



Title: **HARASSMENT**

Policy No.: **3004**

Effective Date: **2001 February 27**

Department: Organizational Support Services – Human Resources

References: - *Ontario Human Rights Code*
- *Ontario Occupational Health and Safety Act*
- Procedure - Harassment

It is the policy of the Board that every person within the Thames Valley educational community has a right to work and study in a safe, inclusive and accepting environment, free of harassment and supportive of productivity, personal goals, dignity and self-esteem.

The Thames Valley District School Board endeavours to create a climate of understanding and mutual respect and in accordance with the *Ontario Human Rights Code*, to recognize the dignity and worth of every individual, and in accordance with the *Ontario Occupational Health and Safety Act*, establish measures to deal effectively with incidents and complaints of workplace harassment.

The working and learning environment will be free of discrimination or harassment on grounds which include, but are not limited to the following: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, religion, sex, gender identity, gender expression, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability (as those terms are defined in the *Ontario Human Rights Code*).

The Thames Valley District School Board will not condone any form of harassment. The Board has established a complaint procedure and will protect from reprisal those individuals participating in the process including complainants, witnesses, advisors, representatives, investigators, and decision makers.

Administered By	Organizational Support Services - Human Resources
Amendment Dates:	2015 February 10



PROCEDURE

Title: **HARASSMENT**

Procedure No.: **3004a**
Effective Date: **2001 February 27**

Department: Organizational Support Services – Human Resources

- References:
- *Ontario Human Rights Code*
 - *The Child and Family Services Act*
 - *Ontario Occupational Health and Safety Act*
 - Equity and Inclusive Education Policy
 - Health and Safety Policy
 - Domestic Violence in the Workplace Procedure
 - Reporting Child Neglect and Abuse – Board Procedure
 - Safe Schools Policy
 - Suspensions Policy
 - Regulations made under the *Teaching Profession Act*
 - *Trespass to Property Act*
 - Violence in the Workplace Procedure
-

PROCEDURE FOR RESOLVING HARASSMENT INVOLVING EMPLOYEES
OF
THE THAMES VALLEY DISTRICT SCHOOL BOARD

Administered By	Organizational Support Services – Human Resources
-----------------	--

Amendment Dates:	2010 April 27, 2010 May 11, 2015 February 10, 2016 October 25
------------------	---

TABLE OF CONTENTS

PAGE

Table of Contents2

Harassment Procedure.....3

Fundamental Guiding Principles.....3

Reporting Harassment.....4

Definition of Harassment4

Complaint Resolution Procedures

1.0 Harassment of Employees6

 1.1 Allegations of Harassment: Employee(s)/Supervisor by Employee(s)/Supervisor..6

 1.2 Allegations of Harassment: Employee(s) by Other(s) 11

2.0 Harassment of Students 12

 2.1 Allegations of Harassment: Student(s) by Employee(s)..... 12

3.0 Harassment of Others

 3.1 Allegations of Harassment: Other(s) by Employee(s) 14

Appendices

Appendix A Definitions from the *Ontario Human Rights Code*..... 16

Appendix B Implementation Plan for Harassment Policy/Procedures 17

Harassment Procedure

Fundamental Guiding Principles

- a. All students and staff of the Thames Valley District School Board have a right to an educational or work environment that is free of harassment.
- b. All incidents and complaints of harassment must be taken seriously and dealt with according to the policy and procedure.
- c. Staff have a responsibility to ensure that harassment and discrimination does not occur. Employees who witness harassment or discrimination or who become aware that an individual is being harassed or discriminated against have a responsibility to report the incident immediately to their supervisor or school administrator or to Organizational Support Services (Human Resources) without fear of reprisal.
- d. Supervisors and school administrators are responsible for helping to create and maintain a harassment and discrimination-free environment.

Supervisors are part of the internal responsibility system of the organization and have an additional responsibility to take immediate action if they become aware that an individual is being harassed or discriminated against.

