



Kawartha Pine Ridge District School Board

Administrative Regulation

Regulation Name: Workplace Harassment

Section: Human Resource Services

Regulation Code: HR-4.2.1

Policy Code Reference: HR-4.2

Established: November 11, 1999

Revised or

Reviewed: May 28, 2009, April 16, 2014, January 22, 2019, March 17, 2025

1. Objective

With the aim of protecting the well-being of staff and students in fostering a positive educational environment, this administrative regulation articulates the procedures for ensuring a safe and respectful workplace for all employees in addressing any incidents and allegations of workplace harassment directed against them by any member of the board community.

2. Definitions

Allegation

An unproven claim or assertion that someone has done something wrong based on one's belief that a violation of the board's harassment/discrimination policies has occurred.

Bad Faith Complaint

A complaint made without genuine intent and acting dishonestly with the objective to manipulate a situation or gain an advantage.

Board Community

Board community includes other employees, students, trustees, parents/guardians, volunteers, visitors, suppliers, service providers, and representatives of corporate partners or community agencies.

Complainant

An employee of the board who brings forward an allegation and/or makes an informal or formal complaint alleging being the recipient of workplace harassment.

Malicious Complaint

A complaint made with the explicit intention to cause harm or damage to another person such as knowingly providing false information or exaggerating facts with the objective to defame harass or negatively impact another person.

Mediation

Mediation is a process where a neutral third party, known as a mediator, helps conflicting parties reach a mutually acceptable agreement. It involves structured negotiations aimed at resolving disputes without resorting to litigation. During a mediation process, the mediator facilitates communication, promotes understanding,

and assists the parties in identifying their needs and interests to find a compromise that is mutually agreeable to the parties.

Reprisal

An action of retribution taken against an employee as a result of the reporting of workplace harassment and/or having participated in a workplace harassment investigation. This may include, but not restricted to, demotion or termination, negative performance evaluations, exclusion from workplace activities, verbal or physical abuse, or threats and intimidation.

Respondent

An employee of the board against whom a complaint is made who is responding, denying, or opposing to an allegation made by the Complainant.

Trivial Complaint

A complaint that is not serious that may be a nuisance involving an issue with little or no impact on a person's well-being or the management of a situation, often unnecessarily drawing attention to non-issues.

Workplace

Any location, which includes remote work locations, off-site locations, virtual environments and work-related social events where work-related activities occur and where employees perform their duties.

Workplace Harassment (Non-Code Based)

The act of 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" and includes workplace sexual harassment.

While a course of comment or conduct would typically entail more than once there may be a situation where the conduct happens only once that is deemed egregious such as an unwelcome sexual solicitation from a manager or employer.

Workplace harassment includes unwelcome and/or repeated words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers. It can also include behaviour that intimidates, isolates or even discriminates against a worker or group of workers in the workplace that are unwelcome.

Workplace harassment does not include a reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace.

Code Based Harassment

Code-based harassment is harassment that may occur in the workplace but is alleged to have occurred based on one or more protected grounds (age, ethnic origin, disability, family status, marital status, gender identity, gender expression and sexual orientation, race, ancestry, citizenship, creed, colour, place of origin, sex, and record of offences) identified in the Ontario Rights Code.

Workplace Sexual Harassment

Occupational Health and Safety Act (OHSA) defines workplace sexual harassment as:

- 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
- making a sexual solicitation or advance where the person making it 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 solicitation or advance is unwelcome.

3. Application

All employees of the board are required to comply with this regulation at all times.

Nothing in this regulation, nor in any related procedure, precludes an employee from asserting their rights, pursuing other resolution options or seeking redress through other statutory, contractual or legal rights and remedies (e.g., a grievance through the applicable collective agreement if they hold grievance rights) and/or any other legal or administrative law process.

Complaints alleging code-based harassment and/or discrimination may be reported through the board's Report IT! confidential online reporting tool administered through the Commissioner's Office of Human Rights, Equity and Accessibility (COHREA) and reviewed in accordance with Board Policy B-3.3 Human Rights: Code-Based Discrimination and Harassment and corresponding Administrative Regulation B-3.3.1.

