



**PREVENTING AND RESOLVING PSYCHOLOGICAL OR SEXUAL
HARASSMENT IN THE WORKPLACE POLICY**

Department responsible: General Administration	Approved by: Director General
Effective date: January 1, 2013	Amended: CC 2005/06-23, March 21, 2006 October 1, 2006, June 4, 2007 and may 5, 2008 CC 2018/2019-77 June 6, 2019
References: Policy CC 2000/01-45 <i>Charter of Human Rights and Freedoms, (CQLR c C-12)/sections 4, 10, 10.1, 16 and 46</i> <i>Civil Code of Québec/section 2087</i> <i>Act respecting occupational health and safety/section 9</i> <i>Act respecting labour standards/sections 81.18 and 81.19</i>	

1. POLICY OBJECTIVES

This policy is intended to provide Kativik Ilisarniliriniq (hereinafter the Kativik School Board) with a framework for the prevention and handling of workplace harassment. More particularly, it aims to:

- a) ensure employees are treated respectfully, impartially and fairly, through the promotion of civic relationships;
- b) prevent harassment, through awareness, information and employee training, early intervention and conflict resolution;
- c) prevent harassment, inform and raise awareness among all persons present at its workplace (i.e., parents, visitors, suppliers, partners, etc.);
- d) establish the roles and responsibilities of each person covered by this policy.

2. COMMITMENT

The Kativik School Board recognizes that its employees are entitled to dignity, respect and a safe work environment, free of all forms of psychological or sexual harassment, including discriminatory harassment, and undertakes to take all reasonable measures to prevent and stop harassment, as soon as it becomes aware of such behavior.

The Kativik School Board undertakes to:

- a) Distribute this policy to all personnel;
- b) Inform employees of their responsibilities under this policy;
- c) Take preventative action in a situation that can lead to harassment or is likely to be;
- d) Implement a clear procedure for handling complaints;
- e) Provide the necessary support to any employee involved in a case of harassment;
- f) Handle any harassment situation diligently, fairly, impartially, and discreetly;
- g) Follow up on the application of this policy in order to assess the achievement of results and to make the necessary adjustments.

3. SCOPE OF THIS POLICY

This policy applies to all work relations involving Kativik School Board employees, be it in the workplace where employees generally perform their duties, any other location where they may be called upon to work as well as any other place where employees must be present in order to perform their work (i.e., meetings, training sessions, travel, social activities organized by the employer). It also applies to communications by any technical means or other (i.e., social media, e-mails, texts, postings, letters, etc.) and all relations between an employee and a third party (student, parent, supplier or subcontractor of the Kativik School Board).

DEFINITIONS

Under section 81.18 of the Act respecting labour standards, psychological or sexual harassment is defined as:

“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..”

This definition includes discriminatory harassment based on one of the grounds set out in the Québec Charter of Human Rights and Freedoms, namely race, colour, gender, pregnancy, sexual orientation, civil status, age, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.

The notion of harassment must be distinguished from other difficult situations in the workplace, namely interpersonal conflicts, work-related stress, professional constraints or the normal exercise of management rights (workplace absenteeism management, work organization, disciplinary measures, etc.).

Civility: A behaviour that helps to maintain mutual respect in the workplace. A set of rules of conduct that focuses on the well-being of all members of a community, built on mutual respect, collaboration, courtesy and know-how.

Incivility: A deviant behaviour in violation of the rules of mutual respect established in a workplace. Incivility is the disregard of basic life skills causing significant discomfort in the workplace and adversely affecting the work environment, efficiency, productivity and motivation.

Conflict situation: Opposition, divergence or discord between individuals or groups, whose negative consequences on the workplace or on individuals are palpable.

4. ROLE AND RESPONSABILITIES

Director General

The Director General is ultimately responsible for this policy, in particular to:

- a) Adopt, implement and promote this policy;
- b) Take all reasonable steps to prevent and stop harassment and give other stakeholders the means necessary to act;
- c) Ensure that all employees attend a training session on harassment;
- d) Encourage all employees to adhere to this policy and support them in its application;
- e) Ensure the evaluation, revision, and monitoring of this policy.

