



## **KENORA CATHOLIC DISTRICT SCHOOL BOARD**

### **400 Personnel and Staff Relations Procedures**

#### **AP 403: Employee Workplace Violence and Harassment**

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The Kenora Catholic District School Board is committed to providing a safe working environment in which all employees are treated with consideration, dignity, respect, equity and in accordance with the gospel values of Jesus Christ. The Board believes that in adhering to these values there can be no tolerance of violence and/or harassment in the work or learning environment and that the eradication of workplace violence and/or harassment in the school/workplace is the joint responsibility of the employer and the employee. Any employee who becomes aware of a potential workplace violence situation has a responsibility to draw appropriate attention to it. Workplace violence and/or harassment will not be tolerated on Kenora Catholic District School Board premises, while conducting company business or work related functions, whether such violence and/or harassment is perpetrated by senior administration, managers, employees, contractors, customers, clients, visitors or members of the general public.

The Director of Education recognizes that violence and threat of violence are a serious hazard to employees and is committed to preventing and controlling such risks in the workplace. This includes situations where an employee may be exposed to domestic violence while at work. To this end a program has been established which includes requirements for incident reporting, communication and training.

As part of the internal responsibility system, individuals engaging in unsafe activity will be held accountable for their actions. This, together with Safe Schools legislation, means that violent and potentially violent activity will be investigated by senior administration of the board and will be acted upon in a manner that protects members of the school community in the workplace. Violent behaviour and behaviour which increases the risk of violence in the workplace will not be tolerated.

#### **1. Objective:**

That the Kenora Catholic District School Board promote a safe and orderly working environment through implementation of effective measures to prevent and deal with violence and harassment against workers in the workplace. The Director of Education will work with all staff to ensure that workplace violence and harassment are prohibited and that all complaints will be dealt with as expeditiously, judiciously, confidentially and sensitively as possible.

## 2. Definitions :

### 2.0 **Workplace violence**

- 2.1 The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker
- 2.2 An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker
- 2.3 A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

### 2.4 **Harassment**

- 2.4.1 Harassment in accordance with the *Ontario Human Rights Code* as: "Engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome and is based on one or more of the prohibited grounds of discrimination: race, ancestry, sex, sexual orientation, place of origin, colour, ethnic origin, citizenship, creed, age, record of offenses, marital status, family status, or handicap."
- 2.4.2 It may also be:
  - a sexual solicitation or advance by a person in a position to confer, grant or deny 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
  - 2.4.3 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.

### 2.5 **Workplace**

- 2.5.1 This procedure applies to all work activities that occur while on Board business, or workplace social events.
- 2.5.2 Harassment, which occurs outside the workplace, but which proves to have repercussions in the work environment and adversely affects working relationships, is also included as workplace harassment.

### 3. Guidelines:

- 3.0 The Kenora Catholic District Board shall support and endorse the provision of a safe, secure and orderly environment in which people may work in an atmosphere of mutual respect.
- 3.1 Managers and supervisors are responsible for ensuring the workplace is safe and workers are protected from hazards. To this end they must, on behalf of the employer, implement the Workplace Violence Prevention Program. This includes recognizing and communicating to others where hazards related to violence may exist, immediately investigating incidents and establishing measures to prevent recurrences.
- 3.2 This procedure is to be applied in conjunction with other board procedures dealing with employee behaviour, progressive discipline, conflict resolution and school safety (i.e. AP106 Safe Schools, AP107 Code of Conduct, AP109 Anti-Racism and Ethnocultural Equity, AP111 Access to Schools).
- 3.3 Employees are responsible for reporting any hazard which includes potentially violent circumstances of which s/he is aware. Employees are also responsible for cooperating in investigations and participating in associated training.
- 3.4 Any employee experiencing violence outside of the workplace (i.e. domestic violence) that may create a risk of danger to themselves or others in the workplace is encouraged to report such violence so that the Board can take reasonable preventive steps.
- 3.5 This procedure prohibits reprisals against employees who have made good faith complaints or provided information regarding a complaint or incident of workplace violence or harassment.
- 3.6 The Occupational Health & Safety Act requires that this procedure be reviewed as often as is necessary, but at least annually and be posted where all employees can see it.
- 3.7 This procedure is not intended to apply to student behaviours covered by the Safe Schools Strategy of the Education Act.
- 3.8 The harassment of another employee of the Board shall be subject to the whole range of disciplinary sanctions.
- 3.9 The complainant shall follow the procedures outlined in 5.3 within a reasonable period of time following the alleged incident(s) of harassment.

- 3.10 The complainant is free to seek an alternate method of redress, such as:
  - file a complaint with the Ontario Human Rights Commission
  - through OECTA
  - or outside agency
- 3.11 The Director of Education or a designate shall keep a confidential file containing all records and documentation of harassment complaints.

