



Dufferin-Peel Catholic District School Board

Workplace Violence Harassment Program (WVHP)

1.0 Statement of Commitment

The Dufferin-Peel Catholic District School Board (DPCDSB) is committed to providing a safe working and teaching environment that is free from threats, intimidation or violence and where everyone is treated with respect and dignity.

2.0 Responsibilities

The employer, supervisor/principal and employee responsibilities for the WVHP are outlined below:

2.1 Employer

- To develop and implement a Board wide Violence/Harassment Program
- To provide assistance, and resources to support the program
- To fulfill their responsibilities as an employer under the Occupational Health and Safety Act

2.2 Supervisor/Principal

- To implement the program at their site
- To conduct worksite risk assessments at their site, as required
- To review and be familiar with the program including applicable policies and procedures
- To implement prevention and mitigation practices noted in the WVHP as applicable
- To investigate and follow up on reports of violence and to complete the appropriate form as indicated in the program
- To develop and implement an appropriate response plan for victims of violent incidents

2.3 Employee

- To report workplace violence to your supervisor/Principal
- To review and be familiar with the WVHP program
- To participate in the training
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3.0 Definitions

Bill 168 amendments to the Occupational Health and Safety Act provide updated definitions for workplace violence and workplace harassment as follows:

3.1 Workplace Violence means:

- 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 the worker

- A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

3.2 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.

Workplace harassment may include but not limited to, bullying, intimidating or offensive jokes or innuendos, displaying or circulating offensive pictures or materials, or offensive or intimidating phone calls.

4.0 Policies

Bill 168 requires the development of policies on workplace violence and workplace harassment. In addition, there is a requirement to:

- Review the policies as often as is necessary, but at least once a year.
- If the employer has more than five regular employees at a workplace the policy must be in writing and posted in a conspicuous place in the workplace.

4.1 Workplace Violence Policy

The DPCDSB has revised its health and safety policy to include workplace violence. The document is referred to as, Board Policy 4.70, Health & Safety. Refer to Section 3 of the Health & Safety Manual.

4.2 Workplace Harassment Policy

A workplace harassment policy has also been established by the DPCDSB. The document is referred to as Board Policy 6.69.1, Harassment and Discrimination. See Appendix A.

5.0 Risk Assessment

The DPCDSB will assess the risks of workplace violence that may occur due to the nature of the workplace, the type of work or the conditions of work. Once these risks are identified, the Board will develop procedures and control measures to mitigate/control these risks. The procedures and control measures will form the basis of the workplace violence program.

The Board will advise the committee or a health and safety representative of the results of the assessment, and provide a copy of the assessment in writing. Where there is no committee, or health and safety representative, the workers will be advised of the results of the assessment.

The Board will repeat the assessment as often as necessary to ensure the workplace violence policy and related program continue to protect workers from workplace violence and inform the JHSC, Health & Safety representative or workers of the results of the reassessment. A risk assessment form has been developed, and can be found in the corresponding Appendix B.

6.0 Procedures

6.1 Workplace Violence

The Dufferin-Peel Catholic District School Board, as a Catholic institution dedicated to the Church's teachings, is committed to providing a safe, caring, healthy and inclusive work environment for its employees, students, visitors and members of the public, where everyone is treated with respect and dignity. The Board will take all reasonable precautions to prevent injuries and illness to persons by providing a work environment free from threat, intimidation or violence. While this kind of conduct is rare, the Board cannot consider itself immune from this behaviour.

6.1.1 Workplace Violence Procedures

6.1.1.1 Procedures detailing action when a violent situation occurs including summoning assistance

In the event of workplace violence or the likelihood of an occurrence of a threat or other dangerous behavior leading to potential violence and safety concerns, employees are encouraged to take immediate action including summoning assistance. In the event of imminent harm and/or danger, employees should contact the Police immediately (CALL 911) and may take any necessary steps to protect him/her from immediate harm, including leaving the area. If the situation does not pose an immediate threat or danger, the employee shall report the incident to their Principal or designate / Supervisor / Manager and/or/Health and Safety Department as soon as possible and complete the Dufferin-Peel Catholic District School Board Incident Investigation Report (GF390).

