



Employee Workplace Harassment/Discrimination Prevention Policy

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Waterloo Catholic District School Board
91 Moore Avenue • Kitchener • Ontario • N2G 4G2

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WCDSB Union Members – 70 Validators
WCDSB Family Life Advisory Committee – 18 Validators
WCDSB Equity Advisory Committee – 9 Validators


Legal Services provided by Filion Wakely Thorup Angeletti LLP, Management Labour Lawyers




Our Mission

***With the gift of the Catholic
Faith:***

***Learning, growing and
transforming the world
together as faithful
disciples of the Risen
Lord***






We, as a Christ-Centred learning community that participates in the mission of the Catholic Church, believe that:

Our community respects, affirms and supports the dignity and well being of all;

Our community contributes to the transformation of our world in love, dignity, and justice.

Sharing Our Journey
Transformational Education
In Our Catholic Community
Working Document 2002-2006



It is public policy in Ontario to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully to the development and well-being of the community and the province.

Ontario Human Rights Code Preamble, 2003



Code of Ethical Behaviour

(Derived from *Sharing Our Journey* Guiding Principles)

Ethical behaviour general principles:

That each member of the W.C.D.S.B. shares in the responsibility to contribute to a community that concretely reflects mutual respect, equity, fair treatment and reverence due all persons created in the image of God. Equity demands a 'faith that does justice' as it promotes workplace environments in which all persons are treated with utmost dignity. Workplace harassment or discrimination is unethical and unacceptable in Christian community. It is critical that each member's ethical behaviour in the workplace demonstrates an intolerance of any form of harassment or discrimination that demeans the dignity and worth due all persons. All members of Board staff and trustees share in the responsibility to ensure and maintain a workplace free from harassment or discrimination.

Love one another with mutual affection and be eager to outdo one another in showing respect.

Romans 12:10

"...the human Journey is best understood within the context of relationship. It is accomplished in community, in solidarity with brothers and sisters in the Church and beyond."

Ontario Catholic School Graduate Expectations
Institute for Catholic Education

Human Resource Policies and Procedures

Subject: Workplace Harassment/Discrimination Prevention Policy

Issue Date: February 20, 2004

Statement of Policy

The Waterloo Catholic District School Board is committed to a workplace environment free of harassment or discrimination in which all Board employees and trustees are treated with respect and dignity, in accordance with its shared beliefs, mission, vision and guiding principles found in *Sharing Our Journey* (2002 – 2006) and under the current *Human Rights Code of Ontario*. All information collected under this Policy will be dealt with in accordance with *The Municipal Freedom of Information and Protection of Privacy Act, 1990*.

The Board will:

1. Consider incidents of harassment/discrimination as serious misconduct that will be dealt with respectfully, fairly, confidentially and in a timely fashion.
2. Promote social change through a greater awareness and understanding of harassment and discrimination in the workplace (e.g., copies of policy, posters, in-services and website).
3. Consider disciplinary action for employees or censure for trustees who discriminate against or harass other employees or trustees.
4. Consider any situation of intimidation or reprisal by a respondent (including a supervisor) against a claimant (or a witness) to be workplace harassment.
5. Deal with all reports and documentation gathered under this policy in accordance with the *Municipal Freedom of Information and Protection of Privacy Act, 1990*.

Rationale

A workplace free of harassment/discrimination is the joint responsibility of the employer, employees and the employee unions/associations and trustees. A supervisor or a manager (a person in authority) who knew or should have known about the harassment/discrimination from the information or facts in her/his possession will be considered responsible for failing to acknowledge and address the harassment or discrimination (*Ontario Human Rights Code, s. 39 (2) (e)*). When a complaint of alleged harassment or discrimination is lodged, resolution will be achieved through the steps detailed in the Board's Informal and/or Formal Resolution Procedures. Dealing with allegations of workplace harassment/discrimination is difficult and these steps must be taken with sensitivity and care.

The intent of the process is to achieve the earliest resolution possible, to promote the Gospel principle of reconciliation where possible, and to maintain the **dignity of both the complainant and the respondent** throughout the process. The Board is committed to supporting and protecting the complainant and ensuring that the process for the respondent is supportive, objective and fair. The *Ontario Human Rights Code* defines harassment as "engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome." (*Human Rights Code, s. 10 (1)*). Comments or behaviours that occur inside or outside the workplace that create a 'poisoned

environment' in the workplace and violate the employee's inherent right to equal treatment without harassment or discrimination shall not be tolerated. Workplace harassment is understood to mean any unwelcome action that offends, intimidates, humiliates or degrades an individual or creates a hostile work environment. Physical, psychological, verbal or written forms of harassment or discrimination are prohibited.

Occurrences such as physical or sexual assault are not resolved through this policy. Physical and sexual assault, criminal harassment and uttering threats are all Criminal Code offences. In discussion with the complainant the police should be consulted. The Board will co-operate fully with the victim and the police. Issues arising between a parent and teacher, teacher and student or student and student are also not resolved through this policy.

It is the collective responsibility of our community to strive for the fulfilment of our mission of "transforming the world together as faithful disciples of the Risen Lord" through the eradication of harassment, discrimination or bias.

The Human Rights Code states that:

5. (1) Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status or disability.
- (2) Every person who is an employee has the right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or disability.

The prohibitive grounds outlined in the Code "shall not be construed to adversely affect any right or privilege respecting separate schools enjoyed by separate schools or their supporters under the Constitution Act, 1987 and The Education Act."

This Policy promotes and supports a respectful, safe workplace that honours the God-given dignity and worth of each employee and trustee. It is designed to provide specific options to deal specifically and in a timely manner with harassment/discrimination between and among individuals in the workplace. Matters regarding Church Teachings on issues such as divorce and remarriage (without a declaration of nullity), same-sex marriage, or any other situations of public scandal to the Catholic community are denominational/constitutional complex issues that will not be resolved by this Policy. Other Policies, mechanisms and forums will guide the decisions taken in situations regarding Church Teachings, morality, Catholicity issues and the denominational/constitutional rights of Catholic School Boards.

Note:

Anyone who has been discriminated against according to the prohibitive grounds set out by the Human Rights Code of Ontario and the Ontario Human Rights Commission may file a complaint with the Commission. The complaint must be based on acts or omissions, the last of which occurred no more than six months or such longer period of time as the Commission considers appropriate, in the circumstance. The Commission does encourage all complainants to exhaust all procedures otherwise reasonably available to them by their employer.

Definitions

<i>Complainant:</i>	Shall mean an individual who is bringing forth an allegation of one or more incidents of workplace harassment or discrimination.
<i>Discrimination:</i>	Shall mean the behaviour, act, practice that results in adverse treatment of an individual based on prejudice.
<i>Diversity:</i>	Shall refer to the broad variety of differences and similarities among people in a number of dimensions which include, but are not limited to: ethnicity, age, place of origin, religion, ancestry, colour, citizenship, gender, sexual orientation, ethnic origin, mental and/or physical challenge and cultural tradition.
<i>Mediation:</i>	Shall refer to the voluntary Informal Process in which a neutral third party with no power to impose a resolution helps the parties try to reach a mutually acceptable agreement, reconciliation or compromise.
<i>Mediator:</i>	Shall refer to the external neutral independent third party who conducts the mediation but does not render a decision.
<i>Mobbing:</i>	Shall refer to the phenomena of one person inciting colleagues to discriminate against another colleague.
<i>Poisoned Environment:</i>	Shall mean one or a series of comments or behaviours that create a hostile or negative work environment. A complainant may not be the only person directly affected by the hostile comments or behaviours. Anyone in the workplace could be affected by such an offensive, hostile, intimidating climate.
<i>Respondent:</i>	Shall refer to the person or persons named in a workplace harassment/discrimination complaint. The term does not in any way imply guilt when cited throughout the policy.
<i>Sexual Harassment:</i>	Shall mean one or a series of comments or conduct of a gender related or sexual nature that is known or should have been known to be unwelcome and offensive.

Workplace Harassment/Discrimination Prevention Policy

This policy is not intended to interfere with the legitimate and substantiated work-related evaluation responsibilities of a supervisor to an employee regarding his/her work performance or competency. (See W.C.D.S.B. "Progressive Discipline Policy 2001" available from Human Resource Services.)

Workplace Harassment/Discrimination is (but is not limited to):

- Verbal, written (including electronic communication) or non-verbal actions in the workplace that frighten someone
- Continuous and ongoing escalation of work demands not related to legitimate work-related tasks that are designed to cause distress or intimidation
- Verbal or non-verbal taunts
- Insulting remarks or slander
- Mocking an individual's mannerisms or speech
- Negative personal comments
- Exclusion from workplace activities
- Consistent, deliberate shunning, excluding or marginalizing a colleague
- Intimidation or reprisal of a complainant by a colleague or a supervisor
- Stereotyped criticism of a group of employees.

Workplace Harassment/Discrimination is not (but is not limited to):

- Proper exercise of supervisory responsibilities (*Education Act, Employment Standard's Act, Human Rights Code, 1990, CH.H. 19, S(10)*)
- Disciplinary action that is legitimate and warranted (e.g., work consistently left unfinished)
- Substantiated criticism of work competency or performance
- Mutually acceptable joking that is appropriate and not offensive to others
- Mutually acceptable teasing that is appropriate and not offensive to others
- Discussion with an employee about substantiated instances of being late for work
- Discussion with an employee by a supervisor regarding substantiated instances of negative attitude(s) toward another employee
- Discussion employee to employee that involves substantiated issues.
- The employer's request for specific information pertaining to job performance and attendance.

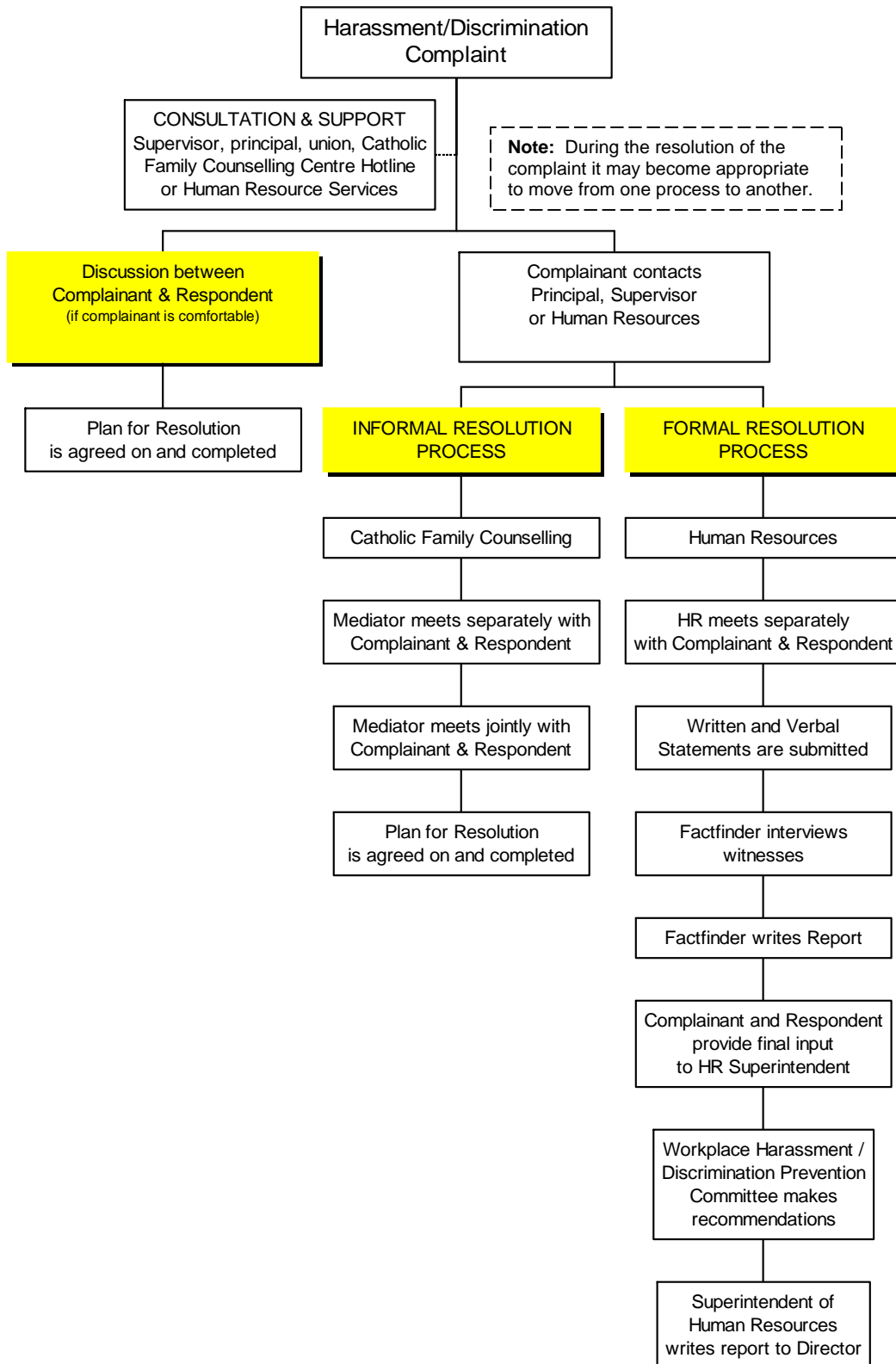
Gender or sex harassment/discrimination and bias, sexual harassment and ethnocultural harassment/discrimination **are also** forms of workplace harassment/discrimination. For the background and examples of these specific forms of employee workplace harassment/discrimination please see:

- **Overview of Gender or Sex Harassment/Discrimination in the Workplace** – Attachment I, pp. 25-27.
- **Overview of Sexual Harassment in the Workplace** – Attachment II, pp. 28-29.
- **Overview of Ethnocultural Bias/Discrimination in the Workplace** – Attachment III, pp.30-32.

