



P 3-200

3945 Matchette Rd.
Windsor, Ontario N9C 4C2
T: 519.977.2200
Toll Free: 1.800.976.JMCC
F: 519.977.2201
www.jmccentre.ca

JOHN MCGIVNEY CHILDREN'S CENTRE SCHOOL AUTHORITY

WORKPLACE HARASSMENT POLICY AND PROGRAM

Established: October 20, 2017

Approved by: Brenda Santarossa, Principal
Date Approved: November 23, 2017
Revised: _____



TABLE OF CONTENTS

1.	WORKPLACE HARASSMENT POLICY	3
1.1	Statement of Commitment.....	3
1.2	Definition of “Workplace Harassment” :	3
1.3	Definition of “Workplace Sexual Harassment” :.....	3
1.4	Examples of Workplace Harassment	3
1.5	What is not Workplace Harassment	Error! Bookmark not defined.
1.6	Application	4
1.7	Duties	4
1.8	Code of Conduct	5
1.9	Information and Annual Review	6
1.10	Records	6
1.11	Reprisals	6
2.	WORKPLACE HARASSMENT PROGRAM	7
2.1	Reporting Workplace Harassment.....	7
2.2	Report Form.....	7
2.3	Informal Resolution	7
2.4	Informal Resolution Steps.....	8
2.5	Informal Resolution Follow-up	8
2.6	Formal Investigation and Resolution	8
2.7	Who Will Investigate.....	9
2.8	Timing of the Investigation	9
2.9	Investigation Process	9
2.10	Results of the Investigation	10
2.11	Outcomes in Formal Investigations	10
2.12	Disciplinary Actions.....	11
2.13	Misuse of the Complaint Procedures.....	12
2.14	Confidentiality.....	12
2.15	Complaints and Investigations.....	Error! Bookmark not defined.

1. WORKPLACE HARASSMENT POLICY

1.1 Statement of Commitment

The John McGivney Children's Centre School Authority (the "School") supports protection for all employees from Workplace Harassment and Workplace Sexual Harassment as defined under the *Occupational Health and Safety Act* ("OHS Act") or within the scope of the *Ontario Human Rights Code*. Harassment and Sexual Harassment in the workplace is unacceptable. Everyone should be able to work without fear of Harassment or Sexual Harassment, in a safe and healthy workplace.

This Policy and Program outlines detailed responsibilities and control measures related to Workplace Harassment, Workplace Sexual Harassment reporting, investigating duties, expectations, training and records.

1.2 Definition of "Workplace Harassment"

- (a) 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
- (b) Workplace sexual harassment.

1.3 Definition of "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.

1.4 Examples of Workplace Harassment

The following behaviours are some examples of workplace harassment:

- Offensive or intimidating comments or jokes;
- Bullying or aggressive behaviour;

- Displaying or circulating offensive pictures or materials;
- Inappropriate staring;
- Workplace sexual harassment;
- Isolating or making fun of a worker because of gender identity.

A reasonable action taken by the School or a Supervisor of the School relating to the management and direction of workers or the workplace is not Workplace Harassment.

1.5 Violations

Violations of any provision of this Policy and Program will constitute misconduct and the perpetrator will be subject to discipline or other corrective action as appropriate in the circumstances.

1.6 Application of Policy

All persons working for the School or carrying out the School's business are covered by this Policy. These include office staff, security staff and support staff who are temporary, part-time, full-time and contract employees. This Policy also applies to the School's Trustees. In addition, those who have witnessed workplace harassment directly, have received reports of harassment incidents or have reasonable grounds to suspect that workplace harassment is occurring, should report incidents or complaints to the School.

1.7 Duties

Employer Duties

The School, as the Employer, is responsible to protect all workers from Workplace Harassment. The School shall establish and maintain the following items as prescribed:

1. A written Workplace Harassment Policy and Program;
2. Consultation with the Joint Health and Safety Committee about the Program at least once annually;
3. A Workplace Harassment reporting process;
4. A Workplace Harassment investigation process;
5. A Workplace Harassment investigation findings report content and process;
6. Interim measures as may be applicable after a complaint is received and while during the investigation;

7. Corrective measures as may be applicable in the event that a report of Workplace Harassment is substantiated;
8. Training and supporting awareness information;
9. A records retention system.

Program Administrator

The School has appointed the School Principal or designate to be the Program Administrator for its Workplace Harassment Policy and Program. He/she will assign resources for ensuring implementation and compliance.

Joint Health & Safety Committee

The School's Joint Health & Safety Committee shall be a resource to the School, Supervisors and workers with respect to the School's Workplace Harassment Policy and Program.

