



COMMISSION SCOLAIRE
Eastern Shores
SCHOOL BOARD

**POLICY ES 209 - TO PREVENT AND DEAL WITH
PSYCHOLOGICAL AND SEXUAL HARASSMENT AND
VIOLENCE IN THE WORKPLACE, AND TO PROMOTE
CIVILITY**

Adopted: December 13, 2006
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March 17, 2025

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C21-12-807
C25-03-236

PREAMBLE

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

In return, all school board employees have an obligation of civility towards their colleagues and managers, as well as towards all other persons, including elected representatives of the school board, students, their parents, volunteers, subcontractors and visitors. It is therefore the responsibility of every employee to establish and maintain relationships characterized by respect, cooperation, politeness, courtesy and interpersonal skills.

For the sake of brevity, the term "harassment" used in this policy includes not only harassment in any form, including sexual harassment, but also violence.

This policy on psychological harassment takes account of the *Act to modernize the occupational health and safety system* (S.Q., 2021, c. 27) and the *Act to prevent and combat psychological harassment and sexual violence in the workplace* (S.Q., 2024, c. 4), which impose obligations on employers.

1. OBJECTIVES

The objectives of this policy are:

- a) To affirm school board's commitment to prevent and, if necessary, put an end to all work-related harassment, including harassment from external sources;
- b) Indicate the means put in place by the school board to prevent harassment, including information and training programs;
- c) Establish the procedure for handling complaints and problem situations that are brought to the attention of the school board or the designated person;
- d) To promote the maintenance of civil relations between all employees, and between employees and any other person.

2. SCOPE OF APPLICATION

- a) This policy applies to all school board personnel, including trainees, regardless of hierarchical level.
- b) The policy applies to all work-related incidents, whether at the workplace, including telecommuting locations, or outside the usual place of work, as well as during and outside normal working hours, for example, during work-related travel, conferences, meetings, receptions and work-related social activities.
- c) This policy also applies to communications transmitted or received by any means, technological or otherwise, in a work context (e.g., social media, e-mail, text messaging, postings, letters).

3. LEGAL FRAMEWORK

In addition to the school board's collective agreements, governance policies and regulations, this policy is based on the following legislative provisions:

- *The Act Respecting Labour Standards*
- *The Charter of Human Rights and Freedoms*
- *The Civil Code of Québec*
- *The Act Respecting Occupational Health and Safety*
- *The Education Act*

4. GUIDING PRINCIPLES

This policy is based on the following guiding principles:

- a) The school board undertakes not to tolerate any form of incivility or harassment
- b) The school board favors prevention to counter manifestations of incivility or harassment and encourages a free and voluntary approach to conflict resolution between those involved.

- c) The school board has put in place a mechanism to deal with harassment situations promptly, to put a stop to the harassment and prevent the work climate from deteriorating.
- d) Each party involved in a harassment situation is entitled to fair and equitable treatment.
- e) The school board ensures that any employee concerned by a situation of harassment or who has collaborated in the handling of a complaint or report concerning such a situation will not suffer any prejudice or reprisal. The good faith of any person filing a complaint is presumed. However, the policy must not be used in an abusive manner or with the intention of harming or misleading.

5. DEFINITIONS

The definitions below must be interpreted from the point of view of a "reasonable person", i.e., a normally diligent and prudent person who, placed in the same circumstances, would consider himself to be the object of incivility or harassment.

5.1 Harassment :

- a) Harassment is vexatious behaviour in the form of repeated, hostile or unwanted conduct, verbal comments, actions or gestures, which affects a person's dignity or psychological or physical integrity and results in a harmful work environment.
- b) For greater clarity, psychological harassment also includes such conduct when it manifests itself in such words, acts or gestures of a sexual nature.¹
- c) A single act of serious conduct may also constitute harassment, if it causes such harm and produces a continuing harmful effect for that person.
- d) Harassment can be carried out by managers towards employees, between employees, by employees towards their superiors or by any other person, including elected representatives of the school board, students, their parents, volunteers, subcontractors and visitors.

¹ Please refer to Appendix 1 for examples of behaviors that may be considered psychological harassment, including sexual harassment.

- e) Harassment may originate from a particular person or group of people and can be directed at a single person or a group of people.
- f) 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*, namely race, color, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, handicap or the use of a means to palliate such handicap.
- g) A workplace conflict between two employees, work-related stress or difficult work constraints do not constitute harassment, nor does the exercise of the school board's management responsibilities, including task assignment, guidance, performance evaluation, discipline and other supervisory functions, as long as these are not exercised in an abusive, arbitrary or discriminatory manner.

5.2 Civility:

A set of attitudes and behaviors at work that refer to courtesy, politeness, respect, collaboration, openness, effective communication and interpersonal skills. Demonstrating civility includes :

- Show consideration for others and be open and willing to listen;
- Communicate respectfully and maintain harmonious interpersonal relations to foster collaboration.

6. ROLES AND RESPONSIBILITIES

6.1 Responsibilities of the School Board

- a) Undertakes to take all reasonable steps to provide a work environment free of all forms of harassment to protect the dignity and psychological and physical integrity of its employees.

