



Niagara Catholic District School Board

EMPLOYEE WORKPLACE HARASSMENT POLICY

STATEMENT OF GOVERNANCE POLICY

200 – Human Resources

Policy No 201.7

Adopted Date: March 26, 2002

Latest Reviewed/Revised Date: May 25, 2022

In keeping with the Mission, Vision, and Values of the Niagara Catholic District School Board (the “Board”), the Board is committed to providing a safe working environment in which all employees are treated with consideration, dignity, respect, and equity in accordance with the Gospel values of Jesus Christ.

The Niagara Catholic District School Board will not tolerate discrimination or harassment, including sexual and ethnocultural harassment in any workplace of the Board. For clarity, workplace harassment can come from a variety of sources in the workplace, including but not limited to employees, supervisors, workers and members of the public. This Policy applies to all workers and is intended to address workplace harassment from all sources, including employers, supervisors, workers and members of the public.

Niagara Catholic District School Board recognizes Workplace Harassment as; engaging in a course of vexatious comments or conduct against a worker in a workplace that is known or ought reasonably to be known as unwelcome, including but not limited to:

- Spreading rumours, gossip and innuendo;
- Offensive or intimidating comments or jokes;
- Bullying or aggressive behavior;
- Social isolation, ostracizing or ignoring a worker;
- Deliberately undermining someone or stopping that person from completing his or her work;
- Belittling a worker about their work, achievements or hobbies;
- Assigning demeaning or insulting work;
- Displaying or circulating offensive pictures or materials;
- Inappropriate staring, spying and stalking;
- Sabotaging or tampering with a worker’s work, equipment or belongings;
- Workplace sexual harassment; and
- Isolating or insulting a worker because of gender identity

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 Harassment includes sexual harassment, defined as;

Engaging in a course of vexatious comment, in any form, or conduct against a worker in a workplace because of, gender, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known as unwelcome or;

Making a sexual solicitation or advance, in any form, where the person making the solicitation or advance is in a position to confer, grant or deny a benefit of advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Without limiting the foregoing, some examples of workplace sexual harassment include:

- Unwanted sexual attention by a person who knows or ought reasonably to show that such attention is unwanted
- Express or implied promise of reward for complying with sexually-oriented request
- Sexually-oriented behavior or gender-based abusive and unwelcome conduct or comment that has the purpose or effect of creating an intimidating, hostile or offensive environment
- Making sexual jokes or other similarly offensive comments

- Posting or disseminating material, jokes, photographs, videos, or other material of sexual content.

Both male and female employees can be recipients of sexual harassment, which can be perpetuated by members of the opposite sex as well as those of the same sex. While incidents or sexual harassment are often characterized by an imbalance of power in the workplace, this is not necessarily always the case, with a co-worker and even a manager sometimes being the recipient of workplace harassment.

Workplace Harassment ~~also~~ includes ethnocultural harassment, defined as;

One or a series of unwanted, unsolicited remarks, behaviours or communications, in any form, directed toward an individual or members of an identifiable group because of a prohibited ground of discrimination.

Examples of Ethnocultural harassment include, but are not limited to:

- Unwelcome remarks, jokes or innuendos about a person's racial or ethnic origin, color, place of both, citizenship or ancestry
- Displaying racist or derogatory pictures or other offensive material
- Insulting gestures or practical jokes based on racial or ethnic grounds with create awkwardness or embarrassment
- Refusing to work with someone before or his or her racial or ethnic origin

The Board believes that the eradication of harassment in the school/workplace is the joint obligation of the employer and the employee. Therefore, any employee who becomes aware of a harassment situation of any kind has a responsibility to draw appropriate attention to it. Failure to take measures to address harassment in the workplace has legal implications for the employer under the Ontario Human Rights Code.

When a harassment complaint arises, the Board may decide to achieve resolution through a formal or informal process. Information gathered during this process will not be disclosed except to the extent necessary to protect fellow employees, to investigate, to take corrective action or as otherwise required by law.

The Board will deal with all claims in a fair and timely manner, respecting the dignity, respect, and privacy of all parties concerned as much as possible. Each party involved has equal rights at all steps throughout the process. This policy prohibits reprisals against individuals acting in good faith who report incidents of workplace harassment or act as witnesses. The board will take all reasonable and practical measures to prevent reprisals, threats of reprisals, or further harassment. Reprisal is defined as any act of retaliation, either direct or indirect.

The Board will review this policy on an annual basis, and will post this policy in the workplace along with any applicable procedures and/or related programs.

The Director of Education will issue [*Administrative Operational Procedures*](#) for the implementation of this policy.

References:

- [*Municipal Freedom of Information and Protection of Privacy Act*](#)
- [*Occupational Health & Safety Act \(December 2009\) Bill 13*](#)
- [*Bill 132: Sexual Violence and Harassment Action Plan Act*](#)
- [*Ontario Human Rights Code 1990*](#)
- [*Teaching Profession Act*](#)
- [*Human Rights Legal Support Centre*](#)
- [*Employee Assistance Program*](#)
- *Niagara Catholic District School Board Policies/Procedures*
 - [*Employee Workplace Violence Policy \(201.11\)*](#)
 - [*Trustee Code of Conduct Policy \(100.12\)*](#)

- [*Complaint Resolution Policy \(800.3\)*](#)
- [*Protocol Between Niagara Region Police Service and the Niagara Catholic District School Board*](#)
- [*Employee Code of Conduct & Ethics Policy \(201.17\)*](#)
- [*Privacy Policy \(600.6\)*](#)
- [*Records and Information Management Policy \(600.2\)*](#)

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