

Christ the Teacher Catholic Schools

ADMINISTRATIVE PROCEDURES

SECTION: 100 – GENERAL ADMINISTRATION

CODE: AP 170

PROCEDURE: HARASSMENT

BACKGROUND

Christ the Teacher Catholic School Division is committed to taking every reasonable practical measure to create and maintain work environments where employees, students, and volunteers are treated with respect and dignity and free from harassment. Each student has the right to learn in a safe and supportive setting, and each employee the right to work in a professional workplace where there is an absence of degrading or threatening behaviour. Harassment, in any of its forms, will not be tolerated in the school jurisdiction, and the Division is committed to ensuring that neither students nor staff are subjected to it.

PROCEDURES

1. Definition of Harassment

This administrative procedure is intended to address the following forms of harassment:

1.1 Harassment Based on Prohibited Grounds

This includes any inappropriate conduct, comment, display, action, or gesture by a person towards an employee, student intern, contracted worker, or volunteer that either:

1.1.1 Is based on the basis of race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place or origin; and

1.1.2 That constitutes a threat to the health or safety of the employee.

This type of harassment is prohibited in *The Saskatchewan Employment Act* and *The Saskatchewan Human Rights Code*.

1.2 Sexual Harassment

1.2.1 Sexual harassment is conduct. Comment, gesture, or contact of a sexual nature that is offensive, unsolicited, or unwelcome.

1.2.2 Sexual harassment may include:

- 1.2.2.1 A direct or implied threat of reprisal for refusing to comply with a sexually oriented request.
- 1.2.2.2 Unwelcome remarks, jokes, innuendos, propositions, or taunting about a person's body, attire, sex, or sexual orientation.
- 1.2.2.3 Displaying pornographic or sexually explicit pictures or materials.
- 1.2.2.4 Unwelcome physical contact.
- 1.2.2.5 Unwelcome invitations or requests, direct or indirect, to engage in behaviour or a sexual nature.
- 1.2.2.6 Refusing to work with or have contact with employees because of their sex, gender, or sexual orientation.

1.3 Personal Harassment

- 1.3.1 This includes any inappropriate conduct, comment, social media post, display, action, or gesture by a person that:
 - 1.3.1.1 Adversely affects an employee psychologically or physically.
 - 1.3.1.2 The perpetrator knows or ought to reasonably know would cause the employee to be humiliated or intimidated.
- 1.3.2 Personal harassment must involve repeated conduct or a single, serious incident that causes a lasting harmful effect on the worker. All incidents of inappropriate conduct should be appropriately addressed to ensure that the workplace remains respectful and free of harassment.
- 1.3.3 Personal harassment may include:
 - 1.3.3.1 Verbal or written abuse or threats.
 - 1.3.3.2 Insulting, derogatory, or defamatory comments, jokes, or gestures.
 - 1.3.3.3 Posting demeaning or defamatory social media posts.
 - 1.3.3.4 Personal ridicule or malicious gossip.
 - 1.3.3.5 Unjustifiable interference with another's work or work sabotage.
 - 1.3.3.6 Refusing to work or co-operate with others.
 - 1.3.3.7 Interference with or vandalizing personal property.

1.4 What is Not Harassment

1.4.1 This harassment administrative procedure does not extend or apply to day-to-day management or supervisory 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. Note that managerial actions must be carried out in a manner that is reasonable and not abusive.

1.4.2 This administrative procedure also does not extend to harassment that arises out of matters or circumstances unrelated to the employee's employment. For example, harassment that occurs during a social gathering of co-employees 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 within this administrative procedure.

1.4.3 Other situations that do not constitute harassment include:

1.4.3.1 Physical contact necessary for the performance of the work using accepted industry standards.

1.4.3.2 Conduct which all parties agree is inoffensive or welcome.

1.4.3.3 Conflict or disagreements in the workplace, where the conflict or disagreement is not based on one of the prohibited grounds.

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

2. Employer's Commitment

2.1 Christ the Teacher Catholic Schools will take all complaints of harassment seriously. We are committed to preventing and stopping harassment, as well as creating a productive and respectful workplace. This commitment includes the following:

2.1.1 Informing all persons in the workplace of their rights and obligations.

2.1.1.1 A copy of the harassment administrative procedure will be posted on the school division website.

2.1.2 Protecting employees trying to prevent or stop harassment.

2.1.2.1 Harassment complaints and investigations will be held in the strictest of confidence except where the disclosure is necessary for the purposes of investigating the complaint, taking corrective action with respect to the complaint, or as required by law.

