



## **Workplace Harassment**

### **#300.01**

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<b>Adopted:</b>	April 23, 2002
<b>Last Reviewed/Revised:</b>	June 24, 2025
<b>Responsibility:</b>	Superintendent of Education
<b>Next Scheduled Review:</b>	November 1, 2029

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#### **POLICY 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, 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 but not limited to employees, supervisors, parents, visitors, members of the public and any other individuals who come into contact with employees of the Board.

#### **APPLICATION AND SCOPE:**

The Board has specific duties regarding Workplace Harassment and Workplace Sexual Harassment under the Ontario *Human Rights Code and Occupational Health and Safety Act*. This Policy and Administrative Procedure clarifies roles and responsibilities regarding workplace harassment, to assist employees with their complaint and to provide direction to school administration, managers and supervisors in receiving and responding to a complaint.

Employees are encouraged to report workplace harassment. The Board will investigate and address all complaints or incidents of workplace harassment in a fair and timely manner. Information about a complaint or incident will not be disclosed except to the extent necessary to protect employees, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

An employee will not be penalized for reporting an incident or participating in a workplace harassment investigation.

This Policy and Administrative Procedure includes measures for:

- a 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 not acceptable and will not be tolerated.
- all those working for the Board, and those using the services of the Board, to 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 harassment.
- the Board's responsibilities relative to harassment, identified in terms of awareness, prevention and response.
- an impartial external investigator to receive and investigate a report of workplace harassment, if the alleged respondent(s) are in a position of authority or perceived authority.



## REFERENCES:

- Education Act
- Ontario Human Rights Code
- Criminal Code of Canada
- Canadian Charter of Rights and Freedoms
- Occupational Health and Safety Act
- Board Policy 300.12 Volunteers
- Board Policy 300.16 Health and Safety
- Board Policy 300.20 Workplace Violence Prevention

## FORMS:

- Brant Haldimand Norfolk Catholic District School Board's Workplace Harassment Complaint Form

## APPENDICES:

- N/A

## DEFINITIONS:

**Complainant:** A person who considers that they have been subjected to harassment or harassment related reprisal even though that individual may not lay a formal written complaint.

**Disability:** A person that 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 and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;
- a condition of mental impairment or a developmental disability;
- 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 insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

**Discrimination:** The Ontario Human Rights Code states that "Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability."

**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*.



**Investigator:** An Investigator may include a member of Human Resource Services, a Superintendent of Education, the Superintendent of Business, the Director of Education, or an external investigator.

**Prohibited Grounds:** Under the Ontario Human Rights Code (OHRC), prohibited grounds refer to the personal characteristics that are legally protected from discrimination and harassment in areas such as employment, housing, services, and contracts. The prohibited grounds of discrimination are:

1. Age
2. Ancestry
3. Colour
4. Race
5. Citizenship
6. Ethnic origin
7. Place of origin
8. Creed
9. Disability
10. Family Status
11. Marital status
12. Gender identity
13. Gender expression
14. Receipt of Public Assistance
15. 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)
16. Sexual orientation
17. Sex

**Reprisal:** A reprisal is an action, or threat, that is intended as retaliation for claiming or enforcing a right under the Ontario Human Rights Code or the Occupational Health and Safety Act.

**Respondent:** A person who is alleged to have engaged in workplace harassment as defined in *Definitions* of the Workplace Harassment Policy.

**Sexual Solicitation or Advances:** Section 7(3)(a) of the *Ontario Human Rights Code* sets out a person's right to be free from a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome. This provision of the Ontario *Human Rights Code* is violated when the person making the solicitation or advance knows, or should reasonably know, that such behaviour is unwelcome.

**Supervisors:** The Occupational Health and Safety Act defines a supervisor as a person who has charge of a workplace or authority over a worker.

**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, including virtually through the use of information and communications technology, 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.

Reasonable action taken by an employer or supervisor relating to the management and direction of a worker or the workplace is not workplace harassment.