All supervisory staff are expected to set an example and adhere to this policy in their own behaviour.

- e. Each employee and student who uses the policy to lodge a complaint may exercise that right without threat or fear of reprisal. Students may feel very vulnerable when lodging a complaint and as such may require additional consideration and protection by those responsible for handling a complaint. Any person who retaliates or threatens to retaliate against a person who makes a complaint in good faith will be subject to disciplinary action.
- f. A spirit of fairness to both parties must guide the actions taken. Both parties have a right to a fair and impartial investigation. The respondent (alleged harasser) has a right to know the allegations and who made them. Individuals making charges or allegations of harassment in bad faith will be subject to disciplinary action.
- g. Confidentiality will be maintained to the extent possible. Identifying information about any individuals involved will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.
- h. The primary intention of the complaint procedure is to stop harassment as soon as possible after an incident occurs. The complaint procedure must be flexible and the range of corrective action effective.

Harassment Procedure

- i. Notwithstanding the right of a complainant to take the complaint to the Ontario Human Rights Commission at any time, it is the intent of the Board to resolve allegations of harassment as expeditiously as possible.
- j. There is an expectation that written complaints will be made as soon as possible but not later than six (6) months after the offending incident(s) unless a delay was justified because of extenuating circumstances and would not result in substantial prejudice to anyone.
- k. The Thames Valley District School Board will comply with legislative requirements relative to posting and review of the policy and procedure.

Reporting Harassment

The Thames Valley District School Board will report on an annual basis to the Joint Health and Safety Committees.

Definition of Workplace Harassment

In accordance with the Occupational Health and Safety Act, Workplace harassment means:

- a) Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
- b) Workplace sexual harassment

A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not considered workplace harassment.

Workplace harassment includes but is not limited to:

- a. behaviour that is unwelcome and/or one-sided, on a single or a repeated basis which humiliates, threatens, insults or degrades. It may take the form of derogatory comments conveyed through any means or media, condescension, or patronizing behaviour that undermines self-confidence. It also may include unwelcome invitations, requests, threats and assault;
- b. unwanted attention of a persistent or abrasive nature by a person or persons who knows or ought to know that such attention is unwanted;
- c. inappropriate behaviour which could reasonably be expected to cause physical, emotional or psychological distress. There may be circumstances where a single incident would not be considered to be harassment but a series of such incidents would constitute harassment;
- d. inappropriate behaviour which has the purpose or effect of creating an intimidating or hostile learning or working environment. Hostile environment harassment consists of unwelcome conduct when such conduct has the effect of unreasonably interfering with

an individual's work or academic performance or such conduct has the effect of creating an intimidating, hostile, offensive or uncomfortable working or learning environment; or

- e. unwanted and/or persistent attention or contact in the work environment directed at an employee where the individuals concerned are/were partners/spouses, or had an intimate or dating relationship.

Definition of Workplace Sexual Harassment

In accordance with the Occupational Health and Safety Act, workplace sexual harassment means:

(a) engaging in a course of vexatious comments/conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comments/conduct is known or ought reasonably to be known to be unwelcome, or

(b) making a 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 to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

Other forms of workplace sexual harassment include:

Written or verbal remarks, slurs, references, jokes or conduct, or display of offensive or derogatory material, conveyed through any means or media, any of which is of a sexual nature or about a person's sexual orientation, gender identity or gender expression, which is known or ought reasonably to be known to be unwelcome in that it may cause insecurity, discomfort, offense or humiliation to another person or group, made by any employee, agent of the Board, trustee, volunteer, student, visitor or any person coming onto Board property;

A sexual advance or solicitation by a person who is in a position to grant or deny a benefit to another, when the person making the advance knows or ought to know that such behaviour is unwelcome;

A threat or an action by a person in a position to grant or deny a benefit against another who rejects their sexual advance;

Sexual advances, requests for sexual favours or other verbal or physical conduct of a sexual nature when such conduct has the purpose or the effect of interfering with a person's work performance or creating an intimidating, hostile or offensive work environment;

Denial of any promotion, benefit or opportunity based on sex, sexual orientation, or same-sex partnership status;

Denial of normal co-operation on gender, gender identity, gender expression or sexual orientation grounds.

