



POLICY FOR COUNTERING ALL FORMS OF HARASSMENT
(Adopted on June 13, 2008)

1. OBJECT OF THE POLICY AND COURSES OF ACTION

The administration at the Central Québec School Board (the “School Board”) has always expressed its firm intention not to tolerate any form of harassment and to ensure a safe working environment in which everyone is respected and which is free of all violence, and verbal, physical, psychological and sexual threats.

In order to uphold this commitment to countering all forms of harassing behaviour or behaviour that could lead to harassment or violence, we have decided to add new more formal methods. The object of the present policy is to demonstrate the seriousness of our commitment.

All members of staff must behave with dignity and respect towards others. All representatives of the School Board are responsible for maintaining an environment that is free of all forms of violence and harassment. Our revised policy offers methods for maintaining an environment that promotes mutual respect.

To achieve these goals, priority will be given to:

- Heightening awareness and informing School Board personnel of problems regarding harassment in general;
- Providing the necessary support to complainants and alleged harassers by establishing both internal and external procedures for assistance and recourse;
- Respecting the strictest confidentiality when dealing with complaints.

1.1 Legal Framework

Canadian Human Rights Commission
Commission des droits de la personne et des droits de la jeunesse (Québec)
Québec Charter of Human Rights and Freedoms
Canadian Labour Code
Civil Code of Québec
Collective agreements and decrees
CSST - Commission de la santé et de la sécurité du travail
Criminal Code (Federal)
Youth Protection Act (Québec)
Act Respecting Labour Standards (Québec)

2. DEFINITIONS

Not all insistent or annoying behaviour can be defined as harassment. Certain people in their capacity as administration representatives must at times be insistent when demanding that certain tasks be carried out in the interests of the School Board. Harassment is of a different nature and can be defined as follows:

2.1 Psychological Harassment

Vexatious (hurtful) conduct manifested by either repeated behaviour, words, actions or gestures that are hostile and unwelcome, and undermine the dignity or psychological integrity of an employee for whom the workplace becomes a hostile environment.

A single serious action can constitute psychological harassment if this action is undermining and has an on-going negative effect on the employee.

2.2 Sexual Harassment

Conduct manifested by repeated and unwelcome words, actions or gestures of a sexual nature that are liable to undermine a person's dignity, physical or psychological integrity, or liable to lead to unfavourable working conditions for an employee.

2.3 Misuse of Power or Authority

A form of harassment which occurs when a person unduly exercises the authority or power linked to their position with the intention of compromising a person's job, impeding their work performance or putting their means of subsistence in jeopardy. This type of harassment includes intimidation, threats and blackmail.

This definition of misuse of power or authority must not restrict the authority of persons who have management responsibilities in fields such as work relations, performance evaluation and the implementation of disciplinary rules.

2.4 Violence, Threats and Intimidation (i.e. in person, via internet, cellular phones, etc.)

An action, comment or gesture which undermines a person's dignity or physical or psychological integrity, or is liable to make a person act against their will, by using force, threats or intimidation. Violence can be physical, verbal or psychological.

Physical manifestations

A physical assault aimed at injuring, tormenting or intimidating a person such as hitting, pushing, kicking, twisting or grabbing someone's arm, pulling hair, choking, spitting or biting, etc.

Verbal manifestations

Proffering insults or making defamatory, threatening or degrading remarks to a person or group.

3. SCOPE OF THE POLICY

This policy applies to all persons working for or in association with the School Board regardless of their position, as well as all persons providing services to or receiving services from the School Board.

4. COMMITMENT AND RESPONSIBILITIES OF THE SCHOOL BOARD

4.1 Responsibilities of the School Board

The School Board believes that every employee has the right to a working environment that is free of harassment and violence. Consistent with this moral and legal obligation, the School Board is committed to:

- Ensuring that no employee is the victim of harassment or violence;
- Taking disciplinary action against those found guilty of harassment or violence, up to and including termination of employment.
- Taking all possible steps to maintain a working environment that is free of all forms of harassment.
- Ensuring that the parties concerned, both the complainant and the alleged harasser, are treated equally.
- Should the Director General be the object of a complaint, the file shall be referred to the chair of the Council of Commissioners.

4.2 Responsibilities of the Administrators

All administrators must, as far as possible, make sure that work relations within their school, centre or service are harmonious and free of all forms of harassment.

Administrators must process the complaints brought to their attention with diligence and in all confidentiality. In order to do so, they may call upon the services of the Human Resources Department or a resource person.

5. GENERAL RESPONSIBILITIES IN IMPLEMENTING THE POLICY

The Director General is responsible for implementing the policy.

Exceptional measures:

In a serious or urgent situation, the Director General can adopt and apply, with regard to an employee of the School Board towards whom serious allegations of harassment have been

made, exceptional measures when the latter are deemed necessary to ensure the protection of every person.

