

 <p>Cree School Board Commission scolaire crie</p>	<h2>Policy Against Harassment in the Workplace</h2>	
	<p>Department responsible: Human Resources Effective date: September 23, 2003 Amended on: July 1, 2013 and March 10, 2022 Approved by: Resolution #EC 2020-333 and 2022-041</p>	
	<p>References:</p>	<ul style="list-style-type: none"> ▪ Collective Agreements: Teachers: 10-9.00 Support Staff: 1-4.00 Professionals: 5-16.00 ▪ By-law # 5 / Conditions of Employment of the Management Staff ▪ Quebec Charter of Human Rights and Freedoms (CQLR c. C-12): ss. 4, 10, 10.1, 16 and 46 ▪ Civil Code of Quebec: s. 2087 (CCQ-1991) ▪ Act Respecting Occupational Health and Safety: s. 9 (CQLR c. S-2.1) ▪ Act Respecting Labour Standards (CQLR c. N-1.1) ▪ Criminal Code (R.S.C. 1985 c. C-46)
<p><i>Other related policies</i></p>	<p>Code of Ethics and Professional Conduct of Employees (ADM-13)</p>	

The Cree School Board is committed to providing a respectful, safe, and inclusive working environment that is free from harassment. In this respect, the School Board will not tolerate any form of harassment as defined in the *Act respecting Labour Standards* including harassment prohibited by the *Quebec Charter of Human Rights and Freedoms*.

In order to achieve this objective, and in accordance with its legal obligations, the Board will take all reasonable steps to prevent harassment and will take appropriate measures to cease and stop their occurrence when informed of the existence of such behaviour.

1) General Provisions

Application

1.1. This Policy applies to all unionized and non-unionized employees of the Board regardless of their status, including to management staff. It applies to any behaviour that occurs in the context of Board related activities whether or not the behaviour occurs on or off Board premises (e.g., meetings, training, travel, social activities approved or authorized by the Board, including communications by any means, technological or otherwise involving an employee).

2) Definitions

2.1. In this Policy, the following words or expressions mean:

- a) **Act:** the *Act respecting Labour Standards* (CQLR c. N-1.1);
- b) **Complainant:** an employee who believes that he has been harassed and has filed a complaint in this respect;
- c) **Complaint:** a complaint of harassment submitted pursuant to this Policy;
- d) **HR:** the CSB Human Resources Department;
- e) **HR Director:** the Director of Human Resources or his delegate;
- f) **Respondent:** the alleged perpetrator of the actions that may constitute harassment. For instance, the respondent may be a colleague, a supervisor, an elected member, a student, a parent, a supplier or a community member.

3) What Constitutes Harassment

Harassment includes psychological harassment, sexual harassment and discriminatory harassment.

[Psychological harassment / Labour Standards Act](#)

3.1. The Act defines psychological harassment as follows:

“Any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects an employee’s dignity or psychological or physical integrity and that results in a harmful work environment for the employee. For greater certainty, psychological harassment includes such behaviour in the form of such verbal comments, actions or gestures of a sexual nature.

A single serious incidence of such behaviour that has a lasting harmful effect on an employee may also constitute psychological harassment.”

[Charter of Human Rights and Freedoms / discrimination](#)

The definition of psychological harassment found in the Act includes discriminatory harassment based on any one of the grounds listed in section 10 of the *Charter of Human Rights and Freedoms of Quebec*: race, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of a means to palliate this handicap.

[Criteria /](#)

3.2. To establish that a situation constitutes psychological or sexual harassment as recognized by the Act, it is necessary to demonstrate the presence of all of the elements of the definition, namely:

[Vexatious behaviour](#)

- a) **Vexatious behavior:** the behaviour is humiliating, offensive or abusive for the person on the receiving end and may affect his self-esteem and cause him distress;

[Repetitive in nature or single serious occurrence](#)

b) **Repeated:** the hostile or unwanted conduct, verbal comments, actions or gestures, should be repetitive in nature (i.e. having multiple occurrences). While on their own, a single verbal comment, action or gesture may seem innocuous, it is the accumulation of numerous incidents which may constitute harassment. However a single serious incidence of such behaviour that has a lasting harmful effect on the person may also constitute harassment;

[Hostile or unwanted](#)

c) **Hostile or Unwanted:** the conduct, verbal comments, actions or gestures must be considered hostile or unwanted. This type of behavior may be considered hostile or unwanted even if the person does not clearly express that sentiment to the Respondent;

[Affect dignity or psychological or physical integrity](#)

d) **Affecting the dignity or psychological or physical integrity:** the vexatious behavior must have an effect or impact on the person's dignity or psychological or physical integrity. This means that the person may feel put down, belittled, denigrated either on personal or professional level. It may cause the person stress or anxiety, or otherwise cause his health to suffer;

[Harmful work environment](#)

e) **Harmful work environment:** the vexatious behavior must cause the work environment to be harmful to the person who may, for example, feel isolated from his colleagues due to the hostile verbal comments, gestures or behaviours towards him or concerning him.