Workplace sexual harassment does not necessarily include an occasional compliment, or relationships between consenting adults providing said relationships does not involve an adult who, as a student, is also in a student-staff relationship with the other adult.

Racial Harassment

Racial harassment includes written or verbal remarks, slurs, references, jokes or stories based on a person's racial or ethnic background, conveyed through any means or media, related to colour, place of birth or origin, citizenship, ancestry, customs, dress, creed or religion which are known or ought reasonably to be known to be unwelcome, made by any employee, agent of the Board, trustee, volunteer, student, visitor or any person coming onto Board property;

The display of racist, derogatory or racially offensive pictures or material, which is known or ought to be known to be unwelcome;

Denial of any promotion, benefit or opportunity based on racial or ethnic grounds;

Denial of normal co-operation on ethnic or racial grounds.

Harassment of Persons with Disabilities

Harassment of persons with disabilities includes written or verbal remarks, slurs, references, jokes or the display of offensive or derogatory material about a person's disability, conveyed through any means or media, which are known or ought reasonably to be known to be unwelcome, made by any employee, agent of the Board, trustee, volunteer, student, visitor or any person coming onto Board property;

Denial of any promotion, benefit or opportunity based on disability;

Denial of reasonable co-operation on the ground of disability.

Personal Harassment

Personal harassment includes intentional taunts, insults or offensive comments or actions which could reasonably be expected to demean or humiliate an individual made by any employee, agent of the Board, trustee, volunteer, student, visitor or any person coming onto Board property;

Improper use of authority or position, with its implicit power, to undermine, sabotage or otherwise interfere with the career of an employee or academic success of a student;

Denial of any promotion, benefit or opportunity based on age, record of offenses as per the *Ontario Human Rights Code* provisions, marital status or family status;

Patterns of comment or conduct of an excessive nature that are known or ought reasonably to be known to be unwelcome, unwanted, offensive, intimidating, hostile or inappropriate. Such behaviours include physical intimidation and/or threats of violence; use of profanity (swearing) or vulgarity or derogatory name calling conveyed through any means or media including inappropriate use of computer images, video recordings, emails, electronic text and websites;

Bullying tactics such as ridiculing, taunting, threatening, belittling, excluding or humiliating another person, are also forms of harassment and are unacceptable.

Personal harassment does not include the appropriate exercise of supervisory, evaluation or operational responsibilities.

Complaint Resolution Procedures

1.0 Harassment of Employees

1.1 Allegations of Harassment: Employee(s)/Supervisor by Employee(s)/Supervisor

An employee who feels that they have been harassed should do the following:

- a. If comfortable, tell the alleged harasser that their behaviour is unwelcome and tell the person to stop.

The police shall be contacted in the case of a threatening situation where there is concern for the safety of any individual.

- b. An employee who feels uncomfortable about addressing the issue of harassment with the alleged harasser directly should tell their immediate supervisor about the matter.

NOTE: If the alleged harasser is the Supervisor (e.g. Manager, Supervisor, Principal, Vice-Principal or Superintendent) of the employee who is alleging harassment, the employee should make a complaint directly to the Superintendent of Student Achievement, or the Superintendent of Human Resources.