Worker Duties

All workers are required to comply with the School's Code of Conduct. All workers have the duty to report incidents or complaints of Workplace Harassment either verbally or in writing to the Principal or designate per the Internal Responsibility System. In the event that a Principal or designate is proposed to be the subject of concern regarding Workplace Harassment then a worker is required to report such items to the Business Manager directly.

Other Resources

Any School employee that requires other resources may contact their Principal or designate, a Health & Safety Committee Member, their Union Representative.

1.8 Code of Conduct

The School has established "Codes of Conduct" for all Employees (Supervisors / Workers), Students, Parents, Visitors, Contractors, etc. For more information please refer to the following:

- (a) P 3-160 Code of Conduct (under review – Centre has updated)
- (b) A-P 4-b-50 Internet Use Policy

1.9 Information and Annual Review

The School shall provide information and instruction regarding its Workplace Harassment Policy and Program, including the scheduled training for all staff as set out in its Health & Safety Training Matrix (See back of booklet). New employees will be trained in a timely manner. The workplace harassment policy will be posted at a conspicuous place in the workplace.

This Program and the Workplace Harassment Policy will be reviewed as often as necessary, and at least annually.

1.10 Records

The School shall ensure that records (for a minimum of 1 year) are retained of written complaints and investigations including:

- (a) A copy of the complaint or details about the incident;
- (b) A record of the investigation including notes;
- (c) A copy of the investigation report, findings and remediation plan
- (d) A summary of the results of the investigation that was provided to the worker who allegedly experienced the Workplace Harassment / Workplace Sexual Harassment and the respondent, if a worker of the School; and
- (e) A copy of any corrective action taken to address the complaint or incident.

All records of the investigation will be kept confidential. The investigation documents, including any report should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law.

1.11 Reprisals

Reprisals against individuals because they have reported a complaint or participated in an investigation in good faith are strictly prohibited. Alleged reprisals shall be investigated and, if substantiated, can lead to discipline or other corrective action as the School considers appropriate.

2. WORKPLACE HARASSMENT PROGRAM

2.1 Reporting Workplace Harassment

All employees have the duty to report incidents or complaints of Workplace Harassment either verbally or in writing.

An incident or complaint of Workplace Harassment must be reported **as soon as possible**, and no later than one (1) year of the most recent alleged harassing behaviour. This allows the incident to be investigated in a timely manner. Complaints made outside this time frame may be considered by consulting with the Principal.

2.2 Report Form

If submitting a written incident / complaint please utilize **Appendix A** titled Workplace Harassment / Workplace Sexual Harassment Report Form. Information required to be reported is as follows:

1. Name(s) of the worker who has allegedly experienced Workplace Harassment / Workplace Sexual Harassment and contact information;
2. Name of the alleged harasser(s), position and contact information (if known);
3. Names of the witness(s) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known);
4. Details of what happened including date(s), frequency and location(s) of the alleged incident(s):
 - a. Any supporting documents the worker who complains of Harassment may have in his / her possession that are relevant to the complaint,
 - b. List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.

2.3 Informal Resolution

Informal Resolution is a procedure that provides an opportunity for parties to resolve a dispute mutually in a respectful manner. The School will require supervisory and managerial personnel to first engage in informal resolution as a means of resolving issues. Anonymous reports will not be considered for informal resolution.

2.4 Informal Resolution Steps

After listening to the verbal description of the event(s) provided by the parties involved, supervisory or managerial personnel may attempt to facilitate an informal resolution by:

- suggesting that the complainant confront the problem by making it clear to the individual alleged to have engaged in workplace harassment that the behaviour is not acceptable and by obtaining a commitment that the behaviour will stop;
- informing the individual of the complainant's concern regarding the alleged objectionable behaviour and the School's expectation for appropriate behaviour, providing a copy of the Workplace Harassment Policy and/or other relevant School policies, and obtaining a commitment that the behaviour will stop; and
- following up with the complainant to ensure that the behaviour has stopped.

Supervisory and managerial personnel may initiate mediation by a neutral third party.

2.5 Informal Resolution Follow-up

In cases where an informal plan of action is implemented, supervisory and managerial personnel will follow up by monitoring the situation, holding, if necessary, subsequent meetings with the parties and taking further steps to ensure that the harassment has stopped.

All notes and/or information prepared in the course of the informal resolution process will be forwarded to the Human Resources Department for storage in a confidential workplace incident file separate from the personnel file. Only a record of negative consequence, warning or caution will be placed in the respondent's personnel file.

2.6 Formal Investigation and Resolution

The Principal (or their designate) on behalf of the School will ensure that an investigation appropriate in the circumstances is conducted when the School; becomes aware of an incident of Workplace Harassment / Workplace Sexual Harassment and/or received a complaint of Workplace Harassment / Workplace Sexual Harassment. Formal complaints will be initiated once all reasonable efforts have been made to resolve the conflict informally, as appropriate in the circumstances, or at the discretion of the Principal.