Every school and/or facility should have an emergency plan detailing procedures for summoning assistance. The plan should identify and include any related procedures including but not limited to:

- Assaults, GAP 306.00
- Employee Safety Protocol, GAP 120.00
- Fire and Emergency Evacuation Procedures, GAP 502.01
- Safety of Pupils – Lockdown/Hold and Secure/Dangerous Article/Weapon, GAP 502.05
- Bomb Threats, GAP 502.06
- Teacher-In-Charge (elementary) and Temporary Administrative Replacement (secondary)
- Working Alone – Plant Facilities

The site specific emergency plan should also include:

- 24 hour emergency contact numbers
- Communication systems and devices needed and to be used in the event of an emergency situation such as:
 - P.A. Systems - School-wide and within the classroom

- Cell Phones
- 2-way Radio
- Personal Alarms
- GPS Tracking System
- *Each school will have a person to whom authority has been delegated as per Bill 157 in the event of an emergency and the absence of any on-site administrators.*

6.1.1.2 Procedure for employees to report threats or incidents of violence including how these will be investigated

In order to protect employees from any danger or stress related to a violent incident or a threat of a violent incident; all acts of violence, potential acts of violence or threats will be investigated immediately. The Principal or Vice-Principal designate / immediate Supervisor and/or Manager will initiate the investigation process including informing all required parties.

All acts or potential acts of violence will be reported using the appropriate forms. For staff, the Incident/Accident reporting form will be used to report all incidents or accidents. This is Incident Investigation Report (GF390). After the occurrence of a serious violent incident leading to suspension/expulsion or report to police and, between students, staff members or non-students, a Violent Incident Report Form must be completed. See GAP 529.00 Police and School Response Protocol and GAP 533.00 Physical Restraint.

6.1.1.3 Procedure for how the employer will investigate and respond to incidents or complaints of workplace violence

Procedures or measures must be in place to investigate acts or potential acts of workplace violence. This can include but not limited to:

- Inspection/visit of the scene of an incident as soon as possible
- An interview of the threatened employee and any witnesses of the incident
- A review of any previous incidents involving the aggressor/perpetrator's behaviour
- Review of the security features of the area where the incident took place
- Documenting all findings and all action taken to prevent a reoccurrence of the incident.
- Reporting all findings as needed and maintaining confidentiality of the reporting employee. (Disclosure limits).

Bill 168 an amendment to the OHSA defines Limit on disclosure as: No employer or supervisor shall disclose more personal information in the circumstances described in subsection (3) than is reasonably necessary to protect the worker from physical injury. Some controls to mitigate or safeguard employees include but are not limited to:

- Notifying the appropriate authorities in the event of any potential criminal activity.
- Assistance with respect to medical care for injured employees
- Trauma counseling for injured employees and employees requesting counseling.

6.2 Workplace Harassment

The Dufferin-Peel Catholic District School Board is a Catholic educational community and is committed to the creation of a working and teaching environment that fosters mutual respect for the dignity and well being of all employees and recognizes that every employee has a fundamental right to a workplace that is free from harassment and discrimination.

In making this commitment, the Board recognizes the rich diversity of our social fabric and the benefits which diversity brings to all members of the Board's community. The Board is committed to encouraging the tolerance of and valuing of differences. The Board will not tolerate harassment and/or discrimination.

6.2.1 Workplace Harassment Procedures

6.2.1.1 Procedure for reporting incidents of harassment, investigating incidents and responding to complaints of harassment

The Board has established procedures (GAP 305.00), Employee Workplace Conduct (including Workplace Harassment procedures), including a Workplace Conduct Complaint form (GF 336) (including workplace harassment) as well as a Checklist (Including Workplace Harassment) for dealing with an incident of discrimination or harassment. See Appendix C.

7.0 Domestic Violence

The Dufferin-Peel Catholic District School Board takes threats and early warning signs of domestic violence seriously and is committed to taking action to prevent threats and acts of domestic violence. Violence, including domestic violence will not be tolerated in the workplace.

Domestic violence is a pattern of behaviour used by one person to gain power and control over another with whom he/she has or has had an intimate relationship. This pattern of behaviour may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking and using electronic devices to harass and control.

Domestic violence can occur between:

- Current or former intimate partners
- Adults or adolescents
- People of all racial, economic, educational and religious backgrounds
- People in heterosexual and same-sex relationships who are:
 - o Living together or separately
 - o Married or unmarried
 - o In short or long-term relationships

Domestic violence becomes workplace violence or harassment when it occurs or spills over into the workplace. It is also known as Personal Relationship Violence, Intimate Partner Violence, Woman Abuse or Family Abuse.

Examples of domestic violence include stalking, repeatedly making abusive phone calls or sending e-mail messages, unwanted visits that lead to violence, interfering with transportation by hiding or stealing the victim's car keys or transportation money. Other examples include threatening co-workers (if you don't tell me, I'll...), verbally abusing the victim or co-workers, destroying the victim's or School Board's property, physically harming the victim and/or co-workers.

Some warning signs of domestic violence include showing up at the workplace and pestering co-workers with questions about the victim, displaying jealous and controlling behaviours or lying to co-workers regarding the whereabouts of the victim.

Please refer to the Workplace Violence procedure, Section 6.1.1 for information on summoning assistance, reporting and investigation of domestic violence incidents.

See Public Services Health and Safety Association website for more information on domestic violence, at www.esao.on.ca/violenceresources.aspx.

