

TITLE: SEXUAL HARASSMENT	SECTION: HUMAN RESOURCES
DATE: March 10, 1999	POLICY NO.: KDSB-HR-IV-04
APPROVED BY: By-Law 1999-01	REVISED:

POLICY STATEMENT

It is the policy of the Corporation that every employee is entitled to be free from sexual harassment and the Corporation will make every reasonable effort to ensure that no employee is subjected to such harassment.

It is also the policy of the Corporation to take such action as deemed appropriate against individuals found to have engaged in conduct constituting sexual harassment.

THIS POLICY DOES NOT AFFECT AN INDIVIDUAL'S RIGHT TO PURSUE A COMPLAINT UNDER REGULATIONS OF THE ONTARIO HUMAN RIGHTS CODE.

PROCEDURE

1. **Sexual Harassment**

(1) The Ontario Human Rights Code on sexual harassment is adopted by the Corporation, and states:

Section 7(2) - *"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."*

Section 7(3) - *"Every person has a right to be free from:*

(i) 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

(ii) a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advancement where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person."

(2) Harassment has been defined in Section 10 of the Human Rights Code to mean *"engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome."*

2. **Provisions**

(1) All employees of the Corporation will conduct themselves in a manner that shall not promote any sexual orientation practices that undermine an employee's health, job/workplace relationships or employment status. Such practices shall include:

(i) unsolicited and/or unnecessary touching or patting;

(ii) suggestive remarks, gestures or verbal abuse;

(iii) leering at a person;

(iv) sexual demands or invitation;

(v) all forms of physical abuse

(2) **Informal Procedure:**

(i) a Harassment Committee, consisting of three (3) individuals to initially assist an employee will be formed. The role of these individuals is to meet with and listen to, the complainant, in confidence and to recommend a course of action;

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- (ii) the complainant may wish to have a fellow worker, of their choice, attend with them at the informal meeting;
- (iii) the informal process will not judge the validity of the complaint;
- (iv) the Committee will have no disciplinary powers and its mandate is to assist the complainant by providing a resource for those employees who may have difficulty dealing with harassment independently;
- (v) the employee is not obligated to utilize the informal procedure, and may proceed directly with the formal procedures;
- (vi) if the informal procedure process does not resolve the problem, the complainant must be prepared to utilize the formal procedure process.

(3) Formal Procedure:

- (i) the complainant must provide documentation regarding the offending behaviour to a Formal Resolution Committee in order to initiate the formal procedure by keeping a detailed written record of the events, including the alleged offender's name, the place, date and time and any witness (if any), as well as the details of the offensive behaviour.
- (ii) the Formal Resolution Committee will be composed of three (3) individuals from the Corporation's workforce, one chosen by the complainant, one chosen by the alleged offender and the Chief Administrative Officer or designate;
- (iii) if the CAO is the subject of the complaint, a senior manager will be appointed by the Board of Directors to sit as a member of the Resolution Committee.
- (iv) the Formal Resolution Committee mandate is to investigate the alleged harassment by:
 - a] conducting personal interviews with the concerned parties, including witnesses;
 - b] reviewing written submissions from the concerned parties;
 - c] providing a decision to the concerned parties within ten (10) days after the completion of the investigation regarding the validity of the complaint, as well as recommending corrective action. Corrective action can be defined as, but is not limited to, the following:
 - * written reprimand
 - * suspension
 - * seeking professional assistance
 - * any combination of the above; or
 - * termination

(4) Responsibilities:

- (i) **All Employees**
 - * to conduct themselves in a manner which could **not** be interpreted as engaging in provocative, annoying, offensive and unwelcome conduct of a sexual nature;
- (ii) **Complainant**
 - * to attempt to control the situation by advising the offender to cease such unwelcome behaviour;
 - * to request the assistance and/or mediation of one or more members of the Harassment Committee; and
 - * to keep a detailed account (written) of the events.

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(iii) ***Offender***

- * to immediately cease any conduct which could be interpreted as offensive or to which a complainant has advised him/her of unwelcome behaviour;
- * to seek professional assistance when required.

(iv) ***Harassment Committee***

- * meet with, and listen to, any employee complaining of sexual harassment in a confidential atmosphere;
- * not to judge the validity of the complaint;
- * offer recommendations to the complainant.

(v) ***Formal Resolution Committee***

- * investigate the alleged harassment;
- * advise the parties of the validity of the complaint;
- * recommend corrective action.