2.1.2.2 Action will be taken to prevent reprisal against persons who make a harassment complaint in good faith, which may mean informing complainants and alleged harassers of this commitment.

2.1.3 Promptly taking action necessary to stop and prevent harassment.

2.1.3.1 Appropriate action, sufficient to ensure the harassment stops and does not happen again, will be taken against persons who are or were engaged or participated in harassment.

2.1.3.2 When necessary, other visitors to the workplace will be informed that certain conduct directed towards staff will not be tolerated or allowed to continue.

3. Employer's Duty

3.1 In accordance with Part III of *The Saskatchewan Employment Act*, all workers employed by Christ the Teacher Catholic School Division shall refrain from causing or participating in the harassment of another worker and co-operate with any person investigating harassment complaints.

4. Complaint Procedure

4.1 Complainants have three (3) recommended courses of action: personal contact, verbal report, or written report.

4.2 Because it is often best if allegations of personal harassment can be resolved closest to the source of harassment, it is recommended that the complainant first approach the respondent to attempt to resolve the alleged harassment.

4.3 If the complainant believes personal contact would not satisfactorily resolve the situation, the complainant may report the incident verbally to his or her immediate supervisor.

4.4 The immediate supervisory 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.

4.5 Notwithstanding the preceding protocols, the complainant may submit a formal, written complaint to his or her division office supervisor. In the event the respondent is the division office supervisor, the written complaint shall be forwarded to the Director. In the event the respondent is the Director, the written complaint shall be forwarded to the Board Chair. The complaint must be recorded in writing using Form 170.01: Harassment Complaint.

4.6 Following receipt of the formal, written complaint, the investigation team shall investigate the complaint. In the event the complaint is levied against a member of

the senior leadership team, an external party shall conduct the investigation. Investigators must act in accordance with the following guidelines:

- 4.6.1 The investigation commences and concludes as soon as reasonably possible.
- 4.6.2 Witnesses are interviewed separately, and written witness statements are prepared. Witnesses are asked to review and sign their written statements.
- 4.6.3 Witnesses are advised to keep the investigation and identity of the complainant and respondent in confidence unless they are required to disclose them by law.
- 4.6.4 The complainant and the respondent are entitled to be accompanied by legal or union counsel during the interview and investigation process.
- 4.6.5 During the investigation process, both the complainant and the respondent are entitled to be informed of all the allegations made against them and allowed the opportunity to make full answer and defense. This does not mean that either party is entitled to see or receive copies of the complete statements. However, both are entitled to see or receive an adequate summary of the evidence to make a full answer and defense.
- 4.7 The investigation team will strive to provide a written report to the Director within three (3) weeks of the date of the formal complaint. The written report shall include a summary of the evidence, a description of any conflict with the evidence, the conclusions on the facts and reasons for reaching those conclusions, as well as the recommended corrective action where harassment has been found to have occurred.
- 4.8 The investigation team shall meet with the complainant and the respondent, separately, to review the findings of the investigation.
- 4.9 If the alleged harassment is determined to be true, the respondent will be subject to disciplinary procedures as determined by the director of education which may include any or a combination of a verbal reprimand, written reprimand, suspension, and/or dismissal.
- 4.10 Where harassment has not been substantiated no action shall be taken against an employee who has made the complaint in good faith.
- 4.11 This procedure is not intended to discourage or prevent a complainant from exercising any other legal rights pursuant to law.

5. Taking Action to Stop and Prevent Harassment.

- 5.1 In taking action to stop harassment and prevent its recurrence, Christ the Teacher Catholic Schools shall be guided by the following considerations and options.
- 5.2 Individual Awareness and Counselling

