staff carry more responsibility than other employees within our organization.

Under law, supervisory and management personnel have an obligation to make every reasonable effort to establish and maintain a workplace free of harassment. (Ontario Human Rights Code, Section 39 (2)(e)).

Within our organization, this includes the Board of Trustees, the Director of Education, Superintendents, Principals, Vice-Principals, Managers, as well as those in other supervisory positions.

Related to this APG, their responsibilities include:

- a. acting as a role model for professional and respectful conduct
- b. ensuring employees have awareness, instruction on the content, and full access to information regarding the Board's Workplace Anti-Harassment and Appropriate Conduct APG.
- c. intervening when he/she believes inappropriate conduct may have occurred
- d. respecting the rights of all parties to a fair, equitable and confidential process for responding to complaints

4.4 Supervisory Officer, or designate

- a. This person is expected to be impartial in any complaint process in which he or she is involved.
- b. He or she can expect to have access to learning opportunities related to this role and its responsibilities.
- c. He or she is expected to apply the established steps in the complaint process.
- d. He or she is expected to take the necessary action to ensure the confidentiality of complaints.
- e. He or she is expected to ensure that both complainants and respondents have access to support and advice during any resolution process associated with the complaint.
- f. He or she is expected to offer mediation.
- g. He or she is expected to separate the complainant and respondent when possible, for the duration of the complaint process, if he or she deems it necessary.
- h. He or she is expected to conduct an investigation and will ensure that objectivity is maintained throughout the investigation.
- i. He or she is expected to ensure that no documents relating to the harassment complaint are placed in the personnel file of either party, other than a disciplinary letter in the file of the employee who is subject to a disciplinary measure.
- j. He or she is expected to ensure that parties are provided with the information to which they are entitled.

5. WORKPLACE HARASSMENT

5.1 Any person who engages in unwanted or unwelcome behaviour, verbal or nonverbal, which is hurtful, malicious, offensive or intimidating, based on “prohibited grounds”, may be guilty of harassment. The intention to harass need not be established.

Harassment related to “prohibited grounds” may occur when the behaviour or conduct in question:

- a. Would reasonably tend to cause offense, discomfort, humiliation or embarrassment to another person or group
- b. Would reasonably tend to be perceived as placing, either implicitly or explicitly, a condition on employment and its terms; or
- c. Has the purpose or effect of interfering with a person’s work performance or creating an intimidating, threatening, hostile or offensive work environment.

Generally, harassment requires a “course of conduct”, which means that a pattern of behaviour or more than one incident is usually required for a finding of harassment to be made.

Depending upon the severity and impact of the behaviour, however, a single significant incident may constitute harassment, if it is found to be sufficiently offensive, threatening or intimidating.

With respect to gender, both the Ontario Human Rights Code and the Occupational Health and Safety Act state that everyone has the right to be free from sexual solicitation or advance and free from reprisal or threat or reprisal from the rejection of a sexual solicitation or advance.

5.2 Examples of Harassment:

Workplace harassment can take many forms. Although there can be no exhaustive list, examples of behaviour that may constitute harassment on the basis of a “prohibited ground” include, but are not limited to the following:

- unwelcome jokes, slurs, innuendoes or taunting
- verbal abuse or threats
- refusal to work with or cooperate with others for discriminatory reasons
- isolation or exclusion
- reduction, removal and/or withholding of work-related responsibilities for discriminatory reasons
- vandalism of property
- unwanted practical jokes which cause embarrassment and/or humiliation
- inappropriate communication via electronic mail
- attainment and distribution of improper information from the internet

Examples of Sexual Harassment:

- sexually suggestive or obscene comments
- inappropriate touching, gestures or sexual flirtations
- leering or inappropriate staring
- unwelcome comments, discussion or questions about sexual activities
- display of sexually offensive pictures or objects
- derogatory remarks directed toward members of one sex
- inappropriate jokes of a sexual nature
- explicit propositions
- sexual assault (also an offence under the Criminal Code)
- inappropriate and unwanted comments about a person’s body, dress or appearance
- persistent unwanted sexual contact or attention

Examples of Racial or Ethnic Harassment:

- remarks, jokes or innuendoes about a person’s racial or ethnic background
- name-calling including derogatory racial or ethnic slurs
- the display or distribution of racist, derogatory or offensive pictures or graffiti
- refusing to work or interact with an employee because of her or his racial or ethnic background
- inappropriate comments or gestures about a person’s racial or ethnic background
- threatening, vandalism, intimidation
- stereotypical jokes regarding the ethnicity of any racialized person

5.3 Poisoned Work Environment

Behaviour need not be directed at any one individual in order to create a poisoned work environment. A person can also experience a poisoned work environment even if he or she is not a member of a protected group.

