

**THE PROTESTANT SEPARATE SCHOOL BOARD
OF THE TOWN OF PENETANGUISHENE**

POLICY MANUAL

POLICY TITLE:

SECTION/CODE:

Workplace Violence, Discrimination and Harassment Prevention

Personnel A – 3a

APPROVAL DATE:

SUPERSEDES:

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POLICY STATEMENT

It is the policy of The Protestant Separate School Board of the Town of Penetanguishene to ensure conduct in its workplaces is in accordance with the Board's Mission, Vision and Values Statements, and the Board's Strategic Plan. As such, workplace violence, discrimination and/or harassment, or threats of violence, discrimination and/or harassment, will not be tolerated.

The Protestant Separate School Board of the Town of Penetanguishene is a community that fosters a Christian-centered positive work and school climate, free from discriminatory, violent or harassing behavior. The educational community is a place that promotes responsibility, respect, civility, and academic excellence in a safe learning, teaching and work environment in which all persons are treated with respect and dignity, free from all types of violence, discrimination or harassment, related to any grounds identified within the *Ontario Human Rights Code* and *Occupational Health and Safety Act*.

PURPOSE

This Policy is intended to provide greater awareness of the value of establishing and maintaining respectful working and learning environments and of responsiveness to the damaging effects of violence, discrimination and/or harassment in the workplace and ensuring the Protestant Separate School Board of the Town of Penetanguishene is free of workplace violence and harassment as defined under the Ontario Occupational Health and Safety Act.

ADMINISTRATIVE PROCEDURES

- 3.1 The Board shall comply with the responsibilities placed upon employers by the *Human Rights Code* and the *Occupational Health and Safety Act*.
- 3.2 All reasonable practical steps shall be taken to avoid, reduce, or control, any foreseeable risks to the health and safety of persons who may be affected by Board activities.
- 3.3 The Board shall ensure that allegations of workplace violence, discrimination and/or harassment are dealt with promptly. Alleged incidents of violence, discrimination and/or harassment shall be investigated in a fair, consistent, thorough, and confidential manner.
- 3.4 The Workplace Violence, Discrimination and Harassment Prevention Policy shall apply to all Board employees and other users, such as, but not limited to, members of consultative committees, clients of the Board, parents/guardians, family members, volunteers, permit holders, contractors, and employees of other organizations not related to the Board but who

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nevertheless work on or are invited onto Board premises. This Policy covers violence, discrimination and harassment by such persons which is proven to have repercussions that adversely affect the Board's learning and working environment.

- 3.5 The rights of students to a respectful working and learning environment, free from violence, discrimination and harassment, shall be dealt with under other appropriate policy, legislation, or regulations including, but not limited to, the *Education Act*, Ontario Schools Code of Conduct, and codes of behavior. This Policy applies, however, in appropriate circumstances where workplace violence, discrimination and/or harassment may arise because of student behaviors.
- 3.6 The rights and responsibilities of trustees in regards to a respectful working environment free from harassment shall be dealt with under the appropriate policy which may include but are not limited to XIV Trustee Code of Conduct, legislation, or regulations including but not limited to the *Ontario Public School Boards' Association (OPSBA) Code of Conduct for Trustees*.
- 3.7 All those covered by the Workplace Violence, Discrimination and Harassment Prevention Policy shall have a right to report objectionable behaviour and are entitled to access the complaint resolution processes. Every attempt shall be made to resolve matters through an informal resolution.
- 3.8 This Policy prohibits reprisals against individuals, acting in good faith, who report incidents of workplace violence, discrimination and/or harassment or act as witnesses. The Board shall take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further violence, discrimination and/or harassment.
- 3.9 The Board shall provide an employee with information and instruction that is appropriate for the employee on the contents of the policy and program with respect to workplace violence, discrimination and harassment and any other prescribed information.
- 3.10 The Board shall develop and maintain a program to implement the Policy with respect to workplace harassment in accordance with the requirements of the *Occupational Health and Safety Act*.
- 3.11 The Board shall strive to maintain an environment respectful of human rights and free of objectionable behavior for all persons served by it. It shall strive to be ever vigilant of anything that might interfere with this duty. The Board expects that all persons in its

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learning/working environment shall: be aware of and sensitive to issues of violence, discrimination and/or harassment, support individuals who are or have been targets of violence, discrimination and/or harassment, prevent violence, discrimination and/or harassment through training, take all allegations of violence, discrimination and/or harassment seriously and respond promptly, provide positive role models, and not demonstrate, allow or condone behavior contrary to the Policy, including reprisal.

