



**BRANT HALDIMAND NORFOLK
Catholic District School Board**

Agenda
Catholic Education Centre
322 Fairview Drive
Brantford, ON N3T 5M8

**Policy Committee
Thursday, June 8, 2017 ♦ 3:00 p.m.
Norfolk Room**

Members: Dan Dignard (Chair), Cliff Casey, Bill Chopp, Dan Dignard, Carol Luciani, Bonnie McKinnon, Rick Petrella

Chris N. Roehrig (Director of Education & Secretary); Thomas R. Grice (Superintendent of Business & Treasurer), Patrick Daly, Michelle Shypula and Leslie Telfer (Superintendents of Education)

1. Opening Business

1.1 Opening Prayer – Dan Dignard

1.2 Attendance

1.3 Approval of the Agenda

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1.4 Approval of Minutes from the Policy Committee Meeting – May 10, 2017
Approval of Minutes from the Policy Committee Meeting – June 6, 2017

Pages 2-4

1.5 Business Arising from the Minutes

2. Committee and Staff Reports

2.1 Workplace Harassment Policy 300.20 (revised)
Presenter: Thomas R. Grice, Superintendent of Business & Treasurer

Pages 5-18

2.2 Workplace Violence Prevention Policy 300.01 (revised)
Presenter: Thomas R. Grice, Superintendent of Business & Treasurer

Pages 19-49

2.3 Purchasing Policy 700.01 (revised)
Presenter: Thomas R. Grice, Superintendent of Business & Treasurer

Pages 50-66

3. Discussion Items

4. Trustee Inquiries

5. Adjournment

Next meeting: At the call of the Chair



**Policy Committee
Wednesday, May 10, 2017 ♦ 4:00 p.m.
Boardroom**

Trustees:

Present: Dan Dignard (Chair), Bill Chopp, Carol Luciani, Bonnie McKinnon, Rick Petrella

Absent: Cliff Casey

Senior Administration:

Chris N. Roehrig (Director of Education & Secretary)

1. Opening Business

1.1 Opening Prayer

The meeting opened with prayer led by Chair Dignard.

1.2 Attendance

As noted above.

1.3 Approval of the Agenda

Item 2.1 – Trustee Elections Campaigns was added as Item 3.2 under Discussion Items.

Moved by: Carol Luciani

Seconded by: Bonnie McKinnon

THAT the Policy Committee approves the agenda of the May 10, 2017 meeting, as amended.

Carried

1.4 Approval of the Policy Committee Meeting Minutes – April 12 2017

Moved by: Bonnie McKinnon

Seconded by: Carol Luciani

THAT the Policy Committee approves the minutes of the April 12, 2017 meeting.

Carried

1.5 Business Arising from the Minutes - Nil

2. Committee and Staff Reports - Nil

3. Discussion Items

3.1 Educational Excursions AP 500.01 (revised)

Director Roehrig reviewed changes to the travel warning category names and references to reflect current information on the Federal Government's Foreign Affairs and International Trade website. The Committee agreed unanimously to the changes.



3.2 Trustee Election Campaigns (new)

Director Roehrig reviewed the draft Trustee Election Campaigns policy highlighting proposed guidelines for candidates, employees, members of Board committees, students and Catholic School Advisory Councils. He also reported on developments in areas of campaign violations and best practices.

Members of the committee discussed procedures regarding campaigning as it relates to candidates, employees and incumbent trustees.

The draft policy will return to the June 6 Policy Committee meeting for further discussion.

4. Trustee Inquiries - Nil

5. Adjournment

Moved by: Rick Petrella

Seconded by: Carol Luciani

THAT the Policy Committee adjourns the meeting of May 10, 2017.

Carried



**Policy Committee
Tuesday, June 6, 2017 ♦ 2:30 p.m.
Boardroom**

Present: Trustees:
Carol Luciani, Rick Petrella

Absent: Dan Dignard (Chair), Cliff Casey, Bill Chopp, Bonnie McKinnon

Senior Administration:

Chris N. Roehrig (Director of Education & Secretary), Thomas R. Grice (Superintendent of Business & Treasurer), Patrick Daly (Superintendent of Education)

1. Opening Business

1.1 Opening Prayer

1.2 Attendance

The meeting was called to order at 2:30pm and attendance was noted as above.

1.3 Approval of the Agenda

1.4 Approval of the Policy Committee Meeting Minutes – May 10, 2017

1.5 Business Arising from the Minutes

2. Committee and Staff Reports

3. Discussion Items

3.1 Workplace Harassment Policy 300.20 (revised)

Presenter: Thomas R. Grice, Superintendent of Business & Treasurer

3.2 Workplace Violence Prevention Policy 300.01 (revised)

Presenter: Thomas R. Grice, Superintendent of Business & Treasurer

3.3 Purchasing Policy 700.01 (revised)

Presenter: Thomas R. Grice, Superintendent of Business & Treasurer

4. Trustee Inquiries

5. Adjournment

At 2:45pm a quorum was not reached and the meeting adjourned.

Next Meeting: At the Call of the Chair

REPORT TO THE BRANT HALDIMAND NORFOLK CATHOLIC DISTRICT SCHOOL BOARD POLICY COMMITTEE

Prepared by: Thomas R. Grice, Superintendent of Business & Treasurer
Presented to: Policy Committee
Submitted on: June 6, 2017
Submitted by: Chris Roehrig, Director of Education & Secretary

WORKPLACE HARASSMENT POLICY

Public Session

BACKGROUND INFORMATION:

The Workplace Harassment Policy was adopted in April, 2002 and amended in November 2010. Bill 132 – Sexual Violence and Harassment Action Plan Act, 2016 amended the Occupational Health and Safety Act and this policy and procedure has been revised to incorporate the required legislated changes.

DEVELOPMENTS:

1. The policy has been amended to include the revised definition under the *Occupational Health and Safety Act* of workplace harassment to include the definition of workplace sexual harassment. Under the *Human Rights Code* there have been additional grounds for discrimination added (Gender Identity and Gender Expression) and the policy has been updated accordingly.
2. Additionally the policy has been updated to include that in consultation with the Joint Health and Safety Committee, the Board will maintain a written harassment program to implement the policy as required by the *Occupational Health and Safety Act*.
3. The Procedure has been updated to include the required *Occupational Health and Safety Act* amendments; including that the Ministry of Labour may order an investigation by an impartial person at the Board's expense. It provides explanations as to what constitutes various forms of harassment; including sexual harassment.

The revised policy and procedure was shared with all principals, managers, supervisors, union presidents and senior administration for vetting purposes.

RECOMMENDATION:

THAT the Policy Committee recommends that the Committee of the Whole refers the Workplace Harassment Policy to the Brant Haldimand Norfolk Catholic District School Board for approval.



Policy: Workplace Harassment

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|---------------------------------|-----------------------|---|
| | Policy Number: | 300.01 |
| Adopted: | April 23, 2002 | Former Policy Number: N/A |
| Revised: | November 24, 2015 | Policy Category: Human Resources |
| Subsequent Review Dates: | TBD | Pages: 3 |

Belief Statement:

The Brant Haldimand Norfolk Catholic District School Board (the Board) recognizes that the inherent right of all individuals to be treated with dignity and respect is central to Catholic values and beliefs. The Board believes that all of its employees should work and learn in a respectful, non-threatening environment that is free from harassment in all of its forms and from all sources, including employees, supervisors and members of the public. Through this policy, the Board supports a safe and nurturing environment for all staff and students.

Policy Statement:

The Board recognizes its duties regarding Workplace Harassment and Workplace Sexual Harassment. In order to protect its employees, the Board will ensure that:

- In consultation with the Joint Health & Safety Committee, the Board will maintain a written Workplace Harassment program to implement this policy as required under clause 32.0.1(1)(b), of the Ontario Occupational Health & Safety Act.
- The program includes measures and procedures for:
 - an educational and working environment that is free from harassment.
 - all employees to be educated on harassment in the workplace, to ensure an understanding of the importance of the policy and to be made aware that harassment is unacceptable, and will not be tolerated.
 - all those working for the Board, and those using the services of the Board be informed that harassment in the workplace or in the provision of services; (i.e., educational and other) may be an offence under the law.
 - employees to be made aware of the types of behaviour that may be considered offensive.
 - the Board’s responsibilities relative to harassment, identified in terms of awareness, prevention and response.
 - alternative persons to receive and investigate a report of workplace harassment, if the employer or supervisor is the alleged harasser.

Glossary of Key Policy Terms:

Harassment

The Ontario Human Rights Code defines Harassment as *engaging in a course of vexatious comment or conduct against a worker, in a workplace, that is known, or ought reasonably to be known to be unwelcome*. This includes among other things, disparaging comments (i.e., inappropriate gender-related comments), distribution of discriminatory materials, behaviour intended to incite hatred or other verbal or physical conduct of a nature, which is known or ought reasonably to be known to be unwelcome, or where such conduct involves any of the prohibited grounds of discrimination as defined by the Ontario Human Rights Code.

Prohibited Grounds

- a. Race
- b. Ancestry
- c. Place of origin
- d. Colour
- e. Ethnic origin
- f. Citizenship
- g. Creed (religion)



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- h. Age (in employment - over 18)
 - i. Record of offences (in employment - a conviction for an offence under provincial law or a conviction under the Criminal Code for which a pardon has been granted and not revoked)
 - j. Sex (includes pregnancy)
 - k. Sexual orientation
 - l. Family status (parent and child relationship)
 - m. Marital status
 - n. Disability or *perceived* disability (under the Ontario Human Rights Code) *because of handicap*. This means that the person has or has had, or is believed to have or have had:
 - any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness, including diabetes mellitus, epilepsy, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, or physical reliance on a guide dog or on a wheelchair or other remedial appliance or device.
 - a condition of mental retardation or impairment.
 - a learning disability or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language.
 - a mental disorder; or
 - an injury or disability for which benefits were claimed or received under the Workplace Safety & Insurance Act.
 - o. Gender Identity.
 - p. Gender Expression.

Workplace Harassment

The Ontario Occupational Health & Safety Act defines workplace harassment as engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome. The definition of workplace harassment includes workplace sexual harassment.

Behaviours that may be considered workplace harassment include:

- bullying
- teasing
- intimidating or offensive jokes or innuendos
- displaying or circulating offensive pictures or materials
- offensive or intimidating telephone calls, email or text messages.

Workplace harassment is broad enough to include what is often called psychological harassment or personal harassment.

Workplace Sexual Harassment

- Engaging in a course of vexatious comment or conduct against a worker in the workplace because of sex, sexual orientation, gender identify or gender expression, where the course of comment or conduct is known, or ought reasonably to be known, to be unwelcome.
- In the case of employment, sexual harassment also includes the following conduct; one or a series of incidents involving sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature which are known, or ought reasonably to be known, to be offensive or for reprisal or threat of reprisal for rejection of a sexual solicitation or advance.

Sexual Solicitation or Advances

Section 7(3)(a) of the Ontario Human Rights Code sets out a person's right to be free from unwelcome sexual advances or solicitation from a person who is in a position to grant or deny a benefit. This provision of the *Code* is violated when the person making the solicitation or advance knows, or should reasonably know, that such behaviour is unwelcome.



References

Education Act
Ontario Human Rights Code
Criminal Code of Canada
Canadian Charter of Rights and Freedom
Ontario Occupational Health and Safety Act
Brant Haldimand Norfolk Catholic District School Board Volunteers Policy 300.12
Brant Haldimand Norfolk Catholic District School Board Workplace Violence Policy 300.20



Workplace Harassment AP 300.01

Procedure for: All Staff

Adopted: April 23, 2002

Submitted by: Superintendent of Business

Revised: November 23, 2010; November 24, 2015

Category: Human Resources

Purpose:

This Administrative Procedure has been developed to support and implement the Workplace Harassment Policy (300.01) in order to clarify roles and responsibilities regarding workplace harassment, to assist employees with their complaint and to provide direction to supervisors in receiving and responding to a complaint.

Responsibilities:

The Administration of the Board is responsible for:

- discouraging and preventing employment-related harassment and harassment in the provision of services;
- investigating every complaint of harassment in a fair and timely manner;
- imposing appropriate remedial and preventive measures, which may include discipline up to and including dismissal of an employee(s) when a complaint of harassment is found to have been substantiated;
- providing appropriate procedural assistance to an individual(s) complaining of harassment, as well as to an individual(s) who has been named as harasser(s);
- formally acknowledging to a person found to have been harassed that harassment has taken place and to provide him/her with support and assistance as appropriate;
- formally acknowledging to a person who has been named as a harasser if harassment is not found to have taken place;
- regularly reviewing the procedures of the Workplace Harassment Policy to ensure that they adequately meet the Policy objectives;
- maintaining records as required;
- making all those working for and using the services of the Board aware of its commitment to providing a harassment-free environment and the existence of the procedures available under the Policy, and
- providing training and resources for all those working for and providing services to the Board to fulfill their responsibilities under the Workplace Harassment Policy.

Employees are responsible for:

- promoting a working and learning environment that is free from harassment and to assist anyone who believes he/she is being or may have been harassed;
- notifying the supervisor or principal if they believe that a colleague or another person employed by the Board has been the victim of harassment; and
- completing the mandatory *Violence and Harassment in the Workplace* online training module within one month of date of hire.



Information

The Ontario Human Rights Code requires that employers have procedures to prevent and respond to allegations of harassment or discrimination. The Ontario Occupational Health and Safety Act has been amended to include workplace harassment (including sexual harassment) as a hazard for which employers must develop prevention and response strategies. These procedures support the legislated requirements and the Board's commitment to providing a safe working environment.

Workplace Harassment

The Occupational Health and Safety Act defines workplace harassment as engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome or workplace sexual harassment. Harassment may also be a form of discrimination if based on one of the Prohibited Grounds as outlined in the Ontario Human Rights Code.

- a) Types of behaviour which may constitute harassment include, but are not limited to:**
- jokes causing embarrassment or offence, told or carried out after the person telling the jokes has been advised that they are offensive, or that are by their nature clearly embarrassing or offensive;
 - racial epithets;
 - mimicking of person's accent or pronunciation of words;
 - comments ridiculing individuals because of race-related characteristics or religious dress;
 - the display of offensive material and graffiti (including electronic format, fax or voice mail);
 - the display of symbols or emblems, including dress, that indicates or incites hatred or notions of supremacy;
 - degrading words used to describe a person;
 - derogatory remarks directed towards members of a group protected under the Ontario Human Rights Code;
 - verbal and non-verbal abuse, intimidation or threats.
- b) Types of behaviour associated with sexual harassment include, but are not limited to:**
- leering (prolonged and intense staring);
 - sexually suggestive or obscene comments or gestures;
 - unwelcome sexual flirtations, advances, propositions;
 - sexual solicitation or advance from a person in a position to confer, grant or deny a benefit;
 - unwanted gifts;
 - unwanted and persistent requests for dates;
 - requests for sexual favours;
 - unwanted touching;
 - verbal abuse or threats of a sexual nature;
 - bragging about sexual prowess;
 - questions or discussions about sexual activities;
 - stalking;
 - gender-based remarks about a person's physical appearance or behaviour;
 - persistent unwanted contact or attention after the end of a consensual relationship;
 - sexual assault;
 - any comments, gestures or above-identified behaviour in relation to sexual orientation or gender identity
 - reprisal or threat of reprisal for rejection of a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit.



c) Other Types of Harassment:

Poisoned Environment

The notion/concept of a poisoned environment is one where, for example, inappropriate gender related or racially based comments or conduct may be significant or substantial enough to constitute a breach of the Ontario Human Rights Code, by creating a poisoned environment for some individuals because of their membership in a group protected under the Code. However, one does not have to be the person targeted by the comments or conduct to experience a poisoned environment. The inappropriate comments or conduct need not occur continuously or repeatedly, but the impact or effect of the negative comments or actions creates a poisoned environment for certain individuals by subjecting them to differential terms and conditions of employment and services. Negative comments or conduct which humiliates, demeans and is devaluing of members of groups targeted by the unwelcome behaviour can be considered to poison a workplace or academic environment.

d) What is not Harassment?