Confidentiality and Privacy

All persons involved in reviewing, assessing and/or investigating the complaint will, to the extent possible, protect the confidentiality and privacy of persons involved in a complaint, subject to the requirements of a fair investigation and resolution process. All documents related to the complaint process will be securely maintained and remain separate to personnel files.

It should be understood that in certain instances, disclosure may be required by law or where necessary in order that the board may comply with its legal obligations under the Ontario Human Rights Code and/or Ontario's Occupational Health and Safety Act.

Information about the complaint is provided only to those who need to know engaged in the investigation and/or determining a resolution to the complaint. Where appropriate, the person will be consulted before any disclosure of information is made.

Parties involved in a complaint must, and are expected to, respect and adhere to maintaining confidentiality, as breaches of confidentiality may compromise, hinder, and jeopardize the proper functioning of the processes outlined in this procedure. When and if breaches of confidentiality do occur, it would be carefully assessed and

depending on the gravity of the breach, it could lead to consequences for the person(s) responsible for the breach.

Specific details of any investigation involving individuals including, but not limited to, the outcome, will only be disclosed to those who require the information for utilizing in their duties. Where applicable or as required by law, investigators may be required to disclose information about the investigation.

No Reprisal

All employees have a right to be free from reprisals, or direct/indirect threat of reprisals, as a result of filing a complaint and/or being party to the investigation of a complaint. Any employee found to have engaged in or counseled anyone to engage in reprisal may be subject to formal disciplinary action.

Representation

Where a complainant, respondent, or witness is a member of a bargaining unit, that individual may be accompanied by their union or federation representative, provided that no conflict arises in doing so and the union steward or federation representative does not interfere in the process. A union or federation representative is expected to always maintain confidentiality.

Where a complaint, respondent, or witness is not a member of a bargaining unit, that individual may be accompanied by an accompanying person of their choosing who acts solely in a support capacity and not act as an advocate, representative and/or agent with an interest in the matter. An accompanying person is expected to always maintain confidentiality.

Frivolous, Malicious and/or Bad Faith Complaints

Whereas a result of an investigation, it is determined that a complaint was made frivolously, maliciously or in bad faith, the complainant may be subject to formal disciplinary action.

Anonymous Complaints

As a general rule, anonymous complaints will not be investigated, especially in instances where a complaint is initiated by someone who cannot be ascertained and/or refuses to supply relevant particulars. However, dependent on specifics, facts, circumstances and context, superintendents, principals, vice-principals, managers, and supervisors have the discretion to make reasonable enquiries and/or fact-find situations where it comes to their attention that harassment may be occurring in the workplace and should report this to Human Resource Services for guidance.

Mediation

As appropriate, all parties to a complaint will be offered the option to mediate the complaint. Mediation may take place at any stage during the complaint process. Mediation will be conducted by an individual who has no involvement and/or interest in the complaint, a thorough understanding and professional training on workplace harassment issues and any relevant legislation, and the ability to conduct a proper

impartial mediation session absent of bias.

Reassignment of Employees During Investigation

In certain instances, if deemed necessary, for reasons of safety or well-being, the complainant or the respondent may be moved to a different location within the organization, provided with alternative reporting relationships, or placed on home assignment with full pay and benefits pending the completion of the investigation. All decisions regarding reassignment will be made on a case-by-case basis with the understanding that the complainant is not penalized for making the complaint.

4. Responsibility

Responsibilities have been outlined in the procedures below.

5. Procedure

5.1 Complaint Process

5.1.1 Guiding Principles

The procedures in this administrative regulation provide the mechanisms for addressing workplace harassment complaints filed by board employees. If possible, it is best to inform an individual when their behaviour is inappropriate and to request that it cease immediately. While many complaints can be resolved quickly and effectively using this approach, in circumstances where someone feels unsafe, uncomfortable or not at ease in approaching the individual engaging in the harassing conduct the individual may feel that the best course of action is to bring forward the matter to the attention of their manager or another senior administrator.

Any board employee seeking information or resources on how to bring forward issues or concerns regarding workplace harassment should first consider contacting their principal/supervisor, union or federation representative (where applicable), or Human Resource Services.

