



*CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT – EMPLOYEES*  
*ENTENTE DE CONFIDENTIALITÉ ET DE NON DIVULGATION – EMPLOYÉS*

This Confidentiality and Non-Disclosure Agreement is given to the Kativik School Board (KSB) in consideration of my employment with the Board. I acknowledge that as part of my employment with KSB, I will be given access to information that might be of a personal, confidential and/or proprietary nature, for example: personal information<sup>1</sup> related to staff and students, such as names, email addresses, salaries, academic and employment information, financial information, etc.

I therefore agree:

- 1) To hold all confidential information protected and agree that it shall be used only for the purposes required to fulfill employment obligations, and shall not be used for any other purpose, or disclosed to any third party, except if required or authorized by law.
- 2) To not remove any confidential Information from KSB<sup>2</sup> unless and to the extent that, I obtain KSB's written pre-authorization<sup>3</sup>. Whenever I am so pre-authorized, I agree to take all necessary steps to keep such Confidential Information secure and to protect such Confidential Information from unauthorized use, reproduction or disclosure.
- 3) To comply with all privacy laws and regulations, which apply to the collection, use and disclosure of personal information.
- 4) At the conclusion of any discussions, or upon demand by management, to return all confidential information to KSB's possession and to the responsible manager/director.
- 5) When I become aware of personal information or any confidential information related to the Board that is lost, shared in an unauthorized way, or any other form of privacy breach I understand I am required to notify the Director of the concerned department immediately.

I understand that a breach of confidentiality or misuse of information could result in disciplinary action up to and including termination of employment. I understand that this undertaking continues even after the termination of my employment relationship with KSB.

The laws of Québec shall govern this Agreement and its validity, construction and effect.

I fully understand and accept responsibilities set above relating to personal, confidential and/or proprietary information.

À titre d'employé de la Commission scolaire, je remets cette entente de confidentialité et de non divulgation à la Commission scolaire Kativik (CSK).

Je reconnais que, dans le cadre de mon emploi à la CSK, j'aurais accès à de l'information qui pourrait être de nature personnelle, confidentielle et/ou exclusive, comme par exemple des renseignements personnels<sup>1</sup> relatifs à des employés et des élèves, tels que des adresses, des salaires, des renseignements scolaires et sur l'emploi, des renseignements financiers, etc.

En conséquence de quoi j'accepte :

- 1) De protéger tous les renseignements confidentiels et de les utiliser seulement afin de m'acquitter des obligations de mon emploi, et de ne pas les utiliser pour tout autre motif ni de les divulguer à n'importe quelle tierce partie, sauf si cela est exigé ou autorisé par la loi.
- 2) De ne pas éliminer des renseignements confidentiels de la CSK<sup>2</sup> sauf si ou dans la mesure où j'obtiens une préautorisation écrite de la CSK<sup>3</sup>. Lorsque j'obtiens une telle préautorisation, j'accepte de prendre toutes les mesures nécessaires pour sauvegarder de tels renseignements confidentiels et les protéger contre toute utilisation, reproduction ou divulgation non autorisée.
- 3) De respecter toutes les lois et réglementations sur la vie privée qui s'appliquent à la collecte, l'utilisation et la divulgation de renseignements personnels.
- 4) À la conclusion de n'importe quelle discussion, ou à la demande de la direction, de retourner tous les renseignements personnels à la CSK et au gestionnaire/directeur responsable.
- 5) Lorsque je me rends compte que des renseignements personnels ou n'importe quel renseignement confidentiel lié à la Commission scolaire ont été perdus ou partagés de façon non autorisée, ou je m'aperçois de n'importe quelle atteinte à la vie privée, je comprends que je dois prévenir immédiatement le directeur du service concerné.

Je comprends qu'un bris de confidentialité ou qu'un mésusage de renseignements pourrait résulter en une mesure disciplinaire pouvant aller jusqu'au et incluant le congédiement. Je comprends que cet engagement se poursuit même après la fin de ma relation d'emploi avec la CSK.

Les lois du Québec régiront cette entente et sa validité, sa conception et ses effets.

Je comprends et accepte pleinement les responsabilités décrites ci-dessous relatives aux renseignements personnels, confidentiels et/ou exclusifs.

