PROCEDURE HR-005

HARASSMENT AND OBJECTIONABLE BEHAVIOUR

Superintendent Responsible: Superintendent of Human Resources	**Initial Effective Date:** 2020/01/27
Last Updated: 2025/12/19	**Next Review Date:** 2029/12/19

Purpose:
To provide definitions, applications, duties, responsibilities and procedures that ensure workplace disputes attributed to harassment and objectionable behaviour are addressed, and that provide for a safe and positive working environment that is inclusive, fair, and equitable.

Guiding Principles:
Grand Erie District School Board (Grand Erie) employees, students and members of the community should be treated with dignity and respect and have the right to an environment that is free from harassment and objectionable behaviour. Employees have a responsibility to ensure that harassment and discrimination do not occur and should report concerns immediately to their Administrator(s)/Immediate Supervisor(s).

These processes provide a mechanism for dealing with complaints of harassment and objectionable behaviour occurring in the working and learning environment. Nothing in these processes denies or limits an employee's right to approach the Human Rights Tribunal, initiate legal proceedings, contact the police or any other avenues of redress available under the law or through the filing of a grievance or through progressive discipline.

If the complainant takes a case to the Ontario Human Rights Commission or decides to initiate legal proceedings, Grand Erie's harassment procedures may be suspended until the alternative process is completed. Whenever the complainant initiates action through the legal system, the issue becomes a private matter between the complainant and the alleged harasser, including costs incurred.

1.0 Description of Workplace Harassment and Objectionable Behaviour

1.1. Harassment/Workplace Harassment

Harassment/Workplace Harassment 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, which is known or ought reasonably to be known to be unwelcome pursuant to the *Ontario Human Rights Code* and the *Occupational Health and Safety Act (OHSA).* Harassment/Workplace Harassment can include sexual harassment.

1.2. Objectionable Behaviour

Objectionable Behaviour is often, but not always, persistent, ongoing vexatious conduct towards an individual in the workplace which might reasonably be known to be unwelcome. Bullying, misuse of power or a single serious act or expression can constitute objectionable behaviour.

1.3. What does not constitute Objectionable Behaviour or Workplace Harassment?

Reasonable action or conduct by an Administrator(s)/Immediate Supervisor(s), that is part of their normal work function will not be considered objectionable behaviour or workplace harassment. This is the case even if there are sometimes unpleasant consequences for a worker. Examples may include changes in work assignments, scheduling, job performance assessment and evaluation, workplace inspections, relationships between consenting adults which are voluntary and are based on mutual attraction, and disciplinary action.

Differences of opinion or minor disagreements between co-workers will also not be considered objectionable behaviour or workplace harassment.

1.4. **Working and Learning Environment**

The working and learning environment is any place where employee(s) and others perform work or work-related duties or functions (e.g., social functions). Schools and school-related activities, such as extracurricular activities and excursions, comprise this environment, as do Grand Erie facilities, conferences, and training sessions.

1.5. **Workplace**

Workplace is defined as all work activities that occur while on Grand Erie premises, or while engaging in workplace activities or workplace social events.

1.6. **Employee(s) and Other Users**

Employee(s) include all persons employed by Grand Erie. The words 'other users' includes all persons, who are neither students nor employee(s) while on Grand Erie premises who attend Grand Erie or school programs/functions at other premises or are in a business/social community relationship with Grand Erie.

2.0 Application

2.0 Harassment and Objectionable Behaviour applies to Grand Erie employee(s), and visitors, parent(s)/caregivers(s), volunteers, permit holders, contractors, and employee(s) of other organizations not related to Grand Erie who work on or are invited onto Grand Erie premises.

2.1 The rights of students to a respectful working and learning environment, free from harassment and objectionable behaviour, are addressed under other appropriate policies, legislation or regulations including but not limited to Grand Erie's Code of Conduct, *Safe Schools Act* (now Section XIII of the *Education Act*) and Professional Codes of Conduct.

3.0 Duties and Responsibilities

3.1. Grand Erie values inclusiveness, responsibility, respect, integrity and positive relationships in a safe learning and teaching environment. Individuals in learning and working environments will:

- Respect differences in people, their ideas and opinions
- Treat one another with dignity and respect at all times, and especially when there is disagreement
- Respect the rights of others
- Show proper care and regard for Grand Erie property and for property of others
- Demonstrate honesty and integrity
- Respect the need of others to work in an environment of learning and teaching

3.2. All members of the Grand Erie community are accountable for complying with this procedure and for maintaining an environment free from harassment and objectionable behaviour. Grand Erie expects that all persons in its learning/working environment will:

