

NIPISSING-PARRY SOUND CATHOLIC DISTRICT SCHOOL BOARD

WORKPLACE SEXUAL HARASSMENT POLICY

PB-25.0
NPS 5-99

POLICY:

IT SHALL BE THE POLICY OF THE NIPISSING-PARRY SOUND CATHOLIC DISTRICT SCHOOL BOARD to recognize and endeavour to protect the fundamental right of all employees to a workplace free from sexual harassment by the employer, agent of the employer, or by another employee.

The Nipissing-Parry Sound Catholic District School Board is committed to providing a climate of understanding and mutual respect for the dignity and worth of each employee, *“For love implies an absolute demand for justice, namely a recognition of the dignity and rights of one’s neighbour.”*¹ Each employee must feel a part of, and be able to contribute fully to, the work environment.

This policy embraces the spirit of the Ontario *Human Rights Code* and prohibits harassment and discrimination based on gender. Notwithstanding the existence of this policy, every person continues to have the right to seek assistance from the *Ontario Human Rights Commission*.

DEFINITIONS:

A) Sexual Harassment

Sexual harassment is a form of gender-based discrimination and is against the law in Ontario. Under the Ontario *Human Rights Code*,

“Every person who is an employee has a right to freedom from harassment in the workplace because of sex by his or her employer or agent of the employer or by another employee.” (Subsection 7(2))

Section 10(1) of the Ontario *Human Rights Code* defines “harassment” as *“engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome”*.

Sexual harassment is conduct of a sexual nature that detrimentally affects the work environment or leads to adverse job-related consequences for the victims of the harassment.

¹ Justice in the world (1971), Papal encyclical 34

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Workplace sexual harassment may include one or a series of incidents involving unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature. Any person who persists in such behaviour which he or she knows or should know is unwelcome may be guilty of sexual harassment.

Sexual harassment may include, but is not limited to:

- ✓ sexual assault;
- ✓ unwelcome remarks, jokes, innuendos, or taunting about a person's body, attire, or sex;
- ✓ practical jokes of a sexual nature which cause awkwardness or embarrassment;
- ✓ obscene jokes or sexual depictions;
- ✓ displaying pornographic or otherwise offensive or derogatory material;
- ✓ persistent leering (suggestive staring) or other gestures;
- ✓ unnecessary and unwelcome physical contact such as touching, patting, pinching or brushing against the body;
- ✓ unwelcome sexual flirtations, advances, propositions;
- ✓ persistent unwanted contact or attention after the end of a consensual relationship;
- ✓ verbal abuse or threats of a sexual nature.

B) Workplace

For the purposes of this policy, the workplace includes the working environment and any place employment-related responsibilities are conducted.

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PROCEDURES

1. Victims of Sexual Harassment

Employees who feel they are victims of sexual harassment should:

- a) in appropriate cases, make it firmly known to the harasser, either verbally or in writing, that their conduct and/or comments are unwelcome, and request that the harassment cease;
- b) keep a written record of the dates, times, incidents and witnesses;
- c) if the alleged incident is deemed to be serious and/or if the harassment continues, report the behaviour to any of the following: their immediate supervisor, the Manager of Human Resources, a Superintendent, or the Director of Education,² as promptly as possible. Failure to report in a timely way may be grounds for deciding not to deal with the complaint.

Following consultation with any of the above, the complainant may decide to:

- i) request in writing that no further action be taken, or
- ii) make a formal written complaint to the Director of Education using the *Workplace Sexual Harassment Complaining Form*, requesting resolution to the complaint.

All reports of sexual harassment shall be brought to the attention of the Director of Education, who may in an appropriate case file a formal complaint under this policy in the Board's name, in order that a complaint may proceed to the next step (see Section entitled "Responsive Action to Sexual Harassment Complaint"). This may be required where the complainant is not willing to file a formal complaint in what the Director of Education deems to be a serious case of sexual harassment.