Associate Secretary General

The Associate Secretary General or the person so designated, has the following responsibilities:

- a) Quickly intervene to effectively handle any potential cases of harassment brought to its attention, whether or not a complaint has been made;
- b) Proceed to examine the admissibility of a harassment complaint;
- c) If necessary, take interim measures to preserve the health and/or safety of employees;
- d) Inform employees of their rights and responsibilities, and present to them the option of mediation;
- e) Launch an investigation by designating a knowledgeable and impartial person to handle the complaint with the utmost diligence;
- f) Offer employees who so desire to be accompanied through the mediation or investigation process;
- g) After an investigation, analyze the report and the recommendations made in order to make a clear and informed decision on the merits of the complaint;
- h) Inform the persons involved (complainant and accused) of the handling of the complaint and the results of the investigation;
- i) Determine prevention, correction and reparation measures to take in order to prevent and stop harassment;
- j) Monitor the situation until the issue has been fully resolved and the Kativik School Board has fulfilled its obligations under this policy and applicable legislation.

Person in authority

All representatives of the employer, school administration members, principals or centre directors in the regular sector or in adult education have the following responsibilities:

- a) Lead by example, uphold the principles governing this policy, and be familiar with the issue of harassment;
- b) Facilitate the resolution of conflicts and empower employees to create a healthy work environment in an atmosphere of civility and free of harassment;
- c) Intervene quickly to put a stop to any type of misconduct or behaviour likely to lead to harassment;
- d) Encourage all employees who believe they are the victim of harassment to resolve the issue in accordance with the procedure for managing harassment complaints;
- e) Immediately advise the Associate Secretary General of any potential harassment situation.

Personnel

All employees are responsible for demonstrating respectful, collaborative behaviour in order to create and maintain a healthy work environment, free of psychological or sexual harassment. All personnel must:

- a) React promptly if they witness or are a victim of harassment, by quickly reporting the situation to a person in authority or to the Associate Secretary General;
- b) Refrain from gossiping, spreading rumours or feeding conflicts, which only contribute to worsening problems and tensions between individuals;
- c) Stop any behaviour that may be considered harassment.

Complainant

The complainant has the right to:

- a) Submit a complaint and have it addressed in a prompt, sensitive and impartial manner without fear of embarrassment or reprisal;
- b) Be heard and taken seriously;
- c) Be protected from the person at the source of the problem (if applicable);
- d) Have the harassment stopped (if applicable);
- e) Have full discretion and safeguard of his/her reputation;
- f) Be accompanied during the mediation or investigation process;
- g) Be heard and have the right submit any means of proof to support his/her complaint;
- h) Control the accuracy of his/her statements in the report;
- i) Be informed of the decision on the complaint.

The complainant must:

- a) Communicate, whenever possible and appropriate, with the person whose conduct is in question and ask the person to stop this unwanted or vexatious behaviour;
- b) Bring the situation to the attention of the person in authority or to Human Resources as soon as possible;
- c) Clearly express the allegations by giving a detailed description of the events identifying the conduct alleged, the person or persons whose conduct is in question, the date, the location and the name(s) of any witnesses;
- d) Seriously consider the mediation process;
- e) Participate fully in the resolution process, meaning, among others, to quickly respond to requests for information from the Administration, the mediator or the investigator;
- f) Maintain the confidentiality of the complaint and the entire resolution process.

Person whose conduct is in question

The person whose conduct is in question has to right to:

- a) Obtain a prompt, sensitive and impartial examination of the allegations regarding his/her conduct;
- b) Be promptly informed that an admissible complaint was filed against him/her and to be informed of the allegations made in order to respond;
- c) Full discretion and to the safeguard of his/her reputation;
- d) Be accompanied during the mediation or investigation process;
- e) Respond to allegations and submit a written response, if desired;
- f) Control the accuracy of his/her statements in the report;
- g) Be informed of the reasons for the decision regarding the complaint.

The person whose conduct is in question must:

- a) Immediately stop the unwanted or vexatious conduct at the request of the complainant or of a person in authority;
- b) Promptly respond to allegations by providing sufficient detail about the events;
- c) Seriously consider mediation;
- d) Fully participate in the resolution process;
- e) Maintain the confidentiality of the complaint and of the entire resolution process.

5. GUIDING PRINCIPLES

The Kativik School Board does not tolerate any form of psychological or sexual harassment. It can intervene at any time, whether or not a complaint has been filed, when there are reasonable grounds to believe that a violation of this policy has occurred.

