



POLICY P.009.HR

TITLE: RESPECTFUL WORKPLACE AND HARASSMENT PREVENTION

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COMMITMENT TO INDIGENOUS RIGHTS, HUMAN RIGHTS, AND EQUITY

The Board recognizes its responsibility to ensure that OCDSB policies and procedures promote and protect Indigenous, equity, and human rights and to seek to address and eliminate racism and structural and systemic barriers for students, staff, and community.

1.0 RATIONALE

To provide a workplace in which all workers are treated with respect and dignity by others with whom they interact in the workplace, and thereby work in an environment that is free of workplace harassment, bullying, and disrespectful behaviour as stipulated by the Ontario *Occupational Health and Safety Act*, Ontario *Human Rights Code*, and the *Education Act*.

2.0 DEFINITIONS

Please refer to Appendix A for a list of definitions of terms used in this policy.

3.0 GUIDING PRINCIPLES

Policy Statement

- 3.1 The Board recognizes the principle of basic human dignity. The Board is committed to providing a workplace in which all individuals are treated with respect and dignity, and where workplace harassment, bullying and other disrespectful behaviours are not tolerated, including by workers, students, parents, trustees, suppliers and others with whom employees interact in the course of their employment.

Guiding Principles

- 3.2 The District shall ensure through implementation of this policy that:
- a) all workers are able to work in an environment which is free from workplace harassment, bullying and other disrespectful behavior;
 - b) persons in a position of authority shall not use their authority inappropriately vis-à-vis another person;

- c) workers and all members of the District community understand their responsibility for contributing to a respectful workplace and model the character attributes Acceptance, Appreciation, Cooperation, Empathy, Fairness, Integrity, Optimism, Perseverance, Respect, and Responsibility;
- d) all workers shall attempt to make every reasonable effort to resolve issues arising as a result of friction, conflict or disagreement in a respectful and professional manner that contributes to a healthy and productive workplace; and
- e) complaints related to workplace harassment, bullying, disrespectful behavior or a poisoned work environment are taken seriously and addressed appropriately and in a timely manner.

4.0 SPECIFIC DIRECTIVES

4.1 The District will not tolerate bullying, cyber-bullying, disrespectful behaviour, workplace harassment, discrimination based on a protected ground, microaggressions, or creating a poisoned work environment.

4.2 Workplace harassment of any kind shall not be tolerated.

4.3 Workplace harassment may take the following forms:

- a) verbal, including offensive words or jokes which demean persons on the basis of any form of discrimination, bullying, or intimidation;
- b) environmental, including graffiti, defacement of private or public property including school lockers, pictures or cartoons that are demeaning of others based on any of the above forms of discrimination;
- c) physical, including unwelcome physical contact or assault, offensive gestures, threatening physical behaviour, physical bullying; and
- d) psychological, including deliberate isolation or ostracism, condescending or patronizing behaviour which undermines self-respect.

4.4 Disrespectful behaviour shall not be tolerated from anyone in the Workplace.

4.5 Workplace Harassment and Disrespectful Behaviour does not include a reasonable action taken by the OCDSB or supervisor relating to the management and direction of workers or the workplace, including but not limited to training, direction, instruction, performance management, and discipline.

4.6 Where a conflict arises between workers' opportunities for resolution should be sought, or may be presented, by the parties to the conflict in order to resolve the matter. As such, the parties are encouraged to be open to reasonable solutions to the conflict at any time throughout the process. Workers shall have recourse to appropriate mechanisms for redress where an alleged incident of harassment or disrespectful behaviour is shown to have occurred.

4.7 All incidents of workplace harassment and disrespectful behaviour, when reported or discovered, shall lead to appropriate corrective and/or disciplinary action as set out in

the procedure which shall accompany this policy. The District shall ensure that an appropriate response is made in a timely manner to each alleged incident. If the District receives a formal complaint of an incident of bullying, cyber-bullying, disrespectful behaviour, workplace harassment, discrimination based on a protected ground, microaggressions, or creating a poisoned work environment, the District will follow the Respectful Workplace procedure, and will ensure that the worker who has allegedly experienced harm is informed of the outcome of that process.