8.0 Work Refusal

Workers have the right to refuse work if they have a reason to believe they are in danger from workplace violence. Certain workers continue to have only a limited right to refuse. This is in line with the Teachers Regulation 857 – 3. Part V of the Act does not apply to a teacher where the circumstances are such that the life, health or safety of a pupil is in imminent jeopardy.

9.0 Training and Awareness

- a. Provide training and education to workers on the potential violence and the procedures in place to control them
- b. Training should include risks of workplace violence associated with the job carried out
- c. Training should include any high risk locations and situations
- d. Provisions for informing new employees
- e. Records – Maintain training records of all training provided

10. Program Review

Annual review of the program to review changes and make necessary updates to the program based on employee feedback, worksite reassessments, etc.

DUFFERIN-PEEL CATHOLIC DISTRICT SCHOOL BOARD
BOARD POLICY/REGULATIONS

Board Policy Number:	6.69.1
Subject:	Harassment and Discrimination
Effective Date:	Revised August, 2010/Reviewed October 2011
Reference:	General Administrative Procedure 305.00

The Dufferin-Peel Catholic District School Board, as a Catholic institution dedicated to the Church's teachings, is a community within which children, women, and men stand with equal dignity and value. The Board is committed to providing a work environment that is free from all forms of conduct that are considered harassing or coercive and/or discrimination complaints that are contrary to law.

To work and learn together as equals in a respectful, non-threatening environment is the right of all and fundamental to our Catholic Philosophy. Each employee has the right to work in an environment where equal opportunity exists and where discriminatory practices such as harassment or other discrimination is prohibited.

The Board, therefore, expects that all its employees, students and volunteers will be free from harassment and/or discrimination. Harassment is contrary to both Catholic values and the law and will not be tolerated.

Harassment is defined 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. Harassment normally involves persistent comments or conduct, but may include a single act.

Harassment may include, but is not limited to:

- Unwanted comments, conduct, suggestions or interference
- Various forms of intimidation and aggressive behaviour
- Verbal and emotional abuse
- Withholding of information necessary to perform one's duties
- "Bullying"- which is an attempt to undermine an individual through criticism, intimidation, hostile verbal and non-verbal communication and interfering actions
- Abuse of position/authority – this does not include the normal exercise of supervisory responsibilities, including direction, counselling and discipline when necessary
- Jokes, name-calling or displaying material (e.g. posters, cartoons) which demean, embarrass, or humiliate

Discrimination is strictly prohibited and will not be tolerated. Discrimination is defined to include harassing behaviour as well as unfair treatment, or the denial of normal privileges, opportunities, services, goods and/or facilities because of any grounds protected under the Ontario Human Rights Code: race, ancestry, and place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, same-sex partnership status, family status or disability.

Note: For the definition of harassment, please refer to the Workplace Violence and Workplace Harassment Program document.

Harassment and/or other discrimination will not be tolerated on Board property or in any location where activities related to the business of the Board take place, such as field trips, work-related conferences, social gatherings, activities in other locations where workplace harassment may have a subsequent impact on the work relationship, performance or environment, etc. Actions, attitudes, and behaviour that threaten to undermine a positive and productive work environment are detrimental to all and will not be condoned or tolerated.

It is the responsibility of all members of the Board community to conduct themselves in accordance with this policy in order to create and maintain an environment free from harassment and/or discrimination. All Board employees have a responsibility to conduct themselves in an appropriate manner and must promptly report all information regarding harassment or other discrimination, in accordance with the procedures as described in the Board's Workplace Conduct Procedure (including Workplace *Harassment*).

For procedures, refer to General Administrative Procedure 305.00.

Appendix B

Workplace Violence Work Site Risk Assessment

Instructions

Please insert text here with suggestions and tips for completing this form. It is recommended that a contact person be listed in case there are any questions. It should also note who the form should be returned to as well as the deadline for responding.

If you have not been at your current location long enough to be able to answer any of the following questions, please seek assistance from security, Health and Safety, Maintenance or Risk management Insurance, etc.

School address and daily hours of operation	
Date	
Auditor(s)	
Job Title(s)	

Question	Yes	No	Comments
GEOGRAPHIC LOCATION AND HOURS			
1. Location of the school			
Urban setting			
Rural setting			
Isolated area (basement of a group home, only one exit, etc.)			
Easily accessible emergency services			
What are regular daytime school hours? Start _____ End _____			
2. Is your workplace near any buildings or businesses that are at risk from violent crime (bars, banks etc.)?			
3. Is your building shared with other businesses?			
3a. If yes, is entry to your area(s) controlled?			