Informal and Formal Harassment/Discrimination Prevention Procedures

The Board is committed to providing a safe and equitable, harassment and discrimination free environment for all of its employees and trustees. In order to respect the personhood and dignity of **all** persons as outlined earlier in our shared beliefs, mission, vision, guiding principles, ethical codes and legal responsibilities, any employee or trustee of the W.C.D.S.B. who feels that he/she has been harassed or discriminated against (for any reason) is **urged to consider seeking support and resolution** by accessing assistance as soon as possible through the Board's consultation and support, informal or formal resolution procedures:

WCDSB Harassment/Discrimination Resolution Process Overview



Workplace Harassment/Discrimination Prevention Resolution Process

Consultation/Support

If the complainant feels safe and comfortable, s/he may go directly to the respondent and clearly state that s/he feels that the respondent's behaviour is unwelcome/unacceptable and that it must stop. If the respondent's behaviour continues the complainant is strongly advised to keep detailed records of the incidents including times, dates, locations, circumstances, witnesses and the nature of the behaviour. This information will be critical to the resolution process. If the complainant feels unsafe or uncomfortable for any reason, this option can be directly bypassed.

The complainant who feels that s/he is being harassed/discriminated against can choose to consult the immediate supervisor, principal, union/federation designate, the Catholic Family Counselling Centre Hotline (578-7245), or the person designated in Human Resource Services (an option outside of the workplace site) to discuss and clarify concerns, consider options, and outline a possible course of action.

Regardless of the consultation option selected by the complainant, the following information must be shared with the individual:

- If the complainant has concerns regarding safety it is critical that this is made clear to the person contacted so that immediate steps can be taken to ensure that the complainant is protected.
- The Board's Harassment/Discrimination Resolution Process will be discussed and all options for resolution will be discussed with the individual.
- Where the complainant chooses to access the CFCC Hotline, a trained mediator will assist the individual to explore the options available to ensure that the alleged harassment/discrimination is addressed swiftly. Names will be avoided at this stage and full confidentiality will be honoured by the trained mediators at CFCC.

All staff is encouraged to disclose incidents of harassment/discrimination by another Board employee or trustee as soon as possible and to seek assistance to stop the alleged harassment/discrimination. A complainant must make his/her concerns known within six months of the incident (s). After examining the specific circumstances it will be determined by the Director of Education or designate if a claim coming forward after six (6) months will or will not proceed.

Workplace Harassment/Discrimination Prevention Option I

Informal Resolution Process

A) The Complainant Decides To Go Forward (after exploring options with the supervisory, principal, union, CFCC Hotline, or Human Resources)

- i. The principal, supervisor or complainant contacts the Superintendent of Human Resource Services¹ or designate who will inform the respondent in writing within three (3) working days that a workplace harassment/discrimination claim has been brought forward that names them as the respondent. Within five (5) working days after the official complaint is made, the HR Superintendent will offer the informal mediation process to both parties to allow a process for possible resolution of the matter. Timelines may be extended with the agreement of all parties.
- ii. If both parties voluntarily agree to enter the mediation process, they are asked by the HR Superintendent to sign a consent form that clearly outlines the parameters of the mediation process. This form includes permission for Catholic Family Counselling Centre (CFCC) to release information to the HR Superintendent. This is a release of basic and brief information regarding the dialogue during the mediation process. Minimal information is provided to the HR Superintendent so as not to compromise the integrity and fairness of the mediation process. The HR Superintendent will contact CFCC and request that both parties be offered mediation at CFCC. The signed consent that includes names and telephone numbers, will be sent to CFCC. If there are extenuating circumstances that make it difficult for a staff member to work with staff at CFCC, the Board will make an alternative arrangement.

B) Third Party Intervention

- i) The third party intervention process allows for the possible outcome that neither party did anything wrong. The complaint may have been based on misunderstanding. The third party process is used to facilitate communication and promote understanding of what happened between the parties. The outcome of this mediation process may be that a determination of right and wrong, or who did what is secondary to how it is that both parties will work together in the future.
- ii) The mediator ensures that both parties have received a copy of the Policy and that they have had an opportunity to ask any questions they may have about the principles, options or steps involved in both the Informal and the Formal Resolution process. The mediator arranges to meet with the complainant to discuss the circumstances of the situation. The mediator and the complainant will discuss at this time whether or not there are personal safety, violence, power imbalance, job security or promotion issues involved for the complainant. They will also discuss whether Option I, the Informal Procedure or Option II, the Formal Procedure is the most effective choice for dealing with this specific situation of alleged harassment/discrimination.
- iii) If the decision is made to remain in the Informal Resolution Procedure, the mediator meets with the respondent. After this meeting, the mediator assesses the most effective approach to reach a mutually acceptable conclusion.

¹ Hereinafter the term “**HR Superintendent**” will be understood to refer to the Superintendent of Human Resource Services or designate. Where specified as “Superintendent of Human Resources” no designate will be assigned.

- iv) If it is deemed appropriate, following dialogue with both the complainant and the respondent, both parties will be invited to meet jointly with the mediator. This meeting will take place if:
 - a) voluntary participation has been agreed upon by both parties
 - b) that both parties have clearly indicated a willingness to resolve the situation.

C) Mediation

- i) If both parties agree, they meet with the mediator to discuss the circumstances of the alleged harassment. In order to promote full disclosure of all relevant information, all discussions within the mediation process should be considered confidential. If necessary, through the mediation process, both parties then identify more appropriate behaviour(s) or verbal responses and work towards achieving a mutual agreement.
- ii) If they achieve a mutual agreement, a specific plan is developed and signed along with the mediator. The informal resolution process will take place within fifteen (15) working days of the first meeting with the mediator.
- iii) The mediator, with the original signed consent form from both parties involved, reports back to the HR Superintendent. The mediator indicates that a signed mutually acceptable plan that was deemed necessary by both parties has been put in place and that the respondent agrees to work toward changing the behaviour(s) that the complainant has experienced as harassment/discrimination. In six months the CFCC mediator will contact both parties to ensure that the agreed upon plan is in fact effective. If it is not effective the mediator will ask both parties to voluntarily meet again.

D) Documentation

- i) The HR Superintendent will complete an Occurrence Report and maintain the form in a strictly confidential file.

E) If Agreement Is Not Reached

- i) If the parties, for whatever reason, do not agree to the final plan worked out during the mediation sessions the mediator must report this situation back to the HR Superintendent.
- ii) If the respondent refuses to sign the plan, the mediation process will then be terminated at CFCC. At the final session, the mediator explains to the respondent that mediation has been unsuccessful and that mediation is terminated.
- iii) If the complainant refuses to sign the final plan or the mediation is unsuccessful s/he may choose to stop the Informal Mediation Process or choose to go forward into the Formal Resolution Procedure.
- iv) Once the HR Superintendent receives the report from CFCC stating that the respondent has refused to sign the plan, the Formal Resolution Procedure is initiated.
- v) Should either party not agree to continue with the mediation process and the complainant has not withdrawn the complaint in the Informal Resolution Process, either party may choose to write a letter to the HR Superintendent to request that the Formal Process be initiated.