- c. Create a record of the incident(s) in as much detail as possible. The document called the *Complaint Form for Harassment Involving Employees* (available in Electronic Forms under Organizational Support Services (Human Resources)) may provide assistance. Record the name and employment position of the alleged harasser, frequency of conduct (has it happened before) date(s), time(s), location(s), possible witnesses, what happened, your reaction, whether you told anyone about the situation and if so who and when, and any knowledge you have of the same or similar situation happening to others, in as much detail as possible. It is not necessary to have a record of events to make an informal complaint, but it can help an individual remember details that occurred.
- d. If the harassment does not end immediately, or was of such a nature that it caused the individual severe or ongoing discomfort the employee *must advise their supervisor* who will take the appropriate action to resolve the matter. The employee may also consider notifying the following people:
 - a union or association representative;
 - a Superintendent of Student Achievement; or
 - a manager or Superintendent of Human Resources

1.1.1 Informal Resolution Process

The objective of the informal resolution process is to protect an employee from workplace harassment and deal quickly and effectively with incidents and complaints.

Once a supervisor has been made aware and following consultation with the Superintendent of Human Resources, or designate, an investigation is conducted into incidents or complaints of workplace harassment that is appropriate in the circumstance.

The supervisor must document the investigation and any action taken in writing. The employee who has allegedly experienced workplace harassment and the alleged harasser, if they are an employee of the employer, are informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation.

The supervisor may help by providing information and confidential advice. The supervisor should advise the complainant of available options for resolution that may include:

- strategizing with the complainant about ways to communicate in person with the harasser;
- writing a letter to the harasser;
- addressing the behaviour as appropriate through the disciplinary process;
- helping the complainant to seek counselling elsewhere (through the Employee Assistance Program or a community support group);
- initiating a Formal Complaint.

1.1.2 Formal Complaint Procedure

A complainant may choose a formal complaint process initially, or after informal resolution procedures have proven unsuccessful.

The participants involved in the Formal Complaint Procedure include the complainant*, the respondent*, an investigator and the Superintendent of Human Resources or designate. The Superintendent of Human Resources is responsible for ensuring that the matter is investigated and this may entail the appointment of an internal or external investigator.

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

1.1.3 Written Complaint

- a. The complainant completes the *Complaint Form for Harassment Involving Employees* (available in Electronic Forms under Organizational Support Services (Human Resources)) in as much detail as possible and sends it to the Superintendent of Human Resources.

- b. Immediately after the complaint is filed, the Superintendent of Human Resources appoints an investigator** and sends confirmation of receipt of the complaint to the complainant.
- c. Immediately thereafter, the investigator will ensure that all necessary documentation and details regarding the complaint are prepared and received, and conduct a preliminary assessment to determine that a harassment investigation should proceed. If the complaint is to proceed to investigation, the investigator will send a copy of the complaint to the respondent(s) through the office of the Superintendent of Human Resources, with a copy to the complainant. Alternatively, the investigator may decide to prepare and share a summary of the complaint or any supplementary allegations when the investigator deems it appropriate. As well, the investigator may share the parts of the complaint that are relevant to a particular respondent where there are multiple respondents named.
- d. The investigator initiates an investigation into the complaint, using the general standards of fairness and proper procedures for conducting an investigation.
- e. Both the respondent and the complainant and any witnesses will be interviewed separately and may have a supporter present when interviewed. A supporter may be an association or union representative, a supervisor or another individual but shall not otherwise be a potential witness or a party to the complaint itself.
- f. In the instance where the investigator deems that the matter does not meet the criteria required to pursue a harassment investigation, the Superintendent of Human Resources will notify the complainant and provide appropriate direction or advice.

**An investigator may be an individual from Organizational Support Services (Human Resources), another Board or agency, or a staff member with administrative responsibilities, such as a Principal or Superintendent of Student Achievement. The investigator should have a thorough understanding of harassment issues, relevant legislation, and be able to conduct a proper investigation as a neutral party. An investigator is deemed to be a neutral party where the Superintendent of Human Resources is satisfied that there is no conflict of interest between the investigator and parties to the complaint.

1.1.4 Conciliation

- a. During the investigation process, the investigator may attempt to conciliate a resolution between the parties. Conciliation can be an effective and efficient method of complaint resolution which maintains the dignity of the parties involved and is in accordance with the spirit of the *Ontario Human Rights Code*.

