

	POLICY NO: 4.9
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POLICY: WORKPLACE VIOLENCE AND HARASSMENT PREVENTION

PURPOSE:

Hamilton-Wentworth District School Board (HWDSB) is committed to 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:

- Work together to create an environment free from discrimination, harassment, and workplace violence to foster the development of trusting and respectful relationships.
- Fulfill our obligations under the Occupational Health and Safety Act and Ontario Human Rights Code.

INTENDED OUTCOMES:

- Establish workplace violence 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
Members of Executive Council
Central Joint Health and Safety Committee
All Workers

TERMINOLOGY:

Central Joint Health and Safety Committee: A single Joint Health and Safety Committee established to cover multiple workplaces where the committees' structure has received approval by order of the Minister of Labour.

Discrimination: Any form of unequal treatment based on a protected ground under the Human Rights Code (the Code), whether imposing extra burdens or denying benefits. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral but

have the effect of disadvantaging certain groups of people. It can be direct or indirect, individual, or systemic. It may take obvious forms (direct), or occur in very subtle ways (indirect). In any case, even if there are many factors affecting a decision or action, if discrimination is one factor, that is a violation that could lead to progressive discipline. Hate activities and harassment are forms of discrimination. Putting measures to correct, relieve or remedy hardship or systemic discrimination experienced by persons or groups in an attempt to achieve equity is not discrimination.

Supervisor: The person who has charge of a workplace or authority over a worker. This includes a principal, vice-principal or teacher appointed by HWDSB to direct and supervise a school or organizational unit of a school.

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. 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 includes any virtual or digital environments. Examples include, but are not limited to:

- Schools, Board offices, properties, and facilities, as well as vehicles used while completing work and travelling 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 travelling to and from work-related activities.

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

Workplace Violence: The Occupational Health and Safety Act, defines workplace violence as:

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to a worker.
- 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, including virtually through the use of information and communications technology, that is known or ought reasonably to be known to be unwelcome, or workplace sexual harassment. 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, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expressions, age, a record of offences, marital status, family status, disability. 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, including virtually through the use of information and communications technology, 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 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 the Occupational Health and Safety Act.

HWDSB will:

- Develop a complaint process and ensure all complaints of workplace discrimination and harassment are appropriately investigated.
- Post the policy in all HWDSB workplaces on the Health and Safety Bulletin Board.
- Provide all workers with information and instruction upon hire, annually and as needed about this policy and discrimination, harassment, and violence in the workplace.

- Ensure workers are not penalized for reporting an incident or for participating in an investigation involving workplace violence or harassment while acting in good faith.
- Make workers aware of additional assistance through the Central Joint Health and Safety Committee (CJHSC), the Human Rights Legal Support Centre or the Board's Employee and Family Assistance Program (EFAP).
- Instruct supervisors to 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.
- Ensure supervisors investigate as appropriate all incidents and complaints of workplace harassment or violence in a fair, respectful, and timely manner, following the Board's established process. HWDSB will ensure supervisors are held accountable for responding to and resolving complaints of harassment.

PROGRESS INDICATORS:

Intended Outcome	Assessment
Establish workplace violence 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 reports.
Raise awareness of all workers' direct responsibility to ensure a violent 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