

Workplace Harassment Operating Procedure

Frequently Asked Questions

What is considered workplace harassment?

Workplace harassment is defined in the *Occupational Health and Safety Act (OHSA)* as “engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought to reasonably known to be unwelcome.” The board’s [Workplace Harassment Procedure](#), includes any and all forms of harassment, including workplace sexual harassment. Complaints do not require a prohibited ground of discrimination.

What is workplace sexual harassment?

Workplace sexual harassment is defined in the *Occupational Health and Safety Act (OHSA)* 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 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.”

What are examples of workplace harassment under the above definitions?

Examples of workplace harassment under these definitions may include, but are not limited to:

- unwelcome words or actions that are known to be offensive, embarrassing, humiliating or demeaning to a worker or groups of workers
- behaviour that intimidates or isolates against a worker or groups of workers
- bullying, intimidating or offensive jokes or innuendos
- display or circulating offensive pictures or materials
- offensive or intimidating phone calls or emails or social media posts
- repeated words or actions, or a pattern of behaviours, against a worker or groups of workers in the workplace that are unwelcome
- asking for sex in exchange for a benefit or a favour
- making unnecessary physical contact, including unwanted touching

What *isn't* workplace harassment?

Workplace Harassment does not typically include:

- performance management
- operational directives
- job assignments
- inadvertent management errors
- a single incident
- any other reasonable action taken by an employer or supervisor relating to the management of workers or the workplace

Is there a timeline from when the incident happens to when it should be reported?

There is an expectation that all complaints be laid **within one year** of the offending incident(s) unless the delay was justified because of extenuating circumstances, and would not result in substantial prejudice (disadvantage) to anyone. This time limit may be waived at the board's discretion if it is satisfied that the delay was incurred in good faith and that no substantial prejudice will result to any person affected by the delay.

Are the reporting and investigation processes confidential?

As part of his or her investigation into complaints or incidents of workplace harassment, investigators must maintain confidentiality to the extent possible.

Who can bring a complaint forward?

All individuals who believe that they have been subjected to such conduct may report the workplace harassment. In addition, those who have witnessed harassment directly, or have reasonable grounds to suspect that it is occurring, may initiate a report. **Anonymous reports will not be entertained.**

It may be appropriate in some instances for those who consider that they have been subjected to workplace harassment or harassment-related reprisal to voice their objection directly to the person(s) responsible, and clearly indicate that the conduct is unacceptable. *This may resolve the issue.*

To whom do I report an incident of workplace harassment?

Individuals are encouraged to bring forward workplace harassment concerns, whether their own, or information about workplace harassment that they have witnessed to their supervisor or manager.

How do I report an incident of workplace harassment?

In all cases, supervisors and managers have a duty to respond to and take action to resolve any alleged or suspected situations involving harassment.

As a first step, informal resolution should be sought.

Informal resolution is a procedure that provides an opportunity for parties to resolve a dispute in a mutually respectful manner and is strongly encouraged prior to filing a formal complaint. This can prevent escalation of the situation and further negative consequences while promoting the restoration of a healthy learning or workplace environment.

If informal resolution is not successful, a formal complaint can be made.

Formal complaints should be initiated within one year of the alleged harassment occurring. See our *Workplace Harassment Complaint Flowchart* for details on the formal complaint process. A more detailed overview of the formal complaint process is included in the [Workplace Harassment Procedure](#).

Can staff choose to have union/association representation throughout the process?

Employees may choose to have a union/association representative throughout the process. It would normally be expected that a single representative be in attendance throughout the process, however, in unusual circumstances and after discussion with the Manager of Labour Relations or designee, an additional union/association representative may be included in the process. Should the complainant

and/or respondent(s) elect to obtain legal counsel or any other non-union/association representative, the individual party shall be responsible for any cost incurred.

How will the Peel board report the results of the investigation to the worker who allegedly experienced workplace harassments and the alleged harasser?

Following the investigation, findings of fact will be shared and a decision will be made by the board. Separate meetings will take place with both the complainant and the respondent(s), along with their respective representatives. At this meeting, the investigator will verbally share the findings of fact with respect to the investigation and the board will share its decision in regard to whether the evidence indicates a violation of this procedure. Subsequent to the meeting, the complainant and the respondent(s) will receive a written summary of the findings of the investigation. Information related to any corrective actions implemented will be shared however, such information shared with regards to any corrective action(s) taken will take into account the right to privacy of employees and will not include personal information.

What are the consequences if a complaint of workplace harassment is substantiated?

The potential consequences for an individual found to have committed workplace harassment may include but is not limited to the following:

- Writing letter of apology or regret;
- Attending appropriate sensitivity or other required training;
- Restricted access to services provided by the Peel District School Board;
- Restricted or barred access to Peel District School Board property;
- Receiving a letter of caution or expectation;
- Receiving a letter of discipline, with a copy to the Human Resources file;
- Suspension without pay;
- Termination of employment;
- Where applicable, being reported to the College of Teachers or other self-regulating professional colleges; and/or
- Revocation or non-renewal of permit or privileges.

Will there be any reprisals if a complaint is brought forward?

Any reprisal or threat of reprisal is not acceptable. Any complaint of reprisal will be addressed consistently with the provisions of the [Workplace Harassment Procedure](#). Engaging in a reprisal (or threatening to do so) may result in disciplinary action, up to and including termination of employment.

Reprisal includes:

- any act of retaliation that occurs because a person has complained of or provided information about an incident of workplace harassment intentionally pressuring a person to ignore or not report an incident of workplace harassment; and/or
- intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of workplace harassment

What happens if a false accusation of harassment is made?

False accusations are serious offences because they may have serious consequences for the

respondent, i.e. the person named as the perpetrator of workplace harassment by a complainant. The insufficiency of evidence to prove a complaint does not mean that the complaint was submitted in bad faith. An employee who makes a false or malicious complaint or who otherwise abuses the [Workplace Harassment Procedure](#) may be disciplined up to and including termination of employment. Such discipline is not reprisal or breach of this procedure.