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# Respectful Workplace Procedure

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## 1. Introduction

This Procedure accompanies the Respectful Workplace Policy [\[link to Policy\]](#).

### A. Time Period for Complaints

Complaints of workplace harassment should be raised in a timely manner, and not more than six months after the date of the alleged incident. A complaint made beyond this six-month period will only be considered in exceptional circumstances, at the discretion of the TCDSB's Human Resources Department.

### B. Complaints to Be in Writing and Submitted by the Complainant

All complaints of workplace harassment must be in writing and submitted through the Cority platform, found at [\[link to Cority platform\]](#).

The TCDSB will not act on anonymous complaints, but retains the discretion to do so as it deems appropriate and necessary.

If you are a teacher, please consult with your union regarding any professional obligations you may have under the *Teaching Profession Act*.

### C. Informal and Formal Resolution Routes

Once a complaint of workplace harassment is received, the TCDSB's Human Resources Department will assess whether the complaint falls within the scope of the Workplace Harassment Policy.

Where the complaint does not fall within the scope of the Policy, it will not be dealt with and the complainant will be so informed.

Where the complaint falls within the scope of the Policy, the complainant will, normally, be encouraged to begin with the informal resolution route described below. The TCDSB encourages a resolution which is early and as close to the source of conflict as possible.

Complaints of workplace harassment will proceed to the formal resolution route at the discretion and decision of the TCDSB's Human Resources Department. The decision to proceed, or not proceed, to the formal resolution route will not be arbitrary, discriminatory, or made in bad faith.

If a respondent is not an employee of the TCDSB, the TCDSB will take appropriate action in the circumstances to address allegations of workplace harassment.

## **2. Informal Resolution Route**

Where the complainant is comfortable doing so, the complainant should share their concerns directly with the respondent. The Human Resources Department or the complainant's direct supervisor will encourage the complainant to share their concerns directly with the respondent if appropriate.

Where the complainant is not comfortable initiating a discussion with the respondent about their concerns of workplace harassment, the complainant will be encouraged to notify their own direct supervisor about the concerns and conduct believed to be harassment.

The complainant's direct supervisor will work with the complainant to resolve the concerns informally. The complainant may rely on the supervisor, for example, to act as a go-between, i.e. sharing with the respondent the complainant's concerns, providing the respondent with an opportunity to respond, and working, as possible, to a fair resolution. The supervisor will advise the complainant of the respondent's response and assess whether resolution is possible. Where the informal resolution route resolves the concerns, the supervisor will document the agreed upon resolution and share it with the complainant and respondent.

## **3. Formal Resolution Route**

A formal complaint of workplace harassment must be in writing and must be submitted online, on the TCDSB's Workplace Harassment Complaint Form found at [\[link to Cority platform\]](#).

All formal complaints must be signed by the complainant. Complaints made on behalf of others will not be accepted.

Submitting a formal complaint of workplace harassment does not guarantee that the formal complaint resolution route will be engaged. In all cases, the Human Resources Department will decide whether the formal complaint resolution process is appropriate.

### **A. Reporting Allegations of Workplace Harassment**

#### ***Who to Report a Complaint To***

Complaints of workplace harassment should be reported to the employee's (i.e. the complainant's) own direct supervisor. The supervisor will notify their next level of managerial authority and consult with the Human Resources Department to ensure that the complaint is dealt with in accordance with the Policy.

Where the employee's direct supervisor is the person alleged to be engaging in workplace harassment, the complaint should be reported to the TCDSB official at the next level of managerial authority. If the employee's direct supervisor and the next level of managerial authority are alleged to be engaging in workplace harassment, the complaint should be reported to the next level of managerial authority not involved in the alleged harassment.

