

KAWARTHA PINE RIDGE DISTRICT SCHOOL BOARD

ADMINISTRATIVE REGULATIONS

Section	Human Resources	Regulation Code: HR4.2.1
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This administrative regulation is written in accordance with the guiding principles in Board Policy No. HR4.2, Workplace Harassment

1. Objective

To provide procedures for dealing with allegations of an employee that s/he was harassed by a member of the Board community (including other employees, students, trustees, parents/guardians, volunteers, visitors, suppliers, service providers, and representatives of corporate partners or community agencies) in circumstances where the alleged harassment occurred in or impacts the workplace.

2. Definitions

Workplace harassment is “a course of vexatious comment or conduct against an employee in a workplace that is known, or ought reasonably to be known, to be unwelcome” by the person or persons who are subjected to the comments or conduct, whether the comment or conduct is based on prohibited Human Rights Code grounds or not. While harassment generally involves a pattern of conduct over time, one incident of a serious nature can constitute harassment.

Harassment can poison the work environment. A poisoned work environment is one which has, for a particular employee or group of employees, become hostile or negative as a result of harassment or discrimination. In such a case, the impact of harassment or discrimination has had a psychological impact on the individual or group such that they are no longer able to function normally in the workplace because

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x any knowledge you have of the same or similar situation happening to others, in as much detail possible.

3.3 Human Resource Services Information and

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3.7 Anonymous Complaints

Investigations will not be undertaken on the basis of anonymous complaints, whether written or left by voice mail. However, superintendents, principals, vice- principals, managers and supervisors should review/look into situations where it comes to their attention that harassment may be occurring, should remain vigilant, and report them to Human Resource Services.

3.8 Malicious Intent

Where, as a result of an investigation, it is determined that a complaint was made maliciously (with a specific and direct intent to harm), or in bad faith (with reasonable knowledge of and intent to harm), the complainant may be subject to formal disciplinary action.

3.9 Reassignment

If it is necessary for reasons of safety or well-being, the complainant or the respondent may be moved to a different location within the organization, provided with alternative reporting relationships, or placed on home assignment with full pay and benefits pending the resolution of the complaint. Decisions regarding reassignment will be made on a case-by-case basis with due regard for the principle that the complainant will not be penalized for making the complaint.

4. Procedural Steps

There are two avenues for addressing workplace harassment concerns under this administrative regulation. Individuals may choose to pursue their complaints as part of an informal resolution process and/or through a formal complaint process. Although the informal approach and resolution is encouraged, an employee may choose to submit a formal complaint initially, or after informal resolution procedures have proven unsuccessful.

Note: Although the singular form of complainant and respondent is used below, it is recognized that there may be more than one complainant or respondent in each case.

4.1 Informal Resolution Process

The key point of an informal resolution process is that it does not involve a formal investigation procedure. The objective of the informal resolution process is to deal quickly and effectively with complaints of harassment.



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4.2 Formal Complaint Procedure

The participants involved in the Formal Complaint Procedure include the complainant, the respondent (i.e. the alleged harasser), an investigator and the Senior Manager, Human Resource Services, or designate. The Senior Manager is responsible for ensuring that the matter is investigated and this may entail the appointment of an internal or external investigator.

4.3 Complaint to be Submitted in Writing

4.3.1 The complainant will submit a written complaint to the Senior Manager, Human Resource Services, identifying the nature of the harassment and other particulars. Upon receipt of the written complaint, the Senior Manager, Human Resource Services, or designate, will inform the respondent of the allegation(s) and will provide the respondent with information about the nature of the written complaint.

4.3.2 Immediately after the complaint is filed, the Senior Manager, Human Resource Services, will appoint an investigator to conduct an investigation into the complaint. An investigator may be a third party from outside the Board or agency, or may be a staff member with administrative responsibilities, such as a Human Resource Services manager, a principal or superintendent. The investigator will have a thorough understanding of harassment issues, relevant legislation, and will be able to conduct a proper investigation.

4.3.3 The investigator will initiate an investigation into the complaint, using the general standards of fairness and proper procedures (ne)-6 (r)16.03 (lb.6 (t)0

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an individual who observed the incident but was not the object of the harassment.

Note: Investigations will not be undertaken based on rumour, conjecture, hearsay or indirect information not capable of objective verification.



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9. Complaint Unsupported

- 9.1 Where the results of the investigation do not support the allegations of harassment made by the complainant, she/he will be so advised by the Senior Manager, Human Resource Services, or designate, and there will be no further proceedings under the Board policy and administrative regulation.
- 9.2 If the Senior Manager, Human Resource Services, determines that no blame is attached to the respondent, the investigator's report will be retained in a sealed envelope in the confidential files of the Senior Manager, Human Resource Services, designate.

Related Board Policies

HR-5.3, Code of Conduct for Employees
B-3.2, Equity, Diversity and Inclusion
ES-1.1, Safe, Caring and Restorative Schools
HR-4.2, Workplace Harassment

Legal References

Canadian Charter of Rights and Freedoms
Criminal Code of Canada
Ontario Human Rights Code
Ontario Occupational Health and Safety Act
Education Act S. 286 (3) Duties of Supervisory Officers as Assigned by Board
Ministry of Education Policy/Program Memorandum No. 119, Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools

Established: November 11, 1999 Revised/Reviewed April 16, 2014
Rescinded/ January 22, 2019
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