\_\_\_\_\_  
Employee Name/ Nom de l'employé

\_\_\_\_\_  
Employee Signature de l'employé

\_\_\_\_\_  
Date

1. See CSK Policy ADM-10/Directive on the protection of Personal Information and Access to Information  
2. Such as from the servers, personal files, etc.  
3. A pre-established, normal and recognized procedure would constitute a pre-authorization.  
1. Voir la politique ADM-10/Directive sur la protection des renseignements personnels et l'accès à l'information de la CSK  
2..Tels que des renseignements provenant des serveurs, des dossiers personnels, etc.  
3..Une procédure préétablie, normale et reconnue constituerait une préautorisation



## **Code of Ethics and Professional Conduct for Employees of the Kativik School Board**

Adopted by the Council of Commissioners on: March 20, 2013

As per resolution #: CC 793-2012/2013-37 and Amended by Resolution # CC 2015/2016-17

This Code of Ethics and Professional Conduct is intended to delineate the conduct of Kativik School Board employees in certain specified areas and to clarify and affirm the standards of behaviour that are expected of them in the performance of their duties.

The Kativik School Board (the “Board”), is entrusted with serving the present and future generations of Inuit in Nunavik and all employees of the Board are expected to discharge their duties and responsibilities with integrity and professionalism and conduct themselves with a high standard of ethics. It is the responsibility of every employee, in every job class and every level to safeguard the assets, property and reputation of the Board.

The Board commits to fostering the dignity, self-esteem and integrity of every person and believes that students should develop skills in building positive relationships based namely on those modelled by employees of the Board. In order to meet this commitment, the provision of a safe and supportive environment is essential.

This Code is not intended to be exhaustive or to address every situation or circumstance but it provides further guidance on the intention of the following four principles of ethics:

- Integrity and impartiality
- Promoting the public interest
- Commitment to the system of education
- Accountability and transparency

To this end, all employees are expected to observe in their conduct the highest standards regarding these 4 principles, as well as the Mission of the Board, the JBNQA, all provincial and federal legislation, regulations, and Policies and Directives of the Board. If there is any conflict between this Code and applicable working conditions (collective agreements and by-law) or legislation such as the Charter of rights or Labour Standards, the applicable working conditions and legislation shall prevail. Employees are responsible for being aware of and understanding the provisions of this Code.

***In this document, the masculine form is used for brevity.***

## 1) Application

This Code applies to all employees of the Board. Their individual conduct contributes to the reputation of the education system as a whole and therefore, employees are accountable for their conduct ensuring that it does not have any negative impact on the School Board.

## 2) Definitions

2.1 In this Code, the following words or expressions mean:

- a) **Close Relations:** the individuals who are close to the employee in a manner that he may have a personal incentive to provide benefits to these individuals. Without limitations, "Close Relations" includes immediate family members of the employee and any other person who normally resides in the same home as him;
- b) **Conflict of Interest:** a situation where a person's interest comes into conflict with the interests of the Board, or where, as a result of his interest, a person's ability to act in the best interests of the Board may be compromised;
- c) **Employees:** full-time, part-time or casual employees, contractual and consultants;
- d) **Immediate family member:** spouse, common law partner, parents, children, brothers, sisters, grandparents and grandchildren as well as mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law.

## 3) Standards of Behaviour

3.1 **All employees shall:**

- a) Treat colleagues, students, parents, school community and public with dignity, respect and consideration;
- b) Conduct their employment responsibilities in an honest and diligent manner;
- c) Not engage in any activity of any nature which would conflict with their duty to the Board or which could reasonably be expected to be detrimental to the interest or reputation of the Board;
- d) Accept that there are differences in people, their ideas and their opinions;
- e) Show responsible care and regard for school property and the property of others;
- f) Respect the need of others to work in an environment that is conducive to productive job performance;
- g) Speak and act with respect and dignity, and deal judiciously with others, always mindful of their rights and refrain from any use of physical or verbal abuse, loud or vulgar language and/or gestures at all times;
- h) Assume their duties with the highest standards (including punctuality);
- i) Come to work wearing appropriate and professional attire as expected in a given context/work environment;
- j) Take "safety" into consideration where applicable;
- k) Not be under the influence of alcohol or illegal or unauthorized drugs during the course of professional practice;

- l) Not post or engage in on-line activities that disrespect or insult students, parents or employees, and promote false or discriminating information;
- m) Respect and treat others fairly, regardless of, for example, race, ancestry, place of origin, color, ethnic origin, citizenship, religion, gender, sexual orientation, age, or disability;
- n) Not bypass immediate authority to reach higher authority without first exhausting the proper channels of communication;
- o) Protect Board property and assets from harm, theft, loss or misuse;
- p) Notify the Department of Human Resources of all criminal charges at the time the charge is issued and this according to the requirements established in the procedure for criminal background check.