**Workplace Sexual Harassment:** The *Occupational Health and Safety Act* defines workplace sexual harassment as:

- Engaging in a course of vexatious comment or conduct against a worker in the workplace, including virtually through the use of information and communications technology, 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; or
- Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Carol Luciani

Carol Luciani, Chair of the Board

December 9, 2025

Date



## **ADMINISTRATIVE PROCEDURES:**

### **1.0 Purpose:**

- 1.1 The Board has a legal, ethical and moral responsibility to investigate allegations of harassment. This policy applies to and addresses workplace harassment from all sources, including but not limited to employees, supervisors, parents, visitors, members of the public and any other individuals who come into contact with employees of the Board during the course of employment.

### **2.0 Responsibilities:**

#### **2.1 School Board Administration is responsible for:**

- discouraging and preventing employment-related harassment and harassment in the provision of services;
- promoting the Board's commitment to providing a harassment-free environment and the existence of the procedures available under the Policy;
- ensuring that an investigation is conducted into incidents and complaints of workplace harassment that is appropriate in the circumstances;
- ensuring that the employee who has allegedly experienced workplace harassment (the "Complainant") and the alleged harasser (the "Respondent"), if he or she is an employee of the Board, are informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation;
- 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 and response to a Complainant(s), as well as to Respondent(s);
- formally acknowledging to a person found to have been harassed that harassment has taken place and to provide them 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 Workplace Harassment Policy and Administrative Procedure
- maintaining confidential records as required;
- providing training and resources for all those working for and providing services to the Board to fulfill their responsibilities under the Workplace Harassment Policy; and
- providing any additional training related to harassment in the workplace as required by the Board or through changes in legislation.

#### **2.2 Employees are responsible for:**

- promoting a working and learning environment that is free from harassment and assisting anyone who believes they are 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.



### **3.0 Workplace Harassment**

3.1 The Ontario *Human Rights Code* requires that employers have procedures to prevent and respond to allegations of harassment or discrimination. The *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.

3.2 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*.

#### **3.3 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; homophobic, sexist or ethnic slurs
- 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.
- Abuse of authority which undermines performance or threatens career

#### **3.4 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 favors;
- 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.





### **3.5 Other Types of Harassment:**

- 3.5.1 **Poisoned Work Environment:** The notion/concept of a poisoned environment is one which is created when a workplace is hostile or unwelcoming because of insulting or degrading comments or offensive actions aimed at an employee or others within the workplace. Negative comments or conduct which humiliates, demeans, ostracizes and is devaluing of members of groups targeted by the unwelcome behaviour can be considered to poison a work environment.
- 3.5.2 **Parental and Community Member Harassment:** Harassment may be understood as persistent parental or community criticism of, or interference with, school programs or teacher performance or a course of interaction that is vexatious, unwarranted or unsubstantiated. Parental harassment does not include the normal interaction of parents with school staff regarding their children. A staff member who believes they have been subjected to harassment by a parent or community member should follow the procedures for reporting workplace harassment as outlined in this Administrative Procedure.

3.6 A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

3.7 Harassment or discrimination involving a student of the Board will be addressed under the *Safe Schools Act* and should be reported to the appropriate School or Board Administration.

### **4.0 Reporting Workplace Harassment**

- 4.1 Any employee of the Board has the right to file a complaint about situations which they believe to be discriminatory or harassing behaviour, whether they are directly involved as the victim of the behaviour or have observed the behaviour exercised against another or others.
- 4.2 Employees can report incidents or complaints of workplace harassment and/or discrimination verbally or in writing.
- 4.3 When submitting a written complaint, the Complainant should provide the details of their complaint in writing or by completing the *Brant Haldimand Norfolk Catholic District School Board's Workplace Harassment Complaint Form* (Form 1). Employees can provide additional documentation with the form.
- 4.4 If submitting a written complaint outside of the prescribed form, employees will include the following:
- Name of the Complainant(s) and contact information;
  - Name of the Respondent(s), position and contact information (if known);
  - Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known);
  - Details of what happened including date(s), frequency and location(s) of the alleged incident(s);
  - Any supporting documents the Complainant(s) may have in their possession that are relevant to the complaint; and
  - A list of any documents a witness, another person or the Respondent(s) may have in their possession that are relevant to the complaint.
- 4.5 Completed forms/ written complaints and any supporting documentation should be forwarded in confidence to the Manager of Human Resource Services at [hrmanager@bhncdsb.ca](mailto:hrmanager@bhncdsb.ca)
- 4.6 When reporting verbally, the reporting contact, along with the Complainant, will record the necessary information.

### **5.0 Complainant Responsibilities: Bringing Forward a Complaint**

#### **5.1 Step 1: Informal Resolution**

- i. A Complainant is encouraged to bring the matter to the attention of the Respondent by making direct and clear objection to the respondent(s) indicating that the comment or conduct is not acceptable. This may resolve the issue.



- ii. It is important that the Complainant document (note the details of) any communication they have with the Respondent (i.e., what was said, date, time, place, witnesses, etc.).
- iii. Where such an approach is attempted and does not produce a satisfactory result or where the Complainant does not feel able to bring the matter directly to the attention of the Respondent, the Complainant should report the harassment to their direct supervisor.
- iv. The supervisor will support the complainant and assist in determining the best way to resolve the issue.
- v. In the case where the Respondent is the Complainant's direct supervisor, the Complainant should report the harassment to the next level of management, Human Resources Services or another Board employee who is in a position to provide guidance and assistance with the complaint. This may include another Supervisor, Principal, Manager, Superintendent or Director of Education. This person will assist in determining the best way to support the complainant and assist them in resolving the issue.

## **5.2 Supervisor Responsibilities: Responding to a Complaint**

- 5.2.1 Where an allegation of harassment and/or discrimination is brought forward by an employee, the Supervisor receiving the complaint will advise the Complainant of the following:
  - the availability of counseling and other support services provided by the Board, such as the Employee and Family Assistance Program (EAP);
  - the right to withdraw from any further action in connection with the complaint at any stage. The Complainant should be advised that the Board has a legal obligation to investigate allegations of harassment and may continue to investigate the complaint even if they choose to withdraw from any further action;
  - there may be times when the Board is legally required or determines it is necessary to conduct an investigation even if someone does not want to file a formal complaint. In that case, it would be considered an employer-initiated complaint.
  - all incidents or complaints of workplace harassment, including identifying information about any individuals involved, 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.
  - to follow the same procedures if they have been the subject of any act of reprisal for bringing an instance of discriminatory or harassing conduct to the attention of the Board through these procedures or otherwise.
- 5.2.2 The Supervisor will consult with Human Resource Services and discuss options for resolution with the Complainant:
  - i. Step 2: The Principal/Supervisor (or next higher level of management if the Principal/Supervisor is the Respondent), will assist in resolving the complaint informally. This may include meeting with all parties to discuss the matter, exploring the notion of conflict resolution, mediation or any other options to affect a satisfactory solution. Human Resource Services will assist the supervisor in this process.
  - ii. Step 3: Submit a formal written complaint under Policy 300.01. If the Complainant chooses to file a formal written complaint, the Complainant should be advised that their complaint will be forwarded to the Manager of Human Resources to initiate the formal investigation process. The supervisor will advise the Complainant that the Respondent is entitled to receive the written complaint regarding the allegations made against them so that they can respond appropriately.





- 5.2.3 A complaint should be brought to the attention of the Board within six (6) months of the occurrence of the events which gave rise to the complaint. However, where a reasonable circumstance exists for failing to bring the complaint within six (6) months and the delay would not result in any prejudice to the Respondent, a complaint may be accepted beyond the six (6) month limit.

## **6.0 Step 2: Informal Resolution: Supervisor Facilitated**

- 6.1 Failing resolution at step one the Principal/Supervisor (or next higher level of management if the Principal/Supervisor is the Respondent), will assist in resolving the complaint informally.
- 6.2 The Principal/Supervisor will:
- Consult with Human Resources Services where assistance is required.
  - Meet with the Complainant to gather information and clarify the details of the complaint.
  - Meet with the Respondent(s)
  - Meet with any identified witnesses to corroborate information.
  - Inquire in any other ways to gather relevant and necessary information.
  - Collaborate with the Complainant on how they would like to proceed to remedy the situation (informal discussion with the Complainant and Respondent (i.e., mediation, conflict resolution, education).
- 6.3 All parties will be advised that they may be accompanied by a union representative (if applicable). The union representative will be advised that their participation in the investigation is to support the employee through the process.
- 6.4 All parties involved will be advised that confidentiality and professionalism must be maintained by all parties throughout and following the investigation process. Failure to maintain confidentiality may result in disciplinary action.
- 6.5 Comprehensive and confidential notes will be kept by the supervisor/principal.
- 6.6 The principal/supervisor will prepare a written summary for all parties that may include recommendations to restore and maintain the professional relationship.

## **7.0 Step 3: Formal Complaint**

- 7.1 The complaint may proceed to Step 3 in the following circumstances:
- In lieu of Step 1 or Step 2, if it is determined by Human Resource Services that the most appropriate avenue, given the circumstances surrounding the complaint, is to proceed to Step 3 (e.g., if the source of the complaint is the Complainant's Supervisor);
  - If Step 1 and/or Step 2 does not resolve the complaint;
  - In the case of Sexual Harassment.
  - In lieu of Step 1 and/or 2, at the option of the Complainant
- 7.2 Where the Complainant wishes to bring forward a formal written complaint, they may do so by providing the details of their complaint in writing or by completing the *Brant Haldimand Norfolk Catholic District School Board's Workplace Harassment Complaint Form* (Form 1).
- 7.3 Once completed, the complaint, completed form and any supporting documentation should be forwarded in confidence to the Supervisor and the Manager of Human Resource Services at [hrmanager@bhncdsb.ca](mailto:hrmanager@bhncdsb.ca).
- 7.4 Where other board personnel receive the complaint they will inform the Manager of Human Resource Services of the formal written complaint. This should be done within 24 hours of receiving the complaint.
- 7.5 The Manager of Human Resource Services will assign the investigation to the appropriate Board personnel who will conduct an impartial investigation into the complaint. Investigations may be conducted by a member of Human Resource Services, a Superintendent of Education, the Superintendent of Business, the Director of Education or an external investigator, dependent upon the position of the Complainant or Respondent and at the discretion of the Manager of Human Resource Services.



- 7.6 While the investigation is on-going, the Complainant, the Respondent, and any witnesses will be instructed not to discuss the complaint, incident(s) or the investigation with other employees or witnesses unless necessary to obtain advice about their rights.
- 7.7 The investigator may identify in-term measures to be implemented throughout the investigation for the safety and wellbeing of the parties involved.
- 7.8 The assigned Investigator will meet with the Complainant and Respondent individually and will outline the formal complaint process as outlined in the following stages.
- 7.9 The Board recognizes that anonymous complaints are difficult to investigate while still providing procedural fairness. Available options may be limited.

## **8.0 Formal Complaint Investigation Procedure**

### **8.1 Stage 1: Documentation and Notification Process**

- 8.1.1 The Investigator will advise the Complainant of their right to take other avenues of recourse such as:
  - utilizing any applicable provisions of the Collective Agreement;
  - filing a complaint with the Ontario Human Rights Commission;
  - filing a complaint with the Ministry of Labour;
  - resolving the issue through federation/union mechanism if both Complainant and Respondent are members of the same bargaining unit;
  - taking civil action;
  - reporting the incident to the police and taking action under the *Criminal Code*.
- 8.1.2 The Investigator will advise the Complainant that the Respondent is entitled to receive information regarding the allegations made against them so that they can respond accordingly.
- 8.1.3 Both parties will be advised that even if the matter is resolved to the satisfaction of the Complainant, the Board is obliged under the *Occupational Health and Safety Act* and the Ontario *Human Rights Code* to continue the inquiry into the complaint and to take whatever remedial action is appropriate.