6. COMPLAINTS

The internal procedures for processing complaints provided for in the present policy in no way deprive a person of their right to file a complaint, dependent on their status, to a grievance arbitrator at the “Commission des normes du travail” or to bring their case directly to the courts.

All conduct considered as harassment or violence is punishable by disciplinary action up to and including termination of employment.

7. CONFIDENTIALITY

All information relating to the complaint, as well as the identity of the persons concerned, must be kept confidential by all parties involved unless this information is required for processing the complaint or for the application of the agreement or for taking administrative or disciplinary actions.

Subject to the aforementioned, no information will be recorded in the personnel file of persons who believe themselves to be the subject of harassment or the victim of violence provided they acted in good faith. With regard to the person accused of harassment or violence, information is recorded in the employee’s personnel file if the complaint is justified, following a second level intervention.

8. INTERVENTION PROCEDURES

8.1 **First Level Intervention**

Object:

To accompany the person through the steps.

Resource Person:

The administrator

Role:

- Meet and listen to the complainant;
- Provide information about the present policy and available options;
- Provide assistance and encouragement during the procedures.

The resource person cannot act as a substitute for the complainant and cannot proceed contrary to the complainant’s wishes. However, the complainant can move directly to the next step if the complainant deems it necessary.

8.2 Second Level Intervention

At this level, a complaint must be made in writing and addressed to the Director of Human Resources.

Object:

To resolve the complaint to the satisfaction of the parties involved and prepare a report to confirm the agreement.

Resource Persons

One resource group made up of at least three individuals, men and women, from different categories of employment, if possible, namely an administrator from Human Resources and a professional resource person from outside the School Board.

The choice of the third person will be made by an agreement between the complainant and the presumed harasser. This person will be selected from people pre-selected by Human Resources (following a call for applications). If an agreement cannot be reached, by default the School Board will assign a third person.

Note: Individuals who do not work for the School Board but who have shown a keen interest in the issue of harassment could be members of the resource group.

These individuals will be trained to carry out this task.

Role

- Receive and examine the complaint filed as quickly as possible;
- Meet with the complainant and the alleged harasser individually and begin making enquiries;
- Analyse the situation;
- Attempt to resolve the problem to the satisfaction of both parties in accordance with an agreement;
- Prepare a report according to Appendix 4;

Follow up

- In the case where an agreement is reached, the Director of Human Resources takes charge of the intervention and informs those concerned.
- If an agreement cannot be reached, the file will be submitted to the Director General for intervention at the third level.

8.3 Third Level Intervention

Object:

To resolve the complaint by taking the administrative or disciplinary action applied by the Director General in accordance with the School Board's policies and procedures, and the provisions defined in the collective agreements, if necessary.

Resource Person

The Director General or the Director of Human Resources, according to the delegation of functions and powers.

Role

Investigate the issue and take the appropriate administrative or disciplinary action in accordance with the School Board's policies and procedures, and the provisions defined in the collective agreements, if necessary.

8.4 Forms Required for a Second or Third Level Intervention

These forms are available from the Human Resources Department. The complaint form is also available in the schools and centre and on the School Board's website.

Form 1 - Complaint Form (Appendix 1)

For all persons working for or in association with the School Board as well as all persons providing services to or receiving services from the School Board.

Form 2 - Information on the person who is the object of the complaint (Appendix 2)

Form 3 - Example of a letter summoning the alleged harasser (Appendix 3)

Form 4 - Work Tools and Reference Material - Meeting with the complainant (Appendix 4)

Form 5 - Work Tools and Reference Material - Meeting with the alleged harasser (Appendix 5)

Form 6 - Situation Analysis (Appendix 6)

- Chronological list of procedures undertaken by the resource group
- Written report and recommendations of the resource group

The complainant is strongly advised to follow the logical progress of each intervention level.



STRICTLY PERSONAL AND CONFIDENTIAL

COMPLAINT FORM

For all persons working for or in association with the School Board, as well as all persons providing services to or receiving services from the School Board

*INFORMATION ON THE PERSON FILING THE COMPLAINT**

Name: _____
Please print

Address: _____
Number, street name

City, province, postal code

Telephone: _____
Work Home
(Please specify where you prefer to be contacted)

Job title or occupation: _____

Place of work: _____

Address Telephone

Status: _____
Regular, permanent, part-time, volunteer, other.

Working hours: _____

Note: * For collective complaints, each person filing the complaint must complete a separate form.



STRICTLY PERSONAL AND CONFIDENTIAL

INFORMATION ON THE PERSON WHO IS THE OBJECT OF THE COMPLAINT**

Name: _____
Please print

Address: _____
(if known) Number, street name

City, province, postal code

Telephone: _____
(if known) Work Home

Job title or occupation: _____
(if known)

Place of work: _____

Address Telephone

Status: _____
(if known) Regular, permanent, part-time, volunteer, other.

