



COMMISSION SCOLAIRE SIR-WILFRID-LAURIER  
SIR WILFRID LAURIER SCHOOL BOARD

Policy n°  
2006-HR-06

## Policy on Harassment

Resolution n°

060426-HR-0201

Revision:

CC-100929-HR-0019

### References:

Act Respecting Labour Standards (R.S.Q. N-1.1, sections 81.18 to 81.20, 123.6 to 123.16).  
Human Rights and Freedoms Charter, sections 1, 4, 10, 10.1, 16 and 46;  
Civil Code of Québec, sections 3, 6, 7, 35, 36, 1457, 1458, 1463 and 2087;  
Act Respecting Occupational Health and Safety, section 9, section 51, subsections 3 and 5;  
Canadian Human Rights Act (R.S.Q. H-6) /section 14 (2);  
Collective Agreements in effect.

*NOTE: The masculine gender, when used in this document, refers to both women and men. No discrimination is intended.*

### 1.0 PREAMBLE

- 1.1 The school board recognizes that harassment is an offence against human rights and intends to maintain and promote a working and learning environment respectful of the dignity and psychological and physical integrity of any person to whom this policy applies.

### 2.0 SCOPE OF THE POLICY

- 2.1 This policy applies to every person working for the school board. It also applies to any elected representative, volunteer, person responsible for supervising or monitoring the activities of the school board.
- 2.2 This policy applies during any teaching, research, work, guidance or activity organized by the school board or its departments, representatives, schools or centres on board premises or elsewhere.

### 3.0 POLICY STATEMENT

- 3.1 By putting into force a policy on harassment, the school board intends to:
- discourage and prevent harassment;
  - impose appropriate corrective measures when a complaint for harassment is deemed founded, and this regardless of the status or seniority of the respondent;
  - guide and support the person or group of persons who were victim of harassment;
  - apply the principles of procedural fairness and confidentiality;
  - respect the decision of a victim to pursue a complaint;
  - protect the victim against reprisals;
  - ensure that the application of this policy does not prevent the victim from exercising other recourses.

#### **4.0 POLICY OBJECTIVE**

- 4.1 The main objectives of this policy are the following:
- a) maintain a work environment free of harassment through the enforcement and implementation of preventive and corrective measures;
  - b) establish the respective responsibilities of every person involved in the application of this policy;
  - c) establish an assistance and/or complaint process for individuals who are victim of harassment;
  - d) as a deterrent measure, to make known the consequences that a person held responsible for harassment could suffer.

#### **5.0 CAUSE OF ACTION FOR HARASSMENT**

5.1 Harassment means any vexatious or contemptuous behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects a person or group of persons' dignity and/or psychological and/or physical integrity and that results in a harmful work environment for the person and/or group of persons. A single serious incident that has a lasting harmful effect on a person and/or group of persons may also constitute harassment.

- 5.2 The following are examples, but not an exhaustive list, of actions defined as harassment:
- a) physical, verbal and written threats or aggressions;
  - b) unwelcome remarks, jokes, insinuations and/or mockeries based on a person's physical characteristics and/or appearance, sexual orientation, age, sex, civil status, ethnic and/or national origin, culture, religion, etc.;
  - c) displaying of sexist, racist and/or other offensive material, or graffiti with a sexist, racist, cultural, ethnic, or religious content;
  - d) jokes causing personal humiliation or embarrassment and placing individuals in danger or having a negative impact on their performance;
  - e) hazing and/or initiation rites;
  - f) concupiscent looks and/or obscene or suggestive gestures;
  - g) unwelcome questions and/or comments on a person's sexual life;
  - h) unwelcome sexual advances;
  - i) behaviours, comments, gestures and/or contacts of a sexual nature susceptible of offending and/or humiliating a person;
  - j) intimidation;
  - k) condescendence, paternalism and/or protective attitude undermining personal self esteem and/or having a negative impact on a person's performance and/or working conditions;
  - l) attempts to discredit a person by making false allegations of incompetence, criminal offences, harassment, denunciation, etc, with the intent of causing prejudice to this person;
  - m) retaliation against a person who filed a complaint for harassment.

- 5.3 The exercise of one's authority, the normal allocation of work, performance evaluation and supervision of employees, disciplinary measures for valid reasons and the control of absences do not generally constitute harassment.

## **6.0 PRELIMINARY ACTION & COMPLAINT IN CASE OF HARASSMENT**

- 6.1 Any person to whom this policy applies who believes the actions of another person constitute harassment under this policy is encouraged to inform that person that his behaviour is unwelcome, offending and against this policy and must stop immediately.
- 6.2 If the actions persist and prior to lodging an official complaint, the person to whom this policy applies who believes the actions of another person constitute harassment, must either meet with his school or centre administrator or immediate supervisor, or contact the Secretary General directly.
- 6.3 During this meeting, the following information must be provided by the immediate supervisor or Secretary General:
- a) the possibility of solving the issue informally, but not necessarily;
  - b) the right to file an official complaint in writing;
  - c) the availability of resources, namely counselling;
  - d) the right to be represented by a person of his choice during the entire process;
  - e) other options and recourses available.
- 6.4 Following this meeting, any person to whom this policy applies, who believes he or she has been the victim of harassment, may file an official complaint.
- 6.5 An official complaint must be submitted on the Harassment Complaint Form provided by the school board and filed with the Secretary General. Any person to whom this policy applies may file a complaint without having previously advised his school or center administrator or immediate supervisor.
- 6.6 If asked, the principal, the centre administrator, the immediate supervisor or the Secretary General will help the complainant complete the Harassment Complaint Form.