- Be aware of and sensitive to issues of harassment and objectionable behaviour
- Support individuals who are, or have been targets of harassment and objectionable behaviour
- Prevent harassment and objectionable behaviour through training
- Take all allegations seriously and respond promptly
- Act as positive role models
- Not demonstrate, allow or condone behaviour contrary to this procedure, including reprisal

3.3. Grand Erie employees have a right to report harassment and objectionable behaviour and are entitled to have access to the dispute resolution processes. Every attempt should be made to resolve matters through an informal resolution. The first step is to inform the individual that their behaviour is unwelcome and must stop immediately. Many disputes can be resolved quickly and effectively using this approach. In order to stop such conduct, Administrator(s)/Immediate Supervisor(s) must address and attempt to resolve disputes in a timely fashion.

4.0 Complaint Process

4.1. Who May Initiate a Complaint?

Employee(s) who believe that they have been subjected to such conduct may report the harassment or objectionable behaviour as per sections 5.0 and 8.0. In addition, those who have witnessed harassment or objectionable behaviour directly, or have reasonable grounds to suspect that it is occurring, may initiate a report. Anonymous reports will not be entertained for dispute resolution under this process.

4.2. Threshold Assessment

4.2.1. All formal reports filed shall be subject to an immediate threshold assessment by the Superintendent of Human Resources, or designate, to determine whether the alleged conduct would, if investigated, meet the definition of harassment or objectionable behaviour.

4.2.2. If it is determined, following this threshold assessment, that the report filed:

- Would not, if true, meet the definition of harassment or objectionable behaviour
- Does not provide sufficient details of the alleged objectionable behaviour (provided the complainant is given notice that insufficient details have been provided and given reasonable time to provide sufficient details)
- Is vexatious, frivolous or trivial, has not been made in good faith or would, if investigated, constitute an abuse of the procedure then the complainant shall be so advised, no further action shall be taken under this procedure and the individual who filed the complaint may face disciplinary action.

4.3. Education and Prevention

4.3.1. In order to promote a harassment-free environment, all employee(s) should be aware of all relevant Grand Erie policies and procedures. Employee(s) should know how to report incidents of harassment and objectionable behaviour and the investigation process. Employee(s) will be made aware of this through:

- Annual awareness activities to be conducted by all Administrator(s)/ Immediate Supervisor(s)
- Pamphlets
- Policy and procedures to be posted in a visible location in the workplace
- Orientation for new employee(s)

4.3.2 Administrator(s) shall ensure that employees and school communities will be made aware of the policy and procedures through the Grand Erie website and other forms of communication. The following statement must appear annually in a school newsletter:

The Grand Erie District School Board (Grand Erie) is committed to providing a working and learning environment that is free of harassment and objectionable behaviour, which supports productivity and the personal goals of dignity and self-esteem of every individual. Grand Erie expects all students, employee(s) and visitors to behave in a respectful, courteous and appropriate

manner at all times. Grand Erie will not tolerate any forms of harassment or objectionable behaviour. Grand Erie will respond to all forms of unacceptable behaviour in a manner consistent with Grand Erie Policy and Procedure on Harassment and Objectionable Behaviour and the response will be appropriate to the harassment or objectionable behaviour incident. To view this Policy and Procedure, please visit Grand Erie's website at www.granderie.ca.

5.0 Informal Resolution

5.1. Administrator(s)/Immediate Supervisor(s) may become aware of harassment or objectionable behaviour in the working or learning environment in different ways. They may observe harassment or objectionable behaviour directly or receive a report from the individual affected or they may receive reports from third parties. It is important that Administrator(s)/Immediate Supervisor(s) pay attention to symptoms arising out of possible harassment or objectionable behaviour such as reduced productivity, changes in behaviour, absenteeism, and requests for transfers or rumours. Without assistance, the employee(s) may be embarrassed or reluctant to report a situation.

5.2. A speedy resolution of a complaint can prevent escalation and further negative consequences while promoting restoration of a healthy learning and working environment.

5.3. Informal Resolution is a process that provides an opportunity for parties to resolve a dispute mutually in a respectful manner. Grand Erie encourages Administrator(s)/Immediate Supervisors, as well as union/federation/association/council representatives, to first attempt informal resolution as a means of resolving issues.

