

Policy Statement	
	Policy No. F-18
SUBJECT:	Prevention of Harassment and Promotion of a Healthy Work Environment
Approval Date: October 29, 2019	Resolution No: C-19/20-33
Revision Date:	Resolution No:
Origin: Governance and Ethics Committee	

SECTION 1: OBJECTIVE

This policy of the Western Quebec School Board is developed to promote a learning and working environment in which all individuals treat each other with respect and dignity, and that is free from harassment. We believe that harassment erodes the individual’s dignity and self-esteem and works to destroy a healthy and sustainable workplace.

All Western Quebec School Board employees (including third party employees), volunteers, and elected WQSB officials as well as all contractors providing services to the Board are expected to comply with this policy. This Policy applies to all members of the school community, including but not limited to employees, bus drivers, involved parents and Governing Board members and related committees, elected representatives, visitors (such as parents and members of the public), volunteers, permit holders, contractors and employees of service organizations who work on or are invited onto board property, and people responsible for supervising or monitoring activities of the board. It also applies to any location or any event related to work, including while on travel status, at a conference or training activities where attendance is sponsored by the Board, and any event, including social events, sponsored by the Board.

The Western Quebec School Board will not tolerate any behaviour that constitutes harassment. All incidents and complaints of harassment should be reported by employees and will be investigated in a consistent, fair, and timely manner by the school board.

SECTION 2: REFERENCES

Our Policy to Prevent Harassment and Promote a Healthy Work Environment is developed in compliance with applicable laws and regulations, notably the:

- i. Quebec’s *Charter of Rights and Freedoms*;
- ii. Canada’s *Charter of Rights and Freedoms*;
- iii. *Act respecting labour standards* (RLRQ c. N-1.1.);
- iv. *Quebec’s Education Act* (R.S.Q., c. I-13.3);
- v. *Civil Code of Québec* (notably sections 264 to 810);
- vi. Bill 56: *An Act to Prevent and Stop Bullying and Violence in Schools*;
- vii. all Collective Agreements; and,
- viii. the Western Québec School Board’s *Safe Schools Policy*.

SECTION 3: EMPLOYER’S OBLIGATION and COMMITMENT TO PROVIDE A WORKPLACE FREE FROM HARASSMENT

- i. The Western Quebec School Board must ensure that harassment does not take place and provide its employees as well as all persons whom the policy applies with an environment free of harassment. To be able to fulfill our obligations well, the Western Quebec School Board also has the right to ask all the persons to whom the Policy applies to refrain from harassing their colleagues, their superiors, or people with whom they have dealings as part of their employment.
- ii. The Western Quebec School Board can assure its employees that it will:
 - a. Act to prevent any situation in which harassment is reported through reasonable measures;
 - b. Act to put a stop to any harassment as soon as it is informed of it by applying the appropriate measures, including the efficient harassment complaint resolution processes and possible sanctions;
 - c. Adopt management procedures and practices that make it possible to prevent harassment situations;
 - d. Monitor the effectiveness of this Policy and other applicable related procedures and instructions.

SECTION 4: DEFINITIONS

- i. What is harassment?
Please refer to section 81.18 and 81.19 of the *Act respecting labour standards*.

81.18. For the purposes of this Act, “psychological harassment” means any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects an employee’s dignity or psychological or physical integrity and that results in a harmful work environment for the employee. For greater certainty, psychological harassment includes such behaviour in the form of verbal comments, actions or gestures of a sexual nature. A single serious incidence of such behaviour that has a lasting harmful effect on an employee may also constitute psychological harassment.
2002, c. 80, s. 47; 2018, c. 21, s. 33.

81.19. Every employee has a right to a work environment free from psychological harassment. Employers must take reasonable action to prevent psychological harassment and, whenever they become aware of such behaviour, to put a stop to it. They must, in particular, adopt and make available to their employees a psychological harassment prevention and complaint processing policy that includes, in particular, a section on behaviour that manifests itself in the form of verbal comments, actions or gestures of a sexual nature.

SECTION 5: TIMELINESS

- i. An official complaint shall be made as soon as possible, using the WQSB form; the official complaint is to be submitted directly to the Director General, or their designate. but no later than two years of the last incident of perceived harassment (re: section 123.7 of the Act respecting Labour Standards).
- ii. WQSB is committed to make every effort to resolve complaints in a timely fashion.

SECTION 6: CONSEQUENCES AND COMPLIANCE

- i. Non-compliance with this Policy may have consequences for WQSB as an institution and for WQSB employees and all other persons to whom this Policy applies as individuals. Suspected non-compliance may be investigated. The nature and severity of the consequences resulting from non-compliance will be commensurate with the circumstances of the non-compliance. Consequences of non-compliance may include one or more of the following:
 - The ordering of completion of appropriate learning, training or professional development;
 - The entering of observations in individual performance evaluations;
 - Increased reporting and performance monitoring;
 - The application of specific consequences as set out in applicable laws, regulations or codes of conduct;
 - Ever increasing disciplinary measures including dismissal;
 - Other administrative actions or measures deemed appropriate.