**3.2** In addition to the previous provision, all employees directly involved in the education and care of students<sup>1</sup> shall:

- a) Put the well being, development and progress of students first;
- b) Take responsibility for ensuring the quality of their teaching and care ;
- c) Strive to maintain productive relationships with parents;
- d) Not take advantage of a professional position to profit from the sale of goods or services to or for students in the teacher's charge;
- e) Not undermine the confidence of students in other teachers or school staff members;
- f) Not criticize the professional competence or professional reputation of another teacher or school staff member unless in confidence to proper officials and after the other teacher or school staff member has been informed of the criticism.

### **3.3 Confidentiality / Information**

When employees have access to confidential information about the clientele and employees of the Board in the course of their duties, they must respect the confidential nature of this information. Confidential information includes, but is not limited to, information which is not generally known to the public and is of such a nature that it is in the legitimate interest of the parties involved to maintain its privacy. Confidentiality of information and documents must be maintained, including after working hours, unless disclosure is authorized for legitimate reasons or legally permitted. Without limiting the generality of the above, employees must, during and after their employment adhere to the following:

- a) The right of privacy for all employees, students, parents or other school community member is to be respected;
- b) Personal information regarding others obtained by an employee while exercising his duties may not be communicated or posted;
- c) Employees shall not discuss students' situations unless for professional reasons or as required by law;
- d) The principle that confidential information may not be used for personal gain must be respected;

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<sup>1</sup> Teachers, animators, behaviour technicians, Professionals, School Principals, etc.

- e) Oral and written communication with the media, in the name of the Board, must be conducted only by the official spokesperson of the School Board, unless otherwise authorized.

#### **4) Conflict of interest**

**4.1** Employees are bound to carry out their work with prudence and diligence. They must also act faithfully and honestly. In doing so, they must avoid any real or perceived conflict of interest where decisions are based on personal gain rather than in the best interest of students or the Board. For example:

- a) Transparency with the Board is expected of all employees;
- b) The interests of the Board and students' education are to take precedence ;
- c) The performance of duties and organization of professional functions may reflect on the Board. In order to maintain and foster public confidence these duties and functions are to be conducted with integrity, objectivity and impartiality;
- d) Any direct or indirect interest that an employee may have as a partner, shareholder, director, officer, employee, agent or consultant of any business related to or involved with the Board must be disclosed;
- e) Possessions or services of the Board are not to be used for purposes other than those intended by the School Board; Board property, including vehicles, equipment and material, shall be used only in the performance of assigned duties and shall not be used for personal benefit or non-Board use subject to the applicable policies;
- f) Avoid exercising any direct or indirect pressure on any members of a selection committee or on the persons responsible for hiring or promoting individuals; this is particularly applicable in situations involving family relationships or friendships with the individual concerned;
- g) Illegal or irregular situations against the Board of which an employee becomes aware is to be disclosed to his superior.

#### **4.2 Gifts and Benefits**

Board employees must refrain from seeking to obtain while in the exercise of their functions, in any manner whatsoever, gifts, services or advantages for their personal benefit. In addition, they cannot accept any gifts, proof of hospitality or advantages for their personal benefit other than those that are common and of minimal value. When in doubt, the employee shall disclose the gift to his immediate superior.

#### **5) Complaint and Inquiry Procedure**

**5.1** Any person who has reasonable grounds to believe that the provisions of this Code are not being complied with may file a complaint in this matter with the Associate Secretary General of the Board. To be accepted the complaint must meet the following criteria:

- a) The complaint should be in writing;
- b) The person making the complaint must identify himself;
- c) The complaint must provide sufficient information and details to allow the Associate Secretary General to understand the nature of the complaint and to identify the person or persons who it is claimed are not complying with the provisions of this Code.