Reasonable action taken by the employer or supervisor relating to the management and direction of employees or the workplace is not considered to be workplace harassment.

Procedure: Reporting Workplace Harassment

1.0 Complaint from Staff

1.1 A person (Complainant) who considers that he/she has been subjected to harassment or harassment related reprisal is encouraged to bring the matter to the attention of the person responsible for the conduct (Respondent) making direct and clear objection indicating that the comment or conduct is not acceptable. This may resolve the issue. **It is important that the Complainant document (note the details of) any communication he or she has with the Respondent (i.e., date, time, place, witnesses, etc.).**

1.2 Obtain Assistance and Information

Where a person (Complainant) does not feel able to bring the matter directly to the attention of the person responsible (Respondent), or where such an approach is attempted and does not produce a satisfactory result, the Complainant should report the harassment to their direct supervisor. In the case where the alleged harasser is the complainant's direct supervisor, the complainant should report the harassment to another individual (Resource Person), who is in a position to provide guidance and assistance with the complaint, i.e. Supervisor, Principal, Manager, Superintendent, Director.

The Resource Person will advise the Complainant of the following:

- 1.2.1 the option of requesting the assistance of his/her Principal/Supervisor, in resolving the complaint (provided the Principal/Supervisor is not the person named by the Complainant). If the alleged harasser is the immediate Principal/Supervisor, the Complainant should contact the next higher level of management (i.e., Supervisory Officer or Director of Education);
- 1.2.2 the availability of counseling and other support services provided by the Board;
- 1.2.3 the right to lay a formal written complaint under Policy 300.01 when the alleged harasser is an employee of the Board;
- 1.2.4 the expectation that a formal written complaint would be laid within six months of the incident unless a delay was justified on the basis of extenuating circumstances and will not result in substantial prejudice against any person affected by the delay;



- 1.2.5 a right to be represented or assisted by a person of his or her choice (i.e., a friend, colleague, a union representative) throughout the process;
- 1.2.6 the right to withdraw from any further action in connection with the complaint at any stage (even though the Board may continue to investigate the complaint);
- 1.2.7 other avenues of recourse such as the right to utilize the provisions of the Collective Agreement, to file a complaint with the Ontario Human Rights Commission, or the Ministry of Labour, to take civil action, or where appropriate, the right to lay a charge under the Criminal Code.
- 1.2.8 All incidents or complaints of workplace harassment shall be kept confidential by all parties involved in an investigation, except to the extent where it is necessary to reveal details in order to protect employees, to investigate the complaint, to take corrective action or otherwise as required by law.

1.3 Seek Resolution

The complainant may decide not to take any action or to do the following:

- 1.3.1 Request assistance from his/her Principal/Supervisor, or next higher level of management if the Principal/Supervisor is the alleged harasser; meet to discuss the matter; explore the notion of conflict resolution, mediation or any other options to affect a satisfactory solution.
- 1.3.2 Seek counseling through the Board's Employee Assistance (EAP) program.
- 1.3.3 Lay a formal complaint (refer to 1.4, Formal Complaint Process).
- 1.3.4 Take other avenues of recourse:
 - utilize any applicable provisions of the Collective Agreement;
 - file a complaint with the Ontario Human Rights Commission;
 - file a complaint with the Ministry of Labour;
 - resolve the issue through federation/union mechanism if both Complainant and respondent are members of the same bargaining unit;
 - take civil action;
 - report the incident to the police and take action under the Criminal Code.

1.4 Formal Complaint Process

- 1.4.1 The Complainant will inform the Resource Person that she/he wishes to lay a formal written complaint.
- 1.4.2 The Resource Person will outline the formal complaint process.

2.0 Stage 1: Documentation and Notification Process

- 2.1 The Resource Person may assist the Complainant in drafting a formal, written complaint, detailing the particulars of the allegation. The particulars should include the name(s) of the person involved (Respondent), a description of the incident(s) and the name(s) of any witnesses. The formal written complaint must be signed by the Complainant.



- 2.2 The Resource Person will give copies of the complaint, **WITHOUT DELAY**, to the Complainant, the Respondent and to the appropriate Supervisory Officer(s).
- 2.3 Both parties will be advised that even if the matter is resolved to the satisfaction of the Complainant, the Board may, nonetheless, be obliged under the Workplace Harassment Policy to continue the inquiry into the complaint and to take whatever remedial action is appropriate.

3.0 Stage 2: Investigation

- 3.1 The Supervisory Officer will collect evidence by meeting with the Complainant and Respondent (separately), interview witnesses and otherwise investigate all aspects of the matter, which are relevant in determining whether or not the allegations of harassment are substantiated.

An Inspector from the Ministry of Labour may, in writing, order an employer to commence an investigation described in clause 32.0.7(1)(a) of the Ontario Occupational Health and Safety Act; at the expense of the employer, by an impartial person possessing such knowledge, experience or qualifications as are specified by the inspector and to obtain, at the expense of the employer, a written report by that person.

- 3.2 All individuals who are interviewed will be advised that they may be accompanied by a representative of their choice.
- 3.3 All parties involved in the investigation including the Complainant, Respondent and any witnesses will be advised that confidentiality must be maintained by all parties throughout and following the investigation process.
- 3.4 Comprehensive, confidential notes must be kept by the Supervisory Officer.

4.0 Stage 3: Report and Conclusion

- 4.1 At the conclusion of the investigation, the Supervisory Officer will prepare a report within ten working days for the Supervisory Officer responsible for Human Resources who will review it and authorize its release to all parties to the complaint.
- 4.2 The Complainant and Respondent will be given ten working days to respond to the analysis of evidence in the report and to provide new evidence or information that should be considered prior to a final decision being made.
- 4.3 Where the results do not support the complaint of harassment, both parties will be informed in writing and the file will be closed.
- 4.4 The Supervisory Officer responsible for Human Resources will review the responses to the report and will then consider whether or not further investigation is necessary and, if not, whether the complaint or parts of the complaint are substantiated.
- 4.5 The Supervisory Officer responsible for Human Resources will recommend to the Director of Education what remedial action should be taken in the circumstances.



4.6 Such rehabilitative or disciplinary action may include, but not be limited to:

- counseling;
- education on harassment;
- formal written apology;
- change of work assignment of the Complainant and/or Respondent;
- disciplinary action up to and including dismissal.

4.7 The Supervisory Officer responsible for Human Resources will advise both the Complainant and Respondent, in writing, of the results of the inquiry and any disciplinary and/or remedial action to be taken.

5.0 Stage 4: Appeal of the Decision

5.1 The Complainant and/or Respondent may appeal the decision to the Director of Education who will review the report and any other supporting documentation.

5.2 The Director of Education will confirm or reverse the decision of the report in writing to the Complainant and Respondent.

6.0 Retention of Records

6.1 Records of the Investigation will include:

- a) a copy of the complaint or details about the incident;
- b) a record of the investigation including notes;
- c) a copy of the investigation report (if any);
- d) a summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace harassment and the alleged harasser, if an employee of the Board;
- e) a copy of any appeal related records;
- f) a copy of any corrective action taken to address the complaint or incident of workplace harassment.

6.2 All documentation collected during the formal process must be kept confidential and maintained in a filing system in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*. All documents must be kept in a sealed envelope and stored in the Office of the Director of Education.

6.3 The results of an investigation, and any report created in the course of, or for the purposes of the investigation, are not a report respecting occupational health and safety for the purposes of subsection 25(2) in the Ontario Occupational Health and Safety Act, and therefore are not required to be shared with the Joint Health and Safety Committee.

7.0 Reprisal

7.1 The Ontario Human Rights Code protects people from reprisal or threats of reprisal [Section 8]. A reprisal is an action, or threat, that is intended as retaliation for claiming or enforcing a right under the *Code*.

7.2 Employees who file a complaint under the Workplace Harassment policy or who are involved in an investigation related to Workplace Harassment will be protected against reprisal and retaliation.



- 7.3 For the purposes of the Workplace Harassment Policy 300.01, reprisal against an individual will be treated as harassment when such actions occur for;
- a) having invoked the Policy (whether on behalf of oneself or another individual);
 - b) having participated or cooperated in any inquiry under the Policy; or
 - c) having associated with a person who has invoked the Policy or participated in these Administrative Procedures.
- 7.4 In the event that an individual is shown to have not acted in good faith and has initiated a complaint under the Workplace Harassment policy in a frivolous or malicious manner, the Board may take formal disciplinary action against the Complainant. Such discipline is not a reprisal or breach of this policy. Documentation regarding the disciplinary action will be placed in the employee's personnel file.

8.0 Consequences of Engaging in Harassment

8.1 Under Statute

- 8.1.1 Persons who engage in harassment prohibited by the Ontario Human Rights Code are liable under the Code for damages payable to the Complainant. In addition, a person who violates the Code or who obstructs a Human Rights investigation may also be liable to prosecution under the Code and, on conviction, subject to a monetary fine as determined by the Ontario Human Rights Commission.
- 8.1.2 Persons who engage in workplace harassment prohibited by the Ontario Occupational Health and Safety Act, are liable for disciplinary action up to and including dismissal.
- 8.1.3 Persons who have knowledge of, or who acquiesce in, harassment may be found in violation of the Ontario Human Rights Code, or the Ontario Occupational Health and Safety Act, as having indirectly engaged in prohibited activity and are subject to the same consequences as those who directly engage in discrimination or harassment.

8.2 At Common Law

- 8.2.1 Persons who engage in harassment or discrimination, directly or indirectly, may be sued.

8.3 In Employment

- 8.3.1 Employees who engage, directly or indirectly, in discrimination or harassment may be disciplined up to and including dismissal.

9.0 Confidentiality

- 9.1 The Board understands that it is difficult to come forward with a complaint of harassment and recognizes a Complainant's interest in keeping the matter confidential.
- 9.2 To protect the interests of the Complainant, the person complained against and any others who may report incidents of harassment, confidentiality will be maintained throughout the investigation process to the extent practicable and appropriate under the circumstances.



Definition of Terms

Workplace Harassment:

Any alleged behaviour that appears to meet the definition of harassment, workplace harassment or sexual harassment found in the *Glossary of Key Policy Terms* of the Workplace Harassment Policy.

Complainant:

A person who considers that he/she has been subjected to harassment or harassment related reprisal even though that individual may not lay a formal written complaint. Similarly, a person named as harasser in a complaint will be referred to as the *Respondent*.

Respondent:

A person who is alleged to have engaged in Workplace harassment as defined in the *Glossary of Key Policy Terms* of the Workplace Harassment Policy.

Resource Person(s):

Principals, Managers, Supervisors, Supervisory Officers, Supervisory Officer responsible for Human Resources or the Director of Education.

References

Education Act

Ontario Human Rights Code

Criminal Code of Canada

Canadian Charter of Rights and Freedom

Occupational Health and Safety Act

Brant Haldimand Norfolk Catholic District School Board Workplace Harassment Policy 300.1

Brant Haldimand Norfolk Catholic District School Volunteers Policy 300.12



**RESOLUTION PROCEDURES
AND OPTIONS**

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| SPEAK UP | <ul style="list-style-type: none">• Bring the matter to the attention of the harasser making clear that the behavior makes you uncomfortable and ask them to stop.• Document any communication. <p>OBTAIN ASSISTANCE AND INFORMATION.</p> <ul style="list-style-type: none">• Seek advice of a Resource Person. |
| SEEK RESOLUTION | <ul style="list-style-type: none">• Take no action, but document the incident.• Request assistance from principal/supervisor.• Seek counseling.• Take other avenues of recourse.• Lay a formal complaint. |
| FOLLOW FORMAL COMPLAINT PROCESS | <ul style="list-style-type: none">• Resource Person will outline the formal complaint process. |



FORMAL COMPLAINT PROCESS

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|--|---|
| CONSULT WITH RESOURCE PERSON | <ul style="list-style-type: none"> Resource Person will outline the formal complaint process. |
| STAGE 1: DOCUMENTATION AND NOTIFICATION | <ul style="list-style-type: none"> A formal written complaint will be drafted with assistance from Resource Person detailing the particulars of the allegation. Resource Person will provide copies to Complainant, Respondent and their Supervisory Officer(s). |
| STAGE 2: INVESTIGATION | <ul style="list-style-type: none"> Supervisory Officer will collect evidence by meeting with the Complainant and Respondent (separately), interviewing witnesses and investigating all aspects of the matter. Comprehensive and confidential notes are to be kept throughout the investigation. |
| STAGE 3: REPORT AND CONCLUSION | <ul style="list-style-type: none"> When the inquiry is complete, the Supervisory Officer will prepare a report for the Supervisory Officer responsible for the Workplace Harassment Policy. The Supervisory Officer responsible for the Workplace Harassment Policy will review the report and authorize its release to all parties of the complaint. The Complainant and Respondent have ten working days to respond to the evidence in the report and/or provide new evidence. The Supervisory Officer will review the responses and determine whether or not to accept the conclusion. If no harassment is found, both parties are informed in writing and the file will be closed. NO WRITTEN RECORD WILL BE KEPT. If the report and responses support the complainant, the Supervisory Officer will determine what rehabilitative and/or disciplinary action is appropriate. FILE TO BE KEPT IN DIRECTOR'S OFFICE. |
| STAGE 4: APPEAL OF THE DECISION | <ul style="list-style-type: none"> The Complainant or Respondent may appeal the decision to the Director of Education. The Director of Education will review the report and any other supporting documentation and confirm or reverse the decision. |

REPORT TO THE BRANT HALDIMAND NORFOLK CATHOLIC DISTRICT SCHOOL BOARD POLICY COMMITTEE

Prepared by: Thomas R. Grice, Superintendent of Business & Treasurer
Presented to: Policy Committee
Submitted on: June 6, 2017
Submitted by: Chris Roehrig, Director of Education & Secretary

WORKPLACE VIOLENCE PREVENTION POLICY

Public Session

BACKGROUND INFORMATION:

The Workplace Violence Policy was adopted in June 2010 and amended in November 2010. This policy and procedure has been revised to incorporate required legislated changes and to provide better clarity with respect to responsibilities, summoning immediate assistance and investigating acts of Workplace Violence.

DEVELOPMENTS:

The Workplace Violence Prevention Policy has been amended to include:

- the Board's commitment to protecting employees from all sources of Workplace Violence.
- a reference to the Administrative Procedure, which implements the Workplace Violence policy, clearly outlines the responsibilities of all parties, includes measures to protect employees, a means of summoning immediate assistance, outlines a process for employees to report incidents and bring forward concerns related to Workplace Violence.
- reference to conducting assessments to review the risks of violence in accordance with the *Ontario Occupational Health and Safety Act*.
- definitions which differentiate between Workplace violence, Sexual violence and Domestic violence.

