



Policy n° 2006-HR-06	Policy on Harassment
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Approved:	Resolution n°	060426-HR-0201
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Origin:	Human Resources	

Legal framework

Act Respecting Labour Standards, CQLR, chapter N-1.1, sections 81.18 to 81.20, 123.6 to 123.16
Charter of Human Rights and Freedoms, CQLR, sections 1, 4, 10, 10.1, 16 and 46
Civil Code of Québec, CQLR, sections 3, 6, 7, 35, 36, 1457, 1458, 1463 and 2087
Act Respecting Occupational Health and Safety, CQLR, section 9 and section 51, subsections 3 and 5
Canadian Human Rights Act, RSC, chapter H-6, section 14 (2)
Collective Agreements in effect

NOTE: The masculine gender, when used in this document, refers to both women and men. No discrimination is intended.

1.0 PREAMBLE

- 1.1 The Sir Wilfrid Laurier School Board is determined to not tolerate any form of harassment and intends to maintain and promote a working and learning environment respectful of the dignity and psychological and physical integrity of any person to whom this policy applies.
- 1.2 Prevention is both a collective and individual responsibility. Each member of the personnel of the School Board must behave with dignity and respect towards others. All representatives of the School Board are responsible for maintaining an environment that is free of all forms of violence and harassment.

2.0 SCOPE OF THE POLICY

- 2.1 This policy applies to every student, employee, elected representative, volunteer, or person working in association with or providing services or receiving services from the School Board.
- 2.2 This policy applies during any teaching, research, work, guidance or social activity organized by the School Board or its departments, representatives, schools or centres on board premises or elsewhere.
- 2.3 This policy cannot have for effect to limit or restrain one's authority in the normal exercise of administrative functions and responsibilities related to allocation of work, performance evaluation, supervision of employees, control of absences and disciplinary measures for valid reasons.
- 2.4 The rights of employees, as stipulated in the collective agreements, remain in effect.

3.0 POLICY STATEMENT

3.1 By putting into force a policy on harassment, the School Board intends to:

- a) discourage and prevent harassment;
- b) impose appropriate corrective measures when a complaint for harassment is deemed founded, and this regardless of the status or seniority of the respondent;
- c) guide and support the person or group of persons who were victims of harassment;
- d) apply the principles of procedural fairness and confidentiality;
- e) respect the decision of a victim to pursue a complaint;
- f) protect the victim against reprisals;
- g) ensure that the application of this policy does not prevent the victim from exercising other recourses.

4.0 POLICY OBJECTIVE

4.1 The main objectives of this policy are the following:

- a) maintain a work environment free of harassment through the enforcement and implementation of preventive and corrective measures;
- b) establish the respective responsibilities of every person involved in the application of this policy;
- c) establish an assistance and/or complaints process for individuals who are victims of harassment;
- d) as a deterrent measure, to make known the consequences that a person held responsible for harassment could suffer.

5.0 DEFINITIONS

5.1 Harassment

Harassment means any vexatious or contemptuous behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures that affects a person's or group of persons' dignity and/or psychological and/or physical integrity and that results in a harmful work environment for the person and/or group of persons.

A single serious incident that has a lasting harmful effect on a person and/or group of persons may also constitute harassment.

When a presumed harassment situation occurs between a student and an adult, it is imperative that all necessary measures be taken to resolve the situation at the school or centre level.

5.1.1. The following are examples, but not an exhaustive list, of actions defined as harassment:

- a) physical, verbal and written threats or aggression;
- b) unwelcome remarks, jokes, insinuations and/or mockeries based on a person's physical characteristics and/or appearance, sexual orientation, age, sex, civil status, ethnic and/or national origin, culture, religion, etc.;
- c) ostracizing a person, refuse to talk to him, not invite him to informal activities from work, refuse all communication, etc.;
- d) displaying of sexist, racist and/or other offensive material, or graffiti with a sexist, racist, cultural, ethnic, or religious content;
- e) jokes causing personal humiliation or embarrassment and placing individuals in danger or having a negative impact on their performance;
- f) hazing and/or initiation rites;
- g) concupiscent looks and/or obscene or suggestive gestures;
- h) unwelcome questions and/or comments on a person's sexual life;
- i) unwelcome sexual advances;
- j) behaviours, comments, gestures and/or contacts of a sexual nature susceptible of offending and/or humiliating a person;
- k) intimidation;
- l) condescension, paternalism and/or protective attitude undermining personal self-esteem and/or having a negative impact on a person's performance and/or working conditions;
- m) attempts to discredit a person by making false allegations of incompetence, criminal offences, harassment, denunciation, etc., with the intent of causing prejudice to this person;
- n) scream at a person, depreciate his work or reprimand him in front of others, assign tasks that are quite inferior or superior to qualifications, refusal to assign responsibilities or assign humiliating tasks, constantly make negative remarks and persistently criticize;
- o) abuse of powers in order to harm the person by intimidation, threats, blackmail and coercion;
- p) mobbing against a person to make him a scapegoat (whipping boy) to be stigmatized or persecuted;
- q) retaliation against a person who filed a complaint for harassment.