5.1.2 Complaint Reporting

The complainant is advised to keep a written record including the name of the respondent, date, time, location, description of the alleged harassing conduct, including any potential witnesses, along with anyone else who has been informed.

While workplace harassment complaints should normally be reported at first instance to the complainant's supervisor if the respondent is the supervisor, the complaint should be submitted by the complainant directly to the Senior Manager of Human Resource Services. If the allegation is against a manager, senior manager or a member of the senior team, the complaint should be submitted to the Superintendent of Human Resource Services. If the complaint is about the Superintendent of Human Resource Services, the complaint should be submitted to the Director of Education. Complaints against the Director of Education should be made to the Chairperson of the Board of

Trustees or through the board's confidential Report IT! online reporting tool requesting guidance from the Commissioner of Human Rights, Equity & Accessibility.

Any board employee who assert they have been subjected to workplace harassment may opt to:

- unilaterally resolve the concern in a collaborative and respectful process through direct engagement with the individual,
- initiate an informal complaint with a request for early resolution to their appropriate principal, manager, and/or supervisor by submitting a request for early resolution; and/or,
- file a formal complaint to the Superintendent, Human Resource Services or designate.

5.1.3 Informal Resolution Process

The following options are available to an employee who believes that they have been subjected to workplace harassment.

5.1.3.1

Advise the person who is engaging in the prohibited treatment or conduct that they need to stop. The individual(s) may not always be aware or realize the impact of such treatment or conduct that is unwelcome and offensive. In instances where this may not be possible, the support of a supervisor and/or Human Resource Services representative should be sought.

5.1.3.2

If the workplace harassment does not end immediately, or is of such a nature that it causes the individual severe or ongoing discomfort, or if there are exceptional circumstances (such as concerns of retaliation or personal safety), the complainant should promptly contact one or more of the following people:

- principal/vice-principal
- manager/immediate supervisor
- union/federation representative (if applicable)
- Human Resource Services department

5.1.3.3

The person contacted may help by providing information and confidential advice on appropriate next steps. This person will not investigate or provide an opinion on merits of the complaint, but would be able to guide the complainant to available options for resolution which may include:

- strategizing with the complainant about ways to communicate in person with the harasser,
- communicating with the harasser, whether verbally or in writing, per Administrative Regulation HR-4.2.1,

- helping the complainant to seek counselling elsewhere (through the Employee Assistance Program or a community support group),
- helping the complainant to initiate a formal complaint.

5.1.4 Formal Complaint Process

The participants involved in the formal complaint process include the complainant, the respondent, an investigator and the Superintendent of Human Resource Services, or designate. The Superintendent of Human Resource Services, or designate, is responsible for ensuring that the matter is investigated. This may entail, in certain instances at the discretion of the Superintendent of Human Resource Services, the appointment of either an internal or external investigator.

5.1.5 Initiating a Formal Complaint

The complainant will submit a written complaint, where possible, to the Superintendent of Human Resource Services or designate, identifying the nature of the workplace harassment or workplace sexual harassment and other particulars.

5.1.6 Appointment of an Investigator

Immediately after the complaint is filed, the Superintendent of Human Resource Services or designate, will appoint an investigator to review the allegation prior to commencing an investigation into the complaint. An investigator may be a third party from outside the board, or may be a staff member with administrative responsibilities, such as a Human Resource Services manager, a principal or superintendent. The investigator will have an understanding of harassment issues, the Board policy and administrative regulation as needed for conducting a comprehensive investigation.

5.1.7 Fair Process and Procedural Fairness

The investigator will ensure that standards of fairness, confidentiality, appropriate disclosures and proper procedures are followed at all times during the investigation process. Both the respondent and the complainant and any witnesses may have a union or federation representative (if applicable) or an accompanying support person (if not represented by a bargaining unit) present when interviewed. Such an individual acts in an observer capacity only and is a passive participant in the investigation process. An accompanying support person may be a supervisor, an association or union representative, or a fellow employee who is not associated with the complaint as a witness or who has no obvious conflict of interest with the other party.