The Workplace Violence Prevention Administrative Procedure has been amended to include:

- a statement on who the policy applies to and reference to how the rights of students are addressed.
- distinct headings, which outline shared, management and employee responsibilities as well as distinct responsibilities related to Domestic Violence.
- information regarding Work Refusals, Domestic Violence and Personal Information Limits, which were removed from the Workplace Violence Prevention policy and placed in the Administrative Procedure.
- distinct headings, which outline the procedures for summoning immediate assistance, responding to an act of violence that requires immediate assistance (previously called prompt response procedure) and reporting workplace violence for situations of non-immediate assistance.
- distinct headings for conducting an investigation (combined the previous areas of conducting and managing an investigation) and communicating the results of an investigation.
- definitions of workplace violence, workplace, sexual violence, gender identity, gender expression, domestic violence, complainant, resource person and critical injury.

The revised policy and procedure was shared with all principals, managers, supervisors, union presidents, members of the Joint Health & Safety Committee and Senior Administration for vetting purposes.

RECOMMENDATION:

THAT the Policy Committee recommends that the Committee of the Whole refers the Workplace Harassment Policy to the Brant Haldimand Norfolk Catholic District School Board for approval.



Policy: Workplace Violence Prevention

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| | Policy Number: | 300.20 |
| Adopted: | June 22, 2010 | Former Policy Number: n/a |
| Revised: | June 28, 2016 | Policy Category: Human Resources |
| Subsequent Review Dates: | TBD | Pages: 2 |

Belief Statement:

The Brant Haldimand Norfolk Catholic District School Board (the Board) recognizes that the inherent right of all individuals to be treated with dignity and respect is central to Catholic values and beliefs and supports a safe and nurturing environment for all staff and students. As a Catholic Learning Community, we believe in the prevention of workplace violence and promoting a workplace in which all people including employees, supervisors, and members of the public respect one another and work together to achieve common goals. The Board is committed to protecting employees from workplace violence from all sources. Violent behaviour in the workplace is unacceptable conduct and erodes the mutual trust and confidence that is essential to the well-being of our staff.

Policy Statement:

The Board will ensure that:

- every precaution reasonable in the circumstances are taken to protect employees from all sources of workplace violence; this includes protecting employees from the hazard of workplace violence [Section 25(2)(h) Ontario Occupational Health & Safety Act];
- there is an administrative procedure that implements this policy, which will outline responsibilities of all parties and include measures and procedures to protect employees from workplace violence, a means of summoning immediate assistance and a process for employees to report incidents, or raise concerns;
- information and instruction on the contents of this policy and the accompanying administrative procedure are provided to the employee to protect the health and safety of the employee [Section 25(2)(a)] ;
- equipment, materials and protective devices provided by the Board are maintained and in good condition [Section 25(1)(b)];
- the Board’s responsibilities relative to workplace violence are identified in terms of awareness, prevention and response.
- assessment(s) reviewing the risks of violence in the workplace are conducted as often as necessary in accordance with the provisions of the Ontario Occupational Health and Safety Act to ensure protection of employees from workplace violence.
- assistance and cooperation are provided to the Joint Health and Safety Committee; and
- the person reporting a violent incident or any person who is negatively impacted by a violent act in the workplace will not be criticized or reprimanded for having made the report.

Glossary of Key Policy Terms:

Workplace Violence

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.
- A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.



Sexual Violence

- Any sexual act, or any act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature; that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

Domestic Violence

- A pattern of coercive behaviour that is used by one person in an intimate relationship to gain power and control over another. Domestic violence includes physical, sexual, emotional, psychological and financial abuse.
- Involves a person who has a personal relationship with a worker; such as a spouse or former spouse, current or former intimate partner or a family member, who may harm, or attempt or threaten to physically harm that worker at work. In these situations, domestic violence is considered workplace violence.

References

The Ontario Occupational Health & Safety Act and Regulations (Bill 168 and Bill 132)

The Ontario Human Rights Code

Education Act

Brant Haldimand Norfolk Catholic District School Board Student Behaviour, Discipline and Safety Policy 200.09

Brant Haldimand Norfolk Catholic District School Board Workplace Harassment Policy 300.01

Brant Haldimand Norfolk Catholic District School Board Emergency Response Plan 400.04

Brant Haldimand Norfolk Catholic District School Board Security of Schools, Buildings and Grounds Policy 400.06

Brant Haldimand Norfolk Catholic District School Board Video Security Surveillance 400.11

Brant Haldimand Norfolk Catholic District School Board Protection of Property 400.15



Workplace Violence Prevention AP 300.20

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|-----------------------|----------------------------|-----------------|---------------------------------------|
| Procedure for: | All Staff | Adopted: | June 22, 2010 |
| Submitted by: | Superintendent of Business | Revised: | November 23, 2010, November 24, 2015, |
| Category: | Human Resources | | June 28, 2016 |

Purpose

The Board has a legal, ethical and moral responsibility to investigate threats and acts of violence against any employee. This Administrative Procedure was developed to support and implement Policy 300.20; to clarify roles and responsibilities, and to assist employees and their supervisors in preventing, responding to, reporting and managing workplace violence.

This policy applies to all Board employees, trustees and other users of the Board's facilities, such as members of consultative committees, parents, volunteers, contractors and employees of other organizations not related to the Board, but who work on or are invited onto Board premises. This policy also covers workplace violence by such persons which are proven to have repercussions that adversely affect the Board's learning and working environment.

The rights of students to a respectful working and learning environment, free from violence, are dealt with under applicable policies, legislation or regulations including, but not limited to, the Education Act, Ontario Schools Code of Conduct and codes of behaviour.

Responsibilities

Shared Responsibility:

Every Person involved with or working for the Board must:

- treat co-workers, students and the public with respect and dignity.
- reduce incidents of workplace violence, domestic violence and workplace sexual violence by practicing principles of prevention.
- understand and comply with the Workplace Violence Prevention Policy, 300.20 and all related procedures.
- maintain confidentiality.

Management Responsibilities:

The Principal/Supervisor will:

- ensure an employee works in the manner and with the protective devices, measures and procedures required by the Ontario Occupational Health and Safety Act (OH&SA) and its regulations [Section 27(1)(a)];
- ensure an employee uses or wears the equipment, protective devices or clothing that the employer requires to be used or worn [Section 27(1)(b)];
- identify and manage risks, and develop and implement prevention strategies that eliminate or reduce the risk;
- Principals and Supervisors are responsible for creating safe work plans;
- advise an employee of the existence of any actual or potential danger to the health or safety of the employee of which the supervisor is aware [Section 27(2)(a)];
- take every precaution reasonable in the circumstances to protect employees [Section 27(2) (c)]; and
- investigate all cases of alleged violence reported by employees in a fair and timely manner.
- promote codes of conduct during each school year and provide employees with appropriate training related to the tasks they perform, in order to assist with recognizing the potential for violent acts and understanding how to deal with violent acts in the workplace.



Principals and Supervisors are reminded to inform their staff about:

- policy and guidelines.
- how to access assistance.
- potential violent situations (as determined by the risk assessment).
- individuals with a violent past (this duty is limited and applies only when the employee can be expected to encounter the violent person in the course of his or her work and the risk of workplace violence is likely to expose the employee to physical injury).
- safe work plans.
- reporting procedures.
- investigation procedures.

Employee Responsibilities:

The Employee will:

- work in compliance with the Ontario Occupational Health and Safety Act and its regulations [Section 28(1)(a)];
- use or wear equipment, protective devices or clothing required by the employer [Section 28(1)(b)];
- report the absence of, or defect in, any equipment or protective device of which the employee is aware [Section 28(1)(c)];
- report any contravention of the Ontario Occupational Health and Safety Act or its regulations, or the existence of any hazard the employee knows of, to the employer or Supervisor [Section 28(1)(d)]; and
- not engage in any prank, contest, feat of strength, unnecessary running or rough and boisterous conduct [Section 28(2) (c)]. While this type of behaviour may not constitute workplace violence, it must not be allowed. If allowed to continue, this behaviour may escalate into workplace violence.
- complete the mandatory *Violence and Harassment in the Workplace* online training module within one month of date of hire.

and should:

- know how to summon immediate assistance;
- know how to report incidents of workplace violence to the Board or Supervisor;
- know that the employer will investigate and deal with incidents, threats or complaints;
- know, understand and be able to carry out the measures and procedures that are in place to protect them from workplace violence; and
- be able to carry out any other procedures that are part of the administrative procedure.

Responsibilities Related to Domestic Violence:

Employees must be told that they can report their concerns to the Principal/Supervisor if they fear domestic violence may enter the workplace. If this occurs, Principals/Supervisors are responsible for creating an individual safety plan for the employee while they are at work. The safety plan should be developed in consultation with the employee.

An employer can become aware of domestic violence when an incident takes place at work or when a concern is raised by the employee, co-worker or someone else. Other indications could be threatening emails or phone calls at work or unwanted visits to the workplace by the aggressor. An employee must advise their Principal/Supervisor if they have applied for or obtained a restraining order that lists a work location as a protected area or requires a person to remain a certain distance from the employee at all times.

The Ministry of Labour states that even if the employee does not want any steps taken, the employer may still be required to take some action to protect the employee, depending on the circumstances. Principals and supervisors should work closely with a targeted employee to develop reasonable precautions to address the situation while attempting to respect the employee's privacy and sensitivity of the issue.



Information

Legislative Requirements:

The Ontario Occupational Health and Safety Act includes workplace violence and workplace sexual violence as a hazard for which employers must develop prevention and response strategies. These procedures support this legislated requirement and the Board's commitment to providing a safe working environment.

Under the Ontario Occupational Health and Safety Act, an employer must take every precaution reasonable under the circumstances for the protection of workers, when they are aware, or ought reasonably to be aware, that domestic violence may occur in the workplace and that it would likely expose a worker to physical injury.

Work Refusal:

Under the Ontario Occupational Health and Safety Act, an employee can refuse to work if he or she has reason to believe he or she may be endangered by workplace violence [Section 43(3) (b.1)].

The Act sets out a specific procedure that must be followed in a work refusal. It is important for all employees, supervisors and Joint Health and Safety Committees representatives to understand and follow this procedure. Teachers, however, cannot refuse work when a pupil's life, health or safety is in imminent jeopardy [Section 3(3) of [Regulation 857 \(Teachers\)](#)].

Personal Information Limits:

The Ontario [Occupational Health and Safety Act](#) clarifies that employers and supervisors must provide employees with information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour [Section 32.0.5(3)]. However, this duty is limited and applies only when the:

- employee can be expected to encounter the violent person in the course of his or her work and the risk of workplace violence is likely to expose the employee to physical injury.
- employers and supervisors must not disclose more information than is reasonably necessary for the protection of an employee from physical injury.

Procedures

1.0 Summoning Immediate Assistance

- 1.1 An employee who is the victim of or a witness to a violent incident in the workplace should, as soon as safely possible, call 911.
- 1.2 Once the immediate response is underway, the employee should call his/her immediate supervisor and advise him/her of the situation.

2.0 Responding to an Act of Violence that Requires Immediate Assistance

The following immediate action needs to be taken when an Act of Violence occurs that poses an immediate risk of physical injury:

- 2.1 Control workplace access.
- 2.2 In the case of a critical injury, immediately report the incident to the Human Resources Department in accordance with the Incident/Accident Reporting procedures. The incident scene is to be preserved until an Inspector from the Ministry of Labour has had an opportunity to view it or to instruct you otherwise. A Joint Health and Safety representative may inspect the place where the injury occurred as indicated in the Ontario Occupational Health and Safety Act [Section 8(14)].



- 2.3 Call the police when an act of violence has occurred or when someone is threatened with violence in the workplace.
- 2.4 All incidents of violence/threat must be reported to the school's Supervisory Officer.
- 2.5 All incidents need to be documented (Report found in Resources).
- 2.6 Consideration must be given as to who needs to be immediately informed (i.e., family members).
- 2.7 A list of potential witnesses needs to be developed.
- 2.8 In consultation with the Supervisory Officer, or with Senior Management, an initial analysis ought to be conducted which will include a plan for the incident investigation.

3.0 Reporting Workplace Violence – Non-Immediate Assistance

Employees with concerns regarding workplace violence (actual violence, attempted violence, threatened violence) that do not require an immediate response (including concerns about domestic violence that may flow into the workplace) should follow the procedure below.

- 3.1 A person (Complainant) who considers that he/she has been subjected to or witnessed workplace violence, domestic violence, or sexual violence in the workplace, is required and encouraged to report an act of violence and should report the incident to their direct Supervisor immediately and seek any medical or emergency attention if required.
- 3.2 Where a person (Complainant) does not feel comfortable in reporting the matter to their direct supervisor, or in the case where the direct supervisor is alleged to have perpetrated the violent act, the Complainant should report the violence to the next higher level of management, who is in a position to provide guidance and assistance with the complaint, i.e. Supervisor, Principal, Manager, Superintendent, Director, Ministry of Labour.

The Resource Person will advise the Complainant of the following:

- 3.2.1 the option of requesting the assistance of his/her principal, supervisor, in resolving the complaint. If the principal/supervisor is the person named by the Complainant, the Complainant should request assistance from the next higher level of management.
- 3.2.2 the option of other avenues of recourse such as the right to utilize any applicable provisions of the Collective Agreement, file a complaint with the Ministry of Labour, to file a complaint with the Ontario Human Rights Commission, take civil action, or where appropriate, the right to file charges under the Criminal Code.
- 3.2.3 the availability of counseling and other support services provided by the Board;
- 3.2.4 the right to file a formal written complaint under the Workplace Violence Prevention Policy 300.01 when the alleged perpetrator is an employee of the Board;
- 3.2.5 the right to be represented or assisted by a union representative (as outlined in the applicable Collective Agreement) throughout the process;
- 3.2.6 the right to withdraw from any further action in connection with the complaint, at any stage (even though the Board may need to continue to investigate the complaint);



- 3.3 All incidents or complaints of workplace violence will be kept confidential except to the extent necessary to protect employees, to investigate the complaint, to take corrective action or as otherwise required by law.
- 3.4 Under the Workplace Violence Prevention policy 300.02, employees are required and encouraged to report an act of violence. Individuals who file a report or participate in an investigation under the Workplace Violence Prevention policy will be protected from reprisal or any negative consequences which may result from acting in accordance with this policy.

4.0 Conducting the Investigation

Following a violent event, the investigation process must be implemented immediately.