5.1.2 The following does not constitute harassment:

- administrative or disciplinary measures
- allocation of work
- control of absences
- evaluation of performance
- reminders to employees on how to perform tasks
- advising of errors
- expectations of performance

6.0 PROCEDURE FOR THE TREATMENT OF COMPLAINTS

6.1 Step 1: Informal resolution of the problem

Any person to whom this policy applies who believes the actions of another person may constitute harassment under this policy is encouraged to inform that person that his behaviour is unwelcome, offending and that these actions go against this policy and must stop immediately.

In an effort to resolve the situation, an employee may request the help of his immediate supervisor in order to identify the best means to inform the other person to stop the offending behaviour.

If the actions persist and prior to lodging an official complaint, the person to whom this policy applies who believes that the actions of another person may constitute harassment must either meet with his school or centre administrator or immediate supervisor to allow for the superior's intervention.

6.2 Step 2: Filing of a formal complaint

If the actions persist and the complainant is unable to proceed through Step 1, this person may then contact the Director of Human Resources directly.

6.3 The Director of Human Resources must meet with the person and provide the following information:

- a) the possibility of solving the issue informally;
- b) the right to file an official complaint in writing;
- c) the availability of resources, namely counselling;
- d) the right to be represented by a person of his choice during the entire process;
- e) other options and recourses available.

6.4 Following this meeting, any person to whom this policy applies, who believes he has been the victim of harassment, may file an official complaint.

6.5 An official complaint must be submitted on the Harassment Complaint Form (see appendix) provided by the School Board and filed with the Director of Human Resources. Any person to whom this policy applies may file an official complaint without having previously advised his school or centre administrator or immediate supervisor.

- 6.6 If asked, the principal, the centre administrator, the immediate supervisor or the Director of Human Resources may help the complainant complete the Harassment Complaint Form.

7.0 INQUIRY PROCESS

- 7.1 As soon as a complaint has been filed, the complainant and the respondent (person concerned by the complaint) must be convened, in writing, by the Director of Human Resources to a meeting (separately) to be informed that a complaint for harassment has been received and to determine the severity of the complaint and make a decision as to the intervention required. The notification must indicate that the complainant and the respondent may be accompanied by a person of his choice or his union representative when applicable.
- 7.2 If a formal inquiry is necessary, the Director of Human Resources will:
- inform the respondent in writing of the nature of the complaint and inform him of his rights;
 - inform the respondent that there will be a formal inquiry;
 - mandate an external, independent and impartial inquirer;
 - receive the report of the inquiry that will indicate if there was or not harassment. The report may contain recommendations.
- 7.3 The inquirer may request the use of any resources to assist in carrying out the inquiry.
- 7.4 The inquiry should be completed within 30 working days of the filing of the complaint.
- 7.5 The inquiry will normally consist of personal interviews with the complainant and the respondent. Other persons who are aware of the incident and/or the circumstances surrounding the complaint may also be interviewed. Every person interviewed must sign a Confidentiality Agreement Form.
- 7.6 The inquiry will ascertain the following information:
- a) the circumstances;
 - b) a description of the incident(s);
 - c) past incidents or repeated behaviours;
 - d) the relationship between the parties involved and the context where the alleged incidents took place;
 - e) any form of consent or obvious disapproval from the complainant when the incidents took place.
- 7.7 On the recommendation of the Director of Human Resources, the School Board may, at any time, take administrative preventive measures if there is a substantial risk of recurrence or aggravation.
- 7.8 The inquirer shall provide a written report to the Director of Human Resources. The report shall include the following:
- a) Whether the allegations are deemed founded;
 - b) A summary of the events;
 - c) Results from the investigation;
 - d) Recommended corrective measures, if applicable.

