



IDENTIFICATION CODE
POL06-100

**TITLE: POLICY AGAINST HARASSMENT AND VIOLENCE IN THE WORKPLACE**

DATE OF COMING INTO FORCE	AUTHORIZATION REQUIRED	FOLLOW-UP RESPONSIBILITY
June 9, 2006	Administrator	Human Resources Service

**INFORMATION PAGE**

	DATE	AUTHORIZATION
<b>ADOPTION</b>	June 9, 2006	Ordonnance 06-100
<b>LAST UPDATE</b>		

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## 1. BASIS

This policy confirms the commitment of the school board to protect the health, safety and physical integrity of all members of the school community.

Harassment and violence in any form are prohibited by the Québec and Canadian Charters of Human Rights and Freedoms and by the Québec Civil Code.

The plan school board intervention plan which conveys the values of respect for individual rights, honesty, integrity and accountability.

The guiding principles of the school board particularly that which concerns sharing of knowledge and the quality of human relations.

## 2. PRINCIPLES

2.1 Harassment, abusive behaviour or violence are not tolerated in any form, whether it be between employees, students, parents or visitors.

2.2 Every person has the right to a workplace free of harassment and violence in any of its forms.

2.3 Every person has the right to be considered equal in worth and dignity and consequently owes each other mutual respect.

2.4 The modification of certain behaviours requires a preventative rather than punitive outlook.

2.5 Corrective actions in harassment and violence cases rest with the principles of equity.

## 3. OBJECTIVES

3.1 Encourage a workplace free from discriminatory harassment or violence by seeking collaboration between the employer and unions, employees, members of the public who interact within the school board.

3.2 Increase awareness in the school community on the issues of harassment and violence and to make them aware of the school board's position on the subject.

3.3 Provide adequate support by establishing assistance and recourse mechanisms for the resolution of incidences of harassment and violence.

## 4. DEFINITIONS

### 4.1 Harassment

Harassment is defined, in a non- restrictive way, as being any behaviour which intimidates, threatens, forces by blackmail, belittles, humiliates, offends or embarrasses a person and is judged inappropriate by any reasonable person. It is nay abusive conduct (gesture, word, behaviour, attitude, etc.) which attacks, repetitively or systematically, the mental or physical dignity or integrity of a person, which jeopardizes this person's job or contributes to the deterioration of the working climate. Harassment can be more particularly demonstrated by actions (the fact of touching or pushing) by comments (jokes or insults) or by using graphic representations (posters, caricatures, etc.).

Harassment is normally translated by a repetitive behaviour, but one serious act which engenders a harmful effect could be considered as harassment.

**For application purposes of the present policy, the terms "sexual harassment" and abuse of power" as listed in articles 4.2 and 4.3, are considered as being harassment.**

## **4.2 Sexual harassment**

Sexual harassment is defined, in a non-restrictive way, as being any offensive or humiliating behaviour related to the person's sex, as well as any behaviour with a sexual connotation which creates an intimidating, hostile or offensive working climate or which could, for reasonable motives, be interpreted as subjecting his job or chances of a job or the promotion of a person to pressures of a sexual nature. Here are some examples: questions or discussions on a person's sexual life, sexual contacts which are not desired nor consented, observations on a person's appeal or lack of appeal, insistence to obtain a rendez-vous, despite a first refusal, say to a woman that she should stay at home or that she is not made for such and such a job, suggestive looks, show drawings, caricatures or posters of a sexual nature, writing letters or notes of a sexual nature.

## **4.3 Abuse of power**

There is abuse of power when a person uses his power to abuse an employee or hinders the exercise of his/her functions in an unreasonable way (jeopardize his/her job, harm his/her performance, hinder or threaten his/her career, etc.). It can be demonstrated by humiliation, intimidation, threats or coercion. However, normal management activities (advice, appraisal and performance management, discipline management, presence at work management) are not an abuse of power, unless they are of a discriminatory nature.

Abuse of power is normally translated by a repetitive behaviour, but one serious act which engenders a harmful effect could be considered as an abuse of power.

## **5. FIELD OF APPLICATION**

5.1 This policy applies to every employee of the school board, regardless of his/her function, who in the framework of his/her duties is affected by harassment or violence.

## **6. RESPONSIBILITIES**

### **6.1 Administrator**

To ensure the adoption, implementation and application of this policy.

### **6.2 Human Resources Service**

To ensure the application of measures stipulated in the intervention procedures.

### **6.3 School Directors, Director of Adult Education Centres, Directors of Services**

Inform the members under his/her responsibility of the existence of the present policy and also of its rules of application.

Encourage information and awareness activities on harassment and violence among all employees.