- 3.12 The Board shall review the Workplace Violence, Prevention and Harassment Prevention Policy as often as necessary, but at least annually.

TERMS AND DEFINITIONS

4.1 WORKPLACE VIOLENCE, DISCRIMINATION AND HARASSMENT

Workplace is the place where employees perform work or work-related duties or functions, and/or spaces where actions extend into the worksite.

Workplace violence is defined in the Occupational Health and Safety Act as:

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury

Workplace harassment as per the Occupational Health and Safety Act means:

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

Workplace sexual harassment as per the Occupational Health and Safety Act means:

- Engaging in a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought to reasonably be known to be unwelcome, or

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- 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

Violence, discrimination and/or harassment may, dependent on the circumstances, consist of a single action or a series of incidents. The normal proper exercise of supervisory responsibilities, including training, evaluation, counseling, and discipline when warranted, does not constitute workplace violence, discrimination or harassment.

- Harassment typically involves a pattern of comment or conduct that occurs over time. However, a single incident of a serious nature may be sufficient to constitute harassment.
- Harassment may include slurs, threats, derogatory comments or visual depictions, unwelcome jokes and teasing. Harassment can be verbal, visual, by conduct, or in the written word or any form of electronic harassment.

4.2 SUPERVISORY AND MANAGERIAL PERSONNEL

Where referred to, supervisory and managerial personnel include Principal/ Vice Principal and Supervisory Officer.

4.3 COMMUNICATION TRAINING AND IMPLEMENTATION

All staff will be trained within three (3) months of the enactment of this policy or of their start date with the PSSBP, on Workplace Violence, Discrimination and Harassment Prevention, including signs of violence, discrimination and harassment, identified risks, method of prevention. The training must also include methods for obtaining assistance and reporting incidents.

Training on the components of this policy and related procedures must be reviewed every three (3) years.

(Refer to *Workplace Violence and Harassment Complaint Process, Appendix A*)

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ROLES AND RESPONSIBILITIES

All employees and volunteers of the Board are expected to uphold and abide by this policy and maintain an environment respectful of human rights and free of violence, discrimination and harassment for all persons served by it.

The Board will investigate and deal with all complaints or incidents under this policy in a fair and timely manner. Information about a complaint or incident will not be disclosed except to the extent necessary to protect workers; to investigate the complaint or incident; to take corrective action; or as otherwise required by law.

All employees, and in particular, individuals in a supervisory capacity have the additional responsibility to act immediately on observations or allegations of violence, discrimination or harassment and should address potential problems before they become serious. All employees are encouraged to report workplace violence, harassment and discrimination to the appropriate person.

REPRISAL

Reprisal is defined as any act of retaliation, either direct or indirect. The Board will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further harassment against individuals, acting in good faith, who report incidents of workplace violence, discrimination or harassment, participate in an investigation and/or act as a witness.

REFERENCES/RELATED DOCUMENTS

Canadian Charter of Rights and Freedoms
Ontario Human Rights Code
Ontario Occupational Health and Safety Act
Municipal Freedom of Information and Protection of Privacy Act
Teaching Profession Act
Ontario College of Teachers Act, 1996
Education Act
The Early Childhood Educators Act
Code of Ethics for Ontario Public School Board Association Trustees
Social Work and Social Service Work Act, 1998
Psychology Act, 1991

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RELATED BOARD POLICIES

D35, Police/School Board Protocol
D51, Safe and Accepting Schools
D51a – Safe and Accepting Schools – Bullying Intervention and Prevention
D51b – Safe and Accepting Schools – Progressive Discipline
D51c – Safe and Accepting Schools – Suspensions and Expulsions
XIV – Board By-Laws - Trustee Code of Conduct

Additional Related Policies - To Be Determined through the Policy Review Process

RELATED FORMS

Workplace Violence and Harassment Complaint Process (Appendix A)
Workplace Violence and Harassment Complaint Form (Appendix B)