



POLICY SECTION: Human Resources
SUB-SECTION: Miscellaneous
POLICY NAME: Harassment and Discrimination
POLICY NO: H.M. 14

Date Approved:	Date of Next Review:	Dates of Amendment:
May 2, 2007	August 2018	April 23, 2015 August 25, 2016- Board

Cross Reference:
Education Act, Sections 301-303
Ontario College of Teachers Act
Occupational Health and Safety Act
Municipal Freedom of Information and Protection of Privacy Act
Human Rights Code
H.M. 19 Conflict Resolution
H.M. 24 Catholic Equity and Inclusive Education Policy
H.M.30 Complaint Against a Staff Member
H.M. 28 Sexual Harassment (consolidated herein)
S.S. 09 Code of Conduct Policy
Police School Board Protocol
Appendix A: The Respectful Workplace- Guidelines Addressing Workplace Harassment and Discrimination (2016)

Purpose:

This Policy commits the TCDSB to providing an environment that promotes professionalism and ethical behaviour consistent with its Code of Conduct. The policy affirms the Catholic teachings that all women, men and children share a common dignity and deserve to be treated with the respect and consideration worthy of followers of Christ. It therefore, requires all persons to exercise behaviour that facilitates the creation of an environment that is conducive to the achievement of excellence and the development of one's potential.



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Scope and Responsibility:

This Policy extends to all Board employees, contract employees, parents, students, volunteers and Trustees who are employed by or perform functions for the Toronto Catholic District School Board and recognizes that similarly, each of these groups has the right of freedom from harassment and discrimination in the workplace. The Director of Education, supported by the Human Resources department, is responsible for this policy.

Alignment with MYSP:

Living Our Values

Inspired and Motivated Employees

Strengthening Public Confidence

Policy

The Toronto Catholic District School Board is committed to ensuring harassment and discrimination as defined by legislation and within this policy will not be tolerated by the Board. In keeping with its values and legal responsibilities as an employer, the Board will treat any complaint of harassment, sexual harassment and discrimination as a serious matter. Investigation of any complaint will be completed in a way that is objective, free from conflict of interest or power-based bias.



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Regulations:

1. The TCDSB document, The Respectful Workplace: Guidelines Addressing Harassment and Discrimination, 2016, will govern the operational procedures and set out the program with respect to workplace harassment and discrimination in the workplace.
2. A complaint may be initiated by an individual who believes that he/she has been harassed or by those who are covered by this policy who have witnessed directly or have reasonable grounds to suspect that harassment is occurring.
3. Any complaint must be filed within six (6) months following the incident(s) of harassment; however, the time limit may be extended at the discretion of the Board.
4. There shall be both a mediated process and a formal complaint resolution process available.
5. To protect TCDSB stakeholders from harassment and/or discrimination, the TCDSB will ensure that:
 - a. An investigation is conducted into incidents and complaints of harassment/discrimination that is appropriate in the circumstances;
 - b. The TCDSB stakeholder who has allegedly experienced harassment/discrimination and the alleged harasser, if he or she is an employee of the TCDSB, will be 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; and



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- c. The Respectful Workplace- Guidelines Addressing Workplace Harassment and Discrimination, the TCDSB's written program implementing this policy, will be reviewed as often as necessary, but at least annually, to ensure that it adequately implements the policy.
6. Individuals who engage in harassment/discrimination may be disciplined up to and including dismissal or issued letter of trespass.
 7. Any determination arising from an investigation will be subject to an appeal process.
 8. Complaints made in a frivolous or vexatious manner or in bad faith will be subject to a disciplinary process.
 9. All persons involved in a harassment/discrimination investigation shall maintain confidentiality to the fullest extent practicable and appropriate under the circumstances. Any breach of confidentiality is subject to appropriate disciplinary action.
 10. Information obtained about an incident or complaint of 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.
 11. All investigations will be conducted in a manner that ensures objectivity and as such, investigations may include the use of trained board personnel, such as staff from the Conflict Resolution Department, Administrators (in the cases involving parental harassment) and/or external consultants, as appropriate.



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12. Records will be retained in keeping with the requirements of relevant legislation.

13. The Director of Education will develop and implement protocols and procedures that discourage harassment and ensure that suitable awareness and training is available to all those covered by the policy.



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Definitions:

Discrimination

Unfair treatment because of race, sex, colour, ancestry, place of origin, ethnic origin, marital status, sexual orientation, age, disability, citizenship, family status, record of offences, religion (creed), gender identity or gender expression.

Harassment

- (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 workplace harassment.

Workplace Sexual Harassment

- (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) 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;



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Workplace

The workplace is any place where employees, contract employees, parents, students, volunteers and trustees and other users perform work or work-related duties or functions. Schools and school-related activities, such as extracurricular activities and excursions, comprise the workplace, as do Board offices and facilities. Conferences and training sessions are included within this policy.

Evaluation and Metrics:

1. There will be an annual review of with the Joint Occupational Health and Safety Committees comprised of employee and board representatives of this policy and related procedures with a report to the Board every year.
2. There will be an annual report to the Student Achievement committee on the statistics, number of complaints lodged by group and the status of complaints.