5.1.8 Formal Investigation Process

During the formal investigation process, the board-appointed investigator will:

- Receive the formal complaint and date/time stamp receipt.
- Confirm receipt of the formal complaint in writing within two business days of receipt along with providing the complainant(s) with a copy of Board Policy HR-4.2 Workplace Harassment and corresponding Administrative Regulation, HR-4.2.1.
- After a review of the allegations, if appropriate, determine whether the complainant(s) and respondent(s) should be reassigned during the investigation.

- Notify the respondent(s) of the complaint as soon as practicable. Provide the respondent with a copy of Board Policy, HR-4.2, Workplace Harassment and corresponding Administrative Regulation, HR-4.2.1.
- Notify the complainant(s) and the respondent(s) of their right to be accompanied by their union/federation representative or accompanying person during meetings.
- Notify all participants of confidentiality requirements.
- Determine who is to be interviewed as part of the investigation.
- Collect and review any relevant documents related to the complaint.
- Arrange separate meetings with the complainant(s) and the respondent(s). Every effort will be made to schedule these meetings as soon as practicable.
- Make a determination from an analysis of the facts, circumstances, context, review of evidence, witness statements, corroboration of facts and weight of the evidence.
- Determine whether the substantiated allegations are a breach of Board policy.
- Communicate the outcome of the investigation to the complainant(s) and respondent(s) in writing. However, disciplinary consequences and/or corrective actions are not included in this communication.
- The final investigation report will be maintained in a confidential file in Human Resource Services department.

5.1.8.1

All employees of the board are required to co-operate with the investigator. The investigator will, wherever possible, complete the investigation within ninety business days of being appointed by the board, unless an extension is requested and the circumstances of the extension is accepted for an additional thirty business days.

5.1.9 Potential Outcomes

The following outcomes may be taken subsequent to an investigation and findings:

- a verbal or written apology,
- counselling, coaching, mentoring,
- education and training,
- medication or restorative engagement,
- disciplinary action, such as verbal or written warning, suspension without pay,
- administrative transfer,
- termination of employment for cause.

In determining the appropriate consequences, the Superintendent of Human Resource Services or designate, will take into account various factors which may include the nature of the violation of the policy, its severity, any other mitigating circumstances, including disciplinary record, and whether it is a first-time occurrence or if the individual has previously violated the policy.

5.1.9.1

Where a complaint has been substantiated, the Superintendent of Human Resource Services or designate, will also take any steps necessary to repair the effects of the

harassing conduct on the complainant including the workplace environment, with the goal of preventing any further recurrences of harassment within the organization.

5.1.9.2

Where an investigation results in disciplinary action, the information will be placed in the respondent's personnel file. Where the complaint has not been substantiated, no reference will be placed in the personnel file of the respondent.

5.1.10 Unsubstantiated Complaint of Workplace Harassment

Where the results of the investigation do not support the allegations of harassment made by the complainant, they will be advised by the Superintendent of Human Resource Services, or designate, and there will be no further proceedings under the Board policy and administrative regulation.

6. Related Policies, Administrative Regulations or Procedural Documents

Board Policies:

[B-1.1, Board Operation and Policy Development and Management](#)

[B-1.2, Trustee Code of Conduct](#)

[B-3.2, Equity, Diversity and Inclusion](#)

[B-3.3, Human Rights: Code-Based Discrimination and Harassment](#)

[HR-4.1, Occupational Health and Safety](#)

[HR-4.2, Workplace Harassment](#)

[HR-4.6, Disconnecting from Work](#)

[HR-5.1, Code of Ethics for Employees](#)

[HR-5.3, Code of Conduct for Employees](#)

Administrative Regulations:

[B-3.3.1 Human Rights Code Based Discrimination and Harassment](#)

[HR-4.1.1, Occupational Health and Safety](#)

[HR-5.1.1, Code of Ethics for Employees](#)

[HR-5.3.1, Code of Conduct for Employees – Technology and Internet Use by Employees](#)

[HR-5.3.3, Code of Conduct for Employees – Employee Progressive Discipline](#)

7. Reference Documents

Legislation:

[Accessibility for Ontarians with Disabilities Act Canadian](#)

[Charter of Rights and Freedoms](#)

[Education Act](#)

[Human Rights Code](#)

[Occupational Health and Safety Act](#)