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Question	Yes	No	Comments
HISTORY			
4. Have there been any incidents in the past 3-5 years of			
Strangers approaching staff/students at the school (resulting in staff feeling unsafe)			
Vandalism putting staff at risk (graffiti, objects thrown through windows, etc.)			
Conflicts with community members on school property			
5. Do violent, criminal, drunk or drugged persons ever come into your building?			
6. Has the school ever been vandalized?			
ACCESSIBILITY			
7. Is there a system for tracking staff keys?			
7a. If so, is it used/enforced?			
8. Are all doors, except the main entrance, kept locked at all times? If no, specify which doors.			
8a. If not, are non-locked doors monitored?			
9. Can the main doors be locked from a remote location?			
10. Are there posters/signs at the main doors/entrance requiring visitors to report to the main office when they arrive at the school?			
11. Is there an identification system for visitors or service providers?			
11a. If so, is it enforced?			
12. Is there a sign-in and out book for parents or visitors			
12a. If so, is it used/enforced?			
12b. Do staff regularly check and follow up with sign-in/out sheet?			

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13. Do all guests (parents, visitors, service providers, etc.) wear special visitor passes?			
14. Does main office staff have a clear vision line to the main entrance?			
15. Is the main office staffed at all times during school hours?			
16. Can outsiders enter the building when there is no receptionist present?			
Question	Yes	No	Comments
ACCESSIBILITY continued			
17. What is the emergency protocol for main office staff should someone undesirable enter the school?			
SECURITY			
18. Is the school connected to a security company through an alarm system?			
19. Is the security system regularly checked (monthly, etc.)?			
20. Are there signs posted indicating a security system is in use?			
21. Is there a camera system <u>inside</u> the school?			
22. Is there a camera system <u>outside</u> the school?			
HOURS AND ACTIVITIES			
23. Can staff access the school after hours? What are the guidelines for this?			
24. Is there a communication process for staff accessing the school after hours (tracking)?			
25. What are school hours outside regular hours (permits, night school, etc.)?			
26. Are there after school activities? Please indicate in which room(s)?			
27. Are there fundraising activities?			
28. Are funds from fundraising kept at the school?			

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29. Do you follow Board procedure for handling of Board funds?			
30. Are you aware of and do you follow room-use occupancy requirements?			
Question	Yes	No	Comments
HOURS AND ACTIVITIES continued			
31. Does teaching staff have access to school in weekends or the evening?			
32. Is there a method of tracking who comes into the school on weekends?			
33. Are there any safety and security measures in place for entrance into the school after hours for staff (key/code sign out, notifying supervisor, etc.)?			
34. Are there evening custodians at this school who work alone?			
34a. What are their hours of work? Start _____ End _____			
OCCUPANCY PERMITS FOR ROOM USE			
35. Can the public use classrooms outside school hours? If yes, complete one line per activity in the chart below. Please seek assistance from the Permit Department if required.			
Activity	# of People	Room Used	On-site security Yes No
			Frequency of use for this activity (weekly, monthly)
PORTABLES			
36. Are there portables at the school?			
36a. How do students/staff enter into the school from the portables?			
36b. Are there any security measures followed for staff/students entering the			

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school from the portables/yard during the day (buddy system with key, etc.)?			
36c. Can the portables doors be locked from the inside and outside?			
36d. Is there a notification system to the portables should a crisis occur (lockdown. Hold and secure, etc.)?			
Question	Yes	No	Comments
LIGHTING OUTSIDE AND INSIDE			
37. Is the school appropriately lit at night?			
38. Are there zones around the school where someone may hide?			
39. Is the school well lit inside when staff are accessing the building after hours or on weekends?			
40. Are stairwells lit appropriately?			
41. Are washrooms lit appropriately?			
42. Are there areas requiring more light?			
SCHOOL INSPECTION			
43. Is the school inspected every month by your workplace Health and Safety Committee or the Joint Health and Safety Committee?			
43a. Do you participate in the monthly inspections?			
44. Does the inspection include the verification of existing safety measures?			
44a. Do you do the follow up?			
PARKING LOTS			
45. Does staff park in designated parking lots?			
46. Are the exits and entrances well marked?			
47. Is there enough lighting for parking lots at night?			

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48. Are parking lots monitored?			
49. Are there security reminders posted in the parking lots? (i.e. "Lock your car", "Security patrolled", "Parking lot monitored")			
50. Have cars been broken into while in the parking lot?			
POTENTIAL HIDING SPOTS AROUND GROUNDS			
51. Is there any overgrown vegetation that could be a potential hiding place for strangers around the parking lot, walking paths, play areas, field, schools building(s)? (Keeping vegetation cut back is recommended)			
52. Could someone easily hide at the bottom of stairwells?			
Question	Yes	No	Comments
POTENTIAL HIDING SPOTS AROUND GROUNDS continued			
53. In walkways and corridors, are there corners or alcoves where someone could hide?			
53a. If yes, where?			
DAYCARES			
54. Is there a daycare in or attached to the school?			
55. Does the daycare have its own entrance door?			
56. Does the daycare have access to the school?			
57. Does the daycare have security measures in place for intruders?			
58. Is daycare staff familiar with the schools emergency plan?			
59. Does daycare staff control access to the school for parents who come to pick up their children after school hours?			
CLASSROOMS			
60. Do all classrooms have operating communication systems to the main office?			

