

Safe and Respectful Workplace and Harassment Prevention Policy

1.0 Rationale

- 1.1 The Durham District School Board (the “Board” or “employer”) is committed to providing working and learning environments in which all individuals are treated with respect and dignity. Every individual has an equal right to learn, work and feel safe in an environment that is free from discrimination and harassment under the Ontario Human Rights Code (Code) and the Ontario Occupational Health and Safety Act (OHSA).

2.0 Policy Objective

- 2.1 Workplace harassment and disrespectful conduct are unacceptable. It is the policy of the Board to address any such incidents with seriousness and sensitivity.
- 2.2 This policy must be read together with the Board’s Human Rights, Anti-Discrimination and Anti-Racism Policy (the “Human Rights Policy”). Read together, these policies address all forms of discrimination, harassment and disrespectful conduct in the workplace.
- 2.3 This policy is adopted to foster and promote healthy, inclusive and supportive working and learning environments. All employees are expected to engage in courteous and respectful conduct, interactions, communications and relationships in Board working environments.
- 2.4 The policy sets the parameters for prohibited conduct and outlines the duties of the Director of Education or delegates to provide the requisite training along with the system’s shared responsibility in fostering a healthy, respectful and supportive environment that is free from harassment and disrespectful conduct.

3.0 Definitions

- 3.1 **Disrespectful Conduct:** conduct by an individual that a reasonable person would consider inappropriate and disrespectful of another but that does not rise to the level of harassment. Examples of conduct that may be Disrespectful Conduct (or that may, in some cases rise to the level of Harassment or Discrimination under the Board’s Human Rights Policy) could include, but not limited to:
- Spreading rumours or engaging in negative talk about personal or private information of a worker;
 - Written or verbal comments, actions, gestures, micro-aggressions or “jokes”;
 - Abuse of authority (which does not include any reasonable action taken by a supervisor relating to the management and direction of workers);
 - Yelling, shouting, screaming, swearing, pounding a desk or table with a hand or fist;
 - Deliberately excluding or isolating a person from relevant work activities or decision making within the scope of their role;
 - Stereotyping or making inappropriate assumptions about an individual based on an individual’s personal qualities, lived experiences, characteristics or role;
 - Devaluing or trivializing a person’s role, successes, contributions or concerns; or

- Engaging in misconduct that results in a negative impact or perceived negative impact to the employer and its reputation or to students and staff.

- 3.2 **Harassment:** a course of vexatious comments or actions that are known or ought reasonably to be known to be unwelcome. It can involve words or actions that are known to be offensive, embarrassing, humiliating, demeaning or unwelcome and can include sexual harassment. Harassment can occur, in some cases, in a single incident and may result in a poisoned work environment. Harassment may be linked to a protected ground under the Code and may also be found to be a violation of the Board's Human Rights Policy. Any reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace is not Harassment.
- 3.3 **Reprisal:** penalizing or threatening to penalize a Worker for attempting to enforce their rights under this policy (e.g., reporting an incident, raising a complaint under this policy or through another avenue or external body to assert their rights, or supporting someone in any of these activities), or for participating in the resolution or investigation of a complaint (e.g., employees who are parties or witnesses to disrespectful conduct or Harassment).
- 3.4 **Sexual Harassment:** a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity and gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome amongst peers, towards a supervisor, or a supervisor towards staff. This includes 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 and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. Sexual Harassment can occur, in some cases, in a single incident.
- 3.5 **Worker:** Any person included in the definition of "worker" under the OHSA including but not limited to regular, temporary, probationary employees, co-op students, contract employees and volunteers.
- 3.6 **Workplace:** any land, premises, location or thing at, upon, in or near which a Worker works, including:
- Any place where individuals perform work or work-related duties or functions, including virtual and on-line environments;
 - Board offices and facilities, including eating, meeting and employee areas/lounges, and vehicles used for work purposes or on work property;
 - Conferences, workshops, training sessions, and staff functions (e.g., retirement celebrations); and
 - In some instances, the use of social media where it is connected to the Workplace or Workplace relationships.

4.0 Policy

Application and Scope

- 4.1 This policy addresses Harassment and Disrespectful Conduct and applies to all Workers in the Workplace (conduct of parents/families is addressed separately under the school's Code of Conduct).