[Examples](#)

3.3. For example, the following behaviours may constitute harassment if they meet all the above criteria:

Behaviours that may constitute psychological harassment include, without limitation:

- Bullying, cyberbullying, threats, isolation;
- Offensive or defamatory remarks or gestures towards an employee or his work including on the basis of protected grounds of discrimination;
- Comments, profanities, or insults which affect an employee's dignity;
- Belittlement.

Behaviours that may constitute sexual harassment include, without limitation:

- Any form of unwanted attention or advance with a sexual connotation, for example:
 - requests for sexual favours
 - unwanted physical contact
 - looks, kisses or touches
 - sexist insults, foul language
- Comments, jokes or images with a sexual connotation by any means, technological or otherwise.

*Management
rights*

3.4. Exercise of management rights does not constitute harassment in the workplace insofar as the exercise of these rights is not abusive, unreasonable, arbitrary or discriminatory.

Management rights are the discretionary power of the employer in the direction and control of the operations of the organization. It includes, for instance, the imposition of work rules and procedures, the evaluation of employee performance, control of absences, the assignment of tasks, the control of the quality of work performance, the management of the discipline.

4) Responsibilities

The Board

4.1. The Board must take reasonable action to prevent psychological harassment and, whenever it becomes aware of such behaviour, to put a stop to it. Moreover, the Board is responsible for:

- a) ensuring that every complaint is appropriately dealt with;
- b) imposing disciplinary measures or any other measures appropriate in the circumstances, when a complaint is found to have been substantiated;
- c) offering professional advice, counselling and support to employees who have been victims of harassment.

Employee
awareness

4.2. The Board will offer information awareness sessions on harassment to the employees and will make sure that pertinent Board policies are available on its web site.

Immediate Supervisor

4.3. The immediate supervisor:

- a) ensures the dissemination of this Policy;
- b) diligently deals with any harassment report or complaint, taking reasonable steps to maintain a healthy work environment;
- c) facilitates the settlement of any conflict and collaborates with the various stakeholders;
- d) informs HR of any report, complaint or intervention of interest.

All Employees

4.4. It is the responsibility of all employees to:

- a) adopt a behaviour that promotes the maintenance of an environment free from harassment;
- b) collaborate in any investigations and conflict resolution mechanisms when required.

5) Initial Process

[Initial step / handling the situation](#)

5.1. An employee who considers that he has been subject to harassment is invited to keep a record of the incident(s) and try to resolve the situation directly with the Respondent by advising him that his behaviour is unacceptable.

When the employee does not wish to bring the matter directly to the attention of the Respondent, or where such an approach does not produce satisfactory results, the employee may contact HR.

[Support from HR](#)

5.2. The employee shall be advised of:

- a) the possibility of resolving the situation informally;
- b) the availability of counselling and other support services available (Employee Assistance Program, etc.);
- c) the right to file a formal complaint.

[Informal resolution process](#)

5.3. When deemed appropriate and at any time, the Board can propose informal conflict resolution approaches such as facilitation and mediation and make the appropriate arrangements, in order to resolve a situation either before or after a complaint has been submitted.

6) Complaint Process

In the event that attempts to resolve the complaint do not yield the expected results or if the employee who believes that he was the subject of harassment wishes to file a complaint, he may do so at any time during this process through this complaint process.

[Written complaint](#)

6.1. The complainant should complete the form shown in **Annex A** and submit it to the HR Director.

[Verbal complaint](#)

A verbal complaint is also admissible but the person receiving it shall record all the required information of **Annex A** and submit it to the HR Director.

Preliminary Review

[Delay](#)

6.2. Upon receiving a complaint, the HR Director should within 15 business days review the information available to determine whether or not the conduct in question appears to meet the definition of harassment as defined in this Policy.

[Criteria not met](#)

6.3. Should the complaint appear not to meet the definition of harassment as described herein, the HR Director may decide not to proceed to an investigation of the complaint and shall notify the Complainant in writing.

The HR Director may nevertheless propose alternatives such as conflict resolution or mediation to remedy a situation or interpersonal relationship that can be improved.