- 5.2.1 Individuals may not be aware of the effects of their behaviour. In many cases, speaking to the person in private about the inappropriate behaviour may resolve a situation.
 - 5.2.2 In certain instances, it may be more effective for a supervisor to speak with the offending person or to arrange and facilitate a meeting between the complainant and the respondent.
 - 5.2.3 Complainants should not be encouraged to confront the respondent if they are reluctant to do so when the alleged harassment is of a very serious nature or when the respondent denies engaging in the alleged conduct.
- 5.3 Interim Action
- 5.3.1 A supervisor or superintendent may have grounds to believe that a complainant will be exposed to continued harassment or reprisal while waiting for the investigation or resolution process to occur. The supervisor or superintendent must take immediate action to protect the complainant from continued harassment or reprisal. Any interim action should respect the respondent's rights based on the employment contract or collective bargaining agreement in place.
 - 5.3.2 Considering the above-mentioned rights, the supervisor or superintendent's action may include:
 - 5.3.2.1 Cautioning the respondent about the types of behaviour that will not be tolerated.
 - 5.3.2.2 Moving the respondent to another work facility.
 - 5.3.2.3 Moving the complainant to another work facility at the complainant's request.
 - 5.3.2.4 Assigning to home the respondent with pay while waiting for the final determination.
 - 5.3.3 Such action will only occur after consultation with the superintendent or designate.
- 5.4 Mediation
- 5.4.1 Mediation offers both parties the opportunity to develop an understanding of the problem and resolve the complaint before or during the formal investigation process. The mediator facilitates separate discussions or joint meetings between the complainant and the respondent for the purposes of resolving the complaint. Mediation may take place at any point in the resolution process as long as both parties agree to participation in mediation.

5.5 Disciplinary Action

- 5.5.1 An employee who has knowingly engaged or participated in the harassment of a co-employee will be disciplined. The discipline will be subject to the employee's rights under the employment contract or collective bargaining agreement in place.
- 5.5.2 The discipline imposed on an employee who is found to have engaged or participated in harassment in the workplace may include reprimand, relocation, demotion, suspension, or termination of employment.
- 5.5.3 The severity of the discipline will depend on the following:
 - 5.5.3.1 Seriousness of the alleged conduct.
 - 5.5.3.2 Whether the conduct is an offence under the criminal code.
 - 5.5.3.3 Whether the conduct is an offence under *The Saskatchewan Employment Act* or *The Saskatchewan Human Rights Code*.
 - 5.5.3.4 The extent of the mental or physical injury caused to the complainant by the conduct.
 - 5.5.3.5 Whether the respondent persisted in behaviour that was known to be offensive to the complainant.
 - 5.5.3.6 Whether the harasser abused a position of authority.
 - 5.5.3.7 Risk of the respondent continuing with similar harassment of the complainant or others.
 - 5.5.3.8 Whether the respondent acknowledges that conduct was unacceptable and makes a commitment to refrain from participating in future harassment.
 - 5.5.3.9 Whether the respondent has apologized to the complainant or taken action to repair any harm caused by the conduct.
 - 5.5.3.10 Whether the respondent has agreed to participate in awareness sessions, training, or other recommended counselling or treatment.

6. Third-Party Harassers

- 6.1 This administrative procedure covers harassment connected to any matter or circumstance arising out of the employee's employment. Parents, volunteers, visitors, contractors or their employees and others invited to the workplace could engage in the harassment of an employee. Christ the Teacher Catholic Schools may have limited ability to investigate or control their conduct. However, Christ the Teacher Catholic Schools shall take action to stop or reduce the risk to its employees of being harassed by third parties.

6.2 This action may include:

- 6.2.1 Requiring certain contractors and their employees to accept and meet the terms of the harassment administrative procedure and removing employees who participate in harassment from the workplace.
- 6.2.2 Where an individual has been asked to stop abusing or harassing an employee and does not, employees are authorized to end telephone conversations, politely decline service, and ask the individual to leave the workplace.

7. Malicious Complaints

- 7.1 It is uncommon for someone to make a false claim deliberately, but it can happen. Where an investigation finds a complainant has knowingly made a false allegation, the complainant will be subject to appropriate discipline.

8. Other Options for Complainants

- 8.1 Nothing in this administrative procedure prevents or discourages an employee from referring a harassment complaint to Occupational Health & Safety.
- 8.2 An employee may also file a complaint with the Saskatchewan Human Rights Commission under *The Saskatchewan Human Rights Code*.
- 8.3 An employee also retains the right to exercise any other legal avenues available.

Reference: Sections 85, 87, 108, 109, 175 Education Act
Human Rights Code Act
Occupational Health and Safety Act
Canada Criminal Code
Canada Labor Code
Canadian Charter of Rights and Freedoms
STF Code of Ethics

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