Roles and Responsibilities

4.2 The Director of Education or delegates shall:

- Ensure this policy is posted conspicuously on the Health and Safety Boards in the Workplace;
- Review this policy as often as necessary, but at least annually with any recommended changes brought to the Board of Trustees for consideration;
- Publicly report to the Board of Trustees on the effectiveness of this policy in achieving the policy's objectives and on organizational compliance with this policy;
- Develop procedures and protocols for all complaints or incidents of Disrespectful Conduct and Workplace Harassment to be investigated in a fair, respectful and timely manner. These procedures and protocols are to provide for circumstances where Workers have been victimized and are hesitant to come forward. In these circumstances, the Board must address and/or investigate the conduct at issue with the intent of ensuring a professional and safe workplace and of providing the victimized Worker with appropriate support; and
- Ensure that all Workers are provided with information and instruction on the contents of this policy and any related procedures.

4.3 Workers shall:

- Treat all Workers in the Workplace with dignity and respect and not engage in any form of Harassment or Disrespectful Conduct;
- Make changes to their own behaviour where they become aware that there is a potential for such behaviour to amount to Harassment or Disrespectful Conduct;
- To the extent they feel safe to do so, advise that the conduct of another Worker in breach of this policy is not acceptable;
- Intervene (when safe to do so) and/or report instances of any conduct on the part of any Worker which could amount to Harassment or Disrespectful Conduct;
- When aware, be supportive of others who are victims of Harassment or Disrespectful Conduct;
- Cooperate fully with any and all investigations under this policy;
- Preserve evidence related to instances of alleged Harassment or Disrespectful Conduct, including as to dates, times and the names of any witnesses;
- Actively participate in training provided by the Board as to this policy and related procedures;
- If they are a supervisor, take any allegations of Harassment or Disrespectful Conduct seriously, and, in consultation with the Superintendent responsible for Human Resources, take steps to address any potential safety needs and to restore the Workplaces disrupted by policy violations (or allegations/investigations of policy violations);
- Not demonstrate or condone any conduct that is Harassment or Disrespectful Conduct; and;
- Not engage in any form of Reprisal.

4.4 Workers are required to comply with this policy and will be held responsible for any non-compliance. Consequences for non-compliance could include discipline up to and including termination of employment. Workers will not be penalized or disciplined for making a good faith report or complaint of a potential breach of this policy or for participating in any investigation into an alleged breach of this policy. Reprisal is unacceptable and will not be condoned. Workers who have been victimized and do not come forward or are reluctant to come forward shall not be disciplined or penalized for the failure to come forward. The obligation to address potential violations of this policy is with the employer once it learns of the issue, regardless of how the issue comes forward.

4.5 Nothing in this policy, nor in any related procedure, precludes Workers from asserting their rights, pursuing other resolution options or seeking redress through other statutory, contractual

or legal rights and remedies (e.g., a grievance through the applicable collective agreement if they hold grievance rights, filing an application to the Human Rights Tribunal of Ontario, etc.).

- 4.6 The Director shall implement the terms of this Policy through procedure(s) and as otherwise may be deemed appropriate.

Confidentiality

- 4.7 Information provided about an incident or about a complaint will not be disclosed except as necessary to protect Workers, to investigate the complaint or incident, to take corrective action or as otherwise required bylaw.

Training

- 4.8 The Director of Education or designate shall ensure that all Workers are aware of this policy and that regular training is provided on the contents of this Policy and related procedure(s).

5.0 Evaluation

- 5.1 This policy may be reviewed and updated as may be deemed necessary or appropriate, but it shall be reviewed at least annually by the Director of Education, with any recommended changes brought to the Board of Trustees for consideration.

6.0 Reference Documents

- 6.1 Policies
- Human Rights, Anti-Discrimination and Anti-Racism Policy
- 6.2 Other Documents (Legislation, Provincial Regulations, Etc.)
- Ontario Human Rights Code
 - Ontario Occupational Health and Safety Act

Appendix:

Appendix A: Safe and Respectful Workplace and Harassment Procedure

Effective Date:

1991-01-17

Reviewed and Amended:

1995-05-08

2006-08-08

2010-09-20

2017-12-12

2018-01-31

2022-05-16