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60a. Where are they located?			
60b. What is the emergency contact number in an emergency? Is it posted?			
61. Is furniture arranged in classrooms to allow for a quick exit?			
EMERGENCY MEASURES			
62. Are there emergency measures in place?			
62a. Is the staff aware of these measures?			
62b. Are supply teachers aware of the emergency plan?			
62c. Is daycare staff aware of the emergency plan?			
63. Do the emergency measures include a lock-down procedure?			
64. Are safety measures, other than the fire drills already covered by the Education Act, practiced on an annual basis?			
Question	Yes	No	Comments
OTHER			
65. Is there a method for employees to report hazards?			
66. Is staff trained on how to report incidents of conflict (with peers, parents, community members, students, etc.)?			
67. Is there a process in place for having parent-teacher meetings in common areas instead of portable structures?			
68. Is there a system to alert employees if intruders enter?			
69. What improvements would you like to see at your school in terms of security and safety related to conflict or violence?			

Review history of incidents

Review occupancy permits for use

Perform a worksite perimeter check

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General Administrative Procedures # 305.00: Employee Workplace Conduct, including Workplace Harassment

Statement of Commitment

The inherent right of all individuals to be treated with dignity and respect is central to Catholic values and Christian beliefs. The Dufferin-Peel Catholic District School Board is a Catholic educational community and is committed to the creation of a working and teaching environment that fosters mutual respect for the dignity and well being of all employees and recognizes that every employee has a fundamental right to a workplace that is free from harassment and discrimination. The Board has an obligation under the Ontario Human Rights Code as well as the Occupational Health and Safety Act, based on the amendments from Bill 168 “An Act to amend the Occupational Health and Safety Act with respect to violence and harassment in the workplace and other matters”, to investigate matters relating to alleged harassment and/or discrimination complaints that are contrary to law.

In making this commitment, the Board recognizes the rich diversity of our social fabric and the benefits which diversity brings to all members of the Board’s community. The Board is committed to encouraging the tolerance of and valuing of differences. The Board will not tolerate harassment and/or discrimination.

Who Is Covered

All persons working for the Board or carrying out Board business on a temporary, part time or full time basis are covered by this procedure.

Purpose

To ensure that all persons covered by the Employee Workplace Conduct Procedure (including Workplace Harassment) are aware of their rights and responsibilities, and to provide clear and precise procedures for the resolution of incidents.

Statutory / Regulatory Linkages

Education Act
Ontario Human Rights Code
Criminal Code of Canada
Canadian Charter of Rights and Freedom
Occupational Health and Safety Act

Board Policy Linkages

Sexual Harassment – Policy 6.69.1
Antiracism and Ethno-cultural Equity – Policy 4.24
Child in Need of Protection – Policy 6.53

Child in Need of Protection: Reporting Procedures – GAP 108.00
Catholic Code of Conduct – Policy, 6.82, 6.83 – GAP 530.00
New Policy/Policies – Harassment/Violence
New Procedure - Violence

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Responsibilities

It is the Board's expectation that all persons covered will adhere to the Board's procedure, and are required to:

- refrain from engaging in discrimination and harassment
- report occurrences of discrimination and harassment
- be a positive role model
- support victims of discrimination and harassment

Harassment

Harassment is defined 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. Harassment normally involves persistent comments or conduct, but may include a single act.

Harassment may include, but is not limited to:

- Unwanted comments, conduct, suggestions or interference
- Various forms of intimidation and aggressive behaviour
- Verbal and emotional abuse
- Withholding of information necessary to perform one's duties
- "Bullying"- which is an attempt to undermine an individual through criticism, intimidation, hostile verbal and non-verbal communication and interfering actions
- Abuse of position/authority – this does not include the normal exercise of supervisory responsibilities, including direction, counselling and discipline when necessary
- Jokes, name-calling or displaying material (e.g. posters, cartoons) which demean, embarrass, or humiliate

Sexual Harassment

Sexual harassment is defined as any unwelcome sexual comment or conduct that intimidates, demeans or offends an individual. Sexual harassment is an expression of power in a sexual manner. Sexual harassment includes, but is not limited to, that which creates a hostile or offensive work environment, or could be reasonably thought to put sexual conditions on a person's job or employment opportunities. Sexual harassment is prohibited under the Code regardless of the gender of the persons involved.