- 4.1 The immediate supervisor (Principal/Supervisor/Superintendent) of the employee, along with the Disability Management & Safety Coordinator will conduct a joint investigation.
- 4.2 Where the immediate supervisor is the subject of the complaint, the next level up of management will be responsible for conducting the investigation with the Disability Management & Safety Coordinator or;
- 4.3 A Ministry of Labour Health & Safety Inspector may, in writing, order an employer to cause an investigation described in clause 32.0.7(1)(a) of the Occupational Health & Safety Act to be conducted, at the expense of the employer, by an impartial person possessing such knowledge, experience or qualifications as are specified by the inspector, and to obtain, at the expense of the employer, a written report by that person.
- 4.4 The investigation must be fair, impartial and timely.
- 4.5 The principal/supervisor in consultation with Senior Management and, if applicable, the Ministry of Labour will determine whether it is reasonable to reassign employees or students (who may be victims of violent behaviour) while the investigation is in progress. Such transfers and reassignments are administrative measures and are not disciplinary in nature. These decisions may be necessary to ensure the safety of the employee in the workplace and also to ensure the integrity of the investigation.
- 4.6 Until the investigation is completed, the employee shall remain in a safe place as near as possible to his or her work station and, if applicable, be available to the Ministry of Labour Inspector for the purposes of the investigation.
- 4.7 The Board will provide medical and counseling support as deemed necessary in the circumstances, consistent with programs described in collective agreements or by Board policy applicable to non-unionized staff.
- 4.8 During the investigation, unionized employees will be advised of their collective agreement rights.
- 4.9 It is critical that all relevant information be obtained; this means that a violent incident or unusual and threatening behaviour needs to be investigated with the persons directly involved. This will include the person who reports the violence or the potentially violent circumstances, those to whom the violent behaviour was directed, other witnesses and the person or persons who are alleged to have engaged in the violent conduct.



- 4.10 The investigation results should be able to determine:
- what happened (series of events)
 - what provoked the incident
 - if the procedures in place were correctly followed
 - if the intervention measures were appropriate
 - if the existing safety procedures were adequate
 - if the lines of communication were effective
 - if other preventative measures should be implemented
 - if the situation could have been prevented
- 4.11 In conjunction with any discipline that may be imposed, the Board may reassign an employee during or after the Board's investigation, as deemed reasonable under the circumstances.

5.0 Communicating the Results of an Investigation

- 5.1 The results of the investigation will be communicated to the person who reported the circumstances and to others involved in the investigation that reasonably ought to be informed of the results.
- 5.2 The results of the investigation and any report created in the course of or for the purposes of the investigation is not considered a report relating to occupational health and safety, for the purposes of subsection 25(2) of the Ontario Occupational Health and Safety Act.

Definitions

Workplace Violence

Workplace Violence as defined by the Occupational Health and Safety Act means:

- a) The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- b) An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; and
- c) A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Workplace violence also includes an aggressive action or threat sent in writing or by electronic messaging.

Workplace

The Workplace is any place where employees perform work or work-related duties or functions. Schools and school-related activities such as extra-curricular activities and excursions comprise the workplace, as do the Board office and facilities. In addition, conferences and training sessions fall within the scope of the Workplace.

Sexual Violence

Any sexual act, or act targeting a person's sexuality, gender identity, or gender expression, whether the act is physical or psychological in nature; that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

Gender Identity

One's sense of oneself as male, female or transgender. When one's gender identity and biological sex are not congruent, the individual may identify as transsexual or as another transgender category.

Gender Expression

The way in which a person acts to communicate gender within a given culture; for example, in terms of clothing, communication patterns and interests. A person's gender expression may or may not reflect his or her gender identity.



Domestic Violence

A pattern of coercive behaviour that is used by one person in an intimate relationship to gain power and control over another. Domestic violence includes physical, sexual, emotional, psychological and financial abuse. Involves a person who has a personal relationship with a worker – such as a spouse or former spouse, current or former intimate partner or a family member - who may harm, or attempt or threaten to physically harm that worker at work. In these situations, domestic violence is considered workplace violence.

Complainant

A person who considers that he/she has been subjected to workplace violence related reprisal even though that individual may not lay a formal written complaint. Similarly, a person named as harasser in a complaint will be referred to as the *Respondent*.

Resource Person

Principals, Managers, Supervisors, Supervisory Officers, Supervisory Officer responsible for Human Resources or the Director of Education.

Critical Injury

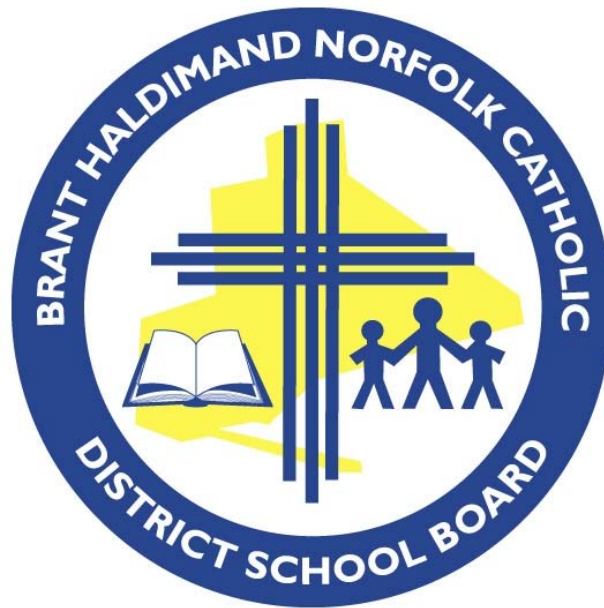
An injury of serious nature which results in a situation which places life in jeopardy, loss of consciousness, substantial loss of blood, a fracture or amputation of the leg or arm, feet or hands, loss of sight, significant burns as defined by regulation 834 under the Ontario Occupational Health and Safety Act.

References

- Ontario Occupational Health and Safety Act and Regulations
- The Ontario Human Rights Code
- Education Act
- Brant Haldimand Norfolk Catholic District School Board Student Behaviour, Discipline and Safety Policy 200.09
- Brant Haldimand Norfolk Catholic District School Board Workplace Harassment Policy 300.01
- Brant Haldimand Norfolk Catholic District School Board Emergency Response Plan 400.04
- Brant Haldimand Norfolk Catholic District School Board Security of Schools, Buildings and Grounds Policy 400.06
- Brant Haldimand Norfolk Catholic District School Board Video Security Surveillance 400.11
- Brant Haldimand Norfolk Catholic District School Board Protection of Property 400.15

Workplace Violence Prevention

Resource Information



Message from the Director of Education

As a Catholic Learning Community, we believe our actions are guided by the teachings of our Catholic faith. This is demonstrated through our commitment to continuous improvement, safe and nurturing environments, teamwork, collaboration and building positive relationships. We support the personal well-being of all employees - spiritual, emotional, mental, social and physical.

We value everyone's safety. The right to be free from violence while at work is a priority.

Within our Catholic community, violent behaviour in the workplace is unacceptable. The Workplace Violence Prevention policy protects all employees, who interface daily with parents, students, members of the community, contractors and other individuals who enter the Board's facilities. We will work together to prevent workplace violence.

The attached resource information will help you implement the policy. Included are prevention measures and a process for reporting incidents and concerns.

We must ensure that this policy and administrative procedures are implemented and maintained and that all employees have the appropriate information and instruction to protect themselves.

Principals and supervisors are responsible for ensuring that measures and procedures are followed by employees and that all employees reporting to the principal and supervisor, have the appropriate information and instructions to protect themselves from violence and sexual violence at work. Principals and supervisors are reminded that under the Occupational Health and Safety Act, they can be charged as individuals by the Ministry of Labour.

Every employee must work in compliance with the policy and procedures. Please encourage employees to raise concerns about workplace violence and to report any violent incidents or threats. Employees must cooperate in investigations and participate in the associated training.

The Brant Haldimand Norfolk Catholic District School Board will investigate and deal with all incidents and complaints of workplace violence in a timely and fair manner, respecting the privacy of all concerned to the greatest extent possible.

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BACKGROUND INFORMATION:

As of June 15, 2010, (amended on March 8, 2016) the Occupational Health and Safety Act requires employers in Ontario to assess the risks of workplace violence, and sexual violence, and to put in place policies and programs regarding workplace violence, harassment, sexual violence and sexual harassment. *Employers need to protect employees against violent acts and threats of violence and to create an atmosphere in which employees feel free to come forward with any concerns or complaints. Employers also need to treat complaints of harassment seriously and stop it.*

Students, employees, supervisors, members of the public, spouses or family members can introduce violence into the workplace. Violence and harassment can come from anyone in the workplace and can be directed at anyone. It can be subtle or overt. Abuse may be deliberate or unintended. The test is whether a reasonable person knows, or ought to have known, that the behaviour is considered unwelcome or inappropriate by the recipient. It may be a single event or may involve a continuing series of incidents. It can involve the abuse of authority or position or can involve outsiders who enter the workplace. Abuse can victimize both males and females and be directed by or towards employees, students, parents and members of the public.

Violence and harassment can come from anyone in the workplace and be directed at anyone.

PRE – INCIDENT: RECOGNIZE THE POTENTIAL FOR VIOLENCE

One of the best predictors of future violence is a history of violence. Violence-prone individuals have a need for personal space that is four times larger than the average person. These special personal space requirements should be respected. Early clues to behaviour that might indicate aggression or difficulty in maintaining control, include an increase in agitation and behaviours such as pacing, clenching or pounding of fists and increased verbal hostility and anger.

PRE - INCIDENT: INFORMATION REGARDING A PERSON WITH A HISTORY OF VIOLENT BEHAVIOUR

The [Occupational Health and Safety Act](#) clarifies that employers and supervisors must provide employees with information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour [Section 32.0.5(3)].

However, this duty is limited and applies only when the:

- employee can be expected to encounter the violent person in the course of his or her work; and the
- risk of workplace violence is likely to expose the employee to physical injury.

Employers and supervisors must not disclose more information than is reasonably necessary for the protection of an employee from physical injury.

Please contact your Superintendent to seek advice and direction before you release any information

DOMESTIC VIOLENCE

Under the Occupational Health and Safety Act, an employer must take every precaution reasonable in the circumstances for the protection of workers when they are aware, or ought reasonably to be aware, that domestic violence may occur in the workplace and that it would likely expose a worker to physical injury.

Employees need to be told that they can report their concerns to their principal or supervisor if they fear domestic violence may enter the workplace. If this occurs, principals and supervisors are responsible for creating an Individual Safety Plan for the employee while they are at work. The Safety Plan should be developed in consultation with the employee.

We can become aware of domestic violence when an incident takes place at work or when a concern is raised by the employee, co-worker or someone else. Other indications could be threatening emails or phone calls at work or unwanted visits to the workplace by the aggressor (for further information see the Domestic Violence Handout).

The Ministry of Labour states that even if the employee does not want any steps taken, the employer may still be required to take some action to protect the employee, depending on the circumstances. Principals and supervisors should work closely with a targeted employee to develop reasonable precautions to address the situation while attempting to respect the employee's privacy and sensitivity of the issue.

WORK REFUSAL

Under the Occupational Health and Safety Act, an employee can refuse to work if he or she has reason to believe he or she may be endangered by workplace violence [Section 43(3) (b.1)]. However, work cannot be refused on the grounds of workplace harassment.

The Act sets out a specific procedure that must be followed in a work refusal. It is important for employees, employers, supervisors, joint health and safety committees and health and safety representatives to understand and follow this procedure. However, teachers cannot refuse work when a pupil's life, health or safety is in imminent jeopardy [Section 3(3) of [Regulation 857 \(Teachers\)](#)].

PREVENTION: RISK ASSESSMENT AND RISK MANAGEMENT

Prevention is preferable to intervention. As an employer, we must carefully analyze and evaluate the current risks of workplace violence and harassment.

Risk assessment is a logical and organized method of identifying and quantifying risks, allowing the employer to better manage these risks. Risks are assessed by considering the severity of the consequences and frequency of exposure to the risk.

Following risk identification, risk management and prevention strategies need to be developed and implemented. Risk management involves the development of strategies that eliminate or reduce the risk.

Principals and supervisors are charged with this duty and must create safe work plans.

PRE - INCIDENT: EDUCATION AND TRAINING

Education to increase awareness is key to eliminating workplace violence and harassment and is required by law. Principals and supervisors are reminded to inform their staff about:

- policy and guidelines
- how to access assistance
- potential violent situations (as determined by the risk assessment)
- individuals with a violent past
- safe work plans
- reporting procedures
- investigation procedures

Education to increase awareness of the potential of workplace violence is required in Ontario.

IT'S THE LAW

POST – INCIDENT: INVESTIGATION PROCESS

The purpose of the investigation is to objectively establish the series of events that have taken place. The investigation is also used to evaluate the effectiveness of the preventive measures in place and the communication system. The findings of an investigation may result in the enforcement of disciplinary measures.

The results of the investigation are intended to help determine how such an incident could have been averted and serve to prevent this type of incident from occurring again.

It must be emphasized that in the event that the Police or the Ministry of Labour become involved at the beginning of the incident, they will take control of the situation and the environment. Their instructions must be adhered to and they must be allowed to complete their tasks before an internal investigation is initiated.

POST - INCIDENT: INTERVENTION AND FOLLOW-UP

Management of violent incidents after their occurrence is as critical as efforts toward prevention. Incidents need to be:

- documented
- investigated
- remedied as effectively as possible to reduce further damage.

Intervention must be timely and address the rights and responsibilities of both the victim and the alleged aggressor. Risk assessments, safety plans and processes need to be reviewed following a violent incident.

VICTIM SUPPORT

Employees who have been victims of violent behaviour need to be debriefed shortly after the incident. Employees need to understand they are not to blame for the aggressive behaviours directed at them and that being a victim of violent behaviour does not reflect on their professional competence.

Debriefing should involve:

- review of incident facts
- review of victim's needs
- social support

After an incident, it is suggested that any or all of the following be provided:

- physical support such as immediate medical care
- environmental support, which may include removing either the victim or the alleged aggressor from the environment or adjusting the environment in order to reduce the potential for continued violent behaviour
- Employee Assistance Program (EAP) referral or appointment with family physician
- social support from co-employees, peers, supervisors

Principals and supervisors are reminded that portions of the Emergency Response Plan, Safe Schools, Harassment Protocols and Policy can be referred to.

Victim support may be required on an immediate, intermediate and long-term basis depending on the incident.