A poisoned work environment cannot, however, be based only on subjective views. There should be objective facts that the comments or conduct infringes on the Ontario Human Rights Code or the Occupational Health and Safety Act.

6. INAPPROPRIATE CONDUCT

The Board recognizes that not all questionable conduct meets the definition of harassment and discrimination, as described by the Ontario Human Rights Code or the Occupational Health and Safety Act.

A course of unwanted and unwelcome behaviour may occur, that is not based upon any prohibited grounds, but nonetheless, would reasonably tend to cause offense, intimidation, discomfort, humiliation or embarrassment to another person or group. Such behaviour is also prohibited under the Board's Workplace Anti-Harassment and Appropriate Conduct APG.

Situations involving a pattern of repeated, inappropriate conduct or personal harassment in the workplace, not related to prohibited grounds, may be considered within the scope of this APG only if the course of conduct is found to be hurtful, degrading, offensive, malicious, insulting, intimidating or humiliating.

Again, dependent upon the severity and impact of the behaviour, *a single significant incident* may constitute a finding of inappropriate conduct, if it is found to be sufficiently offensive, threatening or intimidating.

Examples of inappropriate conduct might include, but are not limited to:

- a. a pattern of insulting or derogatory remarks, gestures or actions related to a person's mannerisms, competence, physical appearance or other personal or cultural characteristics
- b. vulgar language or gestures
- c. bullying through verbal, written or physical threats and intimidation
- d. public criticism or ridicule
- e. misuse of power or authority
- f. isolation and/or exclusion from work-related activities
- g. removal or reduction of professional responsibilities without reasonable cause

This type of inappropriate conduct that is known or ought to reasonably known to be unwelcome, must also be measured against an objective standard of facts in order to determine whether or not the Board's APG has been violated.

7. WHAT IS NOT CONSIDERED HARASSMENT OR PROHIBITED CONDUCT

Harassment does not include the normal exercise of supervisory responsibilities, including performance reviews, direction, counseling and disciplinary action where necessary in accordance with the Board's Progressive Discipline of Employees APG.

Social interactions, jokes and bantering, which are mutually acceptable, would not be considered harassment, if the behaviour is respectful and there is no negative impact for others in the work environment.

Disagreements, misunderstandings, miscommunication and/or unresolved conflict situations also occur in the workplace, which can create a negative impact for the individuals involved. The Board recognizes that such situations can create discomfort or stress, yet they do not demonstrate the basis for a finding of harassment or prohibited conduct.

It is important to distinguish harassment from other forms of conflict and dispute, while still ensuring that appropriate efforts are made to address any situation of concern.

Unless there is evidence that demonstrates a pattern of offensive, inappropriate behaviour, as described earlier in Sections 5 or 6 of this APG, such situations may not constitute a basis for complaint of harassment or prohibited conduct.

Again, while such situations may not fall within the scope of this APG, it is important that appropriate problem-solving measures be taken to resolve any conflict or concerns. In these circumstances, employees are encouraged to seek third party assistance from either their Principals, Vice-Principals, Supervisors, Managers, Superintendents, Union Representatives, or the Human Resources Department.

Please Note:

The Ontario Human Rights Code preserves separate school rights (Section 19(1)). As such, this APG shall not be construed to or in any way have the effect of adversely affecting any right or privilege respecting separate schools enjoyed by separate school boards or their supporters under the Constitution Act, 1867, the British North American Act, 1867 and the Ontario Education Act.

8. WHAT TO DO IF YOU EXPERIENCE UNWELCOME, INAPPROPRIATE OR HARASSING BEHAVIOUR

8.1 If you experience conduct that is inappropriate or harassing in nature, it is important to understand your options and to seek resolution to your concerns.

The following sections will describe available options and avenues for resolution:

Employees are encouraged to pursue the course of action which they consider most appropriate and/or which they believe will be most effective in their situation.