6.2 Responsibilities of the Council of Commissioners

- a) Adopts this policy and any updates to it.

- b) Receives and follows up on all reports or complaints of harassment involving the Director General.

6.3 Responsibilities of the Director General

- a) Undertakes to support the promotion and application of this policy.
- b) Receives and follows up on all reports or complaints of harassment involving the Human Resources Department.
- c) Reviews the recommendation of the Director of Human Resources with a view to implementing corrective measures, as provided for in the Delegation of Functions and Powers to the Director General.

6.4 Responsibilities of the Human Resources Department

- a) Receives and follows up on all reports and complaints of harassment, except where the Director of human resources department is involved.
- b) Implements measures to identify, control and eliminate the risk of harassment, in accordance with the school board's legal obligations, including:
 - i) Communicates this policy to school and centre administrators and to managers of services. Ensures that it is distributed and presented to staff members by management. Sets a deadline for presentation of the policy; Video presentation, power point, QR code leading directly to the policy and forms.
 - ii) Maintains continuous vigilance regarding risks and risk factors likely to generate harassment situations.
 - iii) Ensures that this policy is understood and respected by all concerned.
 - iv) Promotes respect between individuals.
 - v) Regularly raise awareness among facility and department managers of their roles and responsibilities in preventing harassment, particularly at work-related social events.

- vi) Implements a training and awareness program as needed for all employees, including facility and department managers, and the person designated to receive and handle complaints and reports, including:
 - Presentation of the current training program, integration of information on harassment into induction training, annual training on incivility and psychological, sexual or discriminatory harassment, as well as on the measures set out in this policy.
- vii) Make available information on psychological harassment, specifically, that which is found on the CNESST website.
 - *Use of the intranet, SharePoint for school and center principals, and on the ESSB website.*
- c) Supports and advises facility and department in applying this policy.
- d) Undertakes to integrate this policy and all measures arising from it into its occupational health and safety prevention program.

6.5 Responsibilities of Facility and Department Managers

- a) Implements measures to identify, control and eliminate the risk of harassment, in accordance with the school board's legal obligations, including:
 - i) Communicate this policy to all employees under their management and to all persons concerned by the policy.
 - Policy handed out upon hiring. Advertising in staff room. QR code leading to the policy.
 - ii) Maintains continuous vigilance regarding risks and risk factors likely to generate harassment situations.
 - iii) Ensures that this policy is understood and respected by all concerned.
 - iv) Promotes respect between individuals.
 - v) Regularly make employees aware of their roles and responsibilities in preventing harassment, particularly during work-related social events.

- vi) Consults with employees regarding situations specific to their workplace that may create conditions that could lead to harassment.
- vii) Meet with departing employees to find out why they are leaving.
- b) Collaborate with the Human Resources Department to implement preventive and corrective measures deemed appropriate to deal with harassment situations that may arise in their department.
- c) Inform the Human Resources Department of any harassment situation within their department, even if no formal complaint has been lodged.
- d) Deal discreetly with any situation of harassment within their department.

6.6 Responsibilities of the Manager

- a) Foster harmonious relations between team members, free from any form of incivility or harassment. To this end, they encourage respectful communication, manage their team members fairly, and intervene promptly when a situation arises that resembles incivility or harassment.
- b) Inform the facility or department management of any harassment situation within their team, even if no formal complaint has been lodged.
- c) Deal discreetly with any situation of harassment within their team.

6.7 Responsibilities of the Person Designated to Handle a Complaint or a Report

- a) Provides answers to employees' questions about preventing and dealing with harassment.
- b) Receives and follows up on all verbal or written reports or complaints of harassment.
- c) The school board will ensure that the person designated to receive and handle complaints and reports is properly trained to assume the responsibilities entrusted to him or her.

6.8 Responsibilities of Unions and Associations:

- a) Undertake to take the necessary steps to promote a harassment-free workplace.
- b) Undertake to cooperate with the school board in the application of this policy.

6.9 Responsibilities of the Employee

- a) Respect this policy at all times.
- b) Establish and maintain civil relationships.
- c) Participate in the mechanisms put in place by the school board to prevent and stop harassment.
- d) Report any harassment-related situation as soon as possible to their immediate superior or to the person designated by the employer to receive and handle complaints and reports.

7. PROCEDURES FOR MAKING A COMPLAINT OR REPORT AND PROCESS FOR DEALING WITH HARASSMENT SITUATIONS

7.1 Informal Process

- a) Any employee who witnesses a situation covered by this policy or at risk of becoming one may report it to his or her immediate superior or to the designated person.
- b) Whenever possible and appropriate, an employee who believes that he or she is being subjected to a situation covered by this policy shall act promptly to resolve the situation and prevent its recurrence. This is done by letting the person concerned know that his or her actions or words embarrass, humiliate or embarrass him or her in any way. People are often unaware that their behavior is a source of embarrassment and are willing to change their ways when they realize it.