Any employee in violation of this policy is liable to administrative or disciplinary action.

An employee who files a frivolous complaint, made in bad faith or knowingly made false statements, is also liable to disciplinary action.

All information relating to a complaint as well as the identity of the persons involved (complainant, accused or witnesses) are treated confidentially, unless this information is necessary to handle a complaint or mediation, to conduct an investigation or to impose administrative or disciplinary measures.

Employees involved in the complaint process must commit to maintaining confidentiality and not discussing the issue with employees or third parties.

Any reprisal against an employee who uses this policy or is involved in the complaint process, including witnesses, constitutes a serious infringement and will be treated accordingly.

6. FINAL PROVISIONS

This policy replaces all other directives of the Kativik School Board pertaining to harassment in the workplace, while respecting the policies adopted by the Council of Commissioners where applicable.

APPENDIX A: GUIDE TO DETERMINE WHAT MAY BE CONSIDERED HARASSMENT

May be considered psychological or sexual harassment:

- Serious or repeated rude, degrading, or offensive remarks, such as teasing about a person's physical characteristics or appearance, giving a person nicknames, unjustified criticism and insults alone or in front of witnesses;
- Repeatedly making disparaging remarks about the work performed by a person, on-going humiliation, attacking the personal or professional reputation of a person;
- Repeatedly singling out an employee for meaningless or dirty jobs that are not part of their normal duties, or excluding them from group activities;
- Verbal and physical insults in the form of contempt, yelling, arguments, tantrums, blackmail, or pressure;
- Sexually suggestive remarks, jokes, or images, transmitted via any technological means or other, sexist insults, vulgar language;
- Insistent solicitation, advances or unwanted sexual comments;
- Unwanted looks, hugs or touching;
- Intimidation, cyberbullying, threats, acts of violence or verbal abuse, physical or sexual aggression.

Is not considered psychological or sexual harassment:

- Disagreements on work-related issues, such as the distribution of tasks, work procedures or methodologies, work schedule, etc.;
- Difficult relations due to personality conflicts between two people;
- An isolated incident that is not repeated, such as a distasteful gesture or outburst of anger;
- Normal exercise of management rights, such as workload distribution, absence monitoring, requiring performance to job standards, the legitimate imposition of administrative or disciplinary measures against an employee, etc.;
- Directive, insistent and sometimes authoritative approach in the legitimate exercise of authority;
- Organizational changes, department reorganization or reorganization of tasks;
- Work-related stress, difficult work situations;
- Normal social or professional behaviour of camaraderie and workplace banter;
- Consensual advances or sexual comments that do not involve intimidation or humiliation. In this case it's referred to as free consent.

APPENDIX B: HARASSMENT COMPLAINT FORM

I believe I am the victim of:

- Psychological or sexual harassment
 - Abuse of power
 - Violence
 - Racial harassment
 - Discriminatory harassment
 - Sexual harassment
 - Other (please specify)
-

Personal information of the complainant:

Last name: _____

First name: _____

Work tel.: _____

Home tel.: _____

Personal information of the respondent (against whom the complaint is made):

Last name: _____

First name: _____

Work tel.: _____

Home tel.: _____

Name(s) of witness(es) identified by the complainant:

First and last name:

Did you express your disapproval to the accused?

Yes No Specify why or why not.

Did you report the situation to a person in authority before submitting the complaint?

Yes No Specify why or why not.

Would you consider resolving this issue through mediation?

Yes No

Have you initiated any other processes, i.e., filing a claim with the CNESST, a grievance or other (if unionized)?

Yes Please specify: _____ No

Describe the allegations (chronological order and detailed description of the allegations of psychological or sexual harassment: conduct, gestures, acts, verbal comments). Be as specific as possible, include dates, locations, feelings, names of witnesses if applicable.

Effects of the alleged harassment:

Desired solution(s):

Additional comments (to be completed as required):

Declaration:

The facts stated in this complaint form are true, to the best of my knowledge. I realize that in order to handle this complaint, the person again whom the complaint is made will be informed of the allegations against him/her and he/she will have the opportunity to respond. It is also possible that witnesses will be met and questioned. I hereby agree to maintain the confidentiality of my harassment complaint.