#### 4. Roles and Responsibilities:

- 4.0 **Director of Education:** The Director of Education and Senior Administration has the responsibility for the health, safety, and well being of all employees.
- 4.1 **Principals/Supervisors/Managers:** Principals, supervisors, and managers have responsibility for the health, safety, and well being of employees at their worksite.
- 4.2 **Employees:** Every worker contributes to the creation of a safe and healthy workplace. All workers must accept as a personal responsibility their own role in reporting violence in the workplace.
- 4.3 **Contract Workers:** Contract workers are expected to adhere to the provisions of all board policies and procedures, including the provisions of the Workplace Violence Procedure.

#### 5. Workplace Violence Reporting Procedures:

- 5.0 The Kenora Catholic District School Board takes all reported incidents of violence seriously and will not ignore, condone or tolerate threatening or violent behavior by any person.
- 5.1 Any employee of the Kenora Catholic District School Board who believes that he or she is threatened or who experiences or witnesses any workplace violence must promptly report it to their administrator/supervisor/manager.

## 6. Workplace Harassment Reporting Procedures:

### 6.0 Informal Resolution Process

- 6.1 The Informal Resolution Process is the first stage in attempting to resolve an issue of harassment.
- 6.2 The complainant may first attempt to resolve the situation by speaking directly with the individual or by writing to the individual in order to identify the specific conduct, action or attitudes which are harassing and to demand that the conduct, action or attitudes cease.
- 6.3 In the alternative, the complainant may engage the assistance of the OECTA President to discuss resolution of the situation with, or to approach the alleged harasser on behalf of the complainant in either of the above noted ways.
- 6.4 No formal written records are completed at this stage, although the parties should keep personal documentation of the meeting(s) or copies of written complaints.

### 6.5 Formal Resolution Process

In the event that a resolution is not possible or desirable under the Informal Procedure, the complainant may proceed to the Formal Procedure.

#### 6.5.1 Step 1

- The complainant submits a written complaint to the Superintendent of Instructional Services, within five working days,
- gives a copy of the complaint to the alleged harasser
- discusses the complaint separately with the two parties and with their knowledge may consult with others who are in a position to provide relevant information, and will seek amicable resolution through meetings between the two.
- If an amicable resolution has been reached within the five working days, then documentation of the harassment complaint and the resolution agreed upon will be placed in the director's confidential file containing all records and documentation of harassment complaints.

6.5.2 **Step 2**

- If resolution is not reached within five working days of the submission of the complaint, a professional facilitator shall be appointed by the Director of Education or designate within three working days.
- The facilitator:
  - Must be an independent party who does not represent the complainant, alleged harasser, or the Board;
  - Gathers information
  - specific conduct, action, or attitudes which the complainant considers harassing,
  - identification of witnesses, if any,
  - Redress sought.
  - Interviews the complainant, the alleged harasser, any witnesses and anyone else with relevant information;
  - Evaluates and assesses that information with a view to providing a written report with recommendations to the Director of Education or designate and the two parties involved.

6.5.3 Based on the findings of a thorough investigation, the Director of Education or designate will render a written decision as to an appropriate resolution of the complaint and any disciplinary action to be taken where harassment has been found to have occurred.

6.5.4 Documentation of the harassment complaint and any disciplinary action will be kept on file by the Director of Education.

6.5.5 A copy of any disciplinary action taken by the Board as a result of harassment complaint will be placed on the respondent's personnel file.

**7. Incident Investigation Procedure:**

7.0 The administrator/supervisor/manager of the reporting employee of the Kenora Catholic District School Board is responsible for conducting an incident investigation.

7.1 In the event that the alleged harasser is the Director of Education, the chair of the board shall be substituted as the party responsible for completing the responsibilities outlined above of the Director of Education.

**Forms associated with this procedure:**

- Form #079: Violent Incident Investigation Report
- Form #080: Violent Incident Investigation Checklist
- Form #081: Risk Assessment Workplace Violence - Employee Questionnaire
- Form #082: Risk Assessment Workplace Violence - Principal/Manager Questionnaire
- Form #083: Risk Assessment Workplace Violence – Catholic Education Center Questionnaire

**Legal References:**

- The Education Act and Regulations
- The Child and Family Services Act
- Bill 168: Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) 2009
- The Youth Criminal Justice Act
- The Criminal Code of Canada
- The Charter of Rights and Freedoms
- Antiracism and Ethno-cultural Equity(Education Act, s. 8(1), 29.1)
- Ontario Human Rights Code
- Safe Schools Act, 2000
- Education Act (Progressive Discipline and School Safety, 2007)

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