Workplace Harassment/Discrimination Prevention Option II

Formal Resolution Process

A) Initial Steps/Safety Concerns

- i) After receiving a written request, the HR Superintendent provides a letter to both parties involved indicating a wish to meet with them individually to explain the next step in seeking resolution, which is the Board's Formal Resolution Procedure.
- ii) Each party will be asked to provide a written statement outlining the specifics of the situation. The complainant and the respondent will be able to individually access the Board Employee Assistance Program (EAP) if they require personal support throughout the Formal Resolution Process.
- iii) Both parties will be asked if they wish to provide a list of witnesses who have agreed to participate in the process. (The witness names will not be shared with either party, unless required by law or collective agreement.) The written statements and witness lists will be provided to the HR Superintendent within five (5) working days. Timelines may be extended with the agreement of all parties.
- iv) The Board is committed to act on the claimant's behalf to ensure safety. During the course of the Formal Resolution Process, it may be necessary for one or both parties in the situation to be assigned to alternate duties with pay and without disciplinary penalty. Both parties involved will meet separately with the HR Superintendent. If at any time the HR Superintendent is concerned that safety, violence or criminal charges are an issue, necessary steps will be taken to ensure safety.
- v) The written statements will be shared with both parties within five (5) working days.

B) External Fact Finder

- i) Following these meetings a trained external Fact Finder will be chosen by the HR Superintendent to begin the investigative process. The Fact Finder will complete the investigation within ten (10) working days of accepting the assignment. The name of the Fact Finder will be shared with the complainant and respondent to ensure that there is no conflict of interest.
- ii) The Fact Finder will discreetly meet with any willing witnesses or other persons named by either party who will contribute to the investigation/ fact-finding process. The Fact Finder will ask all of these individuals to treat the interviews in a highly confidential manner.
- iii) The substance of the interviews will be shared with the complainant and the respondent, but not the names of the witness(es), unless required by law or collective agreement. If the name of a witness is necessary in order to understand the context of his/her statements, the witness will be asked to sign a permission statement that will allow her/his name to be shared with the parties involved. If the witness(es) choose not to give their permission for their statement to be shared their statement cannot be used to support either party.
- iv) In addition to the witnesses already provided to the Fact Finder, the HR Superintendent, after informing the complainant and the respondent, may add a person or persons in authority to the witness list. Persons in authority who knew or should have known of the alleged harassment/discrimination from the information or facts in their possession and

who failed to prevent the harassment/discrimination although it was within their authority to do so must be interviewed. *Human Rights Code, s.39 (2) (e)*.

- v) A W.C.D.S.B. Workplace Harassment/Discrimination Prevention Form I will be completed by the Fact Finder and each witness will be asked to verify the information by signing and dating the form.
- vi) A report regarding the facts provided by the witnesses will be prepared by the Fact Finder and given to the HR Superintendent.

C) Final Statements

- i) At the conclusion of the investigation the HR Superintendent, within three (3) working days, will meet separately with the complainant and the respondent to review the result of the investigation.
- ii) The complainant and respondent will be given a final opportunity for input and response at this stage. The complainant and respondent will be asked to provide their final input and response in writing to the HR Superintendent within five (5) working days of their meeting.

D) Workplace Harassment/Discrimination Prevention Committee

- i) Within one week of receiving the complainant's and respondent's final input, an ad hoc four-person Workplace Harassment/Discrimination Prevention Committee will be established. The committee will include the Superintendent of Human Resource Services, two community members and one WCDSB member who does not work in Human Resource Services. The community members have been previously identified as having specific expertise in the area of relationships, harassment/discrimination and conflict resolution.
- ii) The community members and the WCDSB members, representing another department or division, will act as advisors to the Superintendent of Human Resource Services. The Director of Education will approve the membership of this committee.
- iii) The committee will review all documentation within eight (8) working days, the Fact Finders report as well as the statements of the complainant, respondent and witness(es), and provide advice to the Superintendent of Human Resource Services. All documentation reviewed by the committee members will not contain the names of the complainant or the respondent. Only the employee number of the complainant and respondent will be used to ensure confidentiality and impartiality.

E) Determination

- i) The Superintendent of Human Resource Services will, within three (3) working days of receiving the advice from the ad hoc committee, reach a determination of whether or not the behaviour of the respondent constituted harassment/discrimination and will subsequently provide the recommendation(s) in a report to the Director of Education for approval.

F) Harassment/Discrimination Not Confirmed

- i) If it is determined that the facts presented at this time do not substantiate harassment/discrimination, this finding and the rationale for it will be conveyed in writing within two (2) working days to both parties and, where appropriate verbally, to any witness(es) who were interviewed. The witness(es) will be informed that the process has ended without any further action being taken.
- ii) If there was no harassment/discrimination, no record of the finding will be placed in the file of the respondent and no disciplinary action will be taken unless it is determined by the ad hoc Workplace Harassment/Discrimination Prevention Committee that the complaint was made in bad faith.

- iii) The results of the investigation will be recorded in an Occurrence Report and will be kept in a strictly confidential file in the office of the Superintendent of Human Resource Services. Only the Superintendent of Human Resource Services, the Director of Education and a court of law will have access to the report. The report will clearly be marked private and confidential.

G) Harassment/Discrimination Confirmed

- i) If it is clear that the respondent's behaviour did constitute harassment/discrimination, the respondent will be required to provide a written plan that outlines what will be done to prevent any reoccurrence of the harassing behaviour(s).
- ii) The plan will also address future interactions with the complainant to ensure that there will be no overt or subtle intimidation or retaliation. The plan may include specific action regarding harassment/discrimination prevention education or counselling provided in the community.
- iii) The complainant's wishes regarding future interactions with the respondent must take prominence in the development and the final approval of the plan.
- iv) The Superintendent of Human Resource Services will determine if disciplinary action is appropriate or not. Disciplinary action could include a verbal warning, written warning, transfer, suspension, dismissal or legal charges as outlined in existing Board employee disciplinary policies and procedures (WCDSB Progressive Discipline Policy, 2001).

H) Informing Complainant and Respondent of Decision

- i) The Superintendent of Human Resource Services will share the report and the documentation of the investigation with the respondent within five (5) working days of the Director's final determination.
- ii) The complainant will be separately informed of the final determination within one (1) working day of the Superintendent's meeting with the respondent. At this meeting the plan that was written to address future interactions between the complainant and respondent will be shared with the complainant to ensure the plan is acceptable.