MANAGEMENT OF THE ALLEGED AGGRESSOR

The employer must address an incident of violent behaviour in an objective and consistent manner. In substantiated cases, the following factors should be considered when determining corrective action:

- impact on the victim
- degree of aggressiveness and physical contact
- vulnerability of the victim
- the employee's disciplinary record
- whether the incident was an isolated event or part of an ongoing pattern of behaviour
- whether the employee's misbehaviour was similar to earlier events for which the employee has been disciplined
- whether the employee accepts responsibility for his or her actions
- whether the employee has expressed remorse and is prepared to sincerely apologize to those affected by the employee's conduct
- the employee's length of service at the Board

Options for corrective action:

- Discipline
- Apology
- Training
- Referral to EAP
- Reassignment or relocation
- Limited access within a building
- Report to professional body
- Filing a complaint with criminal charges
- Discharge

*Employees who report work-related harassment and violence that is **found to be frivolous or vexatious in nature** will be disciplined*



Brant Haldimand Norfolk Catholic District School Board WORKPLACE VIOLENT INCIDENT REPORT FORM

PART A - To be completed with the Employee (when possible)

| | | | |
|---|---|---------------------------------|-------------------------------|
| School/Location Name: | | Date: | |
| Name of the Person Making the Report: | | Job Title: | |
| Date of Incident: | | Time: | |
| Location of the Incident: | | | |
| Name of the Victim (if different from above): | | Female <input type="checkbox"/> | Male <input type="checkbox"/> |
| <p>Classification:</p> <p><input type="checkbox"/> Physical Violence</p> <p style="padding-left: 20px;"><input type="checkbox"/> Exercised</p> <p style="padding-left: 20px;"><input type="checkbox"/> Attempted</p> <p style="padding-left: 20px;"><input type="checkbox"/> Threatened</p> <p><input type="checkbox"/> Sexual Violence</p> <p style="padding-left: 20px;"><input type="checkbox"/> Exercised</p> <p style="padding-left: 20px;"><input type="checkbox"/> Attempted</p> <p style="padding-left: 20px;"><input type="checkbox"/> Threatened</p> <p><input type="checkbox"/> Sexual Harassment</p> <p style="padding-left: 20px;"><input type="checkbox"/> Conduct</p> <p style="padding-left: 20px;"><input type="checkbox"/> Comment(s) Made</p> | <p>Nature of Violence/Sexual Violence</p> <p><input type="checkbox"/> Punching <input type="checkbox"/> Striking <input type="checkbox"/> Spitting <input type="checkbox"/> Scratching <input type="checkbox"/> Hair Pulling</p> <p><input type="checkbox"/> Biting <input type="checkbox"/> Pushing <input type="checkbox"/> Kicking <input type="checkbox"/> Sexual</p> <p><input type="checkbox"/> Verbal <input type="checkbox"/> Written/Email <input type="checkbox"/> Telephone/Texting <input type="checkbox"/> Stalking</p> <p><input type="checkbox"/> Destruction of Personal Property <input type="checkbox"/> Malicious Rumour <input type="checkbox"/> Bullying</p> <p><input type="checkbox"/> Other : _____</p> <p>Were weapons used?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> Unknown</p> <p><input type="checkbox"/> No</p> <p>If yes, what?</p> <p><input type="checkbox"/> Gun/Firearm <input type="checkbox"/> Knife <input type="checkbox"/> Brick/Stone <input type="checkbox"/> Stick/Bat/Bar <input type="checkbox"/> Glass/Bottle</p> <p><input type="checkbox"/> Explosive Device/Bomb <input type="checkbox"/> Needle/Sharps</p> <p><input type="checkbox"/> Other : _____</p> | | |
| <p>Aggressor information</p> <p><input type="checkbox"/> Employee</p> <p><input type="checkbox"/> Non-Employee</p> | <p>If non-employee, please explain relationship to employee (if applicable)</p> <p>_____</p> <p><input type="checkbox"/> Domestic violence is a factor in this incident</p> <p>Has the aggressor been involved in any previous violent incidents with staff? If yes, please explain.</p> | | |
| <p>Police Involvement</p> <p><input type="checkbox"/> Police were Summoned</p> | <p>If yes,</p> <p><input type="checkbox"/> A statement was taken Police Incident number _____</p> <p><input type="checkbox"/> Charges have been laid <input type="checkbox"/> Pending</p> | | |

WORKPLACE VIOLENT INCIDENT REPORT FORM

PART B – To be completed by the Principal or Supervisor

| | |
|---|---|
| Please describe, in detail, what happened and indicate: | |
| Description of the event: | |
| The scene of the incident: i.e., the specific area, for example – locker room, science class, gymnasium, etc. | |
| What happened prior to the incident? | |
| Circumstances that appear to have led to the violent behaviour: | |
| Who was notified? (911, Ministry of Labour, Family) | Temporary transfer or reassignment pending outcome? |
| Recommendation/Conclusion: | Prevention Strategy: |
| Additional Information: | |

PROGRESSIVE DISCIPLINE PROCESS

Violence and the potential for violent activity in the workplace will not be tolerated. Members of the school community and the Board, under both the *Safe Schools* legislation and the *Occupational Health and Safety Act*, are required to act in a manner which supports learning. Teachers are professionally required to be good role models. Everyone employed by a school board is to act in a manner which exemplifies respectful behaviour and supports teachers and school administrators in behaviour management in each of our schools.

Codes of conduct must be learned and internalized. This means that there must be consequences for inappropriate violent and potentially violent behaviour.

Student Discipline will take place under the Board's Student Behaviour and Safety policy and Code of Conduct.

Employee Discipline will take place in accordance with the Board's Progressive Discipline policy and/or applicable Collective Agreement.

Parents, volunteers, and other persons who engage in violence on Board premises will be dealt with through advisement of Senior Management, or depending on the severity by the police and could be restricted from further access to Board property.

The key elements in the application of progressive discipline are:

- Obtain the facts.
- Ensure that the code of conduct and standards of respectful behaviour have been brought to the attention of all concerned.
- Depending upon the severity of the incident, apply progressive discipline principles taking mitigating factors into account.

Other Factors

Discipline for violent behaviour may range from a verbal warning to dismissal. Due to the nature of the misconduct, violent behaviour will usually result in a suspension without pay or dismissal.

Those exercising the authority to discipline must be consistent in their decision-making recognizing that violence in the workplace cannot be tolerated and, at the same time, that employees are treated fairly; taking all of the factors in the imposition of progressive discipline into account.

The Decision Makers

After all of the relevant facts have been enquired into, school administrators must consult with their superintendent regarding the imposition of discipline and the appropriate sanctions under the circumstances. Advise the Human Resources Department prior to discipline, if possible.

You must remember that it can be very difficult to know when a person is going to be violent. While not all people will show the signs below, these types of behaviours and physical signs can serve as warning signs that a situation could turn violent. Always take these behaviours *in context*. Look for multiple warning signs and for signs of escalation (the behaviours are getting worse).



Warning Signs

If you are concerned about a person who shows some or all of the identified characteristics, **take action**. Report your concern to your supervisor or the Human Resources Department.

What are warning signs of a troubled person or employee?

Workplace violence can start as small incidents involving negative remarks and inappropriate behaviour. It may escalate to physical or psychological violence. It is much easier to prevent violence by stopping small incidents than trying to deal with the aftermath of a major crisis.

It is extremely important to understand that the following behaviours do not mean a person will become violent, but they may indicate that the person is experiencing high levels of stress. Each situation is unique and professional judgement or outside assistance may be necessary to determine if intervention is necessary.

Always take particular note if:

- There is a change in behaviour patterns.
- The frequency and intensity of the behaviours are disruptive to the work environment.
- The person is exhibiting many of these behaviours, rather than just a few.
- Crying, sulking or temper tantrums.
- Excessive absenteeism or lateness.
- Disregard for the health and safety of others.
- Disrespect for authority.
- Increased mistakes or errors or unsatisfactory work quality.
- Refusal to acknowledge job performance problems.
- Faulty decision-making.
- Testing the limits to see what they can get away with.
- Swearing or emotional language.
- Overreacting to criticism.
- Making inappropriate statements.
- Forgetfulness, confusion and/or distraction.
- Inability to focus.
- Blaming others for mistakes.
- Complaints of unfair treatment.
- Talking about the same problems repeatedly without resolving them.
- Insistence that he or she is always right.
- Misinterpretation of communications from supervisors or co-workers.
- Social isolation.
- Personal hygiene is poor or ignored.
- Sudden and/or unpredictable change in energy level.
- Complaints of unusual and/or non-specific illnesses.

The first thing everyone in the workplace should be aware of is that it is not easy to know when someone is going to become aggressive in their behaviour. All people in the workplace will not show the same signs before becoming violent

Are there physical signs that a person may be becoming violent?

Sometimes it is not what a person says, but what their body is *doing*. Use caution if you see someone who shows one or more of the following *non-verbal* signs or body language.

- Red-faced or white-faced
- Sweating
- Pacing, restless or repetitive movements
- Trembling or shaking
- Clenched jaws or fists
- Exaggerated or violent gestures
- Change in voice
- Loud talking or chanting
- Shallow, rapid breathing
- Scowling, sneering or use of abusive language
- Glaring or avoiding eye contact
- Violating your personal space (they get too close)

What are other warning signs of a potentially violent person?

In some cases, there has been a clear pattern of warning signs before a violent incident. When you can, take note of:

History of Violence

- Fascination with weapons, acts of violence or both
- Demonstrated violence towards inanimate objects
- Evidence of earlier violent behaviour

Threatening Behaviour

- States intention to hurt someone (can be verbal or written)
- Holds grudges
- Excessive behaviour (e.g. phone calls, gift giving)
- Escalating threats that appears well-planned
- Preoccupation with violence

Intimidating Behaviour

- Argumentative, displays unwarranted anger
- Uncooperative, impulsive, easily frustrated
- Challenges peers and authority figures

Increase in Personal Stress

- An unreciprocated romantic obsession
- Serious family or financial problems
- Recent job loss

Research says: Potential Triggering Events can be:

1. Being fired, laid off or suspended; passed over for promotion
2. Disciplinary action, poor performance review, criticism from boss or coworkers
3. Bank or court action (e.g., foreclosure, restraining order, custody hearing)
4. Benchmark date (e.g., company anniversary, chronological age)
5. Failed or spurned romance; personal crisis (e.g., divorce, death in family)

Personality Characteristics

- Suspicious of others
- Believes he/she is entitled to something
- Cannot take criticism
- Feels victimized
- Shows a lack of concern for the safety or well-being of others
- Blames others for his or her problems or mistakes
- Low self-esteem

Marked Changes in Mood or Behaviour

- Extreme or bizarre behaviour
- Irrational beliefs and ideas
- Appears depressed or expresses hopelessness or heightened anxiety
- Marked decline in work performance

Socially Isolated

- History of negative interpersonal relationships
- Few family or friends
- Sees the company as a *family*
- Has an obsessive involvement with his or her job

Abuses Drugs or Alcohol

Observable Warning Signs
(often newly acquired negative traits)

Violent and Threatening Behavior

e.g., hostility, approval of the use of violence

Strange Behavior

e.g., becoming reclusive, deteriorating appearance/hygiene, erratic behavior

Emotional Problems

e.g., drug/alcohol abuse, under unusual stress, depression, inappropriate emotional display

Performance Problems

including problems with attendance or tardiness

Interpersonal Problems

e.g., numerous conflicts, hyper-sensitivity, resentment

WHAT TO DO WHEN CONFRONTED WITH AGGRESSIVE BEHAVIOUR

We all like to think of ourselves as being safe and secure while at work, protected from all forms of violence and aggression. However, wherever people interact, there is potential for violence.

Knowing some basic communications skills (verbal and non-verbal) and some *problem solving* strategies can help prevent problems from occurring or can stop a small problem from getting bigger or out of control. Workplace violence can start as a small incident involving negative remarks and inappropriate behaviour. These small incidents can escalate to physical or psychological violence.

What is Meant by *Verbal* Communication Skills?

Verbal communication skills are the way that you talk to another person or other people. Verbal communication includes the words you choose to use and the way in which you use them (for example, the tone (angry or calm) or volume (loud or soft)).

When you are interacting with other people, you should:

- Focus your attention on the other person and let them know that you are interested in what they have to say.
- Remain calm.
- Be conscious of how you are delivering your words.
- Speak slowly, quietly and confidently.
- Speak simply. DO NOT use officious language or complex terminology.
- Listen carefully. DO NOT interrupt or offer unsolicited advice or criticism.
- Encourage the other person to talk. DO NOT tell them to relax or calm down.
- Remain open-minded and objective.
- Use silence as a calming tool.

What is Meant by *Non-Verbal* Communication Skills?

Non-verbal communication skills include things like your body language and position. People communicate through both their words and their bodies. The way you position or use your body can be calming or could aggravate a situation.

You should:

- Use calm body language - a relaxed posture with your hands unclenched and an attentive expression.
- Get on the other person's physical level. If they are seated, try kneeling or bending over, rather than standing over them.
- Give the other person enough physical space, usually about one meter (about three feet).
- More importantly, you should not:
 - Pose in a challenging stance, such as putting your hands on your hips, pointing your finger, waving your arms or crossing your arms.
 - Glare or stare, which may be interpreted as challenging.

How can you Help Someone Solve a Problem they are Having?

Some tips for problem solving include:

- Try to put yourself in the person's shoes so that you can better understand how to solve the problem.
- Ask for his or her recommendations.
- Repeat back to the person what you feel they are asking of you in order to clarify what you understand.
- Accept criticism in a positive way. When a complaint might be true, use statements like *you are probably right* or *it was my fault*. If the criticism seems unwarranted, ask for clarification.
- Be honest. DO NOT make false statements or promises you can't keep.
- Remain professional and take the person seriously. Be respectful.
- Ask for small, specific favours – such as asking the person to move to a quieter area.
- Break a problem or an issue into smaller pieces and offer step-by-step solutions so that the person is not overwhelmed by the issue.

DO NOT

- Do not take sides or agree with distortions.
- Do not reject the person's demands or position from the start.
- Do not attempt to bargain with a threatening individual. If necessary, end the interaction.
- Do not make promises you can't keep.

How can you end an Aggressive Conversation?

It is important to know how to safely and effectively end a conversation or interaction before the situation escalates. Here are some tips:

- Interrupt the conversation firmly but politely.
- Tell the person that you:
 - Do not like the tone of the conversation.
 - Will not accept abusive treatment.
 - Will end the conversation if necessary.
- Tell the person that you will ask him or her to leave (the building, your office, etc.) or that you will leave.
- If the behaviour continues, end the conversation. Ask the person to leave or leave yourself.
- If the person does not agree to leave, remove yourself from the scene and inform your supervisor/supervisor immediately.
- Do not return to the meeting if you believe the person may be a physical threat.
- Tell other staff and have them leave the immediate area as well.
- Call local police; if appropriate.
- File an incident report.

What can You do if you Feel Threatened?

- Politely and calmly end the interaction in a non-threatening way, if possible.
- Know how to summon immediate assistance and what back-up and advice is available to help you when handling a difficult individual.

**It is important that you try to avoid escalating the situation.
Establish ground rules if the unreasonable behaviour continues.
Calmly describe the consequences of violent or aggressive behaviour.
Suggest alternatives and avoid giving commands or making conditional statements.**

DOMESTIC VIOLENCE

To Encourage Employees to Reach Out for Assistance:

- Be approachable and make time to meet with employees.
- Address job performance issues constructively, not punitively.
- Let employees know that they are valued members of the team.
- Respect decisions made by employees who are living with family violence.
- Protect the confidentiality of employees.
- Ensure cultural sensitivity and appropriateness.
- Ensure employees have access to trained counselors.

Did you know?

- Domestic violence in the workplace has been identified as the fastest growing type of workplace violence in Canada, but less than half of Canadian workplaces have policies to manage this risk.
- One in four Canadian women will be affected by family violence during her lifetime.
- While men may also be victims of abuse, women are more often subjected to violence by their partners and are more likely than men to report injuries, experience lost productivity, suffer multiple assaults, fear for their lives and experience negative emotional consequences.
- Among those at highest risk of violence are young women, Aboriginal women and women who are separated from their partners.

HOW TO TALK TO EMPLOYEES ABOUT DOMESTIC VIOLENCE

Knowing how to start a conversation about family violence with an employee can be difficult. Your role as an employer or supervisor is not to be a counselor, but rather to approach the employee in a professional, sensitive manner and discover what help is required and where the employee can find it. When an employee tells you about abuse, make a strong statement of support such as, *no one deserves to be abused*.

When talking with an employee, your role is primarily to:

- provide initial support
- discuss the specific steps that can be taken to help this employee in the workplace, including developing a safe work plan.
- refer the employee to available resources in the community or to the Employee Assistance Program (EAP)

When addressing the issue of domestic violence with an employee, ensure that you:

- offer to meet in private
- clearly identify any job performance problems you have observed (i.e., “I notice that you are having difficulty meeting your deadlines and you don’t seem quite yourself. Is there anything I can do to help?”)
- express empathy that sometimes personal issues can interfere with work performance
- are aware that family violence victims and alleged aggressors can be of either sex; do not always refer to abusers as “he”
- use respectful language such as calling a person by their name or referring to the nature of the relationship such as *your partner* or *your boyfriend*; avoid using labels such as *abuser* or *batterer*
- are sensitive and avoid accusing, diagnosing or drawing conclusions about the situation
- listen to what the employee has to say and support her or him to seek help
- reassure the employee that her or his situation will not adversely affect how she or he is regarded by the employer, unless there are any continued employment issues
- offer Board and community resources such as EAP information or contact information for family violence prevention services and crisis line numbers
- develop a plan to help the employee maintain job performance and a strategy to implement it
- discuss the need for a safe work plan in the workplace and help the employee understand how the employer may be able to support a safe work plan
- recommend that the employee speak to a trained counselor who can help develop a sound plan to deal with the issues
- help the employee determine if the abuser’s behaviour may put others in the workplace at risk
- if it appears that others in the workplace might be in danger, discuss the extent to which the employee’s confidentiality can be maintained

WORKPLACE VIOLENCE – ADDITIONAL EXAMPLES

Workplace violence is any incident, in which a person is abused, threatened, intimidated, coerced or sustains physical, emotional or psychological harm or injury in or related to the workplace.

Most people think of violence as a physical assault. However, workplace violence is a much broader problem. It is any act in which a person is abused, threatened, intimidated or assaulted in his or her employment. Workplace violence includes:

- **threatening behaviour** - such as shaking fists, destroying property or throwing objects.
- **verbal or written threats** - any expression of intent to inflict harm.
- **verbal abuse** - swearing, insults or condescending language.
- **physical attacks** - hitting, shoving, pushing or kicking.

Rumours, swearing, verbal abuse, property damage, vandalism, sabotage, pushing, theft, physical assaults, psychological trauma, anger-related incidents, rape, arson and murder are all examples of workplace violence.

Workplace violence is not limited to incidents that occur within a traditional workplace. Work-related violence can occur at off-site business-related functions (conferences, trade shows), at social events related to work, resulting from work for example a threatening telephone call to your home.

Additional Examples of Workplace Violence Include:

| | |
|--|--|
| <ul style="list-style-type: none">• shaking of fists• destroying of property• throwing of objects• expression of intent• obscene phone calls• intimidating presence• insults or condescending language• focus on a grudge, grievance or romantic interest | <ul style="list-style-type: none">• bullying• physical attacks including slapping, kicking, punching and choking, brandishing a weapon or object that could be used as a weapon• theft• sexual assault• arson and obsessively directed behavior such as stalking |
|--|--|

REPORT TO THE BRANT HALDIMAND NORFOLK CATHOLIC DISTRICT SCHOOL BOARD POLICY COMMITTEE

Prepared by: Thomas R. Grice, Superintendent of Business & Treasurer
Presented to: Policy Committee
Submitted on: June 6, 2017
Submitted by: Chris Roehrig, Director of Education & Secretary

PURCHASING Public Session

BACKGROUND INFORMATION:

The Purchasing Administrative Procedure was last updated in June 2011 to reflect the Broader Public Sector Procurement Directive established by the Province of Ontario.

DEVELOPMENTS:

Changes have been made to the Administrative Procedures only. The Administrative Procedures have been updated to better reflect the Board's current process for the purchase of goods and services and are listed as follows:

1. The procedure defines the requisitioning of goods and services by staff with purchase orders issued centrally through Purchasing Services.
2. The procedure re-defines some staff titles.
3. The procedure clarifies staff and Trustee roles pertaining to capital and operating acquisition approvals.
4. The procedure clearly outlines the annual deadline for requisition entry.
5. Updated thresholds for competitive procurements to improve efficiencies within end user departments.

RECOMMENDATION:

THAT the Policy Committee recommends that the Committee of the Whole refers the Purchasing Administrative Procedures to the Brant Haldimand Norfolk Catholic District School Board for approval.



**Brant Haldimand Norfolk
Catholic District School Board**

Policy: Purchasing

| | | |
|---------------------------------|-----------------------------|------------------------------|
| | Policy Number: | 700.01 |
| Adopted: | September 24, 2003 | Former Policy Number: |
| | | N/A |
| Revised: | May 25, 2010; June 28, 2011 | Policy Category: |
| | | Finance |
| Subsequent Review Dates: | | Pages: |
| | | 1 |

Belief Statement:

School boards have an obligation to ensure efficient, high-quality service and responsible stewardship of public funds. The Brant Haldimand Norfolk Catholic District School Board, and its staff, shall endeavour to purchase goods and services in the required quantity and quality, at the right price and availability, to ensure best value and greatest benefit to our students, staff and taxpayers.

Policy Statement:

The Brant Haldimand Norfolk Catholic District School Board will purchase, rent or lease all goods and services with the lowest total cost of ownership. Factors to be considered when determining the lowest total cost of ownership should be, but not limited to, price, quality, service, delivery, operating, maintenance and disposal costs. In doing so, the Board will ensure that all transactions:

- are conducted in an efficient and cost-effective manner;
- ensure transparency and accountability;
- protect the Board’s financial interests;
- ensure compliance with all statutory and regulatory laws through open competition, where appropriate;
- adhere to socially acceptable and legal standards for fair labour practices.

Glossary of Key Policy Terms:

Total Cost of Ownership

The sum of all costs (direct and indirect) associated with the acquisition of goods and/or services. This includes, but is not limited to, delivery, maintenance, operational, service, down time, etc.

Transparency

An openness or willingness to accept public scrutiny, which diminishes the capacity for an agency to practice or harbour potentially unacceptable policies/practices.

Economies of Scale

Increasing efficiencies in the acquisition of goods and services through common product/service specifications, where feasible.

References

- Education Act, Section 217
- Agreement on Internal Trade
- Municipal Freedom of Information & Protection of Privacy Act
- Ontario-Quebec Procurement Agreement
- Bill 122, Broader Public Sector Accountability Act, 2010
- Broader Public Sector Procurement Directive (Management Board of Cabinet)
- Criminal Background Checks
- Employee Expense Reimbursement Policy
- Ontario Regulation 612/00 School Councils
- Professional Standards & Conflict of Interest Policy for Employees
- Purchasing Terms and Conditions
- Public Service of Ontario Act, 2006
- School Funds Policy



Purchasing
AP 700.01

Procedure for: All Staff **Adopted:** September 24, 2003
Submitted by: Associate Director **Superintendent of Business** & Treasurer **Revised:** May 25, 2010; June 28, 2011
Category: Finance

Purpose

School boards have an obligation to ensure efficient, high-quality service and responsible stewardship of public funds. The Brant Haldimand Norfolk Catholic District School Board, and its staff, shall endeavour to purchase goods and services in the required quantity and quality, at the right price and availability, to ensure best value and greatest benefit to our students, staff and taxpayers.

Responsibilities

Requisitioner

- **Responsible for being familiar with and compliant with the Board's Purchasing Policy and Administrative Procedures.**
- Ensure items are purchased at the lowest possible price, are of an adequate quality for the intended purpose and the ~~purchase order~~ **requisition** is completed properly.
- ~~Purchase~~ **Requisition** from existing tenders and quotations, wherever possible.

Superintendents/Principals/Consultants/Managers

- Responsible for the purchase of goods and services related to their areas of **budget** responsibility ~~as listed in their cost centre budget statements~~ **and in accordance with the Board's Purchasing Policy and Administrative Procedures.**
- Ensure that the items are necessary and that sufficient funds are available within their budgets.
- Approve ~~acquisitions/commit funds~~ **requisitions** up to \$2,000.

Coordinator of Purchasing Services

- ~~Tender, evaluate and recommend~~ **Responsible for the purchase/rental/lease of Board-approved goods and services. with the exception of land, home to school transportation, legal services, employee assistance and benefit programs.**
- Ensure compliance with Board purchasing policies and procedures by all departments and schools.
- Provide support to Board staff with sourcing information for all purchasing needs.
- Monitor vendor performance.
- Amend/update ~~purchasing policy and procedures~~ **the Board's Purchasing Policy and Administrative Procedures** as necessary.
- Issue purchase orders for approved ~~acquisitions when required, i.e., commitment of funds.~~ **requisitions**
- **Ensure budget is not exceeded and re-direct for approval as necessary**
- Authorize the release of all competitive procurement documents issued by a designate/third party on behalf of the Board.
- Manage the bid dispute resolution process

Accounting Clerk

- ~~Ensure purchase orders are completed properly.~~ **Issue purchase orders for approved standard commodity-type requisitions as directed by the Coordinator of Purchasing Services.**
- Ensure the budget account is correct.
- ~~Ensure that all extensions are added correctly.~~ **Monitor compliance to the Board's Purchasing Policy and Administrative Procedures.**
- Process payment to the supplier **with consideration for purchase discounts where applicable.**



Supervisor of Accounting

- Review monthly budgets and provide monthly reports to schools.
- Ensure the budget allocation is not exceeded. When a budget has been exceeded, inform the Manager of Finance or the Associate Director, Corporate Services & Treasurer.
- Act as a resource/back-up to the Accounting Clerks.
- Ensure compliance with Board purchasing procedures and guidelines. Monitor compliance to the Board's Purchasing Policy and Administrative Procedures.
- Authorize payment to the supplier upon proof of receipt.

Manager of Finance

- Develop, implement, monitor and maintain appropriate purchasing controls.
- Approve acquisitions requisitions (budget approval) up to \$10,000.

Associate Director, Corporate Services Superintendent of Business & Treasurer or Designate

- Ensure adherence to all Board policies, relating to the purchasing process. compliance to the Board's Purchasing Policy and Administrative Procedures.
- Approve operating acquisitions (budget approval) up to \$100,000 \$150,000.
- Approve capital acquisitions up to \$500,000 that are within pre-approved budget values or Ministry Capital Allocations.
- Manage the bid dispute resolution process.

Director of Education or Director's Designate

- Responsible for the purchase of goods and services related to the Director's Office, as well as those pertaining to the Board of Trustees.

Board of Trustees

- Approve operating acquisitions over \$150,000; if amount value is in excess of budget approved amount.
- Approve capital acquisitions over \$200,000, if value is in excess of pre-approved budget value or Ministry Capital Allocation.

Information

1. ~~Purchase Orders~~ Requisitions

Purchase orders Requisitions may be initiated (subject to approval authority) by the following personnel:

- Secretaries, Office and Clerical, Assistants
- Department Heads and some Teaching Staff
- Program Leads
- Consultants
- Principals/Vice-Principals
- Senior Library Technician
- Manager of Communications & Public Relations
- Manager of Facilities
- Manager of Finance
- Manager of Human Resources
- Manager of Information Technology
- Managers, Supervisors, Coordinators
- Purchasing Department Services
- Superintendents of Education
- Associate Director, Corporate Services & Treasurer
- Director of Education
- Senior Administration



~~Purchase orders~~ **Requisitions** must be properly and fully **accurately** completed by the requisitioner and approved and signed by the individual(s) with budget approval authority. ~~prior to submission to the Catholic Education Centre for processing. The requisitioner must ensure that the proper account code has been listed on the purchase order.~~

~~Purchase orders are to~~ **Requisitions must** be issued for all purchases of equipment, supplies and services over \$100. Purchases under \$100 may be made with Petty Cash funds **(subject to pre-approval)**. **Please reference the employee portal for additional information on petty cash purchases.**

2. Processing Purchase Orders

~~Purchase orders approved by the Principal (purchase order less than \$2,000, including applicable taxes) may be submitted directly to the vendor from the school. In such cases, the Catholic Education Centre copy (yellow) should be forwarded to the Catholic Education Centre. Once the goods are received, the Receiving Report (pink) should be completed, signed and forwarded to the Catholic Education Centre.~~

~~Purchase orders greater than \$2,000 must be forwarded to the Catholic Education Centre for approval. The school should retain the School's copy (green). After approval, the Receiving Report (pink) will be returned to the school, pending receipt of goods.~~

Purchase orders will be generated from approved requisitions and sent directly to the vendor unless otherwise agreed upon.

3. Purchase Discounts

~~Purchase discounts should be utilized, when available. Every effort should be made by all staff to ensure invoices are~~ **processed** ~~approved and Receiving Reports are forwarded to the Catholic Education Centre in a timely manner so discounts may be realized.~~

~~Where the total discount is less than \$10, the Manager of Finance will decide whether a discount is feasible. Where the discount is over \$10, and the invoice is received in a timely manner to be eligible for a discount, payment should be made to take advantage of the discount. The Manager of Finance has the authority to circumvent this procedure.~~

~~Where lack of proper documentation results in the loss of a discount, this matter should be brought to the attention of the person responsible for the department, i.e., Principal, as well as the Manager of Finance~~ **with budget responsibility.**

4. Receiving Reports

~~All goods and services are to be delivered to the requisitioner's location.~~

4.1. Receiving Procedure at all Locations

~~When goods are delivered to a location, the receiver is responsible for ensuring that the quantity delivered matches the packing slip. Any shortage, overage or visible damage should be noted on the packing slip before it is signed. The receiver is to notify the vendor immediately of any short shipments in order that the appropriate credit can be issued. The purchaser must note on the Receiving Report (pink) of the purchase order when the vendor was contacted to point out this discrepancy. The Receiving Report as well as a copy of the packing slip and cartage bill is to be forwarded to the Catholic Education Centre.~~

4.2. Complete Shipments – Receiving Report of the Purchase Order

~~If a shipment is complete, the receiver must sign and date the Receiving Report (pink) of the purchase order and forward it to the Accounts Payable Department. The Receiving Report, with the attached packing slip and cartage bill, will serve as authority for payment of the invoice.~~

4.3. Incomplete Shipment – Interim Receiving Report

~~If a shipment is not complete, the receiver will complete the Receiving Report (pink) of the purchase order, noting the back ordered items. A photocopy must be retained by the receiving location. The signed Receiving Report (pink) should be sent to the Accounts Payable Department.~~



~~The receiver must indicate the items received match the list of items originally ordered on the Originator's Copy (green) of the purchase order. When the order is complete, the final items received are to be indicated on the photocopy of the Receiving Report and sent to the Accounts Payable Department. The items received earlier and approved on the original Receiving Report are to be crossed-out on the photocopied final Receiving Report.~~

~~In order to take advantage of early payment discounts and/or ensure accurate and timely payment to all our vendors, Receiving Reports (pink), including photocopies, must be dated, signed and submitted immediately to the Accounts Payable Department.~~

Receiving and Expediting Goods and Services

4.1 Expediting Purchase Orders

~~Expediting is the responsibility of the requisitioner or designate. This includes routine follow-up of purchase orders via direct communication with the vendor in an effort to receive the goods or services without undue delay, handle short shipments, substitutes and/or backorders.~~

4.2 Receipt of Goods and Services

~~The location in receipt of the goods or services is responsible for immediately confirming receipt of the purchase order in the Board's financial system. Any paperwork that has accompanied the goods or services must be forwarded to the Accounting Department in the subsequent Board courier. The Board will not only pay invoices without proof of receipt by the requisitioner or designate. Any undue delay could result in the vendor's refusal to deliver future orders until payment is made or the supplier may add interest charges to the cost of the order.~~

~~If there are backordered items, please do not hold back paperwork. Confirmation of receipt in the Board's financial system must be completed immediately following the arrival of the backorder(s).~~

~~Shipments must be verified against the accompanying paperwork within 24 hours of its arrival. Note any discrepancies/shortages and contact the vendor immediately. Failure to do so in a timely manner may result in the inability to receive credit or the correct good/service.~~

5. Cancellation of Purchase Order

~~All requests for cancellation of a purchase order, either complete or in part, are to be made in writing, to the Accounts Payable Department **Accounting Clerks**, only after confirming the cancellation with the vendor.~~

6. Requests from the Accounting Department

~~When Accounts Payable personnel request completion of a Receiving Report, immediate follow-up is a must. Requests are made only when supplier invoices are received and the Accounts Payable Department does not have appropriate documentation to process payment. Any undue delay could result in the vendor's refusal to deliver future orders until payment is made or the supplier may add interest charges to the cost of the order.~~

7. Receiving Report (Pink Copy of Purchase Order) – Summer Procedure

~~When Receiving Reports (pink) are sent to the Accounts Payable Department, all invoices will be paid.~~

~~If the Receiving Report (pink) has not been sent to the Accounts Payable Department by September 10th of the current year, the Accounts Payable Department will email a Request for a Receiving Report and scan a copy of each invoice to the department/school. This procedure is time-consuming for both the school and Board staff and should, therefore, be avoided.~~

6. Requisition Year-End Deadline

~~Each year, the Coordinator of Purchasing Services will designate a date in May as the deadline for requisition entry for all schools and curriculum-based requirements. This deadline will allow sufficient time for receipt prior to the end of the school year. Exceptions shall apply to Corporate Services.~~

Procedures



The following administrative procedures apply to all staff involved in the purchase of goods and services on behalf of the Board as well as all purchases of goods and services from school-generated funds.

