



Legal References: *Occupational Health and Safety Act*
Ontario Human Rights Code
Education Act

Related References: *Board Policy 1002 - Occupational Health and Safety Policy*
Board Policy 1008 - Equity and Inclusion
Board Policy 1009 - Violence in the Workplace
Board Policy 1017 – Human Rights
Board Policy 6000 - Safe Schools
Board Policy 6001 - Code of Conduct
Administrative Procedure 1200 – Student Bullying and/or Harassment
Administrative Procedure 3740 - Prevention and Resolution of Workplace Harassment

Effective Date: *February 23, 1998*

Revisions: *January 15, 2018*
June 21, 2021

Reviewed: *June 21, 2021, May 16, 2022, March 20, 2023*

1. The Waterloo Region District School Board (WRDSB) is committed to providing a safe working and learning environment where all individuals are treated with dignity and respect, free from sexual, racial, ethno cultural, or other harassing or discriminatory behaviour.

This policy is intended to provide a greater awareness of the value of establishing and maintaining respectful working and learning environments and of responsiveness to the damaging effects of harassment in the workplace. The WRDSB will not tolerate harassment of any kind from any person in the workplace.

This policy applies to all work activities that occur while on Board premises, while engaging in workplace activities or workplace social events and extra-curricular activities.

2. Definitions

2.1. Harassment

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."

The *Ontario Occupational Health and Safety Act* defines 'workplace harassment' as:

- a) *"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
- b) *Workplace sexual harassment."*

Workplace Sexual Harassment

The *Ontario Occupational Health and Safety Act* defines ‘workplace sexual harassment’ as:

- a) *“Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or*
- b) *Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.”*

2.2. What Workplace Harassment is Not

Reasonable action or conduct by a Superintendent, Administrator, Manager, Officer, or Supervisor that is part of their normal work function would not normally be considered workplace harassment. This is the case even if there are sometimes unpleasant consequences for a worker.

For example, workplace harassment does not include:

- requesting medical documents or other appropriate documentation to support of an absence from work;
- measures to correct performance deficiencies, such as placing someone on a performance improvement plan or criticism of an employee’s conduct or performance;
- transfers to other departments or shifts;
- changes in work assignments;
- time studies;
- job assessment or observations;
- enforcement of Board rules and procedures; and
- administering disciplinary action for workplace infractions.

Also, differences in opinion or minor disagreements between co-workers would not generally be considered workplace harassment.

In addition, this policy is not meant to inhibit the free speech of our employees nor is it intended to interfere with the normal social relations that are part of working within this organization.

3. Application

3.1. This policy applies to all WRDSB employees, trustees and other users such as members of consultative committees, clients of the WRDSB, families/caregivers, volunteers, permit holders, contractors, and employees of other organizations not related to the WRDSB but who nevertheless work on or are invited onto WRDSB premises. This policy also covers harassment by such persons which is proven to have repercussions that adversely affect the WRDSB’s learning and working environment.

3.2. The rights of students to a respectful working and learning environment, free from harassment and discrimination, are dealt with under other appropriate legislation, regulations, and Board policy and procedures including but not limited to: the *Education Act* (Section XIII), Safe School Policy (6000), Code of Conduct (6001), Student Bullying Prevention and Intervention Policy (6009), and Administrative Procedure 1200 - Student Bullying and/or Harassment.

4. Guidelines

- 4.1. The WRDSB is committed to develop and maintain a program to implement this policy with respect to harassment, and to meet the requirements of the *Occupational Health and Safety Act* and *Ontario Human Rights Code*.
- 4.2. This policy prohibits reprisals against individuals, acting in good faith, who report incidents of harassment or act as witnesses. The Board shall take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further harassment.
- 4.3. This policy will be reviewed on an annual basis by the Director of Education, or designate, as well as the Board of Trustees, and posted in conspicuous locations in the workplace.