


North East School Division - Administrative Procedures

 AP 514 Harassment Prevention	References: The Education Act, 1995 The Saskatchewan Employment Act Occupational Health and Safety Regulations (OHS) The Saskatchewan Human Rights Code Harassment Prevention: An employer's guide for developing a harassment prevention policy (2022), Government of Saskatchewan.	Tracking: Revised - November 2019 Revised - September 2015 Revised - June 2023- legislative changes. Revised – April 2024
	Related: BP 101: Foundations and Direction (2014) Strategic Plan of the Board AP 504 Recruitment & Selection AP 511 Respect for Human Diversity NESD Code of Conduct	Status: APPROVED – June 2024

Harassment Prevention

The North East School Division is committed to taking every reasonably practical measure to create and maintain work environments where employees, students and volunteers are treated with respect and dignity and free from harassment.

PROCEDURES

1. Harassment – Definition

- a. Pursuant to 3-1 (1) (l) of *The Saskatchewan Employment Act*, harassment means:
 - i. any inappropriate conduct, comment, display, action or gesture by a person; that either:
 - ii. is based on race, creed, religion, color, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; or
 - iii. adversely affects the worker's psychological or physical well-being and that the person knows, or ought to reasonably know, would cause a worker to be humiliated or intimidated; and
 - iv. that constitutes a threat to the health and safety of the worker.

2. Types of Harassment

Personal harassment typically involves repeated occurrences. A single incident may also constitute personal harassment if it is serious or severe and shown to have a lasting harmful effect on an employee. Personal harassment may include:

- Verbal or written abuse or threats;
- Insulting, derogatory or degrading comments, jokes or gestures;
- Personal ridicule or malicious gossip;
- Unjustifiable interference with another's work or work sabotage;
- Refusing to work or co-operate with others'; or
- Interference with or vandalizing personal property.

Sexual harassment may be verbal, physical or visual. It may be one incident or a series of incidents. It is always unsolicited and unwelcome behaviour, and can't take many forms, including but not limited to:

- Sexual remarks;
- “jokes” with sexual overtones;
- A sexual advance or invitation;
- Displaying offensive pictures or photographs;
- Threats;
- Leering; physical contact like touching, patting, pinching or brushing against; and
- Sexual and physical assault.

Bullying is a situation where one or several individual persistently over a period of time perceive themselves to be on the receiving end of negative actions from one or several persons, in a situation where the target of bullying has difficulty defending themselves against these actions.

3. What is Not Harassment

- a. Reasonable day-to day supervisory practices and decisions towards employees and students are not to be construed as harassment. These actions might include decisions involving work assignments, job assessment and evaluation, workplace inspections, implementation of appropriate dress codes and disciplinary action. These actions are not harassment, even if they sometimes involve unpleasant consequences. Managerial actions should be carried out in a manner that is reasonable and not abusive.
- b. Other situations that do not constitute harassment include:
 - i. Physical contact necessary for the performance of work using acceptable industry standards
 - ii. Conduct which all parties agree is inoffensive or welcome
 - iii. Conflict or disagreements in the workplace, where the conflict or disagreement is not based on one of the prohibited grounds.
- c. The administrative procedure also does not extend to harassment that arises out of matters or circumstances unrelated to an employee’s employment. For example, harassment that occurs during a social gathering of co-workers after work that is not sponsored by the employer is not covered. However, harassment that occurs while attending a conference or training session at the request of the employer is covered under this administrative procedure.

Harassment can exist even where there is no intention to harass or offend another. Every person must take care to ensure his or her conduct is not offensive to another.

4. Responsibilities

Employer Commitment

The NESD it’s leadership team and its administrators, managers and supervisors will take all complaints of harassment seriously. We are committed to implementing this administrative procedure in a timely manner and to ensuring it is effective in preventing and stopping harassment, as well as creating productive and respectful workplace.

Employees are entitled to employment free of harassment. The responsibility for employment free from harassment falls to everyone in the workplace. As Identified In Part III, Section 3-9 and

3-10 of *The Saskatchewan Employment Act*, all individuals employed by the Division shall refrain from causing or participating in the discrimination or harassment of another employee or student and must co-operate with any person investigating allegations of discrimination or harassment.

- a) A copy of this Harassment Prevention Administrative Procedure will be posted on the school division website.
- b) New employees shall review a copy of this Administrative Procedure as part of their orientation.
- c) If a worker reasonably believes that they have been personally harassed, appropriate measures are to be undertaken. For the purpose of these procedures, the person who feels harassed is the complainant and the alleged harasser is the respondent.
- d) Because allegations of harassment are of a sensitive nature and may have serious consequences for both the complainant and the respondent, it is strongly encouraged:
 - That complainants, respondents, and supervisors keep a record of all events, dates, and circumstances related to any alleged incident or review;
 - That reviews be conducted so as to respect the confidentiality of all parties but recognize the principles natural justice;
 - That summaries of decisions confirming complaints form part of the personnel file or appropriate student file of the respondent;
 - That the initiation of vexations or malicious complaints is of itself a form of personal harassment and is subject to the provisions of this procedure;
 - That workers may, at any time throughout a harassment review or investigation, file a complaint with the Saskatchewan Human Rights Commission or Saskatchewan Labour, Occupational Health and Safety Branch;
 - That each school or workplace staff discusses a code of practice intended to establish common understandings as to acceptable standards of conduct so as to prevent or forestall incidents of personal harassment.