2. Witnesses to Sexual Harassment

Employees who witness sexual harassment should:

- a) offer support to the victim;

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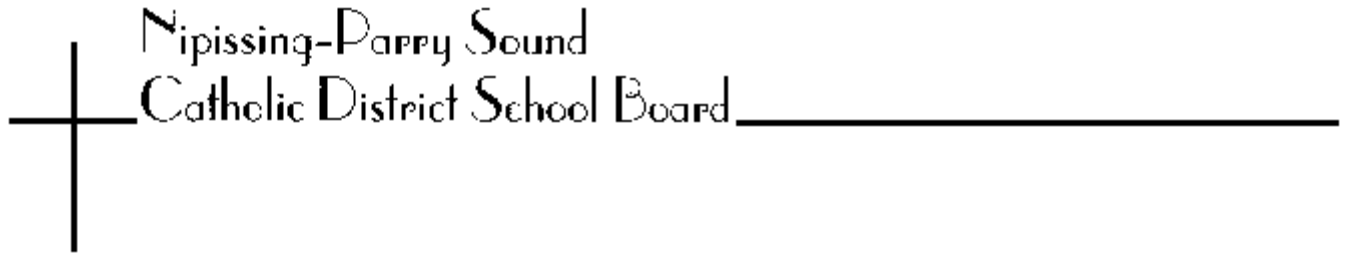
² If a particular complaint involves conduct by the Director of Education, then the Chairperson of the Board shall exercise all authority conferred upon the Director of Education under this policy.

- b) offer to be a witness on the victim's behalf;
- c) let the harasser know his/her behaviour is inappropriate.

RESPONSIVE ACTION TO SEXUAL HARASSMENT COMPLAINTS

All formal complaints will be treated seriously and kept as confidential as possible. A formal complaint will be fully investigated in a timely manner by a neutral third party, unless in the opinion of the Director of Education, the complaint is vexatious, untimely, or does not come within this policy. In an investigation, appropriate consideration shall be given to the rights and interests of both the complainant and the alleged wrongdoer. Where charges are substantiated, corrective action will be taken to end the harassment, and appropriate disciplinary measures, up to and including dismissal, will be imposed.

The Nipissing-Parry Sound Catholic District School Board shall not retaliate against employees for reporting sexual harassment. If, however, the Board finds that false charges have been filed, disciplinary action may be taken against any individual who provides false information.



WORKPLACE SEXUAL HARASSMENT COMPLAINT FORM

If you wish to lodge a formal complaint of sexual harassment, please complete this form and submit it to the Director of Education¹, in a sealed envelope marked CONFIDENTIAL, as promptly as possible. Failure to report in a timely way may be grounds for deciding not to deal with the complaint.

All formal complaints will be treated seriously and kept as confidential as possible. A formal complaint will be fully investigated in a timely manner by a neutral third party, unless in the opinion of the Director of Education, the complaint is vexatious, untimely, or does not come within this policy. In an investigation, appropriate consideration shall be given to the rights and interests of both you and the alleged wrongdoer. You will receive a written report summarizing the results of the investigation.

Where charges are substantiated, corrective action will be taken to end the harassment, and appropriate disciplinary measures will be imposed.

Notwithstanding the existence of the Board's Workplace Sexual Harassment Policy and complaint procedure, every person continues to have the right to seek assistance from the Ontario Human Rights Commission.

Complainant's Name: _____

Work Location: _____

Supervisor: _____

¹ If a particular complaint involves conduct by the Director of Education, then the Chairperson of the Board shall exercise all authority conferred upon the Director of Education under this policy.

Please answer each of the following questions, providing as much detail as possible regarding your complaint. Describe incident(s) fully, including specific conduct, language, conversation(s), gesture(s) and action(s).

If you require additional space to answer questions, please attach extra sheets and refer to the appropriate question number(s).

1. What exactly is your complaint?

2. When and where did the incident(s) occur?

3. Who was involved?

4. Has anything like this happened before? If so, describe the incident(s) including when and where the incident(s) occurred.

5. How did you respond to each incident?

6. Did you communicate to the alleged wrongdoer that the conduct was unwelcome? If so, how? If not, why not?

7. Were there any witnesses to the incident(s)? If so, who were the witnesses?

8. Did you report the incident(s) to anyone? If so, to whom and when did you report the incident(s)?

9. What outcome do you expect as a result of an investigation?

I hereby request that the Nipissing-Parry Sound Catholic District School Board investigate the incident(s) described herein.

Complainant's Signature

Date