1.0 Purchasing Thresholds

The following dollar thresholds (including applicable taxes) indicate the purchasing process to be followed by all staff for goods and services not included on a quotation, tender and/or contract awarded through the Board's Purchasing Department Services or a collaborative purchasing effort done on behalf of the Board. Note: The Facilities Department and Information Technology Services may operate under different thresholds based on the unique requirements within that department.

1.1 Quotations and Competitive Procurements

1.1.1 The purchase of goods and non-consulting services shall be made in accordance with the following:

| Goods or Services (Non-Consulting) Services and Construction (before applicable taxes) | |
|---|--|
| Total Value | Purchasing Process to be Followed |
| \$0 to \$2,000- \$2,500 | May be requisitioned and/or purchased without quotation at the discretion of the individual (or designate) with budget authority. Sound judgment shall be exercised by the individual when determining if quotations should be obtained; regardless of this value range. |
| \$2,001 \$25,000 \$2,501 to \$50,000 | May be requisitioned and/or purchased by the individual with budget authority only after receiving a minimum of three vendor written quotes (fax, email or written). |
| \$25,001 \$50,001 to \$99,999 | The Purchasing Department Services (or designate/third party on behalf of Board) to issue an invitational competitive procurement to a minimum of three suppliers. Bid notices shall, at minimum, be advertised on the Board's website (excluding second stage competitive procurements). |
| \$100,000 + | The Purchasing Department Services (or third party on behalf of Board) to issue open competitive procurement. Bids shall be advertised on a nationally-recognized electronic bulletin board (excluding second stage competitive procurements). |

The Facilities Department and Information Technology Services shall follow the purchasing process for goods and non-consulting services (including applicable taxes) that are not included on a quotation, tender and/or contract awarded through the Purchasing Department Services or a collaborative purchasing effort done on behalf of the Board as outlined below:

| Goods or Services (Non-Consulting) *Facility Services & Information Technology Services* Services and Construction | |
|---|--|
| Total Value | Purchasing Process to be Followed |
| \$0 to \$5,000 | May be requisitioned and/or purchased without quotation at the discretion of the individual (or designate) with budget authority. Sound judgment shall be exercised by the individual when determining if quotations should be obtained; regardless of this value range. |
| \$5,001 to \$25,000 \$50,000 | May be requisitioned and/or purchased by the individual with budget authority only after receiving a minimum of three vendor written quotes (fax, email or written). |
| \$25,001 \$50,001 to \$99,999 | The Purchasing Department Services (or designate/third party on behalf of Board) to issue an invitational competitive procurement to a minimum of three suppliers. Bid notices shall, at minimum, be advertised on the Board's website (excluding second stage competitive procurements). |
| \$100,000 + | The Purchasing Department Services (or third party on behalf of Board) to issue open competitive bid document. Bids shall be advertised on a nationally- |



| | |
|--|---|
| | recognized electronic bulletin board (excluding second stage competitive procurements). |
|--|---|

1.1.2 The purchase of consulting services shall be made in accordance with the following:

| Consulting Services | |
|----------------------------|---|
| Total Value | Purchasing Process to be Followed |
| \$0 to \$99,999 | The Purchasing Department Services (or designate/third party on behalf of Board) to issue an invitational competitive procurement to a minimum of three suppliers. Bid notices shall, at minimum, be advertised on the Board's website (excluding second stage competitive procurements). |
| \$100,000 + | The Purchasing Department Services (or third party on behalf of Board) to issue open competitive bid document. Bids shall be advertised on a nationally-recognized electronic bulletin board (excluding second stage competitive procurements). |

- 1.1.3 All quotations received ~~are to be attached to the purchase order by the initiating department and/or school.~~ **must be submitted with the requisition and are subject to review by Purchasing Services.**
- 1.1.4 It is the department and/or school's responsibility to determine if the required goods and/or services are already available on a quotation, tender and/or contract awarded through ~~the Purchasing Department~~ **Services** (or a collaborative purchasing effort done on behalf of the Board).
- 1.1.5 ~~The Purchasing Department~~ **Services** may decide to purchase any goods or services through a formal or informal quotation process, regardless of the estimated dollar value.
- 1.1.6 Where the unit cost of an item is less than ~~\$2,001~~ **\$2,501**, but the quantity required exceeds a total value of ~~\$2,001~~ **\$2,501**, three quotes are required as per the above thresholds.

i.e.: one utility table = ~~\$250~~ **\$300** = no quotation
 ten utility tables = ~~\$2,500~~ **\$3,000** = three quotes required

A division of requirements into multiple purchases to reduce the estimated value of a single purchase and avoid the application of the above thresholds is not permitted.

1.2 Competitive Procurement

There are two main types of competitive procurement: Information Gathering and Purchasing.

1.2.1 Information Gathering

- 1.2.1.1 Request for Information (RFI)
 An RFI should be used to gather general supplier or product information. This mechanism may be used when the Board is researching a contemplated procurement and has not yet determined what characteristics the ideal solution would have. RFIs normally contribute to the final version of a subsequent Request for Proposal (RFP).
- 1.2.1.2 Request for Expression of Interest (RFEI)
 An RFEI should be used to gather information on supplier interest in an opportunity or information on supplier capabilities/qualifications. This mechanism may be used when the Board wishes to gain a better understanding of the capacity of the supplier community to provide the services or solutions needed. Information collected in an RFEI can also facilitate selecting the best procurement process for a follow-up competitive process.



Note: A response to an RFI or RFEI must not pre-qualify potential suppliers and must not influence their chances of being the successful supplier on any subsequent opportunity.

1.2.1.3 Request for Supplier Qualifications (RFSQ)

An RSFQ should be used to gather information on supplier capabilities and qualifications, with the intention of creating a list of pre-qualified suppliers or a Vendor of Record (VOR). This mechanism may be used either to identify qualified candidates in advance of expected second stage competitive procurements or to narrow the field for an immediate need. The purpose of this process is to reduce subsequent effort devoted to the competitive process (i.e., bid preparation on the part of suppliers and evaluation on the part of the Board).

Note: The terms and conditions of the RFSQ must contain specific language to disclaim any obligation on the part of the Board to actually contact a supplier to supply such goods or services as a result of the pre-qualification. No Contract A or Contract B shall be formed between the Board and the pre-qualified suppliers as a result of this process.

Contract A is formed when a competitive bid document has been returned in the form of a valid bid. Once formed, the Board has a legal obligation to deal fairly and equally with all bidders and must not show favouritism or prejudice. During Contract A, the Board cannot deviate from the process described in the competitive bid document (i.e., change specifications to unfairly benefit a particular bidder).

Contract B is formed when the Board formally accepts a bid. It is the result of fair and equitable treatment of all bidders in arriving at acceptance of a bid. Contract B creates an agreement with obligations on both parties and is subject to applicable contract law, including accepted meanings and interpretations of enforceability, non-performance, breach of contract, remedies, etc.

1.2.2 Purchasing

1.2.2.1 Request for Proposal (RFP)

An RFP should be used to request suppliers to provide solutions for the delivery of complex goods, services or construction or to provide alternative options or solutions. It is a process that uses pre-defined evaluation criteria in which price is not the only factor.

1.2.2.2 Request for Tender (RFT)

An RFT should be used to request suppliers' bids to provide goods, services or construction based on stated delivery requirements, performance specifications and terms and conditions. An RFT usually focuses the evaluation criteria predominantly on price and delivery requirements. This document may also be called a Request for Quotation (RFQ) where the organization has described exactly what needs to be purchased and the evaluation is made solely on price.

1.2.2.3 Vendor of Record (VOR)/Preferred Supplier List

A VOR/Preferred Supplier List should be used to establish a procurement arrangement authorizing the Board to select from one or more pre-qualified vendor(s), typically by way of a formal second-stage process, for a defined period on terms and conditions, including pricing, as set out in the particular VOR agreement. VORs/Preferred Suppliers Lists are used to reduce costs to the Board through the establishment of strategic relationships with a small group of suppliers.

1.2.3. The goal of competitive procurement is to achieve the highest number of quality bids possible, so as to maximize the Board's ability to achieve better value for money. The Board shall provide a minimum response time of 15 calendar days for all competitive procurements valued at \$100,000 or more with



the exception of urgent and/or emergency procurements. The Board will consider increasing minimum response time to 30 calendar days for procurements of high complexity, risk and/or dollar value.

- 1.2.4 All competitive procurements issued by the Board will have a pre-defined closing date and time during normal business hours (Monday to Friday, excluding provincial and national holidays). All submissions received after the closing date and time will not be considered ~~and will be returned unopened~~.

1.2.5 Evaluation of Competitive Procurements

- 1.2.5.1 Competitive procurements must establish and fully disclose evaluation criteria and methodology/process to be used in evaluating a supplier's submission, including the method to resolve a tie score, prior to commencement of the competitive procurement process. The Board shall outline these criteria and processes, where applicable, in the competitive bid documents. Any mandatory criteria shall be clearly defined. Maximum justifiable weighting must be allocated to the price/cost component of the evaluation criteria. Once the competitive process has begun, the above can only be changed or altered by means of addendum to the competitive bid documents.
- 1.2.5.2 For competitive procurements requiring an Evaluation Team, the Board will attempt to select and confirm each member's participation prior to issuing the competitive bid documents.
- 1.2.5.3 All members of the Evaluation Team must be aware of the restrictions related to confidential information shared through the competitive process and refrain from engaging in activities that may create or appear to create a conflict of interest (see Section 3 – Conflict of Interest).
- 1.2.5.4 The Board shall require all members of the Evaluation Team to sign a *Conflict of Interest Declaration and Non-Disclosure Agreement*.
- 1.2.5.5 Each member of the Evaluation Team must evaluate all supplier submissions using an evaluation matrix. All notes, records, etc., must be auditable, fair, factual and fully defensible as these documents are subject to public scrutiny.
- 1.2.5.6 The Board shall select only the highest-ranking submission(s) that have met all criteria as established in the original competitive bid document. Unless expressly requested in the competitive bid document, the Board will not consider alternative strategies or solutions proposed by a supplier.

The Board shall refrain from discrimination or preferred treatment in awarding a contract to the preferred supplier from the competitive process in an effort to avoid potential bid protests or disputes from proponents.

1.2.6 Contract Award

- 1.2.6.1 Once the competitive process is complete and the preferred supplier has been selected, the Board will send a formal contract award letter to initiate the process.
- 1.2.6.2 A signed written contract must be made between the Board and the successful supplier prior to the provision of the goods and/or services and before construction commences.
- 1.2.6.3 Where an immediate need exists for goods or services and the Board and the supplier are unable to finalize the contract as described above, an interim purchase order may be used. Details of this action must be documented and approved by the appropriate authority.



- 1.2.6.4 The form of contract released with the competitive bid document is the only form of contract that will be finalized between the Board and the successful supplier. In circumstances where an alternative procurement strategy has been used (i.e., a form of agreement was not released with the procurement document), the agreement between the Board and the successful supplier must be defined formally in a signed written contract before the provision of supplying goods or services commences.
- 1.2.6.5 The contract shall include the term of the agreement and any optional extensions that were in the competitive bid document, appropriate cancellation and/or termination clauses and a dispute resolution process to be followed throughout the life of the contract, if required. Changes to the term of the agreement initially established in the competitive bid document must first be approved by the appropriate approval authority, within the Board, as these are considered non-competitive procurements.
- 1.2.6.6 For procurements valued at \$100,000 or more, the Board will post, in the same manner as the competitive bid was posted, contract award notification, only after the contract has been executed.
- 1.2.6.7 The contract award notification shall include the name(s) of the successful supplier(s), the agreement start and end dates, including any extension options.
- 1.2.6.8 For procurements valued at \$100,000 or more, all unsuccessful suppliers will be informed regarding their entitlement to a debriefing. The Board will allow 60 calendar days following the date of contract award notification for unsuccessful suppliers to request a debriefing.

1.2.7 Bid Dispute Resolution

All competitive procurements must outline bid dispute resolution procedures to ensure that any dispute is handled in an ethical, fair, reasonable and timely fashion. Bid dispute resolution procedures must comply with bid protest or dispute resolution procedures as established in the applicable trade agreements. The Board shall resolve any bid disputes as indicated below:

- i) Suppliers must forward, in writing, their concerns to ~~The Purchasing Department~~ **Services**.
- ii) ~~The Purchasing Department~~ **Services** will meet with the supplier to resolve the dispute.
- iii) If the supplier has further concerns and/or is unable to resolve the dispute upon meeting with ~~The Purchasing Department~~ **Services**, the supplier may request, in writing, to meet with the ~~Associate Director, Corporate Services~~ **Superintendent of Business & Treasurer**.
- iv) If the above means do not resolve the supplier's dispute, the supplier may then make a written request to the next level of authority at the provincial level to seek resolution.

- 1.2.8 All procurement documents and any other pertinent information relating to the competitive process shall be retained, in recoverable form, for a period of seven years. ~~The Purchasing Department~~ **Services** shall be responsible for the process involving what documents will be stored and where they will be stored. The Board shall utilize the Classification & Retention Administrative Guideline.

1.3 Non-Competitive Procurement

In certain circumstances, it may not always be practical or feasible to obtain competitive quotes/bids from vendors. The following processes outline allowable exceptions to the above thresholds:

- 1.3.1 Single Source – When an unforeseen urgency and/or emergency exists that places risk to the health and welfare of students and/or staff or risk of damage to Board property, obtaining goods and/or services from one supplier, regardless of value, is acceptable. Documentation describing the rationale for this type of purchase must be completed and approved by the appropriate approval authority as this may be used as supporting documents in the case of a competitive dispute.