Nothing in this section precludes the prerogative of the competent authority to take actions and sanctions in situations where the Code is not followed by an employee; Section 5 is applicable namely when complaints arise from individuals from outside the Board or when the competent authority deems appropriate to refer a case to the Designated Person through the office of the Associate Secretary General.

## **5.2 Coordination**

The Associate Secretary General's role and functions are:

- Deciding whether the complaint or allegation is receivable; If the complaint is rejected at this step, the plaintiff may appeal this decision to the Designated Person appointed as per section 5.3 below;
- If the complaint or allegation is declared receivable, delivering said complaint or allegation to the employee affected by the complaint or allegation and inviting him to provide his comments within a reasonable period of time, as indicated by the Associate Secretary General;
- If the complaint or allegation is receivable, convening the Designated Person in writing to examine the complaint or allegation, together with the affected employee's comments or version.

**5.3** The Council of Commissioners designates one person (herein after named the "Designated Person") charged with the investigation following a complaint under this section. One (1) other member is designated as substitute to replace the Designated Person in case of absence or inability to act. The term of office for the Designated Person and his substitute is four (4) years.

The Designated Person is chosen from the following categories:

- Former administrator or elected representative from the Kativik School Board, public organizations or any other organization created by virtue of the JBNQA;
- Experienced mediator or arbitrator;
- Representative of the general public with appropriate experience.

## **5.4 Designated Person's Role and Powers**

The Designated Person is responsible:

- a) For providing support in the application of this Code;
- b) For reviewing or investigating situations or allegations of behaviors likely to derogate from this Code;
- c) For making his recommendations to the appropriate authority (immediate supervisor or any other concerned level).

The Associate Secretary General coordinates the work of the Designated Person without infringing his authority and recommendations.

**5.5** Should the Associate-Secretary General be the person investigated, the Secretary General would assume all the responsibilities of the Associate-Secretary General set in this Code.

## **6) Sanctions / Disciplinary action**

- 6.1** Breach of any of the provisions of this Code may render employees liable to such disciplinary action, including dismissal as per the applicable collective agreement or working conditions, as may be deemed to be appropriate.
- 6.2** Unjustified or false complaints, or slanderous accusations, can lead to disciplinary measures or law suits against the complainant.

## **7) Compliance with the Code of Ethics and Professional Conduct**

- 7.1** All employees have the responsibility to disclose to their immediate superior or to the Associate Secretary General, any situation where they might be reasonably seen in conflict.
- 7.2** All managers must at the time of their hiring, be provided with a copy of this Code of Ethics and Professional Conduct and acknowledge in writing its reception.
- 7.3** The Principal of each school and the Directors of each department will ensure that all employees who report to them are made aware of the contents of this Code.
- 7.4** Any person referred to in this Code must abide by all its provisions and all managers of the School Board are responsible to ensure that all its provisions are applied and respected.

## **8) References**

- Quebec Charter of Human Rights and Freedoms
- Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information
- Civil Code of Quebec
- Criminal Code of Canada
- Quebec Labour Standard Act
- KSB Directive / Protection of personal information and Access to information (ADM-10)
- KSB Directive / Against Harassment (ADM-14)
- KSB Directive / Use of Internet, Network and Computers (SO-02)
- KSB Directive / Use of Board Vehicles (EQU-05)
- Collective Agreements in effect and the By-laws respecting the employment conditions of management personnel of the Board



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Kativik Ilisarniliriniq

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

<b>Department responsible:</b> General Administration	<b>Approved by:</b> Director General
<b>Effective date:</b> January 1, 2013	<b>Amended:</b> CC 2005/06-23, March 21, 2006 October 1, 2006, June 4, 2007 and may 5, 2008 CC 2018/2019-77 June 6, 2019
<b>References:</b> 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 the 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:

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Did you express your disapproval to the accused?

Yes ☐ No ☐ Specify why or why not.

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

Yes ☐ No ☐ Specify why or why not.

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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.

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Effects of the alleged harassment:

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Desired solution(s):

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Additional comments (to be completed as required):

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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)



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

<b>Department responsible:</b> General Administration	<b>Approved by:</b> Director General
<b>Effective date:</b> January 1, 2003	<b>Amended:</b> CC 2005/06-23, March 21, 2006 October 1, 2006, June 4, 2007 and May 5, 2008 CC 2018/2019-77 June 6, 2019

**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.



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