### **8.2 Stage 2: Investigation**

- 8.2.1 The assigned Investigator will collect evidence by meeting with the Complainant and Respondent (separately), interview witnesses and otherwise investigate all aspects of the matter that are relevant in determining whether or not the allegations of harassment are substantiated.
- 8.2.2 All individuals who are interviewed will be advised that they may be accompanied by a union representative (if applicable). The union representative will be advised that their participation in the investigation is to support the employee through the process.
- 8.2.3 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.
- 8.2.4 Comprehensive, confidential notes will be kept by the Investigator.

### **8.3 Stage 3: Report and Conclusion**

- 8.3.1 At the conclusion of the investigation, the Investigator will prepare a summary of the investigation findings.
- 8.3.2 Both the Complainant and the Respondent will be informed in writing whether the allegations of harassment are substantiated or unsubstantiated.
- 8.3.3 The Investigator will recommend appropriate remedial action which should be taken in the circumstances. It should be noted that remedial action may be recommended regardless if the allegations of harassment are substantiated or unsubstantiated.
- 8.3.4 Such remedial action may include, but not be limited to:
  - counseling;
  - education or training related to harassment;



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

8.3.5 The Investigator will advise the appropriate Supervisor of the investigation findings in writing, and recommend any disciplinary and/or remedial action to be taken. The Supervisor, in consultation with a member of Senior Administration is responsible for determining the level of disciplinary action and/or remedial action to be taken, based on the investigative findings.

#### **8.4 Stage 4: Review of the Decision**

- 8.4.1 The Complainant and/or Respondent may request a review of the investigation process to the Director of Education within 10 days of the receipt of the investigation findings. The Director will conduct a review of the investigation to determine whether:
- i. the investigators failed to comply with these procedures.
  - ii. new relevant evidence becomes known after the final decision and before the expiry of the ten working days.
- 8.4.2 This process does not include a review of the final decision regarding a claim that the conclusions drawn by the investigator(s) were incorrect.
- 8.4.3 Based on the appeal review, the Director may recommend an additional investigation be conducted either by another Investigator employed by the Board or by an external investigator.

#### **8.5 Retention of Records**

- 8.5.1 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 witness statements, if taken;
  - d. a copy of the investigation report;
  - e. a summary of the results of the investigation that was provided to the Complainant and to the Respondent, if an employee of the Board;
  - f. a record of any corrective action taken to address the complaint or incident of workplace harassment;
  - g. a copy of any appeal related records;
  - h. a copy of any corrective action taken to address the complaint or incident of workplace harassment.
- 8.6 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 written documents must be kept in a sealed envelope and stored in the office of the Manager of Human Resources.
- 8.7 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 Occupational Health and Safety Act, and therefore are not required to be shared with the Joint Health and Safety Committee.
- 8.8 For the purposes of the Occupational Health and Safety Act, records must be kept for at least one year from the conclusion of the investigation.

#### **9.0 Reprisal**

- 9.1 The Ontario *Human Rights Code* (Section 8) and the *Occupational Health and Safety Act* (Section 50), require that employers protect employees from reprisal or threats of reprisal. A reprisal is an action, or threat, that is intended as retaliation for claiming or enforcing a right under the *Code*.



- 9.2 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.
- 9.3 Under the Ontario *Human Rights Code* and the *Occupational Health and Safety Act*, 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 an inquiry or investigation process under the Policy; or
  - c) having associated with a person who has invoked the Policy or participated in these Administrative Procedures.
- 9.4 In the event that an employee 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 considered reprisal or a breach of this policy. Documentation regarding the disciplinary action will be placed in the employee's personnel file.

## **10.0 Consequences of Engaging in Harassment**

### **10.1 Under Statute**

- 10.1.1 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.
- 10.1.2 Persons who engage in workplace harassment prohibited by the *Occupational Health and Safety Act* are liable for disciplinary action up to and including dismissal.
- 10.1.3 Persons who have knowledge of, or who acquiesce in harassment may be found in violation of the *Ontario Human Rights Code*, or the *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.

### **10.2 At Common Law**

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

### **10.3 In Employment**

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

## **11.0 Confidentiality**

- 11.1 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.
- 11.2 To protect the interests of the Complainant, the Respondent 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.