I) Documentation

- i) The report and documentation confirming that harassment/discrimination did take place will be kept indefinitely in a file in the office of the HR superintendent, clearly marked "confidential and private" accessible only by the Superintendent of Human Resource Services, the Director of Education, or a court of law if requested.
- ii) The Occurrence Report will be maintained in a strictly confidential file in the office of the Superintendent of Human Resource Services. A copy of the report will be sealed and placed in the respondent's personnel file and will be accessible only to the Superintendent of Human Resource Services and the Director of Education, the respondent and any representative of the respondent with written permission. On the outside of the sealed envelope it will indicate who can access the report, and it will specifically state the date when it will be destroyed (*Municipal Freedom of Information and Protection of Privacy Act, RSO 1990, CF. 31, S.1*).

- iii) The length of time that a report is kept in the employee's file is governed by a collective agreement. If the length of time is absent in the agreement, the file will be kept for two years.
- iv) There will be a Workplace Harassment/Discrimination Occurrence Report completed for each incident of workplace harassment or discrimination. This form will overview the date(s), location(s), situation, names of those involved, and the final determination. Such Occurrence Forms are critical if at any time a court of law requests background information regarding the incident(s) for any reason. The Superintendent of Human Resource Services will keep this form in a strictly confidential file (*Municipal Freedom of Information and Protection of Privacy Act, RSO 1990, CF. 31, S. 1*).
- v) The determination of the Director of Education is final within the formal complaint process of the Board.
- vi) If it is determined that harassment/discrimination did not take place an Occurrence form indicating that no action is required is kept by the Superintendent of Human Resource Services in a strictly confidential file. No report of any kind is placed in the respondent's personnel file.

J) Follow-up

- i) Within six (6) months of the final determination the HR Superintendent will contact the complainant and the respondent to verify that the plans (developed during the formal resolution process) are effective. This check will verify that positive change is being maintained and that the complainant is safe. If the agreement is not being followed and the complainant is not safe, the HR Superintendent will utilize the Board's Progressive Discipline Policy.

K) Special Circumstances

- i) If the HR Superintendent is unable to carry out his/her obligations under this policy or if the HR Superintendent is named as a respondent, the Director of Education will appoint a designate to carry out the procedures.
- ii) If the Director is named as a respondent in the harassment/discrimination complaint, the complaint will be made directly by the Superintendent of Human Resource Services to the Chair of The Board. The Chair of The Board will designate a Supervisory Officer or outside counsel to carry out the investigation and report back to the Chair of The Board the results and recommendations of the investigation.
- iii) If a trustee is named as a respondent, the Director will inform the Chair of The Board and a determination will be made to have the Superintendent of Human Resource Services or outside counsel carry out the Formal Complaint Procedure.
- iv) If a trustee feels that s/he has been harassed or discriminated against s/he would contact the Board Chair. The Board Chair is responsible to initiate the Resolution Process through the HR Superintendent.

L) Ontario Human Rights Commission

At any time within six months of the alleged harassment/discrimination the complainant may initiate a complaint with the Ontario Human Rights Commission. Complaints are investigated by the Ontario Human Rights Commission and a decision and settlement is determined. If the complainant initiates a complaint with the Ontario Human Rights Commission, the Board will suspend the investigation of the complaint.

M) Ensuring Efficacy

The HR Superintendent will develop a specific process in order to provide an annual report to the Director of Education. The report will be prepared by October 31st and will provide an overview of the harassment/discrimination incidents and determinations of the previous academic year. The report will not use names or provide distinguishing comments or details. These reports as well as interviews of selected complainants, respondents, mediators, fact finders and members of the Workplace Harassment/ Discrimination Prevention Committee will be used to review and improve this policy in two years.

Notes for Complainant, Respondent and Witness

Complainant:

We, as a Catholic community, recognize that if you are reading this as a complainant it may be a very difficult time for you. We assure you that your safety is of the utmost importance and you will be supported throughout the process. There are checks and balances throughout this policy to ensure this. You may find that you will experience a range of emotions throughout this process. These reactions may range from knowing exactly what you want and need to do, to confusion about what you want and need. Though you may be determined to take action, you may still experience feelings of anger and fear. A variety of reactions can be expected and seeking support to deal with your reactions is critical. In order for this process to be effective and have a positive outcome, it is also critical that you feel safe and have confidence in the people that will be assisting you. If this is not the case, we encourage you to approach Human Resource Services to assist you in finding alternate sources of support.

The W.C.D.S.B. is committed to a harassment and discrimination free work environment for all employees. We strongly encourage you to come forward with your issues regarding workplace harassment/discrimination. Your voice is important and needs to be heard.

Respondent:

We, as a Catholic community, recognize that if you are reading this as a respondent regarding a complaint of workplace harassment/discrimination, this may be a very difficult time for you. You may feel confused and angry. Being accused of workplace harassment/discrimination does not mean you are guilty of it. We want you to be assured that you will be supported and treated equitably throughout this process. We encourage you to enter this procedure with an open mind in order to actively seek an early and just resolution for all involved.

This process is designed to ensure confidentiality, provide mediation and to objectively determine the facts. The goal is always to arrive upon the earliest, mutually acceptable solution for both parties whenever possible. The checks and balances included in this policy are also designed to support and provide fair treatment for both the respondent and the complainant.

It is the intent of the W.C.D.S.B. to safeguard the rights of everyone involved in a workplace harassment/discrimination complaint. Throughout this process, your voice as a respondent is important and will be heard.

Witness:

We as a Catholic community recognize that if you have been invited into this workplace harassment/discrimination complaint process, this may be a difficult time for you.

The W.C.D.S.B. is committed to a harassment/discrimination free work environment. In order to provide this environment, it is important for all employees to support one another when there are claims of harassment. Although it is often difficult to become involved in another's complaint process, we encourage you to come forward with an open mind and with the facts, as you know them. The identity of a witness will remain confidential unless your identity is required by law, by a collective agreement, or if you provide signed consent.

In order to ensure equity, justice and early resolution, it is important that witnesses for both the complainant and the respondent come forward and have their voices heard. We encourage you to seek support regarding your involvement in this process. Catholic Family Counselling Centre has set up a confidential workplace harassment consultation line (Workplace Harassment Solutions Support Services – 578-7245) that you may contact for support.

Harassment/discrimination free work environments do not happen by accident. They are prepared and supported by people like yourself who are willing to stand up and speak out against injustices and support equitable resolutions.

Note to Teachers (as complainants or witnesses):

A member of the Ontario Teachers' Federation shall, on making an adverse report on another member, furnish her or him with a written statement of the report at the earliest possible time and not later than **three (3) days after making the report**. However, if the report concerns a teacher and the sexual abuse of a student, the written statement would not be required.

Attachment I

Overview of Gender or Sex Harassment/Discrimination and Bias in the Workplace

Gender or sex harassment/discrimination and bias is defined as the unequal treatment and/or the impact that arises from treatment that stereotypes individuals. This overt or covert treatment promotes discriminatory behaviour related to another person's gender. Gender or sex discrimination is not to be tolerated in any form as it threatens the very dignity, as well as the emotional, physical and spiritual well being of the individual and community.

The following definitions were derived from the City of Toronto Task Force on Community Access and Equity (1998-1999) "Glossary of Access & Equity Terms".