## **7.0 INQUIRY PROCESS**

- 7.1 As soon as a complaint has been filed, the respondent must be convened, in writing, by the Secretary General to a meeting to be informed that a complaint for harassment has been received. The notification must indicate that the respondent may be accompanied by a person of his choice or his union representative when applicable.
- 7.2 On receipt of a complaint, the Secretary General shall also convene the Board's Inquiry Committee.
- 7.3 The Board's Inquiry Committee is composed of the Director General or his designate, the Secretary General, the Director of the Human Resources Department or his designate, and a school principal appointed annually by the Director General and a representative of the concerned union(s) or management association(s). The failure of the union or association to name a representative shall not prevent the committee from carrying out its mandate.
- 7.4 The Board's Inquiry Committee may use any resources and mandate any person deemed necessary to assist him in carrying out the inquiry, conducting interviews and/or gathering the information required.
- 7.5 The inquiry should be completed within 30 working days of the filing of the complaint.

- 7.6 The inquiry will normally consist of personal interviews with the complainant and the respondent. Other persons who are aware of the incident and/or the circumstances surrounding the complaint may also be interviewed. Every person interviewed must sign a Confidentiality Agreement Form.
- 7.7 The inquiry will ascertain the following information:
- a) the circumstances;
  - b) a description of the incident(s);
  - c) past incidents or repeated behaviours;
  - d) the relationship between the parties involved and the context where the alleged incidents took place;
  - e) any form of consent or obvious disapproval from the complainant when the incidents took place.

Based on facts and circumstances, the Board's Inquiry Committee shall determine whether the action or incident constitutes harassment under this policy.

- 7.8 On the recommendation of the Board's Inquiry Committee, the Board may, at any time, take administrative preventive measures if there is a substantial risk of recurrence or aggravation.
- 7.9 The Inquiry Committee shall determine whether the action or incident constitutes harassment under this policy and promptly provide the Secretary General with the findings of the inquiry in writing.
- 7.10 If the allegations are deemed to be founded in whole or in part, the School Board shall respect the following procedure taking into account the findings of the Inquiry Committee as far as possible:
- a) When feasible, the School Board will attempt to resolve the complaint in an informal manner, such as a meeting of the complainant and the respondent that leads to an apology or other resolution that is satisfactory to the complainant.
  - b) If an informal resolution is not feasible, fails or is impractical in the circumstances, the School Board may take any measure or recourse provided for in the collective agreements, administrative by-laws and provincial and federal laws in effect. This includes a warning, a reprimand, suspension or dismissal if deemed appropriate. For a respondent who is not an employee of the Board, the School Board may take all other means available under the law.
- 7.11 The Secretary General must inform in writing as soon as possible the complainant and the respondent of the findings of the Inquiry Committee.

## **8.0 REPRISALS**

- 8.1 The school board will take disciplinary measures and/or other measures against any employee and/or individual who takes reprisals against a person who filed a complaint or is involved in an inquiry for harassment. Reprisal includes any form of intimidation, threat, retaliation or harassment.

## **9.0 OTHER RECOURSE**

- 9.1 The processes described herein do not prevent anyone from exercising other recourses, such as filing a complaint with the Human Rights Commission or the Commission des normes du travail, and/or taking civil action and/or actions under the Criminal Code, or filing a grievance by virtue of a collective agreement.

## **10.0 IMMUNITY & CONFIDENTIALITY**

- 10.1 Provided that the complainant acts in good faith, the filing of a complaint for harassment will not affect his employment or the tasks assigned to him.
- 10.2 However, frivolous complaints, false accusations or accusations made in bad faith may result in disciplinary measures or actions against the complainant.
- 10.3 When fulfilling its obligations to conduct an inquiry, take appropriate measures and apply the principles of procedural fairness and confidentiality, the school board is expected to respect as far as possible the private life of complainants, respondents and witnesses. The names of the complainant and respondent, the written complaint and the names of the witnesses shall not be divulged unless deemed necessary for the implementation of administrative and/or disciplinary measures pursuant to the complaint and/or if required by law.

## **11.0 FOLLOW-UP**

- 11.1 Should there be any corrective measures to implement, the School Board will inform the complainant and respondent's immediate supervisor of the findings of the Inquiry Committee.
- 11.2 The School Board must pay special attention to the complainant and respondent, as well as to any other person involved, notably by informing them of the services available through the Employee Assistance Program.
- 11.3 The complainant and respondent's immediate supervisor must follow up on any measures taken by the School Board pursuant to the findings of the Inquiry Committee, in particular by holding individual meetings with the complainant and respondent to ascertain that the measures implemented are respected and enquire about the work climate and any negative behaviour that could require an intervention from his part.
- 11.4 The complainant and respondent's immediate supervisor may, at any time, request the assistance of the Human Resources Department for the implementation of the process provided for in subparagraph 11.3.
- 11.5 Should the measures taken be insufficient or the negative behaviour continue, the Human Resources Department, in collaboration with the immediate supervisor, will either modify and/or increase the measures and/or take any other measure deemed necessary in the circumstances.

## **12.0 APPLICATION OF THIS POLICY**

- 12.1 The Director General is responsible for the application of this policy.
- 12.2 This policy replaces any other policy on harassment previously adopted by the school board.