


# Administrative Procedures

<b>AP-514</b> <b>Harassment</b> 	<b>References:</b> The Education Act, 1995 <a href="#">The Saskatchewan Employment Act</a> <a href="#">Occupational Health and Safety Regulations</a> (OHS)	<b>Tracking:</b> Last revised September 2015
	<b>Related:</b> BP 101: Foundations and Direction (2014) <a href="#">Strategic Plan of the Board</a> AP 504 Recruitment & Selection <a href="#">AP 511 Respect for Human Diversity</a> NESD Code of Conduct	<b>Updated:</b> November 2019
		<b>Status:</b>

## HARASSMENT

All members of the education community have a right to work and learn in a respectful environment that is free from harassment.

The North East School Division is committed to creating and maintaining work environments where employees, students and volunteers are treated with respect and dignity. Therefore, the North East School Division recognizes its responsibility to provide education regarding harassment in the workplace, and to provide the opportunity for training to resolve situations that occur.

The North East School Division will take corrective action respecting any person under its direction who subjects any employee, student or volunteer to harassment.

## PROCEDURES

### 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 constitutes a threat to the health and safety of the worker, and is either:
    - 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 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 (sometimes referred to as personal harassment).
  - ii. Personal harassment must involve repeated occurrences, however, a single serious incident may also constitute harassment if it is shown to have a lasting harmful effect on a worker. It does not include any reasonable action taken relating to the management of the place of employment.  
Sexual harassment, which is conduct, comment, gesture or contact of a sexual nature that is offensive, unsolicited, or unwelcome, is also prohibited.
- b. In addition, under Harassment we believe that the concept of bullying needs to be addressed.

The North East School Division defines bullying as a situation where one or several individuals 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 in defending him or herself against these actions.

- c. Reasonable supervisory practices towards employees and students are not to be construed as personal harassment.

## **2. Administration of Harassment Procedures**

- a. The Superintendent of Human Resources is responsible for maintaining, keeping these procedures current and to ensure they are available, in accordance with the Regulations of *the Saskatchewan Employment Act* in all work centers. Please refer to *The Saskatchewan Employment Act* for further information:  
<http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/S15-1.pdf>
- b. The principal or supervisor in each work location or department is to advise annually employees, students, volunteers, and the local occupational health and safety committee of this procedure and its intent.
- c. If an employee, student or volunteer reasonably believes that he or she has 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 vexatious or malicious complaints is of itself a form of personal harassment and is subject to the provisions of this policy;
  - That employees, students or volunteers 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.

## **3. Harassment Complaints - Informal**

If an employee feels he/she is being harassed, the following courses of action are recommended:

- a. Because it is often best when allegations of personal harassment are resolved closest to the source of harassment, it is recommended that the complainant first approach the respondent to attempt to resolve the alleged harassment by informing them that his/her behavior is unwelcome and ask for the behavior to stop.

- i. If, after the respondent has been asked to stop the behavior, the behavior continues, the problem should be reported to their immediate supervisor.
- b. If the complainant believes personal contact as defined above would not satisfactorily resolve the situation, the complainant may report the incident verbally to any of the following:
  - i. To their immediate supervisor
  - ii. A designated union representative (if covered by a collective agreement)
  - iii. The Superintendent of Human Resources
  - iv. Any member of the Executive Council (Director of Education or Superintendents).

If the report is made to a person listed above, other than the Superintendent of Human Resources, the recipient of the report shall immediately provide the Superintendent of Human Resources with the details of the incident (a report involving a member of the Executive Council shall be made to the Director of Education). In order to protect the individuals involved and to maintain the highest level of confidentiality, individuals receiving reports of harassment shall not discuss such reports with other employees.

- c. The onus is on the employee to report instances of harassment as soon after the incident as is reasonably possible. Individuals who observe the presence of ongoing harassment in the workplace are encouraged to bring the existence of the harassment to the attention of one of the individuals listed in section b.
        - d. The Superintendent of Human Resources 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.
        - e. Reports of harassment shall be dealt with in strict confidence; however, the complainant must understand that confidentiality must be distinguished from anonymity

#### **4. Harassment Complaints - Formal**

Notwithstanding the preceding protocols, the complainant may submit a formal, written complaint to the Superintendent of Human Resources.

- a. Following receipt of a formal, written complaint, the Superintendent of Human Resources is responsible to investigate the complaint and provide a written response in an appropriate format to the Director of Education along with a recommendation of action to be taken, if any, as a result of the complaint. This responsibility does not preclude the Superintendent of Human Resources from employing an outside third party to assist in the investigation if necessary.
- b. The process for investigation of a formal 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
- c. 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 or other supports.
- 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. The disciplinary procedures are to be communicated to the complainant who shall hold the same in confidence.
- f. The complainant and respondent may appeal the disciplinary procedures to the Director of Education within two (2) weeks. Such an appeal is to be reviewed by the Director of Education and a report provided within thirty (30) days to the respondent and complainant.
- g. At any step of the investigative procedures, the complainant or respondent may be accompanied by a union representative, Occupational Health Officer or family member.

Harassment is a form of discrimination 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.

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.