Sexual harassment may include, but is not limited to:

- unwelcome sexual innuendo
- unwelcome sexual advances
- inappropriate body contact
- request for sexual favours
- display of exploitive material
- leering
- unwelcome questions or comments about a person's sexual life
- unwelcome comments on a person's sexual attractiveness or unattractiveness

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Should harassment incidents involve adolescents, a legal opinion should be sought regarding the procedures to follow.

Note: For the purposes of this procedure, the term “harassment” is intended to include not only the forms of harassment outlined above, but to also include discrimination and other forms of workplace conduct, which an individual knows or ought reasonably to know to be unwelcome.

Discrimination

Discrimination is defined to include harassing behaviour (defined above) as well as unfair treatment, or the denial of normal privileges, opportunities, services, goods and/or facilities because of any grounds protected under the Ontario Human Rights Code: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, same-sex partnership status, family status or disability.

Workplace Defined

For the purpose of this procedure, the workplace includes locations where activities related to the business of the Board take place. These include:

- Activities within offices, staff rooms, classrooms, cafeterias/lunch rooms and other Board property
- Events associated with and including co-instructional and extra-curricular activities
- Situations outside of Board operated premises e.g., field trips, external work assignments, work-related conferences, training sessions, travel or social gatherings
- Activities in other locations where workplace harassment may have a subsequent impact on the work relationship, performance or environment

Human Rights Code/Criminal Code/Grievance Procedure Reference

- Filing a complaint under the Workplace Conduct Procedure (including Workplace Harassment) is not intended to preclude rights under the Collective Agreement, Ontario Human Rights Code, and Criminal Code of Canada or other avenues of redress open under the law.
- The complaint and investigation procedures should not be invoked or pursued at the same time as a parallel complaint before the Ontario Human Rights Commission or if a grievance remains outstanding. While such proceedings are taking place, the procedures outlined here will be suspended and may be superseded, where appropriate.

Reporting Time Frame

Any complaint must be filed within a reasonable time following the occurrence of the triggering incident. The Board adopts a six-month time frame and may, in its discretion, decide not to deal with the complaint when the facts upon which the complaint is based occurred more than six months before the complaint was filed. However, where a reasonable circumstance exists for failing to bring the complaint forward within six-months and the delay would not result in any prejudice to the Respondent, a complaint may be accepted beyond the six-month limit.

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Complaint Withdrawal

The Complainant may choose to withdraw the complaint at any stage. However, the Board may be obliged under this procedure, to continue the inquiry into the complaint and to take whatever remedial action it deems appropriate, or refer the matter to another process or procedure.

Responsibilities for Reporting Harassment and Discrimination

All persons covered under this procedure have the responsibility for and are expected to promote a working and learning environment that is free from harassment and discrimination, and to assist anyone who believes that they are being or may have been harassed or discriminated against. Anyone who believes that a colleague or another person covered under this procedure is being or may have been harassed or discriminated against is encouraged to notify the Supervisor, Principal, Manager or Superintendent.

The Complainant has the right to decide how to respond to harassment and/or discrimination including informal, verbal or written communication with the respondent, or through the filing of a complaint under the Workplace Conduct Procedure (including Workplace Harassment). The Complainant may wish to seek guidance or counselling from his or her Supervisor, Principal, Manager or Superintendent/designate or another resource person (i.e. Union or Association) to discuss the situation and how it might be resolved. Since advice only is being sought at this stage, names need not be disclosed.

Reporting Obligations for Teachers

Teachers should note their obligation under the regulation of the Teaching Profession Act, S.18 (1) (b):

Duties of a Member to Fellow Members

18 (1) (b): A member shall, on making an adverse report on another member, furnish him/her with a written statement of the report at the earliest possible time and not later than three days after making the report. All parties will ensure that a high degree of confidentiality concerning the incident is maintained.

Consequence of Engaging in Harassment:

Under Statute

Human Rights Code:

Persons who engage in harassment prohibited by the Human Rights Code are liable under the code for damages payable to the Complainant. In addition, a person who violates the Code or who obstructs a human rights investigation may also be liable to prosecution under the Code and, on conviction, to a fine of not more than \$25,000.

Persons who have knowledge of, or who acquiesce in, harassment may be found in violation of the Human Rights Code as having indirectly engaged in prohibited activity and are subject to the same consequences as those who directly engage in discrimination or harassment.

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Occupational Health and Safety Act:

A person who contravenes or fails to comply with the Act or the regulations; an order or requirement of an inspector or a Director, or an order of the Minister, is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than twelve months, or to both. If a corporation is convicted of an offence, the maximum fine that may be imposed upon the corporation is \$500,000.

In Employment

Employees who engage, directly or indirectly, in harassment or discrimination may be disciplined up to and including dismissal.

Confidentiality

All records of the complaint, including contents of meetings, interviews, results of inquiries and other relevant material will be kept confidential by the Dufferin-Peel Catholic District School Board, except where disclosure is required by a disciplinary or other remedial process or required by operation of law or as a consequence of contemplated or actual litigation. Records will be stored in a secure file in the Employee Relations Department.

