



COMMISSION SCOLAIRE
Eastern Shores
SCHOOL BOARD

**POLICY TO PREVENT AND ADDRESS
HARASSMENT AND PROMOTE CIVILITY
IN THE WORKPLACE
POLICY ES-209**

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Revised:

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PREAMBLE

All employees of the Eastern Shores School Board (hereinafter the "**Board**") shall be treated with integrity, respect and dignity in the workplace. Accordingly, this Policy is intended to establish and maintain a healthy work environment free of harassment in any form for all employees.

In return, all of the Board's employees have an obligation of civility to both the Board's employees and third parties, including namely elected representatives, students, parents, subcontractors and visitors. It is therefore the responsibility of each employee to establish and maintain relationships based on respect, cooperation, politeness, courtesy and good manners.

1. OBJECTIVES

The objectives of this Policy are:

- 1.1 To clearly state the Board's commitment to preventing and, where appropriate, stopping harassment in the workplace;
- 1.2 to put in place the necessary mechanisms for the prevention, prompt handling of complaints and resolution of problems; and
- 1.3 to promote the maintenance of civil relations among all employees and between employees and third parties.

2. SCOPE OF APPLICATION

- 2.1 The Policy applies to all employees, unionized and non-unionized. It governs relations between co-workers, between supervisors and team members, between employees, elected representatives, volunteers, parents, students, subcontractors, visitors.
- 2.2 The Policy applies to all work-related incidents, on or off the job and during and outside normal working hours, such as work-related travel, conferences, meetings, receptions and work-related social events.
- 2.3 The Policy also applies to social media use at work or outside of work when it is work-related.

3. LEGAL FRAMEWORK

All Canadian and Quebec laws, ESSB governance policies and bylaws, as well as collective agreements will be applied, more particularly but not limited to:

- *Act Respecting Labour Standards*
- *Human Rights and Freedoms Charter*
- *Civil Code of Québec*
- *Act Respecting Access to Documents held by Public Bodies & Protection of Personal Information*
- *Act Respecting Occupational Health and Safety*
- *Canadian Human Rights Act*

4. PRINCIPLES

This Policy is based on the following principles:

- 4.1 The Board is committed to not tolerate any form of harassment;
- 4.2 The Board is committed to prevention as a means of dealing with harassment and encourages a free and voluntary approach to conflict resolution between the individuals involved;
- 4.3 The Board has put in place a mechanism to deal diligently with situations of harassment and to stop any situation of harassment while protecting the quality of the work climate;
- 4.4 Each party involved in a harassment situation is entitled to fair and equitable treatment; and
- 4.5 The Board shall ensure that any employee who avails themselves of this Policy shall not suffer any prejudice or retaliation. The good faith of any person making a complaint shall be presumed. The Policy shall not, however, be used in an abusive manner or with the intent to harm or mislead.

5. DEFINITIONS

5.1 Civility

One of the effective mechanisms for preventing harassment in the workplace is to establish a culture of respect and civility in the workplace. Civility is defined as a set of attitudes and behaviours in the workplace that refer to courtesy, politeness, respect, cooperation and good manners.

5.2 Incivility

Incivility is a pattern of behavior (rudeness, lack of respect and manners, lack of cooperation and courtesy) that violates the basic rules of social life and creates significant discomfort in the workplace.

5.3 Harassment

5.3.1 Harassment consists of vexatious conduct manifested through repeated hostile or unwanted behavior, words, acts or gestures, which has the effect of violating the dignity or the psychological or physical integrity of a person and which results in a harmful work environment for that person.

For greater clarity, psychological harassment also includes such conduct when it manifests itself through such words, acts or gestures of a sexual nature.

5.3.2 A single act of serious conduct may also constitute harassment, if it is so harmful and has a continuing harmful effect on that person, whether physically or psychologically.

5.3.3 Harassment may be directed at one individual or a group of individuals.

5.3.4 The definition of harassment also includes harassment related to one of the grounds of discrimination protected by section 10 of the *Charter of Human Rights and Freedoms*.

5.3.5 Workplace conflict between two employees, work-related stress or difficult work demands do not constitute harassment, nor does the exercise of the Board's managerial responsibilities, provided they are not exercised in an abusive, arbitrary or discriminatory manner.

6. ROLES AND RESPONSIBILITIES

6.1 The Board shall:

6.1.1 Ensure compliance with the framework policy within the Board;

6.1.2 Take all possible steps to maintain a working environment that is exempt of all forms of harassment;

6.1.3 Ensure that the parties concerned, both the complainant and the respondent, are treated equally;

6.1.4 Should the Director of Human Resources be the object of a complaint, the complaint shall be referred to the Director General;

- 6.1.5 Should the Director General be the object of a complaint, the complaint shall be referred to the Chair of the Council of Commissioners; and
 - 6.1.6 On the recommendation of the Director of Human Resources, the Board may, at any time, take administrative preventive measures if there is a substantial risk of recurrence or aggravation or to ensure the safety and well-being of all concerned.
- 6.2 The Council of Commissioners shall:
- 6.2.1 Adopt the Policy; and
 - 6.2.2 Should the Director General be the object of a complaint, and an investigation is conducted, the Council of Commissioners shall appoint an external investigation to conduct the inquiry.
- 6.3 Director General shall:
- 6.3.1 Receive the recommendation of the Director of Human Resources for the purpose of implementing corrective measures as per the Delegation of Certain Functions and Powers to the Director General.
- 6.4 Director of Human Resources shall:
- 6.4.1 Meet and listen to the complainant;
 - 6.4.2 Provide information about the Policy for countering all forms of harassment;
 - 6.4.3 Provide information about the availability of resources to help and support the parties involved;
 - 6.4.4 Attempt to resolve the situation to the satisfaction of all parties involved;
 - 6.4.5 Ensure that all complaints of harassment are dealt with promptly and impartially;
 - 6.4.6 Receive the complaint, except those directed at the Director General, the Assistant Director General and/or the Director of Human Resources;
 - 6.4.7 Handle the complaint in the most appropriate manner, taking into account all the circumstances;
 - 6.4.8 Decide on the merits of the complaint and on the mandate given to an external investigator, if needed;
 - 6.4.9 Investigate the complaint; and
 - 6.4.10 Provide support in the implementation of the corrective measures.