- c) If the situation remains unresolved, or if the employee feels unable to communicate directly with the person concerned, he or she may report the matter to his or her immediate supervisor or the designated person

7.2 Formal Process

- a) When the informal process is unsuccessful or inappropriate in the circumstances, an employee who believes he or she is being harassed may file a written complaint with his or her immediate supervisor or designate.
- b) This complaint must include details of the allegations, the name of the person allegedly responsible, his or her position, a description of the event(s), the date(s), the names of witnesses, if any, and any relevant evidence (e-mails, messages, etc.).
- c) When a complaint is filed with the immediate superior, he or she forwards it to the designated person as soon as it is received.
- d) The person designated to handle a complaint is the Director of Human Resources or the Director General when the designated person is involved, or the Chairman of the Council of Commissioners when the Director General is involved.
- e) All complaints of harassment are handled promptly and impartially.
- f) The designated person deals with the complaint in the most appropriate manner, considering all the circumstances. This may include proposing a meeting or mediation process to the parties involved, conducting an investigation or assigning a qualified person to do so.
- g) If necessary, provisional measures may be put in place during the investigation process to protect the employee affected by a harassment situation or the person who collaborated in the handling of a complaint or report concerning such a situation.
- h) Where the allegations of the complaint are founded, the designated person takes the appropriate measures to resolve the complaint and communicates his or her conclusions to the parties. Any disciplinary, administrative or preventive measures deemed appropriate are implemented in order to re-establish a healthy, harassment-free work environment.

- i) The school board undertakes to take the necessary measures to protect the confidentiality of a complaint, report, information or document as well as the identity of the persons concerned, as far as possible, unless such information is necessary for the examination of a complaint, the conduct of an investigation or the follow-up to be made.
- j) The school board will keep confidential all documents drawn up or obtained while dealing with a situation of harassment during the period in which the parties concerned are employed by the school board and for a minimum period of five years following termination of employment
- k) The process for dealing with a situation of harassment set out in this policy in no way deprives an employee of the right to apply directly to the courts.

8. VIOLATION OF POLICY

- a) Failure to comply with this policy may result in administrative or disciplinary action, up to and including dismissal.
- b) Any person filing a complaint deemed abusive or frivolous, or lodged in bad faith, may be subject to disciplinary action, up to and including dismissal.

ACKNOWLEDGEMENT OF RECEIPT

I acknowledge receipt of *this **Policy to Prevent and Deal with Psychological and Sexual Harassment and Violence in the Workplace and to Promote Civility.***

I hereby declare that I have read this policy and fully understand its contents. I understand that any violation of this policy may result in administrative or disciplinary action, up to and including dismissal.

Print name

Signature

Date

APPENDIX 1

EXAMPLES OF BEHAVIOUR THAT MAY BE CONSIDERED PSYCHOLOGICAL HARASSMENT, INCLUDING SEXUAL HARASSMENT²

All the elements of the definition set out in the *Act respecting labour standards* must be present in order to conclude that psychological harassment is present, i.e., vexatious conduct manifested either by repeated behaviour, words, acts or gestures, which are hostile or unwanted, which affects the dignity or the psychological or physical integrity of the employee and which results, for the latter, in a harmful work environment.

The assessment of all the elements that appear in the notion of psychological harassment must be made from the point of view of the "reasonable person", i.e., a normally diligent and prudent person who, placed in the same circumstances as the alleged victim, would consider that the alleged harasser is demonstrating vexatious conduct.

From a global perspective, the following behaviors could constitute psychological harassment, including sexual harassment:

✓ **Preventing the person from expressing themselves**

- Constantly interrupting
- Forbid him/her to talk to others

✓ **Isolate the person:**

- Stop speaking to him/her in public
- Don't talk to him/her at all
- Ignore his/her presence
- Distance him/her from others
- Deprive him/her of means of communication (telephone, computer, mail, etc.)
- Prevent others from talking to him/her.

² Examples from the CNESST website - <https://www.cnesst.gouv.qc.ca/fr/prevention-securite/milieu-travail-sain/harcelement-au-travail/harcelement-psychologique-sexuel-au-travail>

✓ **Devaluing the person:**

- Spreading rumours about him/her
- Ridicule him/her
- Humiliate him/her
- Questioning one's convictions or private life
- Insult him/her

✓ **Discredit the person:**

- stop giving him/her tasks to do
- forcing them to perform tasks that are demeaning, absurd or below their skill level
- unfairly attribute professional misconduct to him/her
- denigrate him/her in front of others

✓ **Threatening or assaulting the person:**

- Shout
- Push
- Damage property

✓ **Humiliate the person:**

- Make fun of a person's convictions
- Make fun of the fact that she/he has difficulty expressing themselves in a language other than French, or that he/she claims the right to express themselves in French
- Make fun of his/her tastes, political choices, sexual orientation, weaknesses
- Make derogatory allusions
- Question their judgment or decision-making abilities

✓ **Behaving inappropriately :**

- Unwanted or sexual behaviour
- Insistently soliciting or looking at the person
- Non-consensual physical contact
- Using sexist insults or foul language
- Disseminate images with sexual connotations by any means, technological or otherwise
- Transmission of sexual comments, jokes or images by any means, technological or otherwise