While seeking resolution, employees are asked to respect confidentiality and dignity for all those involved. In the workplace, discussion of concerns should be limited to those directly involved in the situation and/or to those who may be assisting in the resolution process.

Confidentiality

Confidentiality is a critical element to everyone involved in the complaint process. It allows the parties to resolve disputes in a private manner and protects them against unsubstantiated claims that might result in harmful gossip.

Every participant in this process is expected to maintain confidentiality throughout the process and thereafter. Only those who must be informed of the details will be involved, in order to effectively investigate the complaint.

The Board respects a staff's right to privacy. All information collected or disclosed during the complaint and investigation process will remain confidential. The Board will make every effort to safeguard the information collected. The information will not be released to a third party outside of the complaint process unless express written consent is provided by the complainant, unless disclosure is necessary for the purposes of the investigation or in taking corrective action, or as may be required by law. It is understood that the complainant may disclose the terms herein to his/her immediate family members who shall also be bound by confidentiality, legal and/or financial advisors.

Resolution Process

If someone who is covered under the Scope of this APG (*section 2*) believes that he or she has been subjected to Workplace Harassment or Inappropriate Conduct, as defined by this APG, he or she is encouraged to begin with an informal resolution process.

8.2 The Informal Resolution Process

Speak Up

- a. If you believe that you are being subjected to any form of inappropriate behaviour, wherever possible, *ask the person harassing you* to stop the behaviour. In many cases, when the other person becomes aware that his/her conduct is unwelcome, or is having a negative impact, he/she will stop the unwanted behaviour.
- b. Speak to the person calmly and professionally. Describe the unwanted behaviour in specific, factual statements and ask for the unwelcome behaviour to stop.
- c. If you do not feel comfortable approaching the individual, or if your efforts to communicate are unsuccessful, there are several options available under this APG.

It is the Board's intent that those covered by the Scope of the APG have a choice of avenues and resources to contact regarding their concerns, in order to provide access to the most effective and timely response for each situation.

Through the informal resolution process, someone with a concern regarding inappropriate or harassing behaviour may contact a third party resource of his/her choice, in order to discuss the situation in confidence and explore how the matter may best be resolved.

Third party resources include:

- Principal, Vice-Principal, Superintendent, Manager or immediate supervisor
- Union representatives, who may provide information, guidance, advocacy, and support.
- The Human Resources Department, which is available for confidential information and guidance with regard to this APG.

Enquiries and discussions at this stage will be treated as confidential and the individual is under no obligation to file a formal complaint.

Within an informal resolution process, there is opportunity to discuss the details of incidents or concerns, review the details of the APG, then discuss problem-solving avenues.

Where appropriate, a third party resource may assist in facilitating voluntary discussions between involved parties, in order to assist the individuals in arriving at a mutually agreeable solution and to ensure that any inappropriate conduct or harassing behaviour has ended.

No formal written records are completed at this stage, although each person involved should keep documentation of discussions, outcomes and actions taken, if any.

Again, it remains the employee's decision as to which course of action he or she chooses to take.

- a. It is important to review the definitions of Workplace Harassment and Inappropriate Conduct, to determine if either area of the APG may have been contravened. Again, each employee is entitled to then select the course of action or option that he or she believes is most appropriate for his/her situation.
- b. If the matter is resolved, no further action is required.
- c. If the matter is not satisfactorily resolved, the employee may then proceed to a formal complaint and investigation process.
- d. The employee may elect to go directly to a formal complaint and investigation process, if he or she believes that the situation requires this level of intervention.

While it is the employee's decision as to the course of action he/she wishes to take, it must be noted that in situations where issues of harassment related to prohibited grounds appear present, even if the employee does not choose to proceed with a complaint, the Board has an obligation by law to explore the situation further.

As the employer, the Board has a duty to respond and to take appropriate action, where there is evidence of workplace harassment.

Document

To assist in clarifying the facts of each situation, employees are encouraged to document the details regarding unwanted behaviour. As soon as possible, make a record of the details of each incident, including the time, date(s), name(s) of those who were present, if any, and circumstances surrounding the incident.

Note also if you have spoken directly to the individual about unwanted behaviour, details of the dialogue and the individual's response.

Specific information related to the unwanted conduct is helpful to the resolution process, whether the informal or formal process is chosen.

8.3 THE FORMAL COMPLAINT AND INVESTIGATION PROCESS

If informal routes of resolution are either unsuitable or unsuccessful, a formal investigation of the complaint will be conducted.