2.7 Who Will Investigate

The Principal (or their designate) will determine who will conduct the investigation into the incident or complaint of Workplace Harassment.

If a **Supervisor** or **Senior Management** person is alleged to be the subject of concern then the **Business Manager** may, depending on the circumstances, retain a qualified third party to conduct a Workplace Harassment investigation.

2.8 Timing of the Investigation

The investigation must be completed within 90 calendar days or less, unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

2.9 Investigation Process

The person conducting the investigation whether internal or external to the workplace will ensure the following steps are taken, as soon as possible:

1. The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation;
2. The investigator must thoroughly interview the worker who allegedly experienced the Workplace Harassment and the alleged harasser(s) (or "respondent"), if the alleged harasser is a worker of the School. If the respondent is not a worker, the investigator should consider whether to interview the respondent in the circumstances;
3. The respondent(s) should be given the opportunity to respond to the specific allegations raised by the worker. If the respondent declines to participate in the investigation process, the investigation will still proceed. In some circumstances, the worker who allegedly experienced the Workplace Harassment should be given a reasonable opportunity to reply;

4. The investigator must interview any relevant witnesses employed by the School who may be identified by either the worker who allegedly experienced the Workplace Harassment, the respondent(s) or as necessary to conduct a thorough investigation. The investigator should consider whether to interview any relevant witnesses who are not employed by the School if there are any identified;
5. The investigator must collect and review any relevant documents;
6. The investigator must take appropriate notes and statements during interviews with the worker who allegedly experienced Workplace Harassment, the respondent(s) and any witnesses;
7. The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, and the allegations of the worker who allegedly experienced the Workplace, the response from the respondent(s), the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether Workplace Harassment occurred or not, on a balance of probabilities.

2.10 Results of the Investigation

The worker who allegedly experienced the Workplace Harassment and the alleged harasser, if he or she is a worker of the School, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the School.

2.11 Outcomes in Formal Investigations

In the event a complaint is not substantiated, no further action will be taken, except that written notification will be provided to the complainant and respondent, if staff or other workers, and subject to the section on maintaining records. In cases where the complaint is found to be trivial, vexatious or an abuse of the process, in which case, the complainant may be subject to disciplinary action as outlined in the section "Disciplinary Actions" below. However, if there is a need to restore positive learning or working environment or if the complainant and/or respondent require counselling, appropriate steps will be taken to meet such needs.

Follow-up possibilities:

- counselling for the parties;
- application of strategies to restore a positive learning/working environment;
- mediation;
- specific training for the complainant or respondent;
- workshops for the staff and/or others in the school/workplace regarding their rights and responsibilities;
- separation of respondent and complainant from each other; and/or
- restorative measures.

2.12 Disciplinary Actions

Employee Respondents

The appropriate supervisor or manager may impose discipline as appropriate and consistent with the circumstances.

The principles of progressive discipline will be applied in dealing with disciplinary actions under this policy; however, the School reserves the right to implement any disciplinary action as an immediate consequence. These could include the following possibilities:

- verbal warning;
- written reprimand;
- suspension with pay;
- suspension without pay; or
- dismissal from employment with the School.

Other Respondents

Actions must be determined as appropriate for the individual situation and may include such responses as a letter of disapproval and caution or warning, a revoking of permits or contracts, an issuing of a trespass warning, or other remedies as provided by the common law and/or the appropriate legislation.

2.13 Misuse of the Complaint Procedures

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.

2.14 Confidentiality and Records

While the investigation is on-going, the worker who has allegedly experienced harassment, the respondent(s) and any witnesses should not to discuss the incident or complaint or the investigation with each other or other workers or witnesses. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation. All records of the investigation will be marked "Private and Confidential" and stored in a locked and secure file.

During the course of implementing and maintaining the OHSA required provisions of this Management Program, confidential information concerning Staff, Students, Parents and others may be required to be provided. Such information may be subject to the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA").

Confidential information that if shared in any other way constitutes a breach of private information and is subject to the School Procedures surrounding such breaches. This may include reporting to the Information and Privacy Commissioner for the Province of Ontario as well as informing students and parents that such a breach occurred. Any employee found willfully violating School policy and procedures or intentionally sharing confidential information is subject to discipline.

All School employees are expected to keep confidential information confidential and will disclose information only as it is appropriate within their role as School employees and in compliance with MFIPPA, or as otherwise may be required by law.

TOR01: 7087592: v3

APPENDIX A
WORKPLACE HARASSMENT / WORKPLACE SEXUAL HARASSMENT
REPORT FORM

Workplace Harassment / Workplace Sexual Harassment incidents or complaints can be reported either verbally or in writing. If such an incident or complaint is being submitted a written format the Employer encourages the usage of this form.