5. Confidentiality

The Division will protect the confidentiality of information regarding a potential violation of this procedure to the fullest extent possible. The Division will not disclose the name of the complainant or an alleged harasser, or the detail of the complaint to any person except where disclosure is necessary for the purposes of interviewing the complaint, taking corrective action and with respect to the complaint, or as required by law. All parties involved in a complaint are expected to act in the same.

6. Complaint Procedure

If an employee feels they has been subject to behaviour that violates this Procedure, they should immediately inform/approach the respondent to attempt to resolve the situation by informing them that their behavior is unwelcome and ask for the behavior to stop. If the behaviour continues, or be of a significant nature, they should report their concerns to their immediate supervisor, who will work in conjunction with Human Resources to address their concern.

Allegations of discrimination or harassment may be resolved using information and/or formal processes outlined below:

Informal Process

- a. The Supervisor is to review the complaint and report verbally his or her findings to the complainant and the respondent within two (2) weeks. Such a review is to include an interview with the respondent and may include other interviews as deemed appropriate.
- b. Reports of harassment shall be dealt with in strict confidence; however, the complainant must understand that confidentiality must be distinguished from anonymity.

Formal Process

- a. Notwithstanding the preceding protocols, the complainant may submit a formal, written complaint to the Superintendent of Human Resources. The complaint should be made in writing using Form 514.1 – Harassment Complaint.
- b. Following receipt of a formal, written complaint, the Superintendent of Human Resources or other designated superintendent is responsible to investigate the complaint. This responsibility does not preclude the Superintendent of Human Resources from employing an outside third party to complete or assist in the investigation if necessary.
- c. The guidelines for investigation of a complaint is as follows:
 - i. Receipt of complaint
 - ii. Interview or request statements from complainant
 - iii. Make a decision to proceed - if not proceeding, a report will be prepared and this process terminates, otherwise;
 - iv. Advise and interview or request statements from respondent
 - v. Interview or request statements from, if necessary, other individuals
 - vi. Review files to determine if the respondent has a previous record of harassment or other related behavior
 - vii. Conclude the investigation with a report indicating either:
 - the action and follow up necessary, or
 - the fact that no further follow up is necessary.

At any step of the complaint procedure, the complainant or respondent may be accompanied by a union representative, Occupational Health Officer or family member.

A worker has a right to request the assistance of an Occupational Health Office to resolve the harassment complaint under section 3-32 of *The Saskatchewan Employment Act*. Prior to requesting the assistance of an office, the complainant should try and resolve the matter with the employer. If the complainant feels the employer has failed in resolving the matter, they can contact the Occupational Health and Safety Branch at the Ministry of Labour Relations and Workplace Safety for assistance.

- d. If the alleged harassment is determined to be true, the respondent will be subject to disciplinary procedures as determined by the Director of Education or designate, which

may include any or a combination of an oral reprimand, written reprimand, suspension, and/or dismissal.

- i. A record of the disposition of the complaint and a copy of the initial complaint shall be kept in the respondent's personnel file.
 - ii. If no harassment was found to have occurred, no record of the complaint would be kept in the respondent's personnel file.
- e. There is no appeal under this procedure for complainants or respondents who are members of a bargaining unit.

Where an exceptional circumstance arises, the Director of Education may authorize modifications to this procedure provide the modification does not compromise procedural fairness.

7. Taking Action to Stop and Prevent Harassment

During this process, both the complainant and respondent may be:

- i. Removed from the workplace on a temporary basis while the complaint is being investigated.
- ii. Offered support through available resources such as the Employee Family Assistance Program, Member Assistance Plan or other supports.

Mediation

Mediation offers both parties the opportunity to develop and understanding of the problem and resolve the complaint before or during the formal investigation process. The mediator facilitates separate discussion or joint meetings between the complainant and the alleged harasser, for the purpose of resolving the complaint. Mediation may take place at any point in the resolution process as long as both parties agree to participate in mediation.

Any interference or attempt at coercion in the investigative process, by or on behalf of the complainant or respondent, shall be considered grounds for immediate disciplinary action in response to the interference or coercion.

Harassment is a form of discrimination protected by *The Saskatchewan Human Rights Code* and therefore employees also have the right to file a complaint with Occupational Health and Safety or the Saskatchewan Human Rights Commission. The complainant will not be discouraged from exercising any other legal rights pursuant to any other law.