- b. Should conciliation resolve the matter, the investigator will prepare a report for the Superintendent of Human Resources which outlines the details of the resolution. The Report will be signed by the Parties and the investigator. Any discipline resulting from the Report will be noted and placed in the respondent's personnel file for the period outlined in the relevant employee group agreement.

1.1.5 Report of Investigator

- a. If conciliation is unsuccessful, the investigator will prepare a report of findings of fact which is submitted to the Superintendent of Human Resources.
- b. The Superintendent of Human Resources may arrange for conciliation once again if it appears warranted.
- c. Should conciliation resolve the matter, the Superintendent of Human Resources will prepare a report which outlines the details of the resolution. The Report will be signed by the Parties and the Superintendent of Human Resources. Any discipline resulting from the Report will be noted and will be placed in the respondent's personnel file for a time outlined in the relevant employee group agreement.
- d. If conciliation is not attempted or is not successful, the investigator will prepare a summary of the findings. A copy will be sent to the complainant and the respondent who may file their written comments with the Superintendent of Human Resources within 10 business days.

1.1.6 Decision of Superintendent of Human Resources

- a. If conciliation is not possible or does not resolve the matter, the Superintendent of Human Resources will prepare a written decision outlining the findings, disciplinary actions, if any, and other actions as necessary. Disciplinary actions may include, but are not limited to:
 - requiring the harasser to apologize in writing and/or person;
 - requiring the harasser to seek counselling through the Employee Assistance Program or other service provider;
 - requiring the harasser to attend training programs, e.g., anger management;
 - requiring the harasser to give a written commitment to the complainant to cease any and all offensive behaviour;
 - written reprimand;
 - suspending the harasser from work with or without pay;
 - transferring the harasser;
 - terminating the employment of the harasser.
- b. The report of the facts and the written decision of the Superintendent of Human Resources shall be kept in a confidential harassment file. In the case where an employee is found to have harassed an individual, a letter outlining any disciplinary action taken shall be placed in the respondent's employee

file. The complainant will be informed of the results of any investigation and any corrective action taken, in writing, by the Superintendent of Human Resources or designate.

- c. This process does not take away from the complainant any legal rights available including those under the *Ontario Human Rights Code* or the *Ontario Occupational Health and Safety Act*.

1.2 Allegations of Harassment: Employee(s) by Other(s)

- a. If a Board employee feels that they have been harassed in the course of employment or as a result of the performance of their employment responsibilities, the employee should report the incident(s) to a superintendent, principal, or manager. Such report should include the name(s) of the individual(s), frequency of conduct, date(s), time(s), location(s), possible witnesses, your reaction, if you told anyone about the situation and if so who and when, in as much detail as possible. The employee has the right to seek guidance from their association, federation or union.
- b. The immediate supervisor will be apprised of the situation, will obtain details of the incident and consult with the Superintendent of Human Resources or designate. If it is found that harassment has occurred, the supervisor, in consultation with the Superintendent of Human Resources or designate, shall take whatever action is appropriate to stop the harassment. Options may include, but are not limited to:
 - telling the person that their comment(s) and/or behaviour is/are inappropriate and in contravention of Board policy (and potentially the *Ontario Human Rights Code* and the *Ontario Occupational Health and Safety Act*), and that the harassment must stop;
 - ensuring that the complainant has another staff member present when required to interact with the individual in the future (as in the case of harassment perpetrated by a parent or guardian);
 - requesting that a vendor or other service provider send a different representative to conduct business on Board property; or
 - contacting the police in the case of a threatening situation where there is concern for the safety of an employee or others.

2.0 Harassment of Students

2.1 Allegations of Harassment: Student(s) by Employee(s)

It is the responsibility of administration to investigate all student complaints of harassment by staff. Students should be aware that the term “employees” includes but is not limited to teachers, guidance counsellors, coaching staff, principals and vice-principals, custodians and secretaries.