5.4. Administrator(s)/Immediate Supervisor(s), as well as union/federation/association/council representatives may facilitate an informal resolution by:

- Supporting the complainant to confront the problem by making it clear to the individual alleged to have engaged in harassing or objectionable behaviour that the behaviour is not acceptable and by obtaining a commitment that the behaviour will stop
- Informing the individual of the complainant's concern regarding the alleged harassing or objectionable behaviour and Grand Erie's expectation for appropriate behaviour, providing a copy of Grand Erie's policy and procedure on Harassment and Objectionable Behaviour and/or other relevant Grand Erie policies and procedures, and obtaining a commitment that the behaviour will stop
- Following up with the complainant to ensure that the behaviour has stopped

5.5. In cases where an informal plan of action is implemented, Administrator(s)/Immediate Supervisor(s) shall follow up by monitoring the situation, holding, if necessary, subsequent meetings with the parties and taking further steps to ensure that the harassing or objectionable behaviour has stopped.

5.6. Where disputes are resolved informally, there will be no formal reports about such disputes. Every effort will be made to protect the privacy of individuals.

5.7. For informal complaints, where the parties are members of a union, federation, association, council or the school community, a resolution facilitated by the appropriate representative(s) in concert with the Administrator(s)/Immediate Supervisor(s) is recommended.

6.0 Mediated Resolution

6.1. Mediation involves an unbiased third party, acting as a facilitator in direct communication between the parties, who voluntarily agrees to enter this process. It is an opportunity to resolve disputes in a respectful manner. It provides the opportunity to generate a variety of options for resolution and contribute to restoring the working relationship between the parties. The employer and both parties must agree to using mediation as an option to resolve a dispute.

6.2. Mediation is appropriate when all parties agree that a mutually agreeable solution is achievable and desirable. The Superintendent of Human Resources, or designate, will be responsible for obtaining the mediator, in consultation with the parties.

6.3. Meetings required for mediation sessions shall be scheduled as soon as possible and, where practical, in a time and place convenient for the complainant, the respondent and the mediator.

6.4. When matters are resolved through mediation, the complainant and the respondent may sign a Memorandum of Agreement outlining the terms to which they have agreed. Administrator(s)/Immediate Supervisor(s) shall ensure that the terms that the parties have agreed to have been met.

6.5. Mediation is voluntary and the complainant or the respondent may choose to withdraw at any time.

7.0 Formal Resolution Complaint Handling Procedure

7.1. While the complaint is being investigated, Grand Erie will take appropriate measures to ensure that the learning and working environments for all parties involved is safe and free from harassment and objectionable behaviour.

7.2. The successful resolution of concerns and complaints is often determined by the way in which they are handled. The existence of a process with detailed procedures and guidelines is critical to ensure that all complaints are dealt with in a consistent and fair manner which allows flexibility to accommodate different situations, circumstances, and needs.

7.3. The harassment of an individual is viewed as a serious matter and may be subject to a range of disciplinary measures by Grand Erie.

7.4. While Grand Erie provides a process by which individuals may proceed with complaints of harassment or objectionable behaviour, any person may approach the Ontario Human Rights Commission, subject to provisions set out in the *Code*, initiate legal proceedings, contact the police, or Ministry of Labour, at any time. If the complainant takes a case to the Ontario Human Rights Commission or decides to initiate legal proceedings, Grand Erie's procedures may be suspended until the alternative process is completed. Whenever the complainant initiates action through the legal system, the issue becomes a private matter between the complainant and the alleged harasser, including costs incurred.

7.5. The complaint procedure is preventative in intention. Therefore, the process may stop, and the parties may agree to an alternate dispute resolution process at any of the steps if agreed to by the complainant, respondent (alleged harasser), and Superintendent of Human Resources, or designate.

7.6. Every attempt will be made throughout the investigative process to respect confidentiality.

7.7. If the complaint is against the person identified as an investigator, the complainant should proceed directly to the Superintendent of Human Resources or the Chief Executive Officer (CEO) or designate.

7.8. Both the complainant and the respondent will be advised that they have the right to have present at any meeting a federation/union/association/council representation and/or a friend.

7.9. The steps listed below in Section 8.0 represent the official formal process of Grand Erie for resolving a complaint concerning harassment or objectionable behaviour. This is not intended to preclude employee(s) rights which are covered under a collective agreement. It should be understood, however, that if a grievance is in process under a collective agreement, the processes herein set out will be held in abeyance.

8.0 Formal Resolution Complaint Process for Harassment and Objectionable Behaviour of Employee(s) by Employee(s)

This process anticipates an active and supportive role of the various unions and associations which represent the employee(s). All union/federation/association/council employee(s) are encouraged to seek the assistance and advice of their union/federation/association/council representatives prior to engaging in, or at any time throughout, the complaint process.

