

Date Approved:	Date of Next Review:	Dates of Amendment: May 2, 2007
Cross Reference: <ul style="list-style-type: none"> • Education Act, Section 301-303 • Ontario College of Teachers Act • Occupational Health and Safety Act (Bill 168) • Municipal Freedom of Information and Protection of Privacy Act • Ontario Human Rights Code • H.M. 19 Conflict Resolution • H.M. 24 Catholic Equity and Inclusive Education Policy • <i>H.M. 28 Sexual Harassment (to be consolidated herein)</i> • S.S. 09 Code of Conduct • Police School Board Protocol Appendix A: The Respectful Workplace		

Purpose:

This Policy commits the TCDSB to providing a work environment that promotes professionalism and ethical behaviour consistent with its Code of Conduct. The policy affirms the Catholic teachings that all women, men and children share a common dignity and deserve to be treated with the respect and consideration worthy of followers of Christ. It therefore, requires all persons to exercise behaviour that facilitates the creation of a working environment that is conducive to the achievement of excellence and the development of one's potential.

Scope and Responsibility:

This Policy extends to all Board employees, contract employees, volunteers and Trustees who are employed by or perform functions for the Toronto Catholic District School Board and that similarly, each of these groups has the right of freedom from harassment and discrimination in the workplace. The Director of Education, supported by the Human Resources department, is responsible for this policy.

Alignment with MYSP:

Living Our Values
Inspired and Motivated Employees
Strengthening Public Confidence

Financial Impact:

Significant legal costs if the policy were not in place and faithfully respected.
Nominal costs when the Board is required to move to an outside investigator.

Legal Impact:

The Occupational Health and Safety Act requires school boards to develop and implement a workplace harassment policy and program. The Education Act and the Ontario Human Rights Code require that every person who is an employee has a right to freedom from harassment and discrimination in the workplace by his or her employer or agent of the employer or by another employee.

Policy

The Toronto Catholic District School Board is committed to ensuring harassment and discrimination as defined in the Harassment and Discrimination in the Workplace policy will not be tolerated by the Board. In keeping with its values and legal responsibilities as an employer, the Board will treat any complaint of harassment and discrimination as a serious matter. Investigation of any complaint will be completed in a way that is objective, free from conflict of interest or power-based bias.

Regulations:

1. The TCDSB document, The Respectful Workplace: Addressing Harassment and Discrimination, 2015, will govern the operational procedures for dealing with allegations of harassment and discrimination in the workplace. (**Appendix B**)

2. A complaint may be initiated by an individual who believes that he/she has been harassed or by those who are covered by this policy who have witnessed directly or have reasonable grounds to suspect that harassment is occurring.
3. Any complaint must be filed within six (6) months following the incident(s) of harassment; however, the time limit may be extended at the discretion of the Board.
4. There shall be both a mediated process and a formal complaint resolution process available.
5. Individuals who engage in harassment may be disciplined up to and including dismissal.
6. Any determination arising from an investigation will be subject to an appeal process.
7. Complaints made in a frivolous or vexatious manner or in bad faith will be subject to a disciplinary process.
8. All persons involved in a harassment/discrimination investigation shall maintain confidentiality to the fullest extent practicable and appropriate under the circumstances. Any breach of confidentiality is subject to appropriate disciplinary action.
9. All investigations will be conducted in a manner that ensures objectivity and as such, investigations may include the use of trained board personnel, such as staff from the Conflict Resolution Department, Administrators (in the cases involved parental harassment) and/or external consultants, as appropriate.
10. Records will be retained in keeping with the requirements of the Municipal Freedom of Information and Protection of Privacy Act, the Human Rights Code and the Education Act.
11. The Director of Education will develop and implement protocols and procedures that discourage harassment and ensure that suitable awareness and training is available to all those covered by the policy.

Definitions:

Discrimination

Unfair treatment because of race, sex, colour, ancestry, place of origin, ethnic origin, marital status, sexual orientation, age, disability, citizenship, family status, religion, gender identity or gender expression.

Harassment

Harassment is any vexatious behaviour that threatens, intimidates, demeans, humiliates, or embarrasses a person or a group, and that a reasonable person should have known would be unwelcome. It includes actions, comments, or displays. It normally involves a course of conduct but a single act of a serious nature may constitute harassment.

The exercise of supervisory responsibilities, including training, performance appraisal, direction, instruction, counselling and discipline does not constitute harassment as long as these are not being exercised in a discriminatory or intimidating manner.

Workplace

The workplace is any place where employees, contract employees, volunteers and trustees and other users perform work or work-related duties or functions. Schools and school-related activities, such as extracurricular activities and excursions, comprise the workplace, as do Board offices and facilities. Conferences and training sessions are included within this policy.

Evaluation and Metrics:

1. There will be a review by a standing committee of employee and board representatives of this policy and related procedures with a report to the Board every three years.
2. There will be an annual report to the Student Achievement committee on the statistics, number of complaints lodged by group and the status of complaints.