

SEXUAL HARASSMENT

Background

All District employees have a right to work in an environment free from sexual harassment.

The District is committed to providing a working environment for its employees, which is free from sexual harassment. The District shall consider any form of sexual harassment to be a serious matter and will take appropriate action to eliminate sexual harassment from the workplace. This may include disciplinary action up to and including dismissal for individuals so involved.

Definition

Sexual harassment is any unwelcome comment or conduct of a sexual nature that may detrimentally affect the work environment or lead to adverse job related consequences for the victim of the harassment. Examples of sexual harassment include:

- gender based remarks
- unwanted physical contact
- sexual advances
- requests for sexual favors
- suggestive or offensive comments
- gestures emphasizing sexuality, sexual identity or sexual orientation
- display of materials or graffiti which is sexually explicit or degrading
- conduct or comment of a sexual nature that has the effect of creating an offensive environment
- jokes (sexual content or overtones) that cause embarrassment
- conditioning promotions, or other employment related decisions, on sexual conduct

Procedures

1. Site supervisors have a responsibility to create and maintain a workplace which is free from sexual harassment.
2. All persons involved in a complaint under these procedures shall hold in the strictest confidence all information of which they become aware. Allegations of sexual harassment often involve sensitive disclosures. Confidentiality is important so that those who may have been sexually harassed feel free to come forward and are reassured that confidentiality in as far as possible is protected. Similarly, those who are named as alleged harassers receive the same protection in as far as possible.
3. Reports of sexual harassment will be dealt with in a fair, unbiased and timely manner. All employees are advised of their right to representation at any meeting related to a complaint.

4. Employees are encouraged to report all incidents of sexual harassment without fear of reprisal. Retaliation against any individual for reporting sexual harassment will not be tolerated.
5. This Administrative Procedure is to be reviewed annually with staff at a staff meeting. A statement in pamphlet form will be available to employees. Training will be provided to site supervisors to assist in the effective implementation of this Administrative Procedure.
6. This Administrative Procedure is separate and distinct from existing procedures on sexual harassment. The commencement of these procedures will not prejudice an employee's right to access other remedies. Any timeframes under the grievance procedures in an applicable contract will be held in abeyance, as required, if this Administrative Procedure is followed.
7. Employees who consider that they may have been subjected to sexual harassment may verbally or in writing bring the complaint to the attention of the site supervisor for assistance and further information or to another management representative who is not involved in the situation. Where the alleged harasser is the Superintendent, the complaint shall be directed to the Board Chair.
8. The site supervisor who receives the complaint shall forthwith advise the Superintendent. The Superintendent may conduct the investigation or immediately appoint an investigator. The investigator shall within three (3) working days or as soon as practical after receipt of the complaint:
 - 8.1. Confirm receipt of the complaint with the complainant;
 - 8.2. Notify the alleged harasser of the complaint and provide a copy of the administrative procedures;
 - 8.3. Provide any notifications as required by a Collective Agreement at this time.
9. The investigator will conduct interviews with relevant parties to obtain information and clarify details of the complaint. Both parties will have an opportunity to identify witnesses or others to be interviewed. All interviews will be conducted in a confidential manner which respects the nature of the work environment.
10. In conducting the investigation, the investigator may request the assistance of other District staff or outside legal or expert professionals, as is considered necessary.
11. At any time during the course of the investigation, the parties may reach resolution or settlement of the matter in which case the investigator may propose that the investigation be discontinued. This may involve the use of mediation with the agreement of both parties. This agreement, if reached, shall be in writing and be signed by both parties.
12. In the event there is no agreement reached, the investigator shall present a written report to the Superintendent within thirty (30) working days of the receipt of the complaint, unless circumstances occur beyond the control of the investigator.
13. The Superintendent, will decide the matter within a further ten (10) working days. The parties will have access to the grievance procedure where applicable.
14. The following may be forms of action:

- 14.1. Education and training of an employee or group of employees;
- 14.2. Review and modification of related procedures and/or practices in the workplace;
- 14.3. Monitoring of the behaviour of an employee or group of employees;
- 14.4. Transfers, reassignments, changes in shifts or other changes in the workplace;
- 14.5. Disciplinary action up to and including dismissal;
- 14.6. Other strategies designed to eliminate and/or prevent harassment;

15. Where changes in the workplace are made necessary by demonstrated sexual harassment, the burden of those changes shall be borne by the harasser.

Reference: Sections 20, 22, 65, 85, 177 School Act
Freedom of Information and Protection of Privacy Act
Human Rights Code
Workers' Compensation Act
Occupational Health and Safety Regulation
Canadian Charter of Rights and Freedoms
Canadian Human Rights Act
Criminal Code of Canada
Collective Agreements

Adopted: November 2019
Revised: