



1. Rationale

The Simcoe County District School Board is committed to a workplace free from harassment. The Simcoe County District School Board upholds the position that no form of harassment is acceptable as provided in section 5(2) of the *Human Rights Code* (Ontario), R.S.O. 1990, c.H.19, which states:

s.5(2) *Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or disability.*

and as provided in Section 7(2) and 7(3) of the *Human Rights Code*, R.S.O. 1990, c.H.19, which states:

s.7(2) *Every person who is an employee has a right to freedom from harassment in the workplace because of sex by his or her employer or agent of the employer or by another employee.*

s.3 *Every person has a right to be free from,*

- (a) *sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or*
- (b) *a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.*

The policy provides the foundation for internal investigative procedures which will assure employees that harassment is not tolerated, allay fears of retaliation and inspire confidence that complainants and respondents will be dealt with under the principle of due process.

2. Policy Statement

It is the policy of the Simcoe County District School Board that harassment on all prohibited grounds in accordance with the *Human Rights Code* (Ontario) and as defined in the *Occupational Health and Safety Act* is prohibited in order to ensure that every employee has a work environment free from discriminatory harassment.

3. Definitions

3.1 Harassment

Harassment is defined by the *Human Rights Code*, R.S.O. 1990, c. H.19, as 'engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome' (Section 10(1)(f)). The *Occupational Health and Safety Act*, R.S.O. 1990, c.0.1, as amended, defines workplace harassment 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'.

The board interprets this to include any behaviour which is known or ought reasonably to be known to the perpetrator to be offensive, embarrassing or humiliating to other individuals. Such conduct may include written, verbal and/or physical conduct and may relate to any of the grounds of discrimination prohibited in employment by the *Human Rights Code* (Ontario). These grounds include the following: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, religion, sex, sexual orientation, gender identity, age, record of offences, marital status, family status or disability and other grounds as amended in the legislation or identified in case law or by policy of the Human Rights Commission from time to time.

3.2 Sexual Harassment

Sexual harassment may be experienced by women or men. Sexual harassment is defined in the *Human Rights Code* (Ontario). The Simcoe County District School Board will take steps to prevent harassment and will respond to all identified harassment.

Relationships between consenting adult employees which are voluntary and based on mutual attraction do not constitute sexual harassment.

3.3 Racial/Ethnocultural Harassment/Creed

Racial/ethnocultural harassment may be experienced by women or men. Such harassment generally involves written, verbal and/or physical actions which express negative attitudes, derogation, and/or hate for a person or group of persons based on their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed or religion. Racial/ethnocultural harassment is defined in the *Human Rights Code* (Ontario). The Simcoe County District School Board will take steps to prevent harassment and will respond to all identified harassment.

3.4 Workplace

The *Occupational Health and Safety Act* defines a workplace as 'any land, premises, location or thing at, upon, in or near which a worker works'.

The workplace includes any place where employees perform duties or functions on behalf of the board. Schools and school-related activities, such as extracurricular activities and excursions, comprise the workplace, as do board offices, vehicles, facilities and lands. Conferences and training sessions fall within the ambit of this policy.

3.5 Workplace

The *Occupational Health and Safety Act* defines a workplace as 'any land, premises, location or thing at, upon, in or near which a worker works'.

The workplace includes any place where employees perform duties or functions on behalf of the board. Schools and school-related activities, such as extracurricular activities and excursions, comprise the workplace, as do board offices, vehicles, facilities and lands. Conferences and training sessions fall within the ambit of this policy.

4. Guidelines

- 4.1 This policy is intended to protect employees and individuals who supply services for monetary compensation.
- 4.2 Every individual who reasonably believes that he/she has been the victim of harassment has the right to initiate a complaint and participate in proceedings under this policy without fear of reprisal or threat of reprisal for doing so. Any such reprisal action will be considered harassment.
- 4.3 Given the sensitive nature of any complaint, every attempt shall be made throughout the resolution of a complaint on the part of all parties concerned to respect the confidential nature of the information to the fullest extent possible subject to the obligations of the board to investigate and address the complaint including its legal obligations under the *Human Rights Code* (Ontario) and the *Occupational Health and Safety Act* or other applicable law.
- 4.4 A supervisor or other management person who has the authority to prevent or discourage harassment of which he/she is aware or ought reasonably to be aware is occurring, may be held responsible for failing to exercise his or her authority to do so under the *Human Rights Code* (Ontario) and the *Occupational Health and Safety Act*.
- 4.5 The perpetrator of workplace harassment may be disciplined, up to and including termination, where appropriate.
- 4.6 Supervisors are therefore charged with the responsibility for discouraging and preventing employment related harassment and for ensuring that any known situation of harassment is dealt with immediately in accordance with the workplace harassment procedures, the *Human Rights Code* (Ontario) and the *Occupational Health and Safety Act* where he/she is aware or ought reasonably to be aware that harassment is occurring.

Page 4

- 4.7 Supervisors are responsible for ensuring that all employees including new employees are aware of the policies and administrative procedures pertaining to this harassment policy and the consequences of engaging in harassment.
- 4.8 Supervisory Officers and Principals are responsible for ensuring that new appointees to managerial and supervisory positions are aware of their responsibilities under this policy and the related administrative procedures.
- 4.9 Every employee of the board has a responsibility to ensure that the working environment is free from harassment. This responsibility shall be discharged by the avoidance and/or reporting of any conduct which might constitute harassment.
- 4.10 The proper exercise of supervisory responsibilities including training, counselling and discipline does not constitute harassment under this policy.
- 4.11 Notwithstanding the existence of this policy, every person continues to have the right to seek assistance from the Human Rights Tribunal of Ontario and the Ministry of Labour.
- 4.12 The Joint Health and Safety Committee and management shall review this policy as often as necessary, but at least annually, as required by the *Occupational Health and Safety Act*.

5. Administrative Procedures

The Director of Education is authorized to provide the administrative procedures necessary to implement this policy.

**ADOPTED April 27, 1994
REVISED October 25, 2006
REVISED June 23, 2010**