The Complainant and the Respondent and any witnesses interviewed in an investigation are expected to maintain strict confidentiality about the complaint.

Counselling

The Board's Employee Assistance Program (E.A.P.) is available to all employees and their immediate families and offers counselling and resource assistance on a voluntary and confidential basis.

Alternate Routes for Dealing with Complaints

Notwithstanding anything else provided for in these resolution procedures, where, in unusual or extenuating circumstances, the Board determines that a complaint should be dealt with outside these resolution procedures, then any other procedure which the Board determines to be appropriate in the particular circumstances will be followed.

No Reprisals

For the purposes of this procedure, "reprisal" against an individual will be treated as harassment when such actions occur for:

- a) having invoked this procedure (whether on behalf of oneself or another individual);
- b) having participated or co-operated in any inquiry under this procedure; or
- c) having associated with a person who has invoked this procedure or participated in these procedures.

Frivolous or Vexatious Complaints

In the event that an individual is shown to have initiated proceedings under this Procedure in a frivolous or vexatious manner, the Board may take formal disciplinary action against the Complainant, which may include, but is not limited to a letter of reprimand, suspension or possible dismissal of employment. Documentation regarding the disciplinary action will be placed in the employee's personnel file.

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WORKPLACE CONDUCT COMPLAINT PROCEDURE STEPS (INCLUDING WORKPLACE HARASSMENT)

The Workplace Conduct Complaint procedure (including Workplace Harassment) contains three (3) steps, which are outlined below. In most instances, the complaint will be advanced through the Steps outlined below. It is noted that some exceptions to this may apply, and Step 1 or Step 2 may be bypassed and the complaint initiated at Step 3. **COMPLAINTS OF SEXUAL HARASSMENT WILL BE DEALT WITH AT STEP 1 OR STEP 3.**

Timelines set out in this procedure may be subject to variation, as deemed necessary or appropriate by the Board.

Step 1 - Speak Up

- a) The Complainant (person who considers that he/she has been subjected to harassment or discrimination) is advised to record the details surrounding the incident(s) including times, dates, places, names of witnesses, if any, and circumstances surrounding the incident(s).
- b) The Complainant is encouraged to bring the matter to the attention of the Respondent (person responsible for the comment or conduct) calmly, but firmly, making direct and clear objection indicating that the comment or conduct is not acceptable, is unwelcome and must stop. This is often an effective way to resolve the issue and end the harassment and/or discrimination. The Complainant may choose to do this alone or accompanied by a representative of their choice (i.e. Supervisor, Principal, Manager, Superintendent or Union representative). It is important the Complainant document any communication he or she has with the Respondent. It is also important that the Respondent document any communication regarding a harassment and/or discrimination complaint.
- b) Instead of speaking directly to the Respondent, the Complainant may wish to advise the Respondent by letter that the behaviour is unacceptable. If this option is chosen, it is advisable to keep a copy of the letter and proof of mailing, such as a courier or registered mail receipt.
- d) The Complainant may wish to contact the Supervisor, Principal, Manager or Superintendent/designate to request assistance in dealing with the complaint at Step 2 (**IN CASES OF SEXUAL HARASSMENT – STEP 3**):
 - if the Complainant does not feel comfortable talking to or writing to the Respondent;
 - if the Complainant is not satisfied with the result of the initial contact with the Respondent;
 - or, if the harassment and/or discrimination continues.

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Step 2 – Informal Process (*Not used in the case of sexual harassment complaints*)

- a) To initiate the Step 2 process, the Complainant is required to complete the **Workplace Conduct Complaint Form (including Workplace Harassment)** attached to this procedure which details the particulars of the allegations, and submit it along with any other supporting documentation, to their Supervisor, Principal, Manager or Superintendent/designate.
- b) The Supervisor, Principal or Manager is required to contact the respective Superintendent/designate to arrange a consultation within two working days.
- c) The Respondent cited in a complaint will be entitled to receive a copy of the **Workplace Conduct Complaint Form (including Workplace Harassment)** filed by the Complainant within three working days of the submission. The Supervisor, Principal, Manager or Superintendent/designate is responsible for ensuring that the Respondent receives a copy of the written complaint. Teachers are required to note their obligation under the regulation of the Teaching Profession Act, S. 18 (1) (b) as outlined on page 3 of this procedure.
- d) Both the Complainant and the Respondent have the right to representation during any discussions or meetings held during the process and shall be advised of this right by the Supervisor, Principal, Manager or Superintendent/designate.
- e) The Supervisor, Principal, Manager or Superintendent/designate will collect evidence by interviewing the Complainant and Respondent (separately), interviewing any witnesses, and otherwise investigating all aspects of the matter which are relevant in determining whether the allegations of harassment are substantiated.
- f) The Supervisor, Principal, Manager or Superintendent/designate must keep confidential and comprehensive notes of all meetings.
- g) The following actions may occur:
 - Attempt at informal resolution
 - Referral to other more appropriate Board procedures, or other process, if appropriate or necessary
 - Referral of the complaint to Step 3 – Formal Process

Note: If it is determined at Step 2 that the complaint will involve disciplinary action, the Supervisor, Principal, Manager or Superintendent/designate will forward the complaint to the Superintendent of Employee Relations for review. If disciplinary action is required, a copy of any disciplinary correspondence will be placed in the employee's personnel file.

- h) If the complaint is resolved at Step 2 – Informal Process, the resolution is confirmed in writing and signed by both the Complainant and the Respondent. A copy is to be forwarded to the Superintendent of Employee Relations in an envelope marked "Private and

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Confidential” by the Complainant’s Supervisor, Principal, Manager or Superintendent/designate. The Superintendent of Employee Relations/Designate will place the document(s) in a secure Employee Relations File. A copy of the written resolution will not be placed in either the Complainant’s or the Respondent’s personnel file.

- i) If there is not a satisfactory resolution at Step 2, the Superintendent will submit a report to the Superintendent of Employee Relations requesting that the complaint be advanced to Step 3.

Step 3 - Formal Resolution Process:

- a) The complaint may proceed to Step 3 in the following circumstances:
 - In lieu of Step 1 or Step 2, if it is determined by the Superintendent of Employee Relations that the most appropriate avenue, given the circumstances surrounding the complaint, is to proceed to Step 3. For example, if the source of the complaint is the Complainant’s Supervisor);
 - If Step 1 and/or Step 2 does not resolve the complaint;
 - In the case of Sexual Harassment: In lieu of Step 1, at the option of the Complainant.
- b) The request to proceed to Step 3 shall be made in writing to the Superintendent of Employee Relations. A copy of the ***Workplace Conduct Complaint Form (including Workplace Harassment)*** and any supporting documentation must accompany the written request.
- c) The Superintendent of Employee Relations/designate is responsible for informing both the Complainant and Respondent within 2 working days of receipt of the submission of the complaint to the Step 3 process that the complaint has been forwarded to Step 3, unless deemed inappropriate by the Superintendent of Employee Relations/designate. If the Respondent has not previously been provided with a copy of the ***Workplace Conduct Complaint Form (including Workplace 25 Harassment)***, the Superintendent of Employee Relations/designate shall provide the Respondent with a copy of the document, unless deemed inappropriate.
- d) The Superintendent of Employee Relations’ designate will commence a separate investigation into the complaint within ten (10) working days of the receipt of a written request for a Step 3 investigation.
- e) Both the Complainant and the Respondent have the right to representation during any discussions or meetings held during the process and shall be advised of this right by the investigator.
- f) If the complaint can be resolved through voluntary mediation (both parties agree to participate voluntarily in the mediation), the Superintendent of Employee Relations will appoint someone who is acceptable to both parties to mediate the dispute.

Mediation will be facilitated on a without prejudice and “off the record” basis by a mediator who has had training in mediation. Should the mediation be successful, the agreement reached between the parties will be confirmed in writing and signed by all parties. A copy of

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the mediated settlement will be placed in a secure file in the Employee Relations Department. A mediated settlement is without prejudice to the parties and may not be relied upon by the employer in the future.

It is noted that mediation may not be appropriate in all cases and the Superintendent of Employee Relations may deem it necessary not to mediate the complaint, but to continue the investigation to determine if remedial or disciplinary action is appropriate.

- g) The Superintendent of Employee Relations may appoint an independent investigator and/or mediator.
- h) The investigation into the complaint must be handled expeditiously. While it is expected that all investigations occurring under this complaint procedure will be completed within six months of the filing of the complaint, delays may occur.
- i) Notwithstanding either party's refusal to co-operate in an investigation, the Board may deem it necessary to follow the complaint procedure through to completion.
- j) The Superintendent of Employee Relations/designate will advise the Complainant and the Respondent of the results of the Step 3 investigation and any actions that may be taken in the matter. The specific details of any disciplinary action will only be provided to the employee who is to be disciplined.

k) **Outcomes**

Depending on the outcome of the Step 3 investigation, a decision regarding rehabilitative or disciplinary action for the Respondent and/or the Complainant may include, but is not limited to:

- Counselling
- Education on Harassment
- Formal written apology
- Change of work assignment of the Complainant and/or Respondent
- Disciplinary action up to and including dismissal

Such a decision regarding outcomes is made by the Superintendent of Employee Relations.

- l) In the opinion of the Board, reasonable investigation information, including for example names of witnesses and factual information provided, will be shared in confidence with the Union representative(s) of the Complainant and/or Respondent, upon written request.