To initiate a formal investigation, the complainant must provide a written complaint that contains the complainant's name, address, telephone number, the date of the complaint, and the name of the alleged harasser. It must also contain the allegations of harassment citing specific incidents including dates, times, places and any other specific examples and be addressed to the appropriate Supervisory Officer.

In the event that a complaint contains allegations regarding a Supervisory Officer, the Director of Education will manage the formal complaint process.

An employee retains the right to withdraw his or her complaint, should he/she no longer wish to proceed with a formal investigation. Should an employee decide to withdraw his or her complaint, he or she must notify the appropriate Supervisory Officer in writing. It is understood however, that the Board may be required to continue its investigation, where there are indicators that inappropriate or harassing behaviour may have occurred.

In order to ensure impartiality and due process, a fact-finding investigation will be conducted in a timely and unbiased manner.

The investigation will be conducted by an external professional in appropriate cases and/or done internally if appropriate, as designated by the appropriate Supervisory Officer.

The appropriate Supervisory Officer shall forward either a copy of the written complaint, or a redacted version when appropriate, to the person named in the complaint within five working days (or as soon as practicable) of receipt of the complaint. Information obtained about an incident of complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law. In all cases, the respondent will be provided with sufficient information in order to provide a fulsome response to the allegations.

(Note: Teachers must comply with the requirements of the Teaching Profession Act.)

The investigation or fact-finding process will begin within fifteen days of the previous step, unless circumstances dictate otherwise.

When required, one or both parties to the complaint may be assigned to alternate duties for the duration of the investigation, with pay and without disciplinary penalty.

Every effort will be made to expedite the fact finding process unless circumstances dictate otherwise.

8.4 The Investigation Procedure:

- a. The investigator will conduct individual interviews with the complainant and respondent to the complaint, so that each person will have full opportunity to provide information related to the allegations.
- b. Any individuals who have been witness to events, or who may be able to provide information directly relevant to the investigation, will also be interviewed individually.
- c. Both parties and all witnesses have the right to union representation during this process. Non-unionized staff may ask the Appropriate Supervisory Officer for an agreed to third party representative to be present during their interviews and to provide support during the complaint process.
- d. Once all of the relevant information is gathered, the investigator will submit a confidential summary report to the appropriate Supervisory Officer which will include the investigator's findings, conclusions and, if appropriate, recommendations regarding the appropriate action.
- e. This confidential report will not be provided to any of the parties (complainant, respondent, witnesses, representatives) participating in the complaint procedure, unless required by law.
- f. Based on the factual findings and results of the investigation, the Appropriate Supervisory Officer shall make a determination as to whether or not the Board's APG has been violated and what actions are to be taken as a result of the findings.
- g. The complainant and respondent will be advised in writing as to the outcome of the investigation.
- h. Information pertaining to the investigation will be kept in confidence with the Appropriate Supervisory Officer.

8.5 Possible Outcomes of an Investigation

A formal investigation involves a thorough information gathering process, objective analysis, determination of fact and conclusions regarding the allegations made in the complaint.

The investigation may conclude with a finding of harassment, prohibited, or inappropriate conduct, or it may conclude that there is an insufficient basis of information to support a finding of harassment prohibited, or inappropriate conduct, dependent upon the facts and analysis of information. Where anyone is found responsible for workplace harassment, prohibited, or inappropriate conduct, actions will be taken to change and eliminate any illegal or inappropriate behaviour.

Corrective measures may include, but are not limited to:

- a. Mediation
- b. Counseling
- c. Education and training
- d. Formal written apology
- e. Warning
- f. Change of work assignment
- g. Disciplinary action, in accordance with the Board's APG, up to and including dismissal.

If, as a result of the findings, disciplinary action is taken, this shall be noted on the employee's personnel file subject to any provisions in appropriate collective agreements or as required by law.

Any supervisory or management personnel who becomes aware of inappropriate conduct and fails to address it may also be subject to disciplinary actions, up to and including dismissal.

The complainant and the respondent, if he or she is a worker of the Board, will be informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation.

8.6 Time Frames for Filing a Complaint

The Board encourages employees to raise concerns of workplace conduct with the offending party, or with an appropriate third party resource, early in the dispute, before the situation escalates and when resolution is more easily attainable. An employee who believes that he or she is being harassed should raise his/her concern or complaint as soon as possible from the date of the alleged incidents.

