



Workplace Violence and Harassment Prevention

Date Approved: 2021

Projected Review Date: 2022

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PURPOSE:

Hamilton-Wentworth District School Board (HWDSB) believes in the prevention of workplace violence and harassment while promoting a safe workplace in which all people respect one another and work together to achieve common goals.

GUIDING PRINCIPLES:

- Value workers by respecting their concerns and responding to their needs.
- Foster the development of trustful and respectful relationships in an environment free from discrimination, harassment and workplace violence.
- Fulfill our obligations under the Occupational Health and Safety Act, Employment Standards Act and Ontario Human Rights Code.

INTENDED OUTCOMES:

- Establish incident reduction goals.
- Implement strategies to reduce workplace violence and harassment.
- Raise awareness of all workers' direct responsibility to ensure a violence and harassment free working and learning environment.

RESPONSIBILITY:

Director of Education – Annual review – per the *Occupational Health and Safety Act, S.32*
Members of Executive Council

TERMINOLOGY:

Worker: Can be defined as

- A person who performs work or supplies services for monetary compensation.
- A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.
- A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university private Career College or other post-secondary institution.



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- Such other persons as may be prescribed (by the Occupational Health and Safety Act) who perform work or supply services to an employer for no monetary compensation.

Workplace: Any land, premises, location or thing at, upon, in or near which a worker works. This would include any virtual or digital environments.

Examples include, but are not limited to:

- Schools, Board offices, properties, and facilities, as well as vehicles used in the course of completing work and traveling between work sites.
- School-related activities such as extracurricular activities, co-instructional activities and excursions.
- Conferences, training sessions, workshops and other work-related events or functions.
- Under the Ontario Human Rights Code, protection from workplace harassment and workplace sexual harassment also applies where workers are traveling to and from work-related activities.

This policy also applies to telephone, email, social media, or other communications related to work.

Workplace Violence: As per the *Occupational Health and Safety Act*, workplace violence is defined as:

- a) The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.
- b) An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to a worker.
- c) A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against a worker, in a workplace that could cause physical injury to a worker.

Workplace Harassment: 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.

The Ontario Human Rights Code also protects employees from harassment in employment by the employer, agent of the employer or by another employee because of the following prohibited grounds: Race, Colour, Ancestry, Creed (religion), Place of Origin, Ethnic Origin, Citizenship, Gender Identity, Gender Expressions, Sex (including pregnancy and breastfeeding), Sexual Orientation, Age, Marital Status, Family Status, Disability, and Record of Offences (in employment only). It is important to note that there is potential for more than one protected ground to intersect, where an employee is protected under multiple identified grounds simultaneously. Further, the Ontario Human Rights Code protects employees from discrimination because of association, relationship, or dealings with another person identified by a protected ground.

Workplace Sexual Harassment: 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. This



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could also include 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.

The Ontario Human Rights Code offers protection for workers against harassment because of sex or sexual solicitation by a person in a position to confer benefits. Every person who is an employee has a right to freedom from harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by their employer or agent of the employer or by another employee.

Every person has a right to be free from 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 a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance 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.

ACTION REQUIRED:

Staff will implement and maintain procedures to operationalize this policy under the requirements prescribed in the *Ontario Human Rights Code* and *Occupational Health and Safety Act*.

Staff will ensure:

- A complaint process is developed and all complaints of workplace discrimination and harassment are appropriately investigated.
- The policy is posted in all HWDSB workplaces on the Health and Safety Bulletin Board.
- All workers receive information and instruction upon hire, annually and as needed about this policy and discrimination, harassment and violence in the workplace.
- Workers are not to be penalized or disciplined for in good faith reporting an incident or for participating in an investigation involving workplace violence or harassment
- Workers are aware of additional assistance through the Central Joint Health and Safety Committee (JHSC), the Human Rights Legal Support Centre or the board's Employee Assistance Program (EAP).
- Senior leaders and management will create a respectful workplace, model behaviours that are expected of all workers, and address issues that they become aware of, regardless of whether a complaint is made by the worker.
- Management will investigate and act on all complaints or incidents they become aware of which involve of workplace harassment or violence in a fair, respectful and timely manner, following HWDSB's establish process. Staff will ensure managers are held accountable for responding to and resolving complaints of harassment.
- Annually, a report will be compiled for the Leadership Team on the number, types, trends and systemic issues of complaints.



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- Staff will provide for the monitoring and evaluation of the application of the policy, such as the collection and analysis of employee comments, and feedback from investigators and managers to inform the monitoring and review of this policy.

PROGRESS INDICATORS:

Intended Outcome	Assessment
Establish incident reduction goals	A comparison, year over year, of notifiable incidents of workplace violence where a person is killed or critically injured, disabled from performing their usual work or requires medical attention.
Implement strategies to reduce workplace harassment and violence.	Strategies will be evaluated by reviewing and comparing, year over year, incident reports in the identified categories and complaint summary report.
Raise awareness of all workers' direct responsibility to ensure a violence and harassment free working and learning environment.	Measured through feedback from online workplace violence and harassment training.

REFERENCES:

Government Documents

Human Rights Code
Occupational Health and Safety Act, Section 32.0.1
Employment Standards Act

HWDSB Policies

Code of Conduct
Occupational Health and Safety
Student Behaviour and Discipline