

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

Department responsible : General Administration	Approved by : _____ Director general
Effective date : January 1 st 2003	Amended : March 21, 2006, October 1, 2006, June 4, 2007, May 5, 2008, June 6, 2019 and March 16, 2021
References :	

1. PERSONAL INITIATIVE

- 1.1 [encouraged behaviour](#) 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.
- 1.2 [compensatory 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 Human Resources.

2. INTERVENTION OF A PERSON IN AUTHORITY OR HUMAN RESOURCES

- 2.1 [resource persons](#) 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.
- 2.2 [application](#) Human Resources can help employees identify issues, discuss ways to resolve the issue and promote a healthy collaboration.



- 2.3 [information](#) 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.

3. MEDIATION

- 3.1 [application](#) 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.

4. FILING A COMPLAINT

- 4.1 [conduct](#) 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.
- 4.2 [delay](#) 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 Human Resources.
- The complaint management process must be completed within a reasonable time.

5. PRELIMINARY ANALYSIS

- 5.1 [purpose](#) The Human Resources, 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.

5.2 [qualifying period](#) A complaint is admissible when it is filed within the last 2 years of the last incidence of harassment.

5.3 [other measures](#) At the end of the preliminary analysis, if the reported facts do not constitute harassment, the Human Resources 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 Human Resources 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.

6. INVESTIGATION

6.1 [application](#) 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.

6.2 [investigation's finding](#) 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.