Harassment may involve an abuse of power where the student is coerced into granting favours to the employee. Coercion may be evidenced by actions such as threat of a loss, e.g. receiving a low mark or failing a program. Coercion may also be in the form of a promise of a reward, special favour or receiving an

unearned passing grade or higher mark. Harassment may also take the form of persistent and ongoing inappropriate comments, gestures or touching.

Any allegation of harassment shall be taken seriously and listened to attentively in a manner that does not humiliate or degrade the student making the allegation. A student who believes that they have been harassed by an employee is to take the following steps:

- a. Unless the student has concerns related to retribution or other issues, the student may choose to make known their unease or disapproval to the person in an effort to stop the harassing behaviour. This may be done directly by the student, through a second party, or by writing a note or letter to the employee. Such communication may resolve the problem if an alleged harasser does not realize that their behaviour is offensive. If the harassment does not end, it is necessary to take further action as noted below.
- b. Write down what happened including the employee's name and employment position, frequency of the conduct (has it happened before?) date(s), time(s), location(s), possible witnesses, your reaction, if you told anyone about the situation and if so who and when, and any knowledge you have of the same or similar situation happening to others. in as much detail as possible.
- c. The student should report the harassment directly to the principal or vice-principal. Otherwise the student is to tell someone that they trust at home and/or at the school (parent/guardian, the school harassment advisor, a classroom teacher, guidance counsellor, or any other adult in the school) about the harassment as soon as possible. A student may wish to take along a friend for support when reporting the incident(s).

NOTE: If the alleged harasser is the principal or vice-principal, the complaint is to be made directly to the Superintendent of Student Achievement.

2.1.1 Investigation

- a. Any person working in the school is required to take action to stop harassment by relaying such reports of allegations or incidents to the principal or vice-principal for investigation unless the observation or report of harassment indicates circumstances in which a child (under the age of sixteen) could be found to be "in need of protection" under section 72 of *The Child and Family Services Act*. In these circumstances, the Board's Reporting Child Neglect and Abuse procedure shall be followed initially rather than this Harassment procedure. If the student is under the age of sixteen the principal/vice-principal or, if appropriate, the Superintendent of Student Achievement, will notify the student's parent/guardian of the allegations.
- b. The principal or vice-principal will notify the Superintendent of Student Achievement of the allegation once the potential seriousness of the situation is determined. The superintendent will consult with Organizational Support Services (Human Resources) to determine an appropriate investigator for the matter. In selecting an investigator, consideration will be given to the

experience and training the individual has in investigation procedures, the capacity of the individual to understand the nature of the complaint, and the ability of the individual to act in a neutral manner in keeping with the principles of procedural fairness.

- c. The student will be asked to tell the person conducting the investigation what happened in as much detail as possible. It is appropriate that a parent, friend, a peer supporter, a teacher or someone else accompany the student. Witnesses will be interviewed independently. The alleged harasser will have an opportunity to respond to the allegation, if the alleged harasser so chooses.
- d. The alleged harasser has the right to be accompanied by a representative of their association/federation/union during interviews related to the complaint.
- e. The investigation, which includes gathering facts concerning the complaint through interviews and preparing a report, shall be conducted in accordance with due process procedures. Confidentiality will be maintained as far as is possible.
- f. The result of the investigator's fact finding will be reported to the Superintendent of Human Resources or designate who will determine whether the matter shall be addressed through the appropriate discipline procedure.

2.1.2 Outcome of Investigation

- a. A report of the findings will normally be made available to the complainant and alleged harasser within 30 instructional days of the receipt of the complaint.
- b. If the investigation proves that an employee has harassed a student, the Superintendent of Human Resources or designate, in consultation with the Superintendent of Student Achievement and principal, shall determine the appropriate means of dealing with the behaviour. Possible outcomes depending on the circumstances include but are not limited to:
 - requiring the harasser to apologize in writing and/or person;
 - requiring the harasser to seek counselling through the Employee Assistance Program or other service provider;
 - suspending the harasser from work with or without pay;
 - terminating the employment of the harasser.
- c. The report of any disciplinary action shall be placed in the employee's personal file for the period outlined in the relevant employee group agreement.
- d. If the student or the parent(s) or guardian(s) is/are dissatisfied with the outcome they may make a complaint to the Ontario Human Rights Commission or the Ontario College of Teachers.

