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<b>Date of issue</b>	May 2024
<b>Original date of issue</b>	1989
<b>Subject</b>	<b>RESPECTFUL WORKPLACES AND HARASSMENT PREVENTION PROCEDURE</b>
<b>References</b>	<a href="#">Policy 3031 - Workplace Harassment</a> <a href="#">Policy 3035 - Workplace Conflict Resolution</a> <a href="#">Policy 3120 - Employment Equity</a> <a href="#">Policy 3130 - Equity and Inclusive Education</a> <a href="#">Employment Equity Act</a> <a href="#">Municipal Freedom of Information and Protection of Privacy Act</a> <a href="#">Occupational Health and Safety Act</a> <a href="#">The Ontario Human Rights Code</a>
<b>Contact</b>	Human Resource Services

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## 1. Purpose

The Simcoe County District School Board (SCDSB) is committed to promoting and ensuring respectful workplaces free from unwelcome behaviour and all forms of harassment, as defined by the *Ontario Human Rights Code* (OHRC) and the *Occupational Health and Safety Act* (OHSa). The SCDSB holds high expectations for the conduct of staff, students, and any other members of the school community.

These procedures support promotion and ensure development of respectful workplaces that are free from unwelcome behaviour and all forms of harassment as defined by the OHRC and the OHSa.

All parties involved in a concern or a complaint have a responsibility to collaborate, support, and participate in the process, supporting resolution at the earliest stages. Nothing in these procedures denies or limits access to other avenues of redress available under the law, or the filing of a grievance or progressive discipline. If another avenue of redress is selected, the Superintendent of Human Resource Services (HRS) will determine when to suspend this process while the other process proceeds.

## 2. Definitions

2.1 Harassment - “engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome” (section 10(1) of the OHRC). The OHSa defines workplace harassment in section 1 (1) 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.”

The SCDSB 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 but does not include legitimate performance

management or discipline. Such conduct may include written, verbal, and/or physical conduct and may relate to (but is not limited to) any of the grounds of discrimination prohibited in employment by the SCDSB Administrative Procedures Memorandum A4075 – Respectful Workplaces and Harassment Prevention and the OHRC. These grounds include the following: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, marital status, family status, disability or the receipt of public assistance, 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.

- 2.2 Unwelcome behaviour - is often, but not always, persistent, ongoing, vexatious conduct or communications in any form, of attitudes, beliefs, or actions towards an individual in the workplace, which might reasonably be known to be unwelcome. A single serious act or expression can constitute unwelcome behaviour. Unwelcome behaviour can take the form of intimidation or any action or communication that humiliates, insults, threatens, or degrades. It includes behaviour that would be described as unwanted attention, or other inappropriate behaviour that could reasonably be expected to cause physical, emotional, or psychological distress. Unwelcome behaviour is not the normal exercise of supervisory responsibilities, including training, direction, instruction, counselling, and discipline.

Improper use of authority or position to undermine, sabotage or otherwise interfere with the career of a staff member or academic success of a student constitutes unwelcome behaviour.

- 2.3 Poisoned work environment - a reasonable work environment is changed to a poisoned one when conduct and/or comments related to the prohibited grounds of discrimination unreasonably interfere with a staff member's work performance and create an intimidating, hostile, or offensive work environment.
- 2.4 Racial/ethnocultural 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 OHRC.
- 2.5 Sexual harassment - defined in the OHRC and was amended by Bill 132, which now includes workplace sexual harassment in the definition of workplace harassment. Every person who is an employee has a right to freedom from harassment in the workplace because of sex, sexual orientation, gender identity, or gender expression.

Making a sexual solicitation or advance where the person making the solicitation or advance is able 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 is deemed workplace sexual harassment.

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Sexual harassment is also a form of discrimination based on the prohibited ground of sex under the OHRC.

Relationships between consenting adult staff members which are/were voluntary and based on mutual attraction do not constitute sexual harassment. Any harassment towards a former partner may constitute sexual harassment if one party is offended or feeling harassed by the other partner post relationship. Sexual harassment can also include sexual solicitations.

- 2.6 Student, staff, other users - student includes all persons, regardless of age, who are enrolled in any program offered by the board. Staff includes all persons employed by the board. Other users includes all persons, who are neither students nor staff, while on board premises or attending board or school programs/functions at other premises, or in a business/social/community relationship with the board. Examples include members of advisory committees, clients of the board, parents/guardians, volunteers, permit holders, contractors, and staff of organizations not related to the board, but who work on or are invited onto board premises.
- 2.7 Supervisor - a person who has charge of a workplace or authority over a worker, and may include a supervisor, manager, vice-principal, principal, superintendent, or director. Supervisors have a duty to respond to and take action to resolve any situations involving harassment or unwelcome behaviour.
- 2.8 Workplace - defined by the OHSAs as “any land, premises, location (in-person or online) or thing at, upon, in or near which a worker works.”

The workplace includes any place where staff perform duties or functions on behalf of the SCDSB. Schools and school-related activities, such as extracurricular activities and excursions, comprise the workplace, as do SCDSB offices, vehicles, facilities, and lands. Conference workshops, training sessions, staff functions (e.g., staff meetings, staff parties/events, and retirement celebrations) whether in person or virtual and job competitions fall within the ambit of this policy.

Regardless of where it occurs, conduct that has work-related consequences may be considered to have occurred in the workplace. Phone calls, electronic messages, and postings on electronic and social media may form part of the workplace.