- 7.9 If the allegations are deemed to be founded in whole or in part, the School Board shall respect the following procedure, taking into account the findings of the inquiry as far as possible:
- a) When feasible, the School Board will attempt to resolve the complaint in an informal manner, such as a meeting of the complainant and the respondent that leads to an apology or other resolution that is satisfactory to the complainant.
 - b) If an informal resolution is not feasible, fails or is impractical in the circumstances, the School Board may take any measure or recourse provided for in the collective agreements, administrative by-laws and provincial and federal laws in effect. This includes a warning, a reprimand, suspension or dismissal if deemed appropriate. For a respondent who is not an employee of the School Board, the School Board may take all other means available under the law.
- 7.10 The Director of Human Resources must inform in writing as soon as possible the complainant and the respondent of the findings of the inquiry.

8.0 REPRISALS

- 8.1 The School Board will take disciplinary measures and/or other measures against any employee and/or individual who takes reprisals against a person who filed a complaint or is involved in an inquiry for harassment. Reprisal includes any form of intimidation, threat, retaliation or harassment.

9.0 OTHER RECOURSE

- 9.1 The processes described herein do not prevent anyone from exercising other recourses, such as filing a complaint with the *Human Rights Commission* or the *Commission des normes, de l'équité, de la santé et de la sécurité du travail*, and/or taking civil action and/or actions under the Criminal Code, or filing a grievance by virtue of a collective agreement.

10.0 IMMUNITY AND CONFIDENTIALITY

- 10.1 Provided that the complainant acts in good faith, the filing of a complaint for harassment will not affect his employment or the tasks assigned to him.
- 10.2 However, frivolous complaints, false accusations or accusations made in bad faith may result in disciplinary measures or actions against the complainant.
- 10.3 When fulfilling its obligations to conduct an inquiry, take appropriate measures and apply the principles of procedural fairness and confidentiality, the School Board is expected to respect as far as possible the private life of complainants, respondents and witnesses. The names of the complainant and respondent, the written complaint and the names of the witnesses shall not be divulged unless deemed necessary for the implementation of administrative and/or disciplinary measures pursuant to the complaint and/or if required by law.

11.0 FOLLOW-UP

- 11.1 Should there be any corrective measures to implement the School Board will inform the complainant and respondent's immediate supervisor of the findings of the inquiry.
- 11.2 The School Board must pay special attention to the complainant and respondent, as well as to any other person involved, notably by informing them of the services available through the Employee Assistance Program.
- 11.3 The complainant and respondent's immediate supervisor must follow up on any measures taken by the School Board pursuant to the findings of the inquiry, in particular by holding individual meetings with the complainant and respondent to ascertain that the measures implemented are respected and enquire about the work climate and any negative behaviour that could require an intervention from his part.
- 11.4 The complainant and respondent's immediate supervisor may, at any time, request the assistance of the Human Resources Department for the implementation of the process provided for in subparagraph 11.3.
- 11.5 Should the measures taken be insufficient or the negative behaviour continue, the Human Resources Department, in collaboration with the immediate supervisor, will either modify and/or increase the measures and/or take any other measure deemed necessary in the circumstances.

12.0 APPLICATION OF THIS POLICY

- 12.1 The Director General is responsible for the application of this policy.
- 12.2 This policy replaces any other policy on harassment previously adopted by the School Board.



COMMISSION SCOLAIRE SIR-WILFRID-LAURIER
SIR WILFRID LAURIER SCHOOL BOARD

HARASSMENT COMPLAINT FORM

1. Name of complainant: _____

2. Address: _____

3. Place of work or school/centre: _____

4. Person(s) suspected of harassment (respondent):

5. Nature of the allegations:

6. Date(s), time(s) and place(s) where the incident(s) took place:

7. Did anyone witness the incident? yes no

If yes:

a) Name(s) of witness(es):

b) Description of their respective role in the incident:

8. How did you react to the harassment?

9. What measures or actions did you take to have the harassment cease before filing this complaint?

10. If applicable, describe any incident that took place previously.

I am filing this complaint because I honestly believe that _____ has been harassing me.

I hereby certify that, to the best of my knowledge, the above-mentioned information is true, accurate and complete. I understand that making false or frivolous allegations is in violation of this policy and subject to disciplinary sanctions.

Furthermore, I realize that an inquiry will be initiated once this complaint has been filed.

Signature of the complainant

Date