3.0 Harassment of Others

3.1 Allegations of Harassment: Other(s) by Employee(s)

- a. If a person who is not an employee or student of the Board feels that they have been harassed by an employee of the Board while that person was acting in the capacity of an employee of the Board, the person should report the incident(s) to the appropriate superintendent, principal or manager. Such report should include the name(s) of the individual(s), frequency of conduct, date(s), time(s), location(s), possible witnesses, the complainant's reaction, if the complainant told anyone about the situation and if so who and when, in as much detail as possible.
- b. The superintendent, principal or manager will obtain details of the incident and consult with their immediate supervisor. If it is found that harassment has occurred, the superintendent, principal or manager shall, in consultation with the Superintendent of Human Resources, take whatever action is appropriate to stop the harassment. Options may include, but are not limited to:
 - attempting conciliation as a resolution between the parties;
 - telling the person that their comment(s) and/or behaviour is/are inappropriate and in contravention of Board policy (and potentially the *Ontario Human Rights Code*), and that the harassment must stop;
 - requiring the harasser to apologize in writing and/or in person;
 - requiring the harasser to seek counselling through the Employee Assistance Program or other service provider;
 - suspending the harasser from work with or without pay;
 - terminating the employment of the harasser.

The police will be contacted in the case of a threatening situation where there is concern for the safety of any individual.

DEFINITIONS FROM THE ONTARIO HUMAN RIGHTS CODE

“age” means an age that is eighteen years or more; except in subsection 5 (1) (Employment) where “age” means an age that is eighteen years or more;

“disability” means,

- a. any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and without limiting the generality of the foregoing, including diabetes, mellitus, epilepsy, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or on a wheelchair or other remedial appliance or device,
- b. a condition of mental impairment or a developmental disability,
- c. a learning disability or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- d. a mental disorder, or
- e. an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*;

“family status” means the status of being in a parent and child relationship;

“marital status” means the status of being married, single, widowed, divorced or separated and includes the status of living with a person in a conjugal relationship outside marriage;

“record of offences” means a conviction for,

- a. an offence in respect of which a pardon has been granted under the *Criminal Records Act (Canada)* and has not been revoked, or
- b. an offence in respect of any provincial enactment;

16. (1) Canadian Citizenship – A right under Part 1 to non-discrimination because of citizenship is not infringed where Canadian citizenship is a requirement, qualification or consideration imposed or authorized by law.
17. (1) Disability – A right of a person under this Act is not infringed for the reason only that the person is incapable of performing or fulfilling the essential duties or requirements attending the exercise of the right because of disability.
19. (2) Duties of teachers – This Act does not apply to affect the application of the *Education Act* with respect to the duties of teachers.
20. (1) Restriction of facilities by sex – The right under section 1 to equal treatment with respect to services and facilities without discrimination because of sex is not infringed where the use of the services or facilities is restricted to persons of the same sex on the ground of public decency.

APPENDIX B

IMPLEMENTATION PLAN FOR HARASSMENT POLICY/PROCEDURES

The primary purpose of any Harassment policy is to prevent harassment and stop harassment as soon as possible after an event occurs. A proactive approach to education and awareness is required to meet these goals.

All Superintendents, Principals and Managers are responsible for providing staff training or information about harassment on a regular and ongoing basis. The degree or extent to which training is required is dependent upon the particular needs of the school or work site. In all cases, the following actions should be taken:

- upon hiring, all new employees will receive appropriate information regarding the Harassment policy and procedures outlining the rights and responsibilities of staff;
- the Harassment policy and procedures should be prominently displayed within the school or work site including the Health and Safety bulletin boards.