

DIGNITY OF EMPLOYEES IN THE WORKPLACE

POLICY

The Eastern Townships School Board (“ETSB”) affirms its belief in the right of all employees to work and learn in an environment free of violence, harassment and verbal insults.

This policy applies to events or acts concerning employees while in the workplace or while performing any work-related duty.

The present policy applies to events or acts allegedly committed against employees, unionized or management, by other employees, commissioners or third parties (e.g. parents, suppliers, journalists, etc.).

This policy does **NOT** apply to cases of suspected physical and/or sexual abuse of minors by adults, whether or not they are employees of the ETSB, or by other minors (please refer to the Multi-sectorial Agreement). This policy does **NOT** apply either to cases of harassment, discrimination, assaults that might involve a student. In such situations, the case will be dealt with in conformity with relevant laws concerning minors and with the upcoming ETSB policy entitled “Safe Schools and Centres”.

Harassment exists when any person acts to distress, humiliate, torment or intimidate another. It may occur only once or on many occasions and it takes both verbal and non-verbal forms.

The following types of situations are covered by this policy:

- Sexual harassment – any **repeated** and unwelcome comment, suggestion or physical contact of a sexual nature that creates an uncomfortable working environment for the recipient.

Sexual harassment may also be a **single** sexual advance, particularly one by a person in authority that leads to and/or implies a threat and/or leads to a reprisal after a sexual advance is rejected.

- Psychological harassment – any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects an employee’s dignity or psychological or physical integrity and that results in a harmful work environment for the employee.

A single serious incidence of such behaviour that has a lasting harmful effect on an employee may also constitute psychological harassment.

- Verbal insult – affront to the dignity of a person, especially on the basis of race, colour, sex, pregnancy, sexual orientation, civil status, age, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.
- Violence – physical assault, threat or intimidation by at least one individual against another.

The ETSB shall protect all its employees from harassment, violence and verbal insults, as such behavior is contrary to an atmosphere of respect and is prohibited by law.

The ETSB shall actively investigate all reports submitted in accordance with established procedures (see Procedures for the Investigation of Sensitive Inter-Personnel incidents) and shall take appropriate action where complaints are justified. If part of the solution concerning a reported incident requires the disciplining of an employee, then the process described in the appropriate collective agreement or in the PAS will be followed.

All investigations are to be conducted in a confidential manner by all concerned and shall be dealt with as expeditiously as possible.

In cases of sexual harassment, at least one of the ETSB's representatives conducting an investigation shall be of the same sex as the employee who has been harassed.

PROCEDURE

The purpose of this procedure is to present to ETSB employees a clear process to follow should they become the victims of violence, sexual or psychological harassment or verbal insults.

PROCEDURE

If an incident of inter-personnel nature occurs, the following procedure is to be followed:

The employee involved in an incident, or to whom an incident is reported, should report the incident immediately to his/her immediate superior. The employee should also notify their appropriate association / union representative.

In situations where the immediate superior is directly implicated, the employee should contact the Director of Human Resources. In such cases, the Director of Human Resources, or a named delegate, will assume the responsibility of the investigation. In any step of the present procedure, if the Director of Human Resources is directly implicated, then the Director General will assume the role normally performed by the Director of Human Resources.

In the reporting of such incidents, all parties involved will be advised to refrain from discussing the details of the incident reported with others until the appropriate investigation has been completed.

Once an incident has been reported to an administrator, he/she must immediately inform the Director of Human Resources. Following this, the administrator should attempt to resolve the situation by informal and confidential mediation, if the parties involved agree.

If the employee who has reported the incident indicates that the situation has been resolved, then the administrator must assure himself/herself that indeed there has been a resolution to the problem.

If the employee who has reported the incident indicates that the situation has not been resolved, or if the administrator is of the opinion that it is not resolved, then the administrator shall carry out a detailed investigation.

If an incident came to the attention of an administrator without being officially reported, the administrator must still investigate the incident. The employees concerned should be informed at this time.

Any intervention undertaken by a designated authority, in the investigation of an alleged incident, shall be documented and submitted to the Director of Human Resources for record keeping.

If an informal resolution of the problem is not possible, the administrator shall carry out an investigation of the incident in conformity with the appropriate collective agreement or the regulation. In carrying out the investigation, the administrator will meet separately and/or jointly with the parties involved in the incident. There must always be at least two (2) representatives of the Board present during a meeting, one of which shall be the Director of Human Resources or his/her delegate, even if the person involved chooses to participate in such a meeting alone. It is understood that this person has the right to be accompanied by someone of his/her choice at such a meeting.

In conformity with the *Policy for the Protection of the Dignity of Employees in the Workplace*, in cases of sexual harassment, at least one of the Board's representatives shall be of the same sex as the employee who has been harassed.

Prior to that meeting, the administrator will request that the employee and any witness of the incident submit a confidential written statement of the incident. It is understood that if disciplinary measures have to be taken at a later date, then these confidential statements may have to be utilized.

If the employee or a witness refuses or is unable to submit a confidential written statement of the incident, the administrator will prepare a written record of the incident as reported by the employee or witness. Subsequently, the employee or witness will be requested to initial and date the written record to indicate that it accurately reflects the incident.

Following the investigation, the administrator shall prepare a written report of the findings, addressed to the Director of Human Resources, annexing the confidential statements. In this report, the administrator will outline the incident; summarize the results of the investigation and present recommendations as to the steps to be taken to redress the situation and to prevent such an incident occurring in the future. If the Director of Human Resources concurs with the recommendations, the administrator will take the necessary steps to implement them. Should the incident prove to be false or fabricated, disciplinary measures may be taken against the employee concerned.

If part of the solution concerning a reported incident requires the disciplining of an employee, then the process described in the appropriate collective agreement or Regulation will be followed.

If, following the application of the specific procedure, the incident has not been resolved to the satisfaction of the employee(s) concerned, the situation may be identified as a topic for discussion at one of the regularly scheduled Labour Relations Committee meetings between the Board and the relevant association / union.

Recognition of the Need of Support Services

In applying the specific procedures, the parties involved may need the assistance of support services. Some examples of such assistance follow:

- Those involved in sensitive situations may be assisted through the Employee Assistance Program (EAP).
- The school administration carrying out an investigation may be assisted through advice and direction provided by an administrative superior.
- The employee may obtain guidance and advice from their association / union.