### **3. Procedures**

Where allegations related to harassment, or discrimination on the basis of a ground prohibited under the OHRC or the OHSAs, are brought forward, they shall be addressed using the SCDSB’s [Respectful Workplaces and Harassment Prevention Manual](#). This manual contains the process used to resolve concerns and complaints. All board students, staff, trustees, and other users have access to the Respectful Workplaces and Harassment Prevention Manual. Individuals who believe that they have experienced

unwelcome behaviour or have been subjected to harassment may report the behaviour. In addition, those who have witnessed harassment directly, or have reasonable grounds to suspect that harassment is occurring, may initiate a complaint. Anonymous reports will be reviewed and may be considered under these procedures. Third party disclosures shall only go forward to the formal stage with the victim's consent.

Often unwelcome behaviour can be resolved informally. If reasonable, and the staff member is comfortable, an informal resolution will be attempted prior to a formal complaint being filed. When appropriate, confidential communication with an individual stating that their behaviour is unwelcome and that it must cease immediately may resolve the issue. Supervisors, HRS, and/or union representatives will provide consultation and assistance on how to resolve informal complaints.

When informal resolutions do not stop unwelcome behavior or workplace harassment, formal complaints will be completed electronically using the KICS Workplace Health and Safety Incident Reporting Form [KICS - Form Entry \(kicsdata.com\)](https://kicsdata.com) as outlined in Unwelcome Behaviour or Workplace Harassment Formal Complaint Form (APPENDIX A). Completed forms will be adjudicated by either HRS or the Human Rights and Equity Office (HREO), to determine the appropriate next steps as per the Respectful Workplaces and Harassment Prevention Manual.

All workplace harassment complaints require that the complainant be informed in writing of the outcome of their complaint, including steps taken to resolve the complaint.

#### **4. Timelines**

All complaints must be filed within six months of the most recent alleged harassment or unwelcome behaviour. A report outside this timeframe may be accepted at the discretion of the Superintendent of HRS or designate.

#### **5. Confidentiality**

It is the duty of all parties to maintain confidentiality in the complaint process. All complainants, respondents, and other persons involved with the complaint process using the Respectful Workplaces and Harassment Prevention Manual will ensure that all matters remain confidential.

Witnesses should be informed that supervisors, in obtaining a statement, will maintain such statement in confidence, subject to their ability to conduct a full and thorough investigation. Every effort possible will be taken to protect the anonymity of witnesses throughout the process. However, the board may be required to provide information obtained during an investigation to an outside agency that has the right to require information otherwise protected by the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

**6. Records**

All correspondence and other documents generated under these procedures must, subject to the MFIPPA be marked PRIVATE AND CONFIDENTIAL and be stored in a locked and secure file in the HRS department. All electronic versions will have controlled access.

**7. Misuse of the complaint procedure**

If there is a determination on a balance of probabilities that a complaint has been filed in bad faith, the complaint process may be discontinued and disciplinary action may occur.

**8. Reprisals**

It is strictly forbidden to engage in reprisals against individuals because they have reported a complaint. Allegations of reprisals shall be investigated as formal complaints and, if substantiated, are subject to disciplinary consequences.

**9. Linkage to Employment Equity Action Plan**

The SCDSB believes that in creating a culture of belonging, engagement, and success as set out in the SCDSB Employment Equity Action Plan (EEAP) the priorities (diversifying the workforce at all levels, creating a more inclusive and welcoming work environment, creating more equitable policies and practices, strengthening the organization's equity infrastructure, and engaging with staff and communities) of the board will be achieved. This APM reflects the principles of the EEAP.

**First issued** 1989

**Revised** March 1995, June 1999, September 2005, May 2006, September 2007, September 2010, August 2014, May 2017, May 2024

***Issued under the authority of the Director of Education***

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**PRIVATE AND CONFIDENTIAL**  
**UNWELCOME BEHAVIOUR OR WORKPLACE HARASSMENT FORMAL COMPLAINT**  
**FORM**

- I have read APM – A4075 Respectful Workplaces and Harassment Prevention Procedure, Policy 3031 – Workplace Harassment, and Policy 3035 – Workplace Conflict Resolution.

**SELECT ONLY ONE PER FORM**

- Unwelcome Behaviour
- Harassment
- Unsure if meets the definition of unwelcome behaviour or harassment

Name of complainant: \_\_\_\_\_

School/department/worksite: \_\_\_\_\_

Complainant(s):  Student  Staff, Job Title \_\_\_\_\_  Other \_\_\_\_\_

Description of **alleged harassment or unwelcome behaviour**.  
(Please use additional pages if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of respondent(s) to the complaint: \_\_\_\_\_

School/department/worksite: \_\_\_\_\_

Respondent(s):  Student  Staff, Job Title \_\_\_\_\_  Other \_\_\_\_\_

Date(s) of incident(s) or timeframe: \_\_\_\_\_

\_\_\_\_\_

**Have you attempted to resolve the dispute informally using Step 1 from the Respectful Workplaces and Harassment Prevention Manual ?** Yes  No

If yes, describe what actions were taken? (please use additional pages if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Complainant signature: \_\_\_\_\_ Date: \_\_\_\_\_

The information contained in this form is of a highly confidential nature and will be protected in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*. This form and any attachments will be copied to the respondent(s) named above, in accordance with the formal complaints process.

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