#### ***What to Include in the Complaint Form***

A complaint of workplace harassment should provide information about who, what, where, when and how workplace harassment has taken place. The following should be included:

- The name of the complainant
- The complainant's contact information, including email address and phone number
- The name of the respondent
- The job title, department and contact information of the respondent, if known
- The details of the alleged incident(s) of workplace harassment, including:
  - When and where the workplace harassment occurred
  - What behaviours are alleged to be harassing
  - A description of what happened
  - A description of any steps taken by the complainant following the alleged event
  - The names of any witnesses and their contact information, if known

## **B. Interim Measures, If Required**

The TCDSB may take temporary interim measures in response to a complaint of workplace harassment pending any final determination regarding the complaint. Interim measures will be taken to protect the interests of all involved and may include the following:

- A temporary change to the reporting structure of the complainant, respondent or potential witnesses
- A temporary transfer or change to the schedule of a complainant, respondent or potential witness
- A temporary safety plan if required between the complainant, respondent and potential witnesses
- Placing a complainant or respondent on a temporary non-disciplinary paid leave of absence pending the results of an investigation

## **C. Investigating Allegations of Workplace Harassment**

### ***Assessment of Whether a Complaint is Within the Scope of the Policy***

When a complaint of workplace harassment is made, the Human Resources Department will assess whether the complaint falls within the scope of the Respectful Workplace Policy.

Complaints that do not present a *prima facie* case of workplace harassment (i.e. even if the allegations in the complaint are taken to be true, workplace harassment will not have occurred) will not be investigated. The complainant shall be advised accordingly.

### ***Complaints Made in Bad Faith***

If it is determined that a complaint is vexatious or made in bad faith, the TCDSB's Human Resources Department retains the discretion to refuse to act on it, and it may also decide to take correction action (including discipline), as appropriate.

### ***Investigation Appropriate in the Circumstances***

Investigations of complaints of workplace harassment will be conducted at the discretion of the TCDSB's Human Resources Department. Typically, the investigator will meet with the complainant to collect the details of the complaint, and then meet with the respondent to obtain a response. The nature of the complaint, the name of the complainant (if known) and details regarding the allegations will be shared with the respondent. The complainant and respondent may be accompanied by a support person or union representative when meeting with the investigator. The investigator will consider all relevant evidence in an impartial, fair and thorough manner. The investigator will prepare a written report setting out the findings of credibility and fact, and whether workplace harassment has occurred. The investigator will provide the report to the TCDSB's Human Resources Department, and the Human Resources Department will notify the complainant and respondent of the outcome of the investigation.

During the investigation process, complainants and respondents do not have the right to be provided with the names of any witnesses.

### ***Union Representation and Support Person***

Complainants and respondents may request the attendance of a union representative or support person during meetings with the investigator. The union representative or support person cannot be a potential witness to any of the alleged incidents of workplace harassment.

The role of the union representative or support person is to support the complainant or respondent, and not to respond to questions on behalf of the complainant or respondent.

The union representative or support person must abide by the same confidentiality obligations that the parties must abide by.

Employees may also access the Employee and Family Assistance Program ("EFAP"). Information about the EFAP is available from the employee's direct supervisor.

## **D. Concluding Investigations of Workplace Harassment**

### ***Notification of the Outcome of the Investigation***

At the conclusion of the investigation, the complainant and respondent, if they are TCDSB employees, will be notified in writing of the findings and whether corrective action will be taken.

### ***Corrective Action for Substantiated Allegations of Workplace Harassment***

For substantiated allegations of workplace harassment, the TCDSB may issue corrective action as appropriate in the circumstances. Corrective action may include, but is not limited to any of the following, for example:

- Training or education sessions
- Warnings – oral or written, depending on the circumstances
- Additional discipline as appropriate based on the circumstances, including suspensions without pay and termination of employment
- A transfer to a new work location

For employees who are members of a professional regulatory college, the TCDSB may also be required to make a report to the applicable college.

The TCDSB will take appropriate action in response to workplace harassment by non-employees.

#### **4. Confidentiality**

Information about complaints of workplace harassment will be kept confidential. Information will only be disclosed as necessary to take interim measures, conduct the investigation, take corrective action, or as required by law (for example, to police services, the Ministry of Labour, to a court or tribunal or pursuant to applicable legislation).

Complainants, respondents and witnesses are required to refrain from discussing anything about the investigation, including the fact that there is an investigation, with anyone in the workplace, with the exception of their support person or union representative.

#### **5. Appeal Process**

If the complainant or respondent is dissatisfied with the resolution, either individual may file a formal complaint with the Ontario Ministry of Labour, or a grievance pursuant to the terms of the applicable collective agreement.

#### **6. Annual Review**

This Procedure will be reviewed as often as necessary, but at least annually, to ensure that it implements the Respectful Workplace Policy.