Gender identity: Gender identity refers to those characteristics that are linked to an individual's sense of self that is based on attributes reflected in the person's psychological, behavioural and/or cognitive state. Gender identity may also refer to one's sense of manhood or womanhood. It is different from, and does not determine, one's sexual orientation. Gender identity also refers to individuals who identify themselves as transgendered, intersexed, and transsexual.

Bias: Bias refers to an inaccurate (positive or negative) limited way of viewing and perceiving a specific group of persons. Negative bias towards members of a group can be expressed through language, published materials and other communications and practices.

Stereotype: A stereotype is a preconceived generalization made with reference to characteristics, features or traits. Specifically, it involves the attribution of these to a group, which is then assigned to the individual members of that group. One takes a preconceived or fixed notion about a group of individuals identified by a personal characteristic, and assumes that individuals identified by that personal characteristic fit that preconceived idea.

Discrimination: Discrimination is any practice or behaviour whether intentional or not, that negatively affects an individual or group on the basis of one or more of the prohibited grounds defined by this policy and/or the *Ontario Human Rights Code*. Discrimination may be direct or indirect. Requirements, qualifications or factors that appear neutral may be discriminatory if they have the effect of preferring, excluding, or restricting a group of persons on the basis of a prohibited ground under the *Ontario Human Rights Code* or this policy. Discrimination may also arise as a result of hate-group or 'mobbing' activity.

The Ontario Human Rights Code notes that harassment and discrimination based on gender may not always be of a sexual nature. Discrimination may also include harassing comments or conduct made to a person because of his or her gender. Subsections 7(1) and (2) of the Code establish a person's right to be free from sexual harassment and inappropriate gender-related comments and conduct in occupancy of accommodation and in employment.

Section 7(2) states:

"Every person who is an employee has a right to freedom from harassment in the workplace because of sex by his or her employer or agent of the employer or by another employee." Note: In the context of this quotation "sex" refers to gender.

The Ontario Human Rights Commission released the *Policy on Discrimination and Harassment Because of Gender Identity* June 21, 2000 and confirmed in it that transgendered people have the right to equal treatment without discrimination. The policy regards transphobic name-calling,

comments ridiculing individuals because of their gender identity, or singling out a person for humiliating or demeaning 'teasing' or jokes related to gender identity as forms of harassment.

The prohibitions in the *Ontario Human Rights Code* are not restricted to persons in authority but apply to all employees and trustees.

All members of the Board shall work in an environment free from gender or sex discrimination and bias.

Gender or sex harassment/discrimination and bias is (but not limited to)

- Gender-related comments about an individual's physical characteristics or mannerisms;
- Gender-related verbal abuse, threats, or taunting;
- Patronizing comments or conduct based on gender which a person feels undermines his or her self-respect or position of responsibility;
- Comments regarding the sexual anatomy of a person;
- Assumed characteristics assigned to gender;
- Suggestive or offensive remarks or innuendoes about members of a specific gender, or an individual in the process of a gender reassignment;
- Unequal or unfair consideration for opportunity and/or advancement related to gender;
- Leering or inappropriate staring;
- Offensive jokes, graffiti or comments that are negative towards a particular gender;
- Display of sexually offensive pictures, graffiti, or other materials;
- Inappropriate questions or discussions about sexual activities;
- Vulgar humour or language related to gender.

Gender or sex discrimination and bias is not (but not limited to)

- Sincere compliments that are not gender inappropriate;
- Mutually acceptable appropriate signs of appreciation between colleagues whether same gender or different in the work place;
- Welcome signs of caring and friendship between colleagues.

It is important to note that gender or sex discrimination and bias is not mutually exclusive with sexual harassment. Our culture predisposes us to a pattern of thinking that is sexist and is often acted out through harassing behaviour.

Gender or sex harassment/discrimination and bias creates a poisonous, intimidating, hostile and offensive workplace environment. Gender or sex discrimination and bias violates the *Ontario Human Rights Code* and is clearly unethical and unacceptable to Christian community and other religious traditions. Gender or sex discrimination and bias violates the spirit and principles of equity, freedom and mutual respect in relationships. **Any employee or trustee of the W.C.D.S.B. who feels he/she has been discriminated against because of gender or sex harassment/discrimination and bias is asked to seek assistance, support and resolution through the W.C.D.S.B. Complaint Resolution Process found earlier in this document (pp. 15-22).**

Definitions

Definitions provided by The Ontario Human Rights Commission, *Policy on Discrimination and Harassment Because of Gender Identify (last update 2003)*.

- Transgendered:* Describes individuals who are not comfortable with, or who reject, in whole or in part, their birth assigned gender identities.
- Transsexual:* Describes individuals who have a strong and persistent feeling that they are living in the wrong sex. This term is normally used to describe individuals who have undergone sex-reassignment surgery. A male transsexual has a need to live as a woman and a female transsexual has a need to live as a man.
- Transphobia:* Describes the unrealistic or irrational fear and hatred of cross-dressing, transsexuals and transgenderists. Like all prejudices, it is based on negative stereotypes and misconceptions that are then used to justify and support hatred, discrimination, harassment, and violence toward people who are transgendered.
- Intersexed:* Describes an individual born with the (full or partial) sex organs of both genders or with underdeveloped or ambiguous sex organs. About 4% of all births may be intersexed to some degree. Intersexed replaces the inappropriate term “hermaphrodite”

HRC email: regional@ohrc.on.ca

Attachment II

Overview of Sexual Harassment in the Workplace

Sexual harassment is defined as engaging in a course of vexatious comment(s) or conduct that is known or ought reasonably to be known to be unwelcome. Sexual harassment is not to be tolerated in any form as it threatens the very dignity, as well as the emotional and physical well being of the person.

The *Ontario Human Rights Code* provides that “every person has a right to be free from,

- (a) a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or
- (b) a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance when the reprisal is made or threatened by a person in a position to confer, grant, or deny a benefit or advancement to the person.” (*Ontario Human Rights Code, S.7(3)(a)(b), 2003*)

The prohibitions in the *Ontario Human Rights Code* are not restricted to persons in authority.

All members of the Board shall work in an environment free from sexual harassment.

Sexual Harassment Is (but not limited to):

- Unwanted touching, patting, inappropriate body contact
- Unwanted leering/ogling/inappropriate sexually suggestive staring
- Expressions of a sexual nature through email, or innuendoes about a person or their physical attributes.
- Exploitive/derogatory pictures, sexually explicit cartoons, calendars, pornography, posters or graffiti
- Suggestive remarks of a sexual nature
- Insulting remarks or jokes about sexual orientation
- Insulting remarks regarding a family member of a gay or lesbian person
- Disclosures/disparaging comments regarding an individual’s sexual orientation
- Gender related verbal abuse or taunting or gesturing, whistling to indicate sexual overtones
- Sexual stereotypes that exhibit a negative attitude or disparagement
- Sexual advances
- Requests regarding sexual favours
- Threats or reprisals when an individual refuses a sexually oriented request
- Practical jokes of a sexual nature
- Unwanted contact or attention after the end of a consensual relationship
- Questions or inquiries about an individual's sex life or bragging about sexual prowess
- Sexually degrading words used to describe an individual

Sexual Harassment is not (but not limited to):

- Sincere compliments
- Welcome, mutually acceptable signs of affection between friends in the work place
- Asking someone out on a date (and accepting no for an answer)
- A hug between friends.