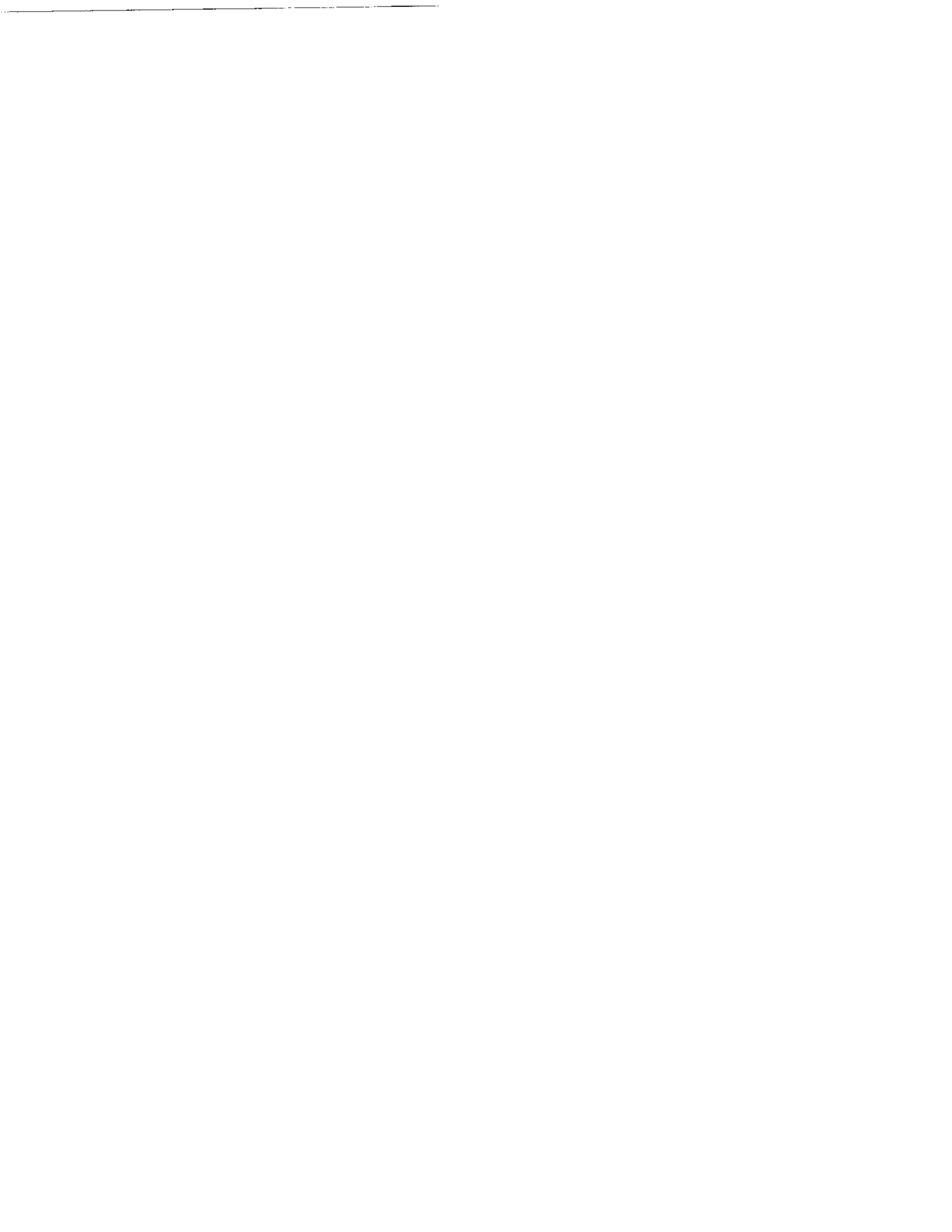
Please note that regardless if verbal or written the Employer is still obligated to ensure an investigation appropriate in the circumstances is conducted into an incident of Workplace Harassment / Workplace Sexual Harassment upon becoming aware.

REQUIRED INFORMATION

1. Name(s) of the Worker who has allegedly experienced Workplace Harassment / Workplace Sexual Harassment and contact information:

2. Name of the alleged harasser(s), position and contact information (if known):

3. Name(s) of witness(s) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known):



APPENDIX A
WORKPLACE HARASSMENT / WORKPLACE SEXUAL HARASSMENT
REPORT FORM

REQUIRED INFORMATION

4. Details of what happened including date(s), frequency and location(s) of the alleged incident(s):

5. Any supporting documents the Worker who complains of Harassment may have in his / her possession that are relevant to the complaint:

6. List any documents a witness, other person or the alleged harasser may have in their possession that are relevant to the complaint:

Signature

Date