SECTION 7: INVESTIGATION

- i. The Director General or their designate will coordinate with the complainant upon receipt of the official complaint.
- ii. The Director General or their designate will meet and interview the complainant, the respondent and any witnesses that have been identified. All people that are interviewed will have the right to review their statement, as recorded by the investigator, to ensure accuracy.
- iii. The Director General or their designate will prepare a report and submit it to the Director of Human Resources. The report will include:
 - A description of the allegations
 - The response of the person the complaint was made against
 - A summary of the information learned from witnesses (if applicable)
 - A decision about whether, on the balance of probabilities, harassment did occur.
- iv. If a harassment complaint is substantiated, the Director of Human Resources will decide what disciplinary or non-disciplinary action is appropriate (remedies for the complainant and corrective actions for the respondent). Both parties to the complaint will be advised, in writing, of the decision.

SECTION 8: MEDIATION

- i. Wherever appropriate and possible, the parties to a harassment complaint will be offered mediation as part of the formal investigation process.
- ii. Mediation is voluntary and confidential. It is intended to assist the parties to arrive at a mutually acceptable resolution to the complaint. The mediator will be appointed by the Director of Human Resources and will not be involved in investigating the complaint.
- iii. Each party to a complaint has a right to be accompanied during the mediation sessions by a person of their choice.

SECTION 9: PRIVACY and CONFIDENTIALITY

- i. All parties to a harassment complaint are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of such a complaint to those who need to know. In cases where a party does not abide by those standards, the Director of Human Resources may take any action that is deemed appropriate. Confidentiality applies to everything that is being discussed regarding the case.

SECTION 10: REVIEW

WQSB will review this Policy and the related procedures every 3 years, or as required, and will make the necessary adjustments to ensure that it meets the needs of the persons to whom it applies.



POLICY TO PREVENT HARASSMENT and PROMOTE A HEALTHY WORK ENVIRONMENT

Harassment Report Form

**In accordance with the
POLICY TO PREVENT HARASSMENT IN and PROMOTE A HEALTHY WORK ENVIRONMENT**

Complete and print the form, providing all information available. Send it to the DIRECTOR GENERAL in a sealed envelope marked “**Confidential**” by postal mail or send an electronic copy via email, addressed to the **Director General, Mike Dubeau, mdubeau@wqsb.qc.ca**

IDENTIFICATION of COMPLAINANT	
First name	Last name
<p>A staff member is a permanent or casual employee of the school board, who receives a wage or salary from the board. For the purposes of this Procedure, persons participating in the school board’s mission by holding an office, performing a function, work or another task for the school board, whether paid or unpaid, are also included. These could be members of the Council of Commissioners and of other committees in place within the school board, as well as volunteers working in its institutions.</p>	

CONTACT INFORMATION FOR VICTIM OF HARASSMENT	
Choose at least one (1) of the ways listed below for the DHR to contact you confidentially.	
Telephone	Permission to leave a message? <input type="checkbox"/> Yes <input type="checkbox"/> No
Email	
Mailing address	

PEOPLE WHO ARE ALLEGED TO BE COMMITTING HARASSMENT			
First name	Last name	Title	
Location			<input type="checkbox"/> School board employee
First name	Last name	Title	
Location			<input type="checkbox"/> School board employee
First name	Last name	Title	
Location			<input type="checkbox"/> School board employee
Explanatory Comments:			

DESCRIPTION OF FACTS

Date(s) of Concerning or Hurtful Behaviours: _____

Describe the facts observed/experienced:

IMPACT STATEMENT

Possible impacts on the health or safety of people or on the environment. Describe Impact on Victim(s):

TIME(S), DATE(S) AND PLACE(S)

Date: _____

From: _____ to: _____

Repeatability. Specify: _____

Place _____

OTHER PERSONS INVOLVED OR WITNESSES

First name	Last name	Title	
Contact information		<input type="checkbox"/> Employee of school board	
Role (witness, participant, etc.)			
First name	Last name	Title	
Contact information		<input type="checkbox"/> Employee of school board	
Role (witness, participant, etc.)			
First name	Last name	Title	
Contact information		<input type="checkbox"/> Employee of school board	
Role (witness, participant, etc.)			

ADDITIONAL INFORMATION

Pieces of evidence or documents in your possession(ATTACH):

Steps taken by the victim to resolve the situation if applicable (ie. spoken to manager, union, staff member...):

Is there a confidentiality concern? Are you concerned that others may be aware, and that this knowledge will cause/is causing stress?

Is there a fear or threats of reprisal?

This information can only be accessed by the Director General and by staff they appoint, where/when applicable to investigate. This information shall be stored confidentially, and can only be used and communicated in accordance with the *POLICY TO PREVENT HARASSMENT and PROMOTE A HEALTHY WORK ENVIRONMENT.*

Please sign and date this form before submission.

Signature

Date