Working hours: _____

Signature: _____ Date: _____

Please drop off at or mail to the Human Resources Department (2046 Chemin St-Louis, Québec, Québec G1T 1P4), marked "CONFIDENTIAL".

Note: ** If the complaint is directed at more than one person, a separate form must be completed for each person.



STRICTLY PERSONAL AND CONFIDENTIAL

EXAMPLE OF A LETTER SUMMONING THE ALLEGED HARASSER

Date

Name of alleged harasser
Address

We hereby inform you that a complaint has been filed against you for harassment. The members of the resource group request a meeting with you on (date) at (time) at (place).

The object of the meeting is to:

- Inform you of the nature of the complaint;
- Hear your version of the events;
- Explain the procedures provided for in the “Policy for Countering All Forms of Harassment”;
- Ensure you are treated fairly.

We thank you for your cooperation.

The Director of Human Resources
(for the resource group)



WORKING TOOLS AND REFERENCE MATERIAL
for the resource group

GATHERING INFORMATION

MEETING WITH COMPLAINANT

1. For each situation, indicate the circumstances, date and place. If possible, record the reactions caused by the harassment. PLEASE BE SPECIFIC:

a) Please give a detailed description of the nature of the harassment:

- race
- colour
- gender
- pregnancy
- sexual orientation
- civil status
- age except when prescribed by the law
- religion
- political beliefs
- language
- ethnic or national origin
- social status
- handicap or the use of aids to remedy this handicap
- physical appearance
- physical and mental abilities
- other (specify)

b) Describe the events

c) When did these events take place? (give the dates)

d) What was your reaction?

2. a) If there were threats, of what nature? (describe)

b) How were these threats worded?

c) Describe the events

d) When did these events take place? (give the dates)

e) What was your reaction?

APPENDIX 4 (cont'd)

3. a) If there were promises, of what nature?

- salary increase
- cash advance
- gifts
- retaining employment
- promotion
- other (specify)

b) Describe the events

c) When did these events take place? (give the dates)

d) What was your reaction?

4. a) Have these events had repercussions on your situation at work?

If so, what are the repercussions? (check each of the following that applies to your situation)

For example:

- difficult working environment (specify)
- dismissal
- suspension
- transfer
- refusal of promotion
- demotion
- social relations at work
- other (specify)

What reasons were given to justify this situation?

Do you have any comments regarding the reasons that were given?

5. Have these events affected your physical or psychological health?

If so, how have you been affected?

6. Have you received medical or professional advice or treatment because of the harassment?

7. a) To the best of your knowledge, is this the first time that this person(s) has behaved in this manner? (If not, specify)

b) Can you give the names of other people who have been the object or may have been the object of this behaviour? (Name, address, telephone, place of work)

8. What procedures have you undertaken to date?

APPENDIX 4 (cont'd)

9. Do you have witnesses who saw or heard what happened or who were also the object of harassment by the same individual?

- a) Can you give the name, address and telephone number of these individuals?
- b) In your opinion, would these individuals agree to meet with the resource group?

The members of the resource group can add to this file the versions given by witnesses if contacted.

10. What do you believe would be a satisfactory agreement?

For example:

- changes to the working environment (ex. transfer, schedule change, promotion, etc.)
- apologies
- resumption of work (if there was interruption of work)
- another agreement (specify)

Note: The complainant acknowledges having read the documents in this file. (This document must be dated and signed by the complainant and one or more members of the resource group).



WORKING TOOLS AND REFERENCE MATERIAL
for the resource group

GATHERING INFORMATION

MEETING WITH ALLEGED HARASSER

1. What is your reaction to this complaint?

2. Please give your version of the events.

3. Were there any witnesses?

APPENDIX 5 (cont'd)

4. Does the agreement proposed by the complainant seem acceptable to you?
If not, what would you suggest?



SITUATION ANALYSIS

*CHRONOLOGICAL LIST OF PROCEDURES
UNDERTAKEN BY THE RESOURCE GROUP*

The members of the resource group must write down each step in the procedures up to the final agreement indicating the following for each step:

- the date
- the names of persons contacted
- their position and telephone number
- the content of each meeting and telephone conversation

*WRITTEN REPORT AND RECOMMENDATIONS OF
THE RESOURCE GROUP*

The report by the resource group must contain the following elements:

- the nature of the complaint (description)
- the name of the parties involved
- the procedures undertaken to reach an agreement
- the nature of the agreement (if applicable)
- conclusions and recommendations
- the date and signatures



ACKNOWLEDGEMENT OF RECEIPT

I (please print) _____ acknowledge receipt of the Policy for countering all forms of harassment in force at the School Board. I hereby declare that I have read the policy and fully understand its content. I agree with the principles stated and I am aware that any violation of this policy could result in administrative or disciplinary action up to and including termination of employment.

Signed at _____ on _____

By: _____
(Signature)