6.5 School or Centre Administrator or Immediate Supervisor shall:

- 6.5.1 Make sure that work relations within their school, center or service are harmonious and exempt of all forms of harassment;
- 6.5.2 Meet and listen to the complainant;
- 6.5.3 Provide information about the Policy for countering all forms of harassment;
- 6.5.4 Provide information about the availability of resources to help and support the parties involved;
- 6.5.5 Attempt to resolve the situation;
- 6.5.6 Take the appropriate preventative or corrective measures to stop situations of harassment; and
- 6.5.7 Process the complaints brought to their attention with diligence and confidentiality.

6.6 Any Employee, unionized or not, including Administrators shall:

- 6.6.1 Demonstrate civil behavior and attitudes;
- 6.6.2 Ensure that their conduct contributes to the maintenance of a safe and healthy work environment, free from harassment;
- 6.6.3 Report any situation of harassment, conflict or incivility to their immediate supervisor as soon as they become aware of such a situation;
- 6.6.4 Use the remedies available to them if they believe they are being harassed; and
- 6.6.5 Cooperate in the process of preventing or dealing with a complaint.

6.7 The Union and the Association shall:

- 6.7.1 Be committed to taking the necessary steps to foster a harassment-free environment; and
- 6.7.2 Agree to cooperate with the Board in the implementation of this Policy.

6.8 The Investigator shall:

- 6.8.1 Conduct an inquiry in accordance with the principles of natural justice, including the right to an impartial decision and the right to be heard;

- 6.8.2 Meet with the persons identified, including the complainant and the respondent;
 - 6.8.3 Prepare a report, issue an opinion on the admissibility of the complaint and make recommendations if necessary;
 - 6.8.4 Forward a copy of the report to the Director of Human Resources. If the respondent is an administrator, the report is also forwarded to the Director General.
- 6.9 Any employee who believes they are being harassed shall:
- 6.9.1 First ask the alleged harasser to stop, if possible, by letting the alleged harasser know that their actions or comments are embarrassing, humiliating, or embarrassing in some way; and
 - 6.9.2 If direct communication with the alleged harasser is not sufficient, or the employee does not feel comfortable to communicate directly with the alleged harasser, the employee may speak to their immediate supervisor or the Director of Human Resources about the situation.
- 6.10 The Complainant, the Respondent and the Witness shall:
- 6.10.1 Commit to providing all the information they have in order to facilitate the management of the file; and
 - 6.10.2 Maintain the confidentiality of the complaint and of all information obtained in the course of the complaint processing and investigation; and
 - 6.10.3 Sign a Confidentiality Agreement.

7. CONFIDENTIALITY

The Board undertakes to protect the confidentiality of information relating to a complaint as well as the identity of the persons concerned, as far as possible, unless such information is necessary for the examination of the complaint, the conduct of an inquiry or the follow-up to be made.

The decision on admissibility of the complaint as well as the report shall remain confidential, except as provided in this Policy.

8. INTERNAL COMPLAINT PROCEDURE

Step 1: Informal resolution of the problem

Any person to whom this Policy applies who believes the actions of another person may constitute harassment under this Policy is encouraged to inform that person that their behaviour is unwelcomed, offending and that these actions go against this Policy and must stop immediately.

Step 2: Filing in a formal complaint

When the informal method is unsuccessful or is not appropriate in the circumstances, an employee who believes to be a victim of harassment may file a written complaint with the immediate supervisor the Director of Human Resources.

This complaint must include the details of the allegations, the name of the person alleged to be responsible, their position, a description of the event(s), the date(s) and, if applicable, the names of witnesses.

When the complaint is filed with the immediate supervisor, the immediate supervisor will forward the complaint upon receipt to the Director of Human Resources.

Step 3: Inquiry process:

Once a complaint has been filed, the Director of Human Resources will convene, in writing, the complainant and the respondent to a meeting (separately) to be informed that a complaint for harassment has been received.

If the complaint is deemed admissible, the Director of Human Resources will:

- a) Inform the respondent in writing of the nature of the complaint and inform the respondent of their rights;
- b) Inform the complainant and the respondent that there will be a formal inquiry; and
- c) Mandate, if necessary, an external, independent and impartial investigator to lead the process.

Step 4: Conclusion of the investigation and follow-up:

Where the allegations in the complaint are substantiated, the Board will take appropriate action to resolve the complaint and will inform the parties. This may include disciplinary or administrative action against the respondent. For a respondent who is not an employee of the Board, the Board may take all other means available under the law.

The Director of Human Resources shall ensure that the necessary means are implemented to re-establish a healthy and harassment-free work environment and that all parties involved are duly informed, including the immediate supervisors of the complainant and the respondent, if applicable.

The internal complaint procedure set out in this Policy does not in any way deprive an employee of the right to go directly to court.

9. VIOLATION OF THE POLICY

- 9.1 Failure to comply with this Policy may result in administrative or disciplinary action up to and including termination of employment; and
- 9.2 Any person filing a complaint deemed abusive or frivolous or lodged in bad faith may be subject to disciplinary action up to and including termination of employment.