## **7. COLLABORATION**

The School Board appeals to the association representatives of the employees to collaborate in the application of this policy.

## **8. RECOURSE MECHANISMS**

8.1 Any member who claims to be a victim of harassment or violence may file a complaint with one of the following persons: a superior or an administrator of Human Resources.

8.2 When needed, Human Resources will provide the necessary assistance to the designated

person referred to article 8.1.

8.3 A person who chooses this mechanism to deal with his/her complaint may put an end to the procedure at any given time.

#### 8.4 Intervention procedure

- A person who initiates a complaint under this policy must contact one of the persons specified in paragraph 8.1.
- The supervisor or other management person meets with and listens to the person facing harassment.
- The supervisor or other management person evaluates the situation.
- Provides information enabling him/her to make an appropriate choice for the resolution of the complaint.
- The supervisor may request the assistance of a mediator.
- The supervisor may request the assistance of a resource-person.

#### After the first inquiry, the complainant may:

- ask to use the conciliation procedure;
- ask to use the declaration procedure.

#### 8.5 Conciliation procedure

- This step, guided by the supervisor in assistance, aims to find a fair and equitable solution for both parties.
- If an agreement is reached to the satisfaction of both parties, the file is closed. If a complaint is not resolved, the complainant may choose the declaration procedure.
- The mediation process must be completed within thirty (30) days of the harassment allegations in reference to paragraph 8.1.

#### 8.6 Declaration procedure

##### 8.6.1 Role of complainant

- This step implies submitting a written complaint to Human Resources Services, in strict confidentiality.(Annex I).
- The formal written complaint is signed by the complainant.
- The complainant gives consent to inform the accused.

##### 8.6.2 The role and power of the Inquiry Committee

- The complaint is brought before an inquiry committee, consisting of three (3) persons, one of whom is a unionized employee, appointed by Human Resources.
- The committee is responsible for the administrative inquiry and may include one or more resource-persons.
- If possible, it finds an agreeable solution and reports to the management of Human Resources.
- If an agreeable arrangement is not reached, it submits the file and recommendations that could be of a disciplinary, administrative or preventative nature to the management of Human Resources.
- It meets with the person who claims to be victimized by harassment or violence in order to review the information, clarify the situation and plan the next steps following the study of allegations.
- It meets the alleged person who is responsible for the accusations, informs

him/her of the complaint and allows him/her the opportunity of response.

- It recommends the application of a disciplinary measure, administrative or preventative solution to the management of Human Resources.

#### **8.6.3 Application of Recommendations**

- The parties involved are notified by the management of Human Resources Services of the decisions taken and their application.

#### **8.7 Disciplinary Action**

- Any behavior of violence or harassment will be dealt with by disciplinary action up to and including dismissal.

**The procedures of this step must be concluded within (30) thirty days of the time of the allegations.**

### **9. APPEALS**

**9.1** Appeals of a decision taken by the school board must be carried out in accordance with the specific rules, work contracts and agreements in effect at the school board.

### **10. OTHER PROVISIONS**

**10.1** All notes and/or other information along with the identities of the persons involved in the incident must be treated with strict confidence by all persons involved, except if the information is not necessary in the processing of the complaint, to conduct an investigation or to impose disciplinary measures.

**10.2** The person who is subjected to harassment or violence and the person presumed responsible for a harassing and violent conduct are treated impartially and informed of the evolution of the file and of all decisions or recommendations related to the litigation. They also have the right to be accompanied by a person of their choice in the application of assistance mechanisms in the handling of their complaint.

**10.3** Every person has the right to rely on this policy without being subjected to reprisals or damages.

### Recourse Mechanism: Complaint Declaration Form

I believe I am a victim of harassment and/or violence and that my rights have been violated. Consequently, I request that the Littoral School Board initiate the policy and procedures adopted by the school board.

Description and nature of the complaint

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Name: \_\_\_\_\_

Workplace: \_\_\_\_\_

Please provide us with a telephone number where you can be easily reached and to ensure confidentiality when we contact you. \_\_\_\_\_

I authorize the Human Resources Services to:

- advise the person against whom the complaint was lodged;
- to resolve the situation according to the present policy.

I undertake to advise the Human Resources Service

- if I should decide to withdraw my complaint;
- or if I should have a change of address.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Submit to Human Resources Service with the mention « CONFIDENTIAL » at the following address:

Commission scolaire du Littoral  
789 Beaulieu Street  
Sept-Iles, Québec G4R 1P8

Human Resources Service will contact you as soon as it receives the complaint to explain the process and the inquiry committee's mandate.

Every attempt shall be made to respect the confidential nature of the information to the fullest extent possible.

Received by : \_\_\_\_\_

Date : \_\_\_\_\_