



**SUDBURY
CATHOLIC
SCHOOLS**

**WORKPLACE VIOLENCE
AND HARASSMENT
AWARENESS**

Two Relevant Administrative Procedures and Guidelines (APGs)

1. Workplace Anti-Harassment and Appropriate Conduct (APG #HR13)
2. Workplace Anti-Violence (APG #HS01)

* As with all APGs please review on the board website at <http://www.sudburycatholicschools.ca/> for detailed guidelines.



Workplace Harassment - What it is

- Unwanted or unwelcome behaviour
- Verbal or non-verbal
- Hurtful, malicious, offensive, or intimidating actions
- Intent to harass need not be established
- Definition: engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome; or workplace sexual harassment



Harassment on Prohibited Grounds *(section 5.1 of APG)*

- Age
- Ancestry, colour, race
- Citizenship
- Ethnic origin
- Place of origin
- Creed
- Disability
- Family status
- Marital status (including single status)
- Gender identity, gender expression
- Receipt of public assistance (this Ground applies in housing only)
- Record of offences (this Ground applies in employment only)
- Sex (including pregnancy and breastfeeding)
- Same sex partnership status
- Sexual orientation



Harassment on other than Prohibited Grounds

(section 6.0 of APG)

- A course of unwanted and unwelcome behaviour that is not based upon any prohibited grounds, but nonetheless, would reasonably tend to cause offence, intimidation, discomfort, humiliation or embarrassment to another person or group.
- Such behaviour is also prohibited under the Board's Workplace Anti-Harassment and Appropriate Conduct APG.



Examples of Harassment:

Harassment:

- Isolation or exclusion
- Reduction of work-related responsibilities for discriminatory reasons
- Vandalism of property
- Unwanted practical jokes which cause embarrassment
- Inappropriate communication via email or other electronic means

Inappropriate Conduct:

- Vulgar language or gestures
- Bullying through verbal, written or physical threats and intimidation
- Public criticism or ridicule
- Misuse of power or authority
- Isolation or exclusion from work-related activities



Examples:

Examples of Sexual Harassment

- Sexually suggestive or obscene comments
- Inappropriate staring, touching, etc.
- Derogatory remarks directed toward members of one sex
- Inappropriate and unwanted comments about a person's body, dress, or appearance

Examples of Racial or Ethnic Harassment

- Remarks, jokes, or innuendoes about a person's racial or ethnic background
- Name-calling
- Display or distribution of racist, derogatory or offensive pictures or graffiti
- Threatening, vandalism, intimidation
- Stereotypical jokes regarding the ethnicity of any racialized person

These are just some of the examples ...



What is NOT harassment...

The normal exercise of supervisory responsibilities, i.e.

- performance reviews
- direction
- counseling
- disciplinary action

Social interactions, jokes and bantering if:

- Mutually acceptable; respectful; no negative impact on others

Disagreements, misunderstandings, miscommunication, or unresolved conflict.



The Connection between Harassment and Violence

- Workplace harassment, if left unchecked, can escalate. In some cases, it can lead to physical violence.
- Background for Dealing with Workplace Violence
 - Bill 168 amended the OH&SA in 2010 to include workplace violence and provide compliance elements
 - Employers must:
 - identify potential threats for workplace violence
 - offer solutions to mitigate those threats where possible
 - develop training
 - provide process for reporting incidents/ concerns and investigating



Workplace Violence – What it is

- physical force
- an attempt to exercise physical force

or

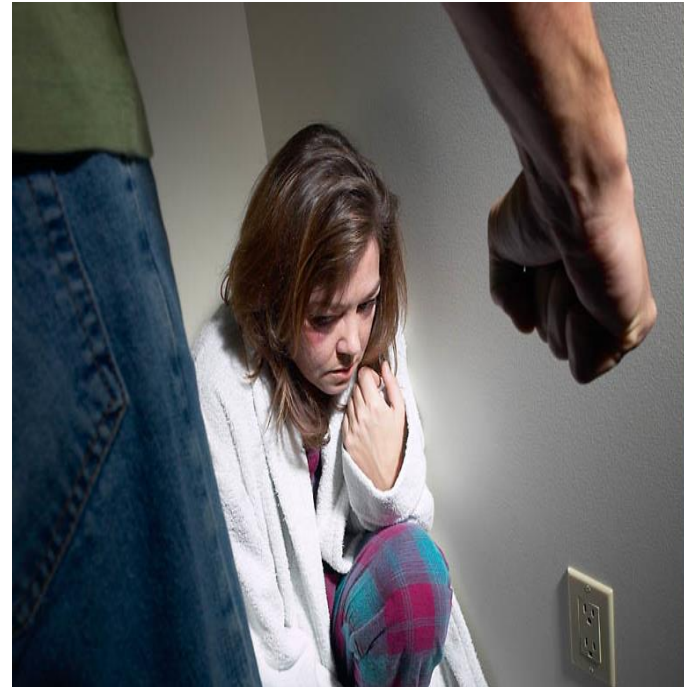
- a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker



APG includes Domestic Violence when it enters the workplace

- Domestic violence is any use of physical or sexual force, actual or threatened, in an intimate relationship, including emotional/psychological abuse or harassing behavior.
- Intimate relationships include those between the opposite sex and same sex partners. These relationships vary in duration and legal formality, and include current and former dating, common law and married couples.