Promptness in reporting a complaint protects the rights of both the person making the complaint and the person whose actions are in question.

In setting parameters for the complaint process, the Board adopts the time frame prescribed in the Ontario Human Rights Code, which suggests complaints should be filed within six months following an alleged occurrence of harassment or prohibited conduct.

9. HOW TO RESPOND IF ALLEGATIONS OF INNAPPROPRIATE CONDUCT OR HARASSMENT ARE MADE AGAINST YOU

If allegations are made against you, listen to the concerns of the other party. If your behaviour is inappropriate or harassing in nature, cease the unwelcome behaviour and offer an apology to the person(s) affected by your conduct.

If you believe that the allegations are unfounded, discuss the matter with your union representative, principal, manager, supervisor, superintendent, or the Human Resources Department, as may be appropriate to the situation. Review the Board's APG, including your rights within the process and discuss your options in responding to the situation.

If a third party facilitator or external investigator is involved, provide him or her with information that is factual and specific regarding your response to the allegations. It is helpful to document your version of alleged incidents, detailing the names of the individual(s) involved, when and where incidents may have occurred, noting any witnesses, if applicable.

Knowing that such situations are stressful for all those involved, do not discuss the matter with others at work. Maintain a confidential and professional approach to the situation.

Remember that allegations may not be confirmed in fact. Board APGs are committed to ensuring that each party has full opportunity to present his or her side and that the rights and dignity of all parties are respected in the process.

10. OTHER CONSIDERATIONS

10.1 Protection from Reprisals or Retaliation

Retaliation is unlawful and will not be tolerated. Anyone who retaliates against a person for seeking assistance through this APG, or for filing a complaint, may be guilty of harassment and subject to discipline.

Protection from reprisal covers both complainants and witnesses who have participated in the Board process. Also protected from reprisal are third party resources, representatives, investigators and management responsible for decision-making functions within this process, acting in accordance with the Board APG.

10.2 What happens if someone files a false complaint?

Because of the serious nature of a complaint, false accusations or abuse of this APG will not be tolerated. Frivolous or malicious complaints will result in disciplinary action, up to and including dismissal of employment from the Board.

10.3 Additional Options

Through the Workplace Anti-Harassment and Appropriate Conduct APG, the Board is committed to addressing and eliminating workplace harassment.

However, an individual always maintains the right to file a complaint under the Ontario Human Rights Code to the Ontario Human Rights Tribunal, which (among other things) guarantees:

- a. the right to equal treatment with respect to services, goods and facilities without discrimination because of race, ancestry, place of origin, color, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability; and
- b. the right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability.

Further information about this option may be obtained by contacting the Ontario Human Rights Commission (contact information available on-line at www.ohrc.on.ca) or the Human Rights Tribunal of Ontario (contact information available on-line at www.hrto.ca).

Also, if applicable, an employee always maintains the right to file a grievance under the collective agreement.

11. APPEALS

If the outcome is unsatisfactory to the complainant, he or she may appeal the case to the Director of Education.

If it is found to be a false complaint and it leads to disciplinary action, the complainant may request an appeal to the Director of Education.

If the respondent has new information, or information that may indicate that this APG was not followed correctly and as such had a serious impact on any final decision(s) as to the outcome, he or she may request an appeal.

To initiate an appeal, the appellant must detail in writing his or her reasons for the appeal, to the Director of Education. The Director of Education will determine how to handle the appeal based on circumstances and will make a decision in a timely manner. In all cases, the Director of Education's decision shall be final.

12. References and Related Administrative Procedures and Guidelines (APG)

- 12.1 Policy# [BR90 Anti-Harassment and Anti-Discrimination](#)
- 12.3 Policy# [BR70 Code of Conduct](#)
- 12.4 APG# [SS10 Code of Conduct](#)
- 12.5 APG# [HR03 Progressive Discipline of Employees](#)
- 12.6 APG# [HR04 Appeal](#)
- 12.7 The Ontario College of Teachers Standards of Practice and Ethical Standards (www.oct.ca)
- 12.8 The *Ontario Human Rights Code*
- 12.9 The *Occupational Health and Safety Act*

APPENDIX 1: PROCESS FOR FILING A WORKPLACE HARASSMENT COMPLAINT