Note: The following are samples of criminal offences and require consultation with the police.

- Sexual or physical assault, stalking, or uttering threats, indecent harassing phone calls
- Sexual solicitation in which there is a threat or promise to confer or refuse advancement.

Sexual harassment is any unwanted uninvited sexual attention. It may involve remarks, gestures, sounds or actions of a sexual nature that make someone feel insecure, unsafe, degraded, demeaned or uncomfortable.

Sexual harassment creates a poisonous, intimidating, hostile and offensive workplace environment. Sexual harassment violates the *Ontario Human Rights Code* and is clearly unethical and unacceptable to Christian community and other religious traditions. Sexual harassment violates the spirit and the principles of equity, freedom and mutual respect in relationships and the Gospel call to love. **Any employee or trustee of the W.C.D.S.B. who feels she/he has been sexually harassed is asked to seek assistance, support and resolution through the W.C.D.S.B. Complaint Resolution Process found earlier in this document (pp. 15-22).**

Attachment III

Overview of Ethnocultural Harassment/Discrimination in the Workplace

Race is a highly misleading term because it has been used to give credibility to the notion that there are superior races. This inaccurate position must be eliminated. Present scholarship within the scientific community indicates that there is no genetic or biological basis for such findings that promote superiority or place of privilege of one so-called race over another.

"Human 'racial' differentiation is, indeed, only skin deep. Any use of racial categories must take its justification from some other source than biology. The remarkable feature of human evolution and history has been the very small degree of divergence between geographical populations as compared with the genetic variation among individuals."

Frank Judge²

The following definitions were derived from the City of Toronto Task Force on Community Access and Equity (1998-1999) "Glossary of Access & Equity Terms".

Racism: Racism is defined as a set of implicit or explicit beliefs, assumptions and actions based upon an ideology that one racial or ethnic group is superior to another and which is evident in organizations or institutions and their programs as well as individuals and individual behaviours. Racism includes racist slurs (insults or degrading remarks).

Prejudice: Prejudice is any form of bias based on preconceived ideas that the behaviours and personality of an individual can be predicted. It is an inaccurate and limited view, often generalized and nearly always negative. This negative judgement or attitude is often not recognized as unsoundly based because of the frequency with which it is repeated.

Systemic Prejudice: Systemic prejudice occurs when prejudice becomes the policy of any social institution (government, news media, education, law, religion) to deny certain groups equal privilege or opportunity.

Ethnicity: Ethnicity is the many and varied beliefs, behaviours and traditions held in common by a group of people of a particular linguistic, historical, national, geographical, religious, and cultural origin. **Ethnic diversity** refers to the variety of similarities and differences of such groups, and to the presence of a number of groups within one society or nation. In Canada, ethnicity refers to the original specific homeland or homeland of ancestors prior to immigration to Canada.

Ethnoculture: Ethnoculture refers to the fact that every Canadian belongs to some ethnic group of a certain national, religious, and/or language background.

Ethnocultural Discrimination: Ethnocultural discrimination is any distinction, exclusion, restriction or preference based on colour, descent, or national or ethnic origin that has the purpose of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field or public life. (Please refer to Attachment I, p. 26 for more related definitions)

² "Slaying the Dragon", *The American Lawyer*, Sept. 1987, 84. – as presented on pages 13-14 of *Facing History and Ourselves: Holocaust and Human Behavior*, Brookline: Facing History and Ourselves National Foundation, Inc., 1994.

The Ontario Human Rights Code articulates a law in Ontario that provides protection from discrimination at work, in housing, in the receipt and delivery of services, contracts; and respecting membership in unions, trade or vocational associations. The Code also provides protection from people who are bothering, bullying, threatening or insulting you by saying or doing things that are not welcome. This is called harassment. Under the *Ontario Human Rights Code* discrimination means someone is treating you unfairly because of race, colour, ancestry, place of origin (where you were born), ethnic background, citizenship, creed (religion), sex, disability, sexual orientation, age, marital status, same-sex partnership status, family status or disability.

The code also states that “every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, same-sex partnership status, family status or disability.” Every person is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination. It is public policy in Ontario to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and is able to contribute fully to the development and well-being of the community and the Province. (*Human Rights Code*).

The Canadian Charter of Rights and Freedoms states that:

“Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.” (*The 2000 Annotated Canadian Charter of Rights and Freedoms*, s. 15(1)).

The prohibitions in the *Ontario Human Rights Code* and the *Canadian Charter of Rights and Freedoms* are not restricted to persons in authority but apply to all employees and trustees.

All members of the Board shall work in an environment free from all forms of ethnocultural discrimination, harassment and prejudice.

Ethnicity and Ethnocultural harassment and discrimination is (but is not limited to) the following behaviours related to religion, culture, ethnicity, dress/clothing, and/or country of origin:

- Name calling/degradation
- Treating someone as inferior and with contempt
- Isolating
- Intimidating and bullying
- Ridiculing and mimicking
- Physical assault and harassment
- Verbal abuse, threats, derogatory language, stereotyped comments
- Racist propaganda e.g., symbols, signs, graffiti
- Incitement of others (*‘mobbing’*) to behave in a manner which discriminates against someone
- Institutional ethnoculturalism e.g., biased policies or biased curriculum

Ethnicity and Ethnocultural harassment and discrimination is not (but not limited to):

- Sincere, respectfully framed questions about another’s religion and/or culture.
- Sincere, respectfully framed questions about another’s ethnicity, dress/clothing and/or country of origin.
- Encouraging and supporting a specific group that has systemically been discriminated against.

Ethnocultural harassment/discrimination and bias creates a poisonous, intimidating, hostile and offensive workplace environment. Ethnocultural discrimination and bias violates the *Ontario Human Rights Code*, the *Canadian Charter of Rights and Freedoms* and is clearly unethical and unacceptable to Christian community and other religious traditions. Ethnocultural discrimination and bias violates the spirit and principles of equity, freedom and mutual respect in relationships and the Gospel call to love. **Any employee or trustee of the W.C.D.S.B. who feels s/he has been discriminated or biased against because of ethnocultural affiliation is asked to seek assistance, support and resolution through the W.C.D.S.B. Complaint Resolution Procedures found earlier in this document (pp. 15-22).**

Afterword

Our school system is a Catholic school system that is in covenant with the Risen Lord and His Community, the Church; we are thus committed to operating within the parameters of the Gospel. This process outlined in these written materials is focussed on the Gospel values of truth and justice. We recall the words of the Risen Lord that the truth will make us free and that He is our truth for our life journey; we take Him at His word and place our hope in these words. All that proceeds from this document ultimately rests upon this faith and hope.