- 4.8 This policy is not intended to interfere with positive and appropriate social interaction that occurs in the workplace.
- 4.9 The Director of Education, or designate, shall, in consultation with the Joint Health and Safety Committee, develop and maintain written procedures to implement this policy. Such procedures shall:
- a) include measures and procedures for workers to report incidents of workplace harassment, including measures for reporting to a person other than the supervisor where the supervisor is the alleged harasser;
 - b) set out how incidents or complaints of workplace harassment will be investigated and dealt with;
 - c) set out how information obtained about an incident or complaint of workplace harassment, including 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;
 - d) set out how a worker who has allegedly experienced workplace harassment and the alleged harasser, if they are a worker, will be informed 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;
 - e) require that appropriate information and instruction be provided to workers on the contents of the policy and the procedures; and
 - f) include monitoring and measuring processes to ensure the effectiveness of the respectful workplace policy and program in promoting and maintaining a respectful workplace.

5.0 APPENDICES

Appendix A: Policy Definitions

6.0 REFERENCE DOCUMENTS

[Accepting Schools Act, Bill 13, 2012](#)

[Education Act, 2000, Section 171](#) and [Part XIII](#)

[Human Rights Code of Ontario](#)

[The Teaching Profession Act](#)

[Board Policy P.147.GOV: Human Rights](#)

[Board Policy P.026.SCO: Student Suspension and Expulsion](#)

[Board Policy P.032.SCO: Safe Schools](#)

Board Policy [P.098.CUR: Equity and Inclusive Education](#)
Board Policy [P.103.HR: Alleged Employee Misconduct Towards a Student](#)
Board Policy [P.132.HS: Violence in the Workplace](#)
Board Procedure [PR.515.SCO Student Suspension and Expulsion](#)
~~Board Procedure [PR.541.HS: Alleged Harassment of an Employee](#)~~
Board Procedure [PR.542.HR: Alleged Employee Misconduct toward a Student](#)
Board Procedure [PR.543.HR: Alleged Harassment of a Student](#)
Board Procedure [PR.652.HR: Respectful Workplace](#)
Board Procedure [PR.659.SCO: Bullying Prevention and Intervention](#)
Board Procedure [PR.680.HS: Violence in the Workplace](#)

APPENDIX A: POLICY DEFINITIONS

In this policy,

Board means the Board of Trustees.

Bullying means aggressive and typically repeated behaviour by an individual where the behaviour is intended to cause harm, fear or distress to another individual, including physical, psychological, social harm, harm to the individual's reputation or harm to the individual's property, or to creating a negative environment for another individual. This behaviour occurs in a context where there is a real or perceived power imbalance between the bully and the victimized individual based on factors such as Protected Grounds, size, strength, intelligence, peer group power, economic, social or employment status, or special needs. Bullying behaviour includes the use of any physical, verbal, electronic, written or other means.

Cyber-bullying means Bullying specifically by electronic means and may include, but is not limited to, sending or posting harmful or malicious messages or images through email, instant messages, cell phones, websites, and other technology.

Disrespectful Behaviour means vexatious behaviour that is known or ought reasonably to be known to be disrespectful and/or unwelcome to an individual, or group, which diminishes the dignity of any person(s). Examples of Disrespectful Behaviour include:

- a) written or verbal comments, actions, gestures, behaviours or 'jokes' which would reasonably be perceived as unwelcome, humiliating, offensive, hurtful, or belittling;
- b) bullying, cyber-bullying, or intimidating behaviour;
- c) microaggressions;
- d) abuse of authority;
- e) yelling, shouting, screaming, or swearing;
- f) deliberately excluding or isolating a person from relevant work activities or decision-making;
- g) stereotyping or making inappropriate assumptions about an individual based on an individual's personal qualities, characteristics, or role or Protected Grounds; and
- h) devaluing or trivializing a person's successes, contributions or concerns.

Disrespectful Behaviour does not include the reasonable and appropriate exercise of supervisory responsibilities, including training, direction, instruction, performance appraisal, and discipline. It also does not include commonly socially acceptable and good-natured humour or joking in the workplace.

District means the Ottawa-Carleton District School Board.

Harassment means a pattern of Disrespectful Behaviour. In some circumstances, a singular incident may be recognized as Harassment, depending on the nature of the comment or conduct. Code-based Harassment is Harassment based on a Protected Ground. ~~Non Code-based Harassment is Harassment that is not based on a Protected Ground.~~ If a person does not explicitly object to harassing behaviour, or appears to be going along with it, this does not mean that the behaviour is okay. The behaviour could still be considered Harassment. ~~In limited circumstances, a singular incident may be recognized as Harassment, depending on the nature of the comment or conduct.~~

Examples of Harassment include:

- a) epithets, remarks, jokes, or innuendos related to a person who identified with a Protected Ground;
- b) posting or circulating offensive pictures, graffiti, or materials, whether in print form or via e-mail or other electronic means related to a Protected Ground;
- c) singling out a person for humiliating, demeaning “teasing”, or jokes because of a Protected Ground;
- d) comments ridiculing a person because of characteristics that are related to a Protected Ground. For example, this could include comments about a person’s dress, speech or other practices that may be related to their sex, race, gender identity or creed.

