

## HARASSMENT

### Background

The Division believes that every individual has the right to perform their duties of employment free from harassment of any kind in the workplace. The Division does not condone harassment of any kind and expects its employees and any other individuals to not participate in nor condone such behavior. Discrimination on the basis of sex is prohibited by the Human Rights Code and harassment is prohibited by the Occupational Health and Safety Regulations. The determination of a complaint of harassment in accordance with this administrative procedure does not preclude an individual from making a complaint pursuant to those Acts. The Division does not tolerate harassment and, therefore, individuals found to have harassed other individuals will be subject to strict discipline. Depending on the circumstances, such discipline may include reprimands, suspension and/or dismissal.

### Definitions

Harassment is defined in the Saskatchewan Employment Act [Section 3-1 (I)] as:

“any inappropriate conduct, comment, display, action or gesture by a person:

that is either:

- i. is based on race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, nationality, ancestry or place of origin; or
- ii. adversely affects the worker’s psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated; and
- iii. constitutes a threat to the health or safety of a worker.”

Sexual Harassment is any unwanted sexual advance, request for sexual favours or other verbal or physical contact of a sexual nature and may be expressed through various forms of behaviour in a subtle or overt manner.

### Procedures

1. The Director or designate is responsible to keep these procedures current and to ensure that they are posted according to the regulations of the Occupational Health and Safety Regulations.

2. The Principal or the supervisor in each work location is to advise employees of the harassment procedures and intent.
3. Reasonable supervisory practices shall not be construed to be personal harassment.
4. The initiation of malicious complaints is to be considered a form of harassment and is subject to the provisions of this administrative procedure.
5. If an employee has been harassed, the alleged harasser is to be immediately told to stop.
6. If the complainant cannot confront the alleged harasser or the alleged harassment continues, the complaint is to be brought to the attention of the immediate supervisor or the Superintendent of Human Resources.
7. It is important that all parties keep a written record and detail the incidents that are considered to constitute harassment.
8. The employer will not disclose the name of a complainant or an alleged harasser or the circumstances related to the complaint to any person except where disclosure is:
  - 8.1 Necessary for the purposes of investigating the complaint or taking corrective action with respect to the complaint; or
  - 8.2 Required by law.
9. The employee has the right to request assistance of an Occupational Health Officer to resolve the complaint of harassment.
10. The Saskatchewan Human Rights Code outlines discriminating practices and the worker's right to file a complaint with the Saskatchewan Human Rights Commission.
11. The Division procedures on harassment are not intended to discourage or prevent the complainant from exercising any other legal rights pursuant to any other law.
12. The investigation of the complaint shall promptly take place. The supervisor shall contact the alleged harasser and seek to resolve the matter to the satisfaction of all parties (complainants, respondents, supervisors). This contact shall be made within ten (10) working days of the complaint.
13. If the investigation at this point is deemed unsatisfactory, the complainant may submit a formal written complaint to the supervisor who in turn shall inform the Director.
14. Except in the case where the Director is the subject of the complaint or is the complainant, it is the responsibility of the Director to ensure the complaint is fully investigated. Where the Director is the complainant or the subject of the complaint, the Board shall appoint another person to be in charge of the investigation. That appointee shall follow these procedures.

15. The Director or Board appointee shall provide a written response to the complainant and to the respondent within fourteen (14) days.
16. If the evidence supports the complaint, which has been made with sincerity and without malice, the Director or the Board will take the necessary steps to stop the harassment and to apply appropriate remedies or sanctions in keeping with due process. Such actions may include verbal warning, written reprimand, suspension or dismissal.
17. The complainant and respondent may appeal the disciplinary measures to the Director. Such an appeal shall be reviewed and a report shall be provided by the Director within thirty (30) days to the parties involved.

Reference:       Sections 85, 87 Education Act  
                  Saskatchewan Employment Act  
                  Canadian Human Rights Act  
                  Canadian Charter of Rights and Freedoms  
                  Canada Labour Code  
                  Saskatchewan Teachers Federation Code of Ethics  
                  Occupational Health and Safety Regulation 36

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