The process outlined in this document certainly involves pain and grief for those whom it touches – it cannot be otherwise! This pain and grief can embitter us or can be redemptive; we pray that it will be the latter and we also pray that the necessary healing for all individuals takes place. In this regard we count on the Risen Lord to be present throughout the whole process because we know in faith that He is Emmanuel (God-with-us). The Risen One will be at work in pulling life out of a messy situation.

May the Risen One bless this whole process and send His Holy Spirit as we use it to attain His truth and justice; may the same Lord bless all those involved in the process and bring healing and mercy wherever it is needed.

O God who does reveal Your Almighty power chiefly in showing mercy and pity; increase Your mercy towards us that we, seeking the way of Your promises, may be made partakers of Your heavenly treasures.

Gelasian Roman Missal 5th to 7th Century

Acknowledgements

The Board **very much appreciates** the assistance of the following school boards and organizations who so generously shared their Ethical Behaviour and Workplace Harassment Policies.

Dufferin-Peel Catholic District School Board
"Sexual Harassment" General Administrative Procedures.

Halton Catholic District School Board
"Harassment Policy and Complaint Procedure" Policy 1995

Hamilton-Wentworth Catholic District School Board
"Policy Against Harassment" 1998

London Catholic District School Board
"Freedom From Harassment Policy" 2001

Niagara Catholic District School Board
"Employee Workplace Harassment" Policy No. 201.7

Regional Municipality of Waterloo
"Code of Ethics and Conflict of Interest" Policy #8, 2003

Simcoe Muskoka Catholic District School Board
"Workplace and Sexual Harassment Policy Procedures For Staff" 1997, 2001

University of Waterloo
Procedures Document for Policy #36
"Ethical Behaviour" Policy 33, 1999

Waterloo Region District School Board
"Anti-Discrimination and Anti-Harassment" Policy 1005, 1998
"Sexual Harassment Guidelines" Policy 5055 1998
"Administrative Procedures for Dealing with Racial, Religious and Ethnocultural Harassment" Policy 5045

Windsor-Essex Catholic District School Board
"Workplace Harassment" Policy H:08

City of Toronto Task Force on Community Access and Equity (1998-1999)
"Glossary of Access & Equity Terms"

Internet Sites Pertaining To Federal and Provincial Legislation for Harassment and Discrimination

Canada Charter of Rights and Freedoms
http://canada.justice.gc.ca/Loireg/charte/const_e.html

Criminal Code of Canada (full)
<http://www.mobrien.com/cc.html>

Criminal Code & Section on Sexual Assault
http://www.sace.ab.ca/non_flash/sa01b1.html

Federal Human Rights
http://www.pch.gc.ca/progs/pdp-hrp/docs/index_e.cfm

Human Rights Code
http://www.e-laws.gov.on.ca/DBLaws/Statutes?english/90h19_e.htm
<http://www.ohrc.on.ca>

Municipal Freedom of Information and Protection of Privacy Act
http://www.e-laws.gov.on.ca/DBLaws/Statutes?english/90m56_e.htm

Teaching Profession Act
http://www.e-laws.gov.on.ca/DBLaws/Statutes?english/90t02_e.htm

Foundational Documents

Canadian Charter of Rights and Freedoms (The 2000 Annotated *Charter of Rights and Freedoms*)

Canadian Human Rights Act (2003).

Canadian Human Rights Commission, *Anti-Harassment Policies For The Workplace*, The Employers Guide (1998)

Freedom of Information and Protection of Privacy Act, Revised Statutes of Ontario (C1990 CH.F.31 – Queen's Printer August 2002))

Ontario Human Rights Code (The 2003 Annotated *Ontario Human Rights Code*)

Ontario Human Rights Commission. *Discussion Paper on Gender Identity Executive Summary*, (June, 2000).

Ontario Human Rights Commission: *Working Policy on Gender Identity Issues*. (Last modified November 2003).

Ontario Human Rights Commission: *Policy on Sexual Harassment and Inappropriate Gender-Based Comments and Conduct* (1996).

Sexual Harassment As An Ethical Issue, Leslie Pickering- Francis, (2001)

The Canadian Labour Code, Part III

The Joke Is Over, OSSTF/FEESO/OCSTA/OCCB (1995).

W.C.D.S.B. *Sharing Our Journey* (2002-2006)

Waterloo Catholic District School Board Workplace Harassment/Discrimination Policy Timeline Overview

Human Resource Services (HR) will refer to:
Superintendent of Human Resource Services or designate.

Every effort will be made to comply with the following timelines. If a timeline change is required both parties will be advised in writing.

Complainant informs Human Resource Services of decision to go forward with the complaint.

Option I Informal Resolution Process

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| 1. Human Resource Services (HR) is contacted and informs the respondent in writing of the complaint alleging workplace harassment/discrimination. | Three (3) working days
(pg.16) |
| 2. HR contacts both parties and offers mediation process at Catholic Family Counselling Centre (CFCC). | Five (5) working days
(pg. 16) |
| 3. CFCC designated mediator contacts both parties, meets separately and jointly if appropriate and a determination is made whether mediation is most appropriate in this situation. CFCC works with both parties to achieve a mutually agreed upon solution. HR completes Occurrence Report. | Fifteen (15) working days
(pg. 17) |
| 4. CFCC contacts both parties to ensure the agreed upon plan is effective. | Six (6) months after the agreed upon solution was signed |

Option II Formal Resolution Process

Complainant or respondent informs HR in writing that the decision to go forward with the Formal Resolution Process has been made.

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|--|------------------------------------|
| 1. Both parties provide written statements and witness lists (if witnesses have agreed to be involved in the process). | Five (5) working days
(pg.18) |
| 2. Both parties meet separately with HR to share written statements. | Five (5) working days
(pg. 18) |
| 3. External Fact Finder will interview witnesses and provide an investigative report to HR. | Ten (10) working days
(pg. 18) |
| 4. HR meets separately with complainant and the respondent to review the results of the investigation. | Three (3) working days
(pg. 19) |

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| 5. Complainant and respondent will if they so wish provide a final written response to HR. | Five (5) working days
(pg. 19) |
| 6. Four-person Workplace Harassment/Discrimination Prevention Committee examines the facts as presented and determines if harassment/discrimination occurred. | Eight (8) working days
(pg. 19) |
| 7. HR sends recommendation to Director of Education for approval. | Three (3) working days
(pg. 19) |
| 8. If it was determined that the facts as presented regarding alleged harassment/discrimination did not indicate that harassment/discrimination took place, both parties (in writing) and witnesses (orally) are informed. | Two (2) working days
(pg. 19) |
| 9. If it was determined that the alleged harassment/discrimination did occur, HR will meet with the respondent and a plan for future interventions with complainant will be developed. | Within five (5) working days of final determination (pg. 20) |
| 10. HR will meet with complainant and the future interaction plan will be agreed upon. | Within one (1) working day of the meeting with respondent (pg. 20) |
| 11. HR will contact both parties to ensure that the mutually agreed upon plan is effective. | Six months after the final meeting with the complainant |