8.1. **Step One**

As outlined in 5.0, it is strongly recommended that the complainant, or a representative of the complainant (e.g. Administrator(s)/Immediate Supervisor(s), friend, colleague and/or union/federation/association/council representative), make known to the alleged harasser that the conduct/behaviour of the person is considered harassment or objectionable behaviour and is unwelcome, and request that the offending behaviour cease immediately. If the complainant is not comfortable initiating the process at Step One, or there is a recurrence of the inappropriate behaviour, the process moves to Step Two.

8.2. **Step Two**

At this point, the Superintendent of Human Resources, or designate, will advise both the complainant and the respondent of the right to union/federation/association/council representation.

8.2.1. The complainant shall inform the Superintendent of Human Resources, or designate, in writing as soon as possible after the date of the alleged incident and shall specify the particulars of the incident and the name(s) of the person(s) involved (see Appendix A for form). Where a Superintendent is the alleged harasser, the CEO, or designate, shall conduct the investigation or may bring in a third party.

8.2.2. A threshold assessment will be conducted in accordance with 4.2

8.2.3. When a formal harassment investigation does not proceed, the Superintendent of Human Resources, or designate, will notify the complainant(s) and provide appropriate direction or advice.

8.2.4. When a formal harassment investigation proceeds, the Superintendent of Human Resources, or designate, will appoint an investigator and will provide in writing the allegations being investigated as a result of the complaint to the complainant(s) and the respondent(s) along with the name of the investigator assigned.

8.2.5. The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation or as required by law. The investigator must remind the worker who allegedly experienced workplace harassment, the alleged harasser(s) and any witnesses of their confidentiality requirements.

8.2.6. The assigned investigator will initiate the investigative process. The process will include:

- Interview with complainant
- Interview with respondent
- Interview with witnesses
- Consideration of evidence
- Re-interview with complainant or respondent or both (if necessary)

8.2.6 The investigator will collect and review any relevant documents and will ensure that appropriate notes and statements are taken during

interviews. At any time during the investigation process, and in consultation with the Superintendent of Human Resources, or designate, the investigator may attempt to resolve the complaint using an alternative dispute resolution process described in this procedure.

8.2.7 The investigator will prepare a written report which concludes if workplace harassment or objectionable behaviour is found based on a balance of probabilities. This report is reviewed by the Superintendent of Human Resources, or designate, who will determine appropriate action which may result in corrective and/or disciplinary measures.

8.2.8 The Superintendent of Human Resources, or designate, shall provide to both the complainant and respondent, the results in writing which will include a summary of findings of the investigation, whether harassment has been found. Either party may wish to submit a written response to the Superintendent of Human Resources or designate within ten (10) working days of receipt.

8.2.9 The Superintendent of Human Resources, or designate, shall make any further inquiries or amendments, if required, otherwise will issue a letter confirming completion of the investigation…

8.2.10 Where the Superintendent of Human Resources, or designate, finds no facts to substantiate the allegations and the complaint was not frivolous, vexatious, false or in bad faith, this finding will be reflected in the letter of the corrective actions being taken. Where the Superintendent of Human Resources, or designate, finds that the complaint was frivolous, vexatious, false or in bad faith, this finding will be reflected in the letter of the corrective actions being taken.

8.2.11 Where the Superintendent of Human Resources, or designate, determines disciplinary action is necessary, it will be conducted in accordance with Grand Erie's Progressive Discipline procedure (HR-018).

8.2.12 The grounds for review of the investigation outcome will be when new evidence becomes known after the final decision but within ten (10) working days of the issuing of the results and discipline has been imposed.

8.2.13 No review of the final decision will be undertaken with regard to the claim that the conclusions drawn by the investigator based on findings of fact were incorrect. In the case of an employee(s) who is a member of a bargaining unit, the matter may be grieved in accordance with the procedure set out in the appropriate collective agreement. In the case of an employee(s) who is not a member of a bargaining unit, the matter may be appealed in accordance with existing policies or procedures appropriate to that individual employee(s).

8.2.14 Reprisals against individuals because they have reported a complaint are strictly forbidden. Alleged reprisals shall be investigated as formal complaints and, if substantiated, are subject to the same consequences as complaints of workplace harassment or objectionable behaviour.

8.3. **Confidentiality**

8.3.1. It is the duty of Grand Erie and Administrator(s)/Immediate Supervisor(s) to make every effort to maintain strict confidentiality in the complaint process. All complainants, respondents, and other persons involved with the complaint processes under these procedures have a responsibility to ensure that all matters remain confidential. The obligation to maintain confidentiality does not prohibit any party to a complaint from obtaining advice or counsel or from speaking to any union/federation/association/council representative or the respondent/complainants' Administrator(s)/Immediate Supervisor(s) as required. This also pertains to communication to Administrator(s)/Immediate Supervisor(s) with regards to the implementation of a resolution.