[Criteria are met](#)

6.4. Should the complaint appear to meet the definition of harassment as described herein, the HR Director:

- a) may cause an investigation into the matter to be carried out by the Board or propose any other appropriate approaches to the parties (see for example section 5.3 above);
- b) shall ensure the Board takes immediate interim measures (adjustment to the work environment, restriction of contact or communication, etc.) to preserve the safety and well-being of the persons involved (i.e. Complainant, Respondent, witness);
- c) shall notify the Respondent that a complaint was filed against him. In the notice, the Respondent shall be informed that he may be assisted by a person of his choice or, where applicable, by his union representative.

[Investigation](#)

6.5. In order to conduct the investigation, the HR Director may call upon any resource or mandate any person to assist or collaborate in the investigation, including without limitation the school administration or the concerned department to conduct interviews and collect any required information related to the situation.

[Legal right](#)

6.6. An internal investigation conducted in accordance with this Policy shall be carried out in a manner that respects the legal rights of the Complainant as well as the Respondent.

[Delay to conduct the investigation](#)

6.7. Any investigation shall be conducted in a timely manner, taking into account the complexity of the situation (ex: number of witnesses or incidents). Where possible, the Board should complete the investigation within 20 business days of its beginning.

Outcome of the Internal Investigation

[Complaint not founded](#)

6.8. If the internal investigation concludes the complaint is unsubstantiated (i.e. does not meet the definition of harassment as described herein), the Board shall:

- a) inform the Complainant and the Respondent, that the internal investigation has concluded that the complaint was not founded;
- b) ensure that the employee file of the Respondent does not make reference to the complaint and investigation;
- c) despite an unsubstantiated complaint, the Board may nevertheless, at its discretion, propose additional measures to remedy a situation or interpersonal issue such as conflict resolution or mediation.

[Complaint founded](#)

6.9. If the internal investigation concludes the complaint is substantiated (i.e. meets the definition of harassment as described herein), the Board shall follow a two-step process to address the complaint:

- a) the Board will attempt to resolve the complaint in an informal manner, having regard to the circumstances, by meeting with the Respondent and the Complainant with a view to resolving the situation;

- b) if an informal resolution fails or is inappropriate in the circumstances, the Board shall according to the circumstances:
- i) take the appropriate disciplinary measures against a Respondent who is an employee including, without limitations, dismissal, or
 - ii) take the appropriate measures against the Respondent who is a student including, without limitations, suspension and expulsion, or
 - iii) take the appropriate measures against any other Respondent (elected member, parent, supplier, community member, etc.).

7) Final Provisions

- [Reporting](#) **7.1.** Any person who believes that an employee has experienced or is experiencing harassment is encouraged to notify his immediate supervisor or the HR Director.
- [Delay](#) **7.2.** Any complaint concerning psychological harassment must be filed within 2 years of the last incidence of the offending behaviour¹.
- [Conflict of Interest](#) **7.3.** In cases where a manager assuming a role defined in this Policy appears to be in a situation of conflict of interest due to the parties involved, his immediate supervisor will assume this role.
- [Sanction / retaliation](#) **7.4.** The Board will discipline or take appropriate action against a person who retaliates against any person who reported or filed a complaint of harassment or against any person who testifies, assists or participates in an investigation relating to such harassment. Retaliation includes, without limitations, any form of intimidation, reprisal or harassment.
- [Frivolous or malicious complaint](#) **7.5.** An employee who files a frivolous or malicious complaint, or a complaint in bad faith, and any employee who participates in such a complaint (as a witness or other) may be subject to discipline by the Board up to and including a dismissal.

8) Application of this Policy

- [Previous provisions](#) **8.1.** The present Policy replaces all other policies of the Board pertaining to this subject, while respecting the Council of Commissioners Policies, where applicable.
- [Official version](#) **8.2.** The official version of this Policy is kept by the Secretary-General of the Board.
- [Responsibility](#) **8.3.** Any person referred to in this Policy must abide by all its provisions and all managers of the Board are responsible for ensuring that all its provisions are applied and respected.

The Director of Human Resources is the person responsible for providing support in the interpretation of this Policy and to ensure its revision when necessary.

¹ Section 123.7 of the Act Respecting Labour Standards

Annex A

Harassment Complaint Form

*****Filing this complaint may involve the launching of an investigation***

- 1) Name of the complainant: _____
- 2) Position: _____ School or work location: _____
- 3) Phone : _____ E-mail : _____
- 4) Individual(s) suspected of harassment: _____
Title or position: _____
- 5) Description of the behaviour (use additional pages if necessary):

- 6) Date(s), time(s) and place(s) the incident occurred:

- 7) Were there other individuals witnessing the incident?

if so: a) name these persons:

b) describe their role:

8) What was your reaction to the incident?

9) Have you informed your immediate supervisor of the incident(s)? Describe:

10) Describe any prior incident:

11) How would you like to see the situation addressed and resolved?

I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

Date: _____

Signature of complainant