Microaggressions means the verbal, nonverbal, and environmental slights, snubs, or insults, whether intentional or unintentional, which communicate hostile, derogatory, or negative messages to target persons based solely upon their marginalized group membership or a Protected Ground. A series of Microaggressions may amount to Harassment.

Protected Ground means the attributes or characteristics upon which discrimination, which includes harassment, is prohibited under the Code or by the OCDSB. The Code-Protected Grounds are age, ancestry, citizenship, colour, creed (religion), disability (including mental, physical, developmental or learning disabilities), ethnic origin, family status (such as being in a parent-child relationship), gender expression, gender identity, marital status (including married, single, widowed, divorced, separated or living in a conjugal relationship outside of marriage, whether in a same-sex or opposite-sex relationship), place of origin, race, record of offences (criminal conviction for a provincial offence, or for an offence for which a pardon has been received), sex (including pregnancy and breastfeeding), and sexual orientation.

An additional ground protected from discrimination by the OCDSB is socio-economic disadvantage.

Poisoned Work Environment means ~~an environment that is created by comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of management) that create a discriminatory working environment. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status. A single comment or action, if sufficiently serious, may create a Poisoned Environment.~~ a work environment in which employee productivity and well-being are undermined by repeated, ongoing, and unresolved conflict such as harassment, discrimination, or disrespectful behaviour. It is typically marked by employees feeling stressed, anxious, and demoralized over an extended period. Other markers might include low morale, high turnover, and diminished performance.

Respectful behaviour means behaviour that supports and creates a positive workplace. Examples of Respectful Behaviour includes:

- a) being polite and courteous;
- b) treating others equitably and fairly;
- c) accepting responsibility for actions, reactions, and behaviours that impact others;
- d) respecting the differences in people;
- e) respecting the rights of others;
- f) showing proper care and regard for District property and for the property of others; and
- g) demonstrating honesty and integrity.

Sexual or Gender-Based Harassment means a form of Harassment that can include:

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b) sexual solicitations or advances by any person who is in a position to grant or deny a benefit to the recipient of the solicitation or advance. This includes managers and supervisors, as well as co-Workers where one person is in a position to grant or deny a benefit to the other. Reprisals for rejecting such advances or solicitations are also not allowed.

Examples of sexual or gender based harassment may include:

- i. gender-related comments about a person's physical characteristics or mannerisms;
- ii. paternalism based on gender which a person feels undermines their self respect or position of responsibility;
- iii. unwelcome physical contact;
- iv. suggestive or offensive remarks or innuendoes about members of a specific gender;
- v. propositions of physical intimacy;
- vi. gender-related verbal abuse, threats, or taunting;
- vii. leering or inappropriate staring;
- viii. bragging about sexual prowess or questions or discussions about sexual activities;
- ix. offensive jokes or comments of a sexual nature about an employee or client;
- x. rough and vulgar humour or language related to gender;
- xi. display of sexually offensive pictures, graffiti, or other materials including through electronic means; and
- xii. demands for dates or sexual favours.

Worker means any of the following,

- a) a person who performs work or supplies services for monetary compensation;

- b) a secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled;
- c) a person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university or other post-secondary institution;
- d) a person who receives training from the OCDSB, but who, under the *Employment Standards Act*, 2000, is not a worker for the purposes of that Act because the conditions set out in subsection 1 (2) of that Act have been met; and
- e) such other persons as may be prescribed who perform work or supply services to the OCDSB for no monetary compensation.

Workplace means the site where the individuals are customarily employed, and includes all other places which result from employment responsibilities or employment relationships, including OCDSB or committee meetings, locations at work-related social functions, work assignments outside the site, field trips, work-related conferences or training sessions, and work-related travel.

Workplace Harassment means Harassment that is directed toward a Worker in the Workplace.

Workplace Sexual or Gender-Based Harassment means Sexual or Gender-Based Harassment that is directed toward a Worker in the Workplace.