8.3.2. Grand Erie may be required to provide information obtained during an investigation to an outside agency that has the right to require information otherwise protected by the *Municipal Freedom of Information and Protection of Privacy Act*. Examples of such agencies are the Ontario Human Rights Commission, another tribunal, or court.

9.0 Contacts and Supports

- ETFO Office – (519) 753-9291 or 1-888-753-9291
- OSSTF Office – (519) 426-8545
- CUPE Office – (519-732-7895
- Superintendent of Human Resources - (519) 756-6301
- Manager of Human Resources - (519) 756-6301
- Human Rights Commission, Toronto Office – (416) 326-9511 or 1-800-387-9080
- Ministry of Labour, Call Centre –1-877-202-0008

10.0 Formal Resolution Complaint Procedures for Harassment of Employee(s) by Visitors

10.1. Complaint Procedures

10.1.1. An employee(s) who believes that they have been harassed by a visitor shall complete the form entitled "Harassment of an Employee(s) by a Visitor" (Appendix B) and submit it to their Administrator(s)/Immediate Supervisor, and the Superintendent of Human Resources, or designate, as soon as possible after the incident(s).

10.1.2. Within ten (10) days of receipt of the completed Appendix B, the Administrator(s)/Immediate Supervisor, or designate, will provide a copy of the completed Formal Complaint Form to the respondent.

10.1.3. An investigation will be conducted by the Administrator(s)/Immediate Supervisor and feedback provided to the complainant, within ten (10) school days by their Administrator(s)/Immediate Supervisor(s).

10.1.4. Timelines may be extended upon mutual consent of the parties.

10.1.5. Should the investigation indicate that the complaint has merit, the Administrator(s)/Immediate Supervisor(s) shall notify their Superintendent/Immediate Manager and do any or all of the following:

- Meet with the individual to outline and resolve concerns
- Provide a copy of the harassment pamphlet
- Send an access to property letter
- Recommend the cancellation or non-renewal of permits/contracts (in the event that the perpetrator is a permit holder, contractor or service provider)
- Limit access to that worksite

Reference(s):

- Harassment and Objectionable Behaviour Policy (HR-05)
- Bullying Prevention and Intervention Policy (SO-10)
- Bullying Prevention and Intervention Procedure (SO-010)
- Code of Conduct Policy (SO-12)
- Code of Conduct Procedure (SO-012)
- Equity and Inclusive Education Policy (SO-14)
- *Ontario Human Rights Code*
- *Occupational Health and Safety Act, R.S.O. 1990, c. O.1*
- Progressive Discipline Procedure (HR-018)
- Workplace Violence Policy (HS-02)
- Workplace Violence Procedure (HS-002)

Appendix A

Grand Erie District School Board

Workplace Harassment – Formal Complaint Form (Employee(s)

Private and Confidential

Complainant(s)		**Job Title**	
Workplace		**Phone Number**	

Name(s) of Person(s) Accused of Harassment and/or Objectionable Behaviour

Description of Alleged Harassment (set out all facts, in chronological order, on which complaint is based, including dates and times and location. Attach additional pages (if necessary).

Description of the steps, if any, already taken to resolve the matter. Attach additional pages (if necessary).

Identification of Witnesses

Resolution Requested

I have contacted the following with regard to the incident(s)

Supervisor	
Union/Federation/Association/Council	
Other(Please specify)	

Complainant(s) Signature(s) _____ Date _____

INSTRUCTIONS FOR SUBMITTING THIS FORM
Place this form in a sealed envelope marked "***PRIVATE AND CONFIDENTIAL***" and forward to the Superintendent of Human Resources.

Appendix B

Grand Erie District School Board

Formal Complaint Form - Harassment of an Employee(s) by a Visitor

Private and Confidential

Complainant(s)		**Job Title**	
Relationship to the Respondent		**Work Location**	

Name(s) of Person(s) Accused of Harassment

Status (e.g. parent(s)/caregiver(s), service provider)

Description of Alleged Harassment (set out all facts, in chronological order, on which complaint is based, including dates and times and location. Attach additional pages (if necessary.)

Description of the steps, if any, already taken to resolve the matter. Attach additional pages (if necessary).

Identification of Witnesses

Resolution Requested

I have contacted the following with regard to the incident(s)

Supervisor	
Union/Federation/Association/Council	
Other (Please specify)	

Complainant(s) Signature(s) _____ Date _____

INSTRUCTIONS FOR SUBMITTING THIS FORM

Place this form in a sealed envelope marked "***PRIVATE AND CONFIDENTIAL***" and **forward to your supervisor and Superintendent of Human Resource, as soon as possible after the incident(s).**