Source – Greater Sudbury Police Services



Prevention Strategies

Administrative Procedures and Guidelines (APGs):

- [Code of Conduct \(APG #SS10\)](#)
- [Workplace Anti Violence \(APG #HS01\)](#)
- [Workplace Anti Harassment and Appropriate Conduct \(APG #HR13\)](#)
- [Progressive Discipline of Employees \(APG #HR03\)](#)
- [School Lockdown \(APG #SS14\)](#)
- [Progressive Discipline and Promoting Positive Student Behaviour \(APG #SS12\)](#)
- [Bullying Prevention and Intervention \(APG #SS11\)](#)

Other prevention strategies:

- Training provided on safe restraints, lockdown, and on first aid
- Providing education on potential risks
- Providing staff with info, e.g. safety talks on personal safety
- Providing ability to summon immediate assistance via PA system, class phones, cell phones, emergency phones
- Avoid where possible staff working alone in a building
- Access to Behaviour Safety Plans for occasional teachers



Workplace Anti Violence - APG #HS01

- Key Elements
- Scope - applies to employees of the Board
- Expected to comply with the provisions of this APG: trustees, students, employees, visitors such as parents and community members, volunteers, permit holders, contractors, employees of other organizations who work on or are invited onto Board property, etc.



Risk of Violence to a Staff Member by a Student – *Duty to Warn*

There is an employer duty to warn a worker when both of the following conditions are met:

1. The worker can be expected to encounter that person in the course of their work
2. Risk is likely to expose the worker to physical injury

Duty to warn may include discussion on:

- any potential risk;
- how to recognize signs of escalating behaviour;
- personal safety plans (for staff and students) where indicated;
- the methods to summon immediate emergency assistance.



Risk of Violence to a Staff Member by a Student – *Student Transferred to Another School*

- Transfer meeting will occur between school from which student is being transferred and the receiving school in order to put in place a transition strategy to identify any additional supports and resources that the student may require

(ref. APG #SS12 Progressive Discipline and Promoting Positive Student Behaviour).

- Prior to student starting classes in new school:
 - Principal will conduct risk assessment to ascertain which staff require a warning to protect their own personal safety.
 - Principal will advise staff at risk *(as covered in previous slide)*
- *Principal will emphasize confidentiality and document the meeting, including attendees.



Initiating a complaint...

- All **employees** who are **victims** of workplace violence, including threats of violence, may initiate a complaint.
- Those who have **witnessed** workplace violence directly, have received reports of workplace violence or have reasonable grounds to suspect that workplace violence may occur can initiate a complaint.
- Where an incident or threat of workplace violence requires employees to summon immediate assistance and/or to implement the School Lockdown Procedures or Emergency Plan, the formal complaint process shall be thereafter initiated as soon as possible.

Timelines:

- Complaints should be reported immediately after the actual violent act or threat.
- All complaints must be reported within one (1) year of the most recent incident or threat of workplace violence or harassment.
- There are two types of Complaint Resolutions: Informal and Formal



Informal Complaint Resolution

(Whether harassment or violence)

- Informal resolution is a procedure that provides an opportunity for parties to resolve a subtle form of workplace violence mutually in a respectful manner.
- The process will involve supervisory or managerial personnel to meet privately with each of the parties involved to learn the details of the event.
- Solutions may include:
 1. Suggesting that the complainant confront the problem by making it clear that it is not acceptable and obtaining a commitment that the behavior will stop
 2. Providing the APG on Workplace Anti-Violence and any other relevant Board policies to confirm expectation for appropriate behavior.



Formal Complaint Resolution

(Whether harassment or violence)

- Complaints will be dealt with through a formal process once all reasonable efforts have been made to resolve the conflict informally
- Formal complaints require an investigation of the complainant's allegations. Investigators will most often be the supervisory staff of the complainant and/or respondent unless such person(s) actively participated in the unsuccessful informal resolution process, in which case, an independent investigator shall be appointed.
- If a complaint contains allegations regarding a Supervisory Officer, the Director of Education will manage the formal complaint process



Complaint based on Protected Grounds

- Employees are encouraged to use the Board's informal and formal processes.
- Employees have the option to complain directly to the Ontario Human Rights Commission, if the complaint is based on Protected Ground(s).



Confidentiality

- It is the duty of the supervisory and managerial personnel to maintain confidentiality in any complaint process. **All** complainants, respondents and other persons involved with the complaint processes will ensure that all matters **remain confidential**.
- Procedural fairness requires that the respondent to a complaint be apprised of the nature of the complaint and by whom it has been made so that he/she has an opportunity to respond to the allegations. This may require the disclosure of witness names and statements to the parties.
- **Info is shared strictly on a need-to-know basis.**



MUST REMEMBER

- Must respond to all complaints and attempt informal resolution where possible
- All staff are encouraged to not delay in reporting
- Confidentiality is key – info shared on need-to-know basis
- Documentation is key: Write down details
 - Time, Date(s), Name(s), Circumstances
 - Person feeling harassed or threatened should also note details of any discussion they have had with the individual about unwanted behaviour.
- Use approved forms
- Declare conflict of interest if one exists



Employees' Rights & Responsibilities

- Right to work in harassment and violence free environment
- Expected to act towards others professionally and respectfully
- Expected to communicate directly or through a supervisor, disapproval or unease to offending party
- Will be informed of Board's policy and APGs and employees should refer to them
- Expect prompt action
- Expect to be treated without fear of reprisal
- Expect to be encouraged to participate in mediation



Protection from Retaliation or Reprisals

- Retaliation is unlawful and will not be tolerated.
- Protection from reprisal covers:
 - Complainants and witnesses
 - 3rd party resources
 - Representatives
 - Investigators
 - Management responsible for decision-making



In Conclusion

- If allegations are made against you, listen to the concerns of the other party. If your behaviour is inappropriate or harassing in nature, cease the unwelcome behaviour and offer an apology to the person(s) affected by your conduct.
- We all want to work in a positive, collaborative work environment, with an organizational culture that supports staff and students.
- In the event that discriminatory, inappropriate and/or threatening behaviour occurs, the two APGs provide the processes to address it.