And I have signed at _____ (city)

On this _____ day of _____ (month, year)

(Signature)

APPENDIX C: POLICY ACKNOWLEDGMENT FORM

I, undersigned, _____, employee of Kativik Ilisarniliriniq acknowledge having received a copy of the Preventing and Resolving Psychological or Sexual Harassment in the Workplace Policy on _____ (date).

I declare by signing this form that I have read, understood and accepted all the terms, and I agree to comply with such.

And I have signed, at _____ (city).

On this _____ day of _____ (month, year)

(Signature)



**PROCEDURE FOR MANAGING PSYCHOLOGICAL OR SEXUAL
HARASSMENT COMPLAINTS**

Department responsible: General Administration	Approved by: Director General
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Personal initiative

The Kativik School Board encourages employees to make it known to the person that his/her conduct is unwanted or vexatious and to immediately stop this behaviour.

Should the conduct continue, the Kativik School Board suggests that the employee meet with his/her immediate supervisor. However, it is possible for an employee to communicate directly with the Associate Secretary General.

Intervention of a person in authority or Human Resources

If the circumstances do not allow for personal initiative or the personal initiative yields no result, an employee can ask for help from his/her immediate supervisor or from Human Resources.

Human Resources can help employees identify issues, discuss ways to resolve the issue and promote a healthy collaboration.

At the initial meeting with an employee who believes he/she has been the victim of harassment, the following information must be communicated to him/her:

- a) A copy of the policy and procedure;
- b) The possibility of resolving the situation informally or through mediation;
- c) The right to file a formal complaint;
- d) The availability of resources;
- e) The right to be represented by a person of his/her choice other than a potential witness at any stage of the complaint process.

Mediation

At any time, the mediation process can be used when everyone involved is in agreement.

This process aims to achieve mutually satisfactory solutions in the presence of an impartial mediator. All discussions in the course of mediation must remain confidential.

Filing a complaint

Employees are encouraged to report any situation as soon as they believe to be the victim of harassment so that the Kativik School Board can promptly intervene and properly perform their obligation of preventing and stopping harassment.

Employees can file a complaint within two years of the last incidence of harassment. Even though the Kativik School Board encourages the complainant to express themselves freely, whenever possible, a Harassment Complaint Form (Appendix B of the Policy) should be completed.

Every person who receives a complaint must forward it without delay to the Associate Secretary General.

The complaint management process must be completed within a reasonable time.

Preliminary analysis

The Associate Secretary General, or the person so designated, conducts a preliminary analysis of the complaint upon receipt, to determine whether the allegations may reasonably constitute harassment if proven, or constitutes a frivolous claim or complaint that has no serious purpose or value.

This analysis aims to assess the relevance of conducting an investigation under the provisions of the Act respecting labour standards. It consists in determining if the allegations can be considered harassment according to the criteria contained in the definition of psychological and sexual harassment provided for in the Act respecting labour standards:

- Vexatious behavior (inappropriate, humiliating or offensive);
- Hostile or unwanted conduct, verbal comments, actions or gestures;
- The repeated nature of the acts;
- Undermines a person's dignity or psychological or physical integrity;
- A harmful work environment.

A single serious incidence of such behaviour that has a lasting effect may also constitute harassment.

A complaint is admissible when it is filed within the last 2 years of the last incidence of harassment.

At the end of the preliminary analysis, if the reported facts do not constitute harassment, the Associate Secretary General will notify the complainant. In such a case, even if the complaint is not admissible, other steps may be necessary to resolve the situation denounced and prevent harassment. The Associate Secretary General or the person so designated can:

- Consider other ways to resolve the situation;
- Propose mediation if the context is indicated;
- Refer the complainant, as needed, to the appropriate resources or authorities.

Investigation

The immediate supervisor of the complainant and the person whose behaviour is in question are notified of the filing of an admissible complaint.

When the facts alleged constitute harassment, an investigation is conducted as soon as possible to:

- a) Obtain a version of the facts from the complainant and relevant witnesses;
- b) Examine all other elements of relevant evidence;
- c) Analyze whether the allegations of harassment are founded according to the definition of psychological or sexual harassment provided for in the Act respecting labour standards;
- d) Determine if there was a violation of the policy.

At the end of the investigation, the person responsible for applying this policy must inform the complainant and the person whose conduct is in question of the investigation's findings.