1.3.2 Sole Source – When only one supplier is available, obtaining goods and/or services from this supplier, regardless of value, is acceptable. Examples of this type of purchase are: to ensure compatibility with existing products, to recognize exclusive rights (license, copyright/patents), to retain a warranty, to purchase real property, to maximize exceptionally advantageous circumstances (bankruptcy/receivership sales), and to make newspaper/magazine/periodical subscriptions. Documentation describing the rationale for this type of purchase must be completed and approved by the appropriate approval authority as this may be used as supporting documents in the case of a competitive dispute.

1.3.3 Exemptions/Exceptions/Non-Application Clause – Where an exemption, exception or non-application clause exists under the Agreement on Internal Trade or other trade agreement, the Board must formally establish applicability of the appropriate clause when obtaining goods and/or services.

Prior to commencement of non-competitive procurement (valued at \$100,000 or more), supporting documentation must be completed and approved by the appropriate approval authority within the Board.

1.4 Approval Authority Levels

Approval authority levels identify the approval required for various dollar levels of purchasing. The following approval levels must be obtained for all purchases prior to conducting the purchase and must be adhered to for all goods and services, including consulting services, based on total estimated value of the purchase.

1.4.1 The following approval levels are subject to funds available in an approved budget:

| Total Value | Approval Authority |
|---|--|
| Less than \$2,000 | Individuals with budget responsibility |
| Greater than \$2,000 to less than \$10,000 | Manager of Finance Manager of Facilities and Construction Projects (for Facilities Department purchases) |
| Greater than \$25,000 \$10,000 to less than \$150,000 | Associate Director, Corporate Services Superintendent of Business & Treasurer |
| Greater than \$150,000 \$150,000 | Associate Director, Corporate Services Superintendent of Business & Treasurer with approval of the Board of Trustees, if the amount is in excess of budget or Ministry Capital Allocation. |

Prior to commencement, any non-competitive purchase for goods and non-consulting services must be approved by an authority one level higher than indicated above.

Prior to commencement, any non-competitive purchase for consulting services (see Section 1.3.3) must be approved by the ~~Associate Director, Corporate Services~~ **Superintendent of Business & Treasurer** with approval of the Board of Trustees.

1.4.2 Mileage, out-of-pocket and/or professional development expenses must be made in accordance with the Board’s Employee Expense Reimbursement policy. Individuals cannot approve their own expenses.

1.4.3 Emergency purchases are permitted with the approval of the Director of Education, ~~Associate Director, Corporate Services~~ **Superintendent of Business & Treasurer** (or designate) in consultation with the Chair of the Board.

1.4.4 Contracts are to be entered into only after consultation with ~~The Purchasing Department~~ **Services** as well as approval from the Director of Education, ~~Associate Director, Corporate Services~~



Superintendent of Business & Treasurer (or designate). Contracts must be signed only by the Director of Education or the ~~Associate Director, Corporate Services~~ **Superintendent of Business & Treasurer**.

- 1.4.5 Credit applications and vendor accounts are to be processed/established by ~~The Purchasing Department~~ **Services**.
- 1.4.6 Written notification must be received a minimum 30 days in advance of any price increases.

1.5 Contract Management

Procurements and the resulting contracts must be managed responsibly and effectively.

- 1.5.1 Assignments must be properly documented to include sufficient detail of the goods and/or services to be provided and subsequently paid for. Assignments should include objectives, background, scope, constraints, staff responsibilities, tangible deliverables, timing, progress reporting, approval requirements and knowledge transfer requirements.
- 1.5.2 For services, contracts shall include, only if applicable, expense claim and reimbursement rules compliant with the Broader Public Sector Expenses Directive. The Board will ensure that expenses are claimed and reimbursed only where the contract explicitly provides for reimbursement of expenses.
- 1.5.3 Payments must be made in accordance with the provisions of the contract.
- 1.5.4 **The term of the contract and any options to extend must be set out in the original procurement documents (bid documents). Changes to the term of the contract may change the procurement value. Prior written approval by the appropriate approval authority must be obtained before changing the contract start and end dates. Extensions to the contract beyond what is set out in the procurement document are considered non-competitive procurement; thus requiring the Board to obtain appropriate approval authority prior to proceeding.**
- 1.5.5 Contracts shall include a dispute resolution process.
- 1.5.6 Supplier performance must be clearly managed and documented, including any performance issues.

2.0 Unauthorized Purchases

- 2.1 Any purchases made in the Board's name, without authority or validation, will be considered an obligation of the person making the purchase and not an obligation of the Board.
- 2.2 No person is authorized to make a purchase and charge it to an account unless he/she is the individual responsible for the budget, has complied with purchasing thresholds listed above and/or has authorized ~~The Purchasing Department~~ **Services** to do so on his/her behalf.
- 2.3 Personal purchases are strictly prohibited. This includes, but is not limited to, those placed on purchase order, through a petty cash fund, through a purchasing card and/or on an employee/Board member meal and travel expense report.
- 2.4 Verbal orders are prohibited except with prior approval from the ~~Associate Director, Corporate Services~~ **Superintendent of Business & Treasurer**.

3.0 Conflict of Interest

- 3.1 A conflict of interest exists where the decision(s) made and/or actions taken in the exercise of duties by a Board employee, trustee, member of a statutory committee or council of the Board, including school council members, could be, or could be perceived to be, affected by the personal, financial or business interest of that person or that person's family or business associates. It is important to note that a conflict



of interest exists whether or not decisions are affected by a personal interest; a conflict of interest implies only the potential for bias, not likelihood.

- 3.2 All staff involved in procurement activities are responsible and accountable for using good judgment and must:
 - 3.2.1. Declare and disclose, in writing, any conflict of interest in a purchasing decision to their supervisor.
 - 3.2.2. Avoid situations which may present a conflict of interest, while dealing with persons or organizations doing business or seeking to do business with the Board.
- 3.3 School council members are governed by their individual school council's conflict of interest by-laws (as required by Ontario Regulation 612/00).
- 3.4 Where a conflict of interest arises, the Board must evaluate and take appropriate mitigating action.
- 3.5 In accordance with the *Education Act*, it is prohibited for an employee of the Board to promote or sell goods and services for compensation other than their salary to any Board, provincial school or teachers' college, or to any pupil enrolled therein, except as permitted by the *Act*.

4.0 Code of Ethics

- 4.1 All Board staff involved in procurement related activity shall be guided by the [Ontario Public Buyer's Association \(OPBA\) Code of Ethics](#) and the [Purchasing Management Association of Canada \(PMAC\) Code of Ethics](#) (http://www.pmac.ca/images/stories/join_pmac_pdf/code%20of%20ethics%20en.pdf [Supply Chain Management Association Code of Ethics](#)).
- 4.2 In accordance with the above Codes of Ethics, Board staff shall conduct all procurement-related activity based on the following:
 - i) highest standard of integrity in all business relationships within and outside of the Board;
 - ii) honesty, care and due diligence must be integral to all Supply Chain Activities within and between BPS organizations, suppliers and other stakeholders;
 - iii) highly demonstrated level of respect for each other and the environment;
 - iv) confidential information must be safeguarded;
 - v) consideration for the interests of the Board and its students in all transactions;
 - vi) transparency and fairness in obtaining the best value for public funds;
 - vii) demonstrated responsible, efficient and effective manner of using public resources;
 - viii) avoidance of any activity that may create, or appear to create, a conflict of interest;
 - ix) gifts and/or gratuities in excess of reasonable hospitality will not be accepted;
 - x) seek counsel from the **Purchasing Department Services** as required;
 - xi) compliance with laws in the Province of Ontario and Canada;
 - xii) buy without prejudice in order to achieve maximum value for money;
 - xiii) avoidance of one's authority being used for personal gain;
 - xiv) continuous improvement in all areas of supply chain (process, knowledge, leading practices, etc.).

5.0 Criminal Background Checks

In accordance with Board Policy 300.15, Section B, *Criminal Background Checks for Service Providers*, all vendors will be required to comply with the regulation. A copy of the Board's policy, *Criminal Background Checks* is available on the Board's website www.bhncdsb.ca

6.0 Environmental Purchasing



The Board will make every reasonable effort to consider environmentally responsible and sustainable products and services as part of the purchasing decision. This will include, but not be limited to, landfill diversion, waste reduction, energy efficiency, ability to be recycled, reusability and supplier selection.

7.0 Disposal of Board Assets

- 7.1 The Board will endeavour to re-use existing resources elsewhere in the system wherever possible. It must be recognized that in our environmentally-conscious society, disposal of surplus or obsolete goods can be expensive. When resources are no longer viable for use, every effort will be made to ensure disposal is both environmentally responsible and cost effective. Should outside agencies be contracted for disposal, they must comply with any applicable government regulation(s).
- 7.2 All furniture and equipment considered surplus will be relocated and/or disposed of by ~~The Purchasing Department~~ **Services** in consultation with the originating department and/or school.
- 7.3 ~~The Purchasing Department~~ **Services** shall have the authority to sell, exchange, trade-in or otherwise dispose of all goods declared surplus or obsolete; where it is cost effective and in the best interest of the Board to do so.
- 7.4 **No employee or Trustee shall purchase, or receive free, any goods declared surplus by the Board, unless done so through public auction.**
- 7.5 The sale of Real Property shall be in accordance with Ontario Regulation 444/98.

8.0 Cooperative Purchasing

- 8.1 The Board will actively participate in cooperative purchasing ventures with other school boards and other branches of government or their agencies of public authorities to obtain maximum value for money through economies of scale and/or shared services. This may also include the Board utilizing a piggy-back clause to existing Ministry or government services, **district school boards** and/or other cooperative group contracts. The Board reserves the right to exercise any of the above; providing these ventures adhere to the Board's policies and procedures and serve the best interests of the Board.
- 8.2 ~~The Purchasing Department is an active member of the Grand River Purchasing Cooperative (GRPC) that meets quarterly to explore and/or manage all opportunities for collaborative purchasing.~~

9.0 Standardization

- 9.1 The Board will standardize goods and services wherever possible in an effort to ensure an acceptable level of quality as well as to increase cost and service efficiencies.
- 9.2 All computer-related products (desktops, laptops, printers, monitors, etc.) shall be purchased only after consulting with Information Technology ~~Department~~ **Services** and/or ~~The Purchasing Department~~ **Services** to obtain the recommended product and the appropriate vendor information.

9.3 Centralized Purchases

- 9.3.1 In order to ensure uniformity across the Board, ~~The Purchasing Department~~ **Services** will oversee the purchase and/or lease of office furniture, classroom furniture, office equipment and wireless communications.

10.0 Geographic Preference

- 10.1 ~~Agreement on Internal Trade~~ **Canadian Free Trade Agreement** ~~Ontario-Québec Procurement Agreement~~ **Other Trade Agreements**



- 10.1.1 The Board will endeavour to provide equal access to qualified suppliers in consideration of the ~~Agreement on Internal Trade~~ **Canadian Free Trade Agreement** and the ~~Ontario-Québec Procurement Agreement~~ **other Trade agreements**.
- 10.1.2. The Board shall advertise all opportunities for goods and services valued at (pre-tax) \$100,000 or greater ~~on the Board's website, www.bhnedsb.ca, and a nationally recognized electronic bulletin board available within Canada~~ **electronically**.

11.0 Freedom of Information

- 11.1 All vendor quotations/bids submitted become the property of the Brant Haldimand Norfolk Catholic District School Board and are subject to the *Municipal Freedom of Information and Protection of Privacy Act*.
- 11.2 Any information supplied by the vendor that is considered confidential must be clearly identified as such by the vendor.
- 11.3 Although the Act provides for some protection for third-party business interests, the Brant Haldimand Norfolk Catholic District School Board cannot guarantee that any information provided to the Board can be held in confidence.

12.0 Fair Labour Practices

- 12.1 The Board supports the rights of all workers and will, therefore, strive to ensure that all suppliers of student and staff uniforms, as well as spirit wear, provide the necessary assurances that the items are manufactured under safe, just and healthy conditions.

13.0 Purchase Orders

- 13.1 All purchases for goods and services must be made using ~~the~~ a Board **authorized purchase order**. ~~standard purchase order form~~.

Exceptions are as follows:

- i) Purchase is made with petty cash funds (for purchases less than \$100).
- ii) Purchase is made using a Board purchase card.
- iii) Purchase is authorized by the Manager of Facilities & Construction Projects/Manager of Finance, Supervisor of Accounting or ~~The Purchasing Department~~ **Services**, in situations where it is not appropriate or feasible to issue a purchase order.
- iv) Retail store purchases (**see below**).

14.0 Retail Store Purchases

- 14.1 The Board will, from time-to-time, make purchases through local retail stores to satisfy emergency and/or time-sensitive requirements. Board employees requiring this type of purchase are encouraged, where possible, to purchase through stores which provide the Board with open terms (i.e., invoice the Board for payment later) and/or in which blanket orders are in place.
- 14.2 Transactions will be made in accordance with the Board's purchasing thresholds listed above.
- 14.3 All invoices/original cash register receipts must be approved by the appropriate individual with budget responsibility (i.e., Manager/Principal/Superintendent).
- 14.4 Purchases of this nature will be monitored at regular intervals by Purchasing-**Services** to ensure value-for-money and policy adherence.



15.0 Facilities Department

- 15.1 The Facilities Department will issue purchase orders and/or blanket orders to pre-qualified contractors on an *as required* basis. Each contractor will have an estimated dollar limit per work order, which must be approved by the Manager of Facilities & Construction Projects.
- 15.2 The above circumstances are conducted with the understanding that in some situations, it is not practical to obtain three quotations in advance of the work being performed (see Section 1.3.4 – Emergency Purchases).
- 15.3 Blanket orders will be issued by the Facilities Department to companies for general contracting services based on competitive procurements as outlined in Section 1 – Purchasing Thresholds.
- 15.4 All invoices must show the purchase order number/blanket order number as well as a description of the work performed. The Manager of Facilities & Construction Projects will approve the invoices for payment.

Definitions

Consulting Services

The provision of securing expertise or strategic advice for consideration and decision-making.

Emergency Purchases

Necessary purchases made to avoid any potential loss of life, property or financial burden.

References

Agreement on Internal Trade

Education Act, Section 217

Bill 122, Broader Public Sector Accountability Act, 2010

Broader Public Sector Expenses Directive (Management Board of Cabinet), 2011

Broader Public Sector Procurement Directive (Management Board of Cabinet), 2011

Criminal Background Checks for Service Providers Policy and Administrative Procedures

Employee Expense Reimbursement Policy and Administrative Procedures

Municipal Freedom of Information & Protection of Privacy Act

Ontario Public Buyer's Association (OPBA) Code of Ethics

Ontario-Quebec Procurement Agreement

Ontario Regulation 444/98: Disposition of Surplus Real Property

Ontario Regulation 612/00: **School Councils and Parent Involvement Committees**

Professional Standards & Conflict of Interest Policy for Employees

Purchasing Terms and Conditions

Public Service of Ontario Act, 2006

School Funds Policy and Administrative Procedures

Supply Chain Management Association Code of Ethics