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1. General

Lakehead District School Board (LDSB) is committed to providing a safe, equitable and respectful learning and working environment. It is a shared responsibility across LDSB to foster an environment that is free from harassment, discrimination, and workplace harassment, where every individual is treated with respect.

These procedures support the implementation of the 7030 Human Rights and Workplace Harassment Policy.

2. Definitions

These terms are defined for implementing the 7030 Human Rights and Workplace Harassment Policy and Procedures.

Allegation is an unproven claim or assertion that someone has done something wrong based on a reasonable belief that a violation of the policy has occurred.

Complainant refers to anyone who makes a complaint under the policy alleging that harassment, discrimination and/or workplace harassment has occurred.

Disability¹ is defined (Ontario Human Rights Code, the Code) as:

any degree of physical disability, infirmity, malformation or disfigurement that is caused

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Marital status (the Code) means the status of being married, single, widowed, divorced, or separated and includes the status of living with a person in a conjugal relationship outside marriage.

Malicious or vexatious c

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who identify as transgender, trans woman (male-to-female), trans man (female-to-male), transsexual, cross-dresser, gender non-conforming, gender variant or gender queer. Transphobia⁶ is the aversion to, fear or hatred of trans people and communities. Like other prejudices, it is based on stereotypes that are used to justify discrimination, harassment, and violence toward trans people.

Workplace Harassment (OHSA) is 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 is Workplace Sexual Harassment.

Examples of Workplace Harassment may include:

- making repeated remarks, jokes or innuendos that demean, ridicule, intimidate or offend;
- displaying or circulating offensive pictures or materials in print or electronic form;

- s making repeated offensive or intimidating phone calls or emails;
- gossiping or spreading negative rumours; and/or

Workplace Sexual Harassment.

Workplace Sexual Harassment (OHSA) means:

- engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity 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.

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Examples of Sexual Harassment may include:

- u identity, gender expression, or sexual orientation;
- homophobic or transphobic comments;
- unwanted physical contact of a sexual nature such as touching, kissing, patting, hugging, or pinching;
- leering, whistling, or other sexually suggestive or insulting sounds;
- refusing to use an e
- posting or displaying (including electronic publication of) offensive materials of a sexual nature;
- unsolicited sexual advances or demands for dates or sexual favours;
- inappropriate jokes of a sexual nature; and/or
- sexual assault (also an offence under the Criminal Code of Canada).

What May Not Be Workplace Harassment:

Workplace Harassment does not include reasonable action taken by LDSB and its staff in supervisory roles relating to the management and direction of employees or the workplace, even if there are unpleasant consequences for the employee.

Examples may include:

- changes in work assignments or scheduling;
- performance evaluation;
- workplace inspections; and
- disciplinary action.

Workplace Harassment typically does not include differences of opinion or minor disagreements between employees.

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3.2.2 Reports through the portal are not immediately considered to be formal written complaints, as detailed in Section 5 of this procedure.

Complaints submitted through the portal

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4.2 As part of Option Two and Option Three the complainant will be informed:

of the policy and these procedures;
about the limits to the confidentiality of the process (see section 5.6.4);
about counselling for eligible employees

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procedures and school/office where the employee who was subject to the proven reprisal works.

5.7 Formal Employee Complaints

5.7.1 Participants involved in the formal investigation will normally include the complainant, the respondent, witnesses (if any), an investigator(s) and/or support person(s).

5.7.2 Once a formal written complaint alleging harassment, discrimination or workplace harassment is received, the superintendent(s) appoints an investigator(s) with an identified lead investigator

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- 5.7.7 Once the investigator(s) has completed the fact-finding, the final report of the investigation and a final summary report will be prepared. The final summary report is provided to the complainant, respondent, and the appropriate superintendent(s) or RSO. This summary will respect confidentiality to the extent possible.
- 5.7.8 In cases where there is a breach of the policy, appropriate disciplinary or remedial sanctions will be implemented. A record of the remedial or disciplinary action will be placed in the appropriate e

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- 5.8.4 The investigator(s) normally will meet with the complainant first, to obtain the necessary information pertaining to their complaint.
- 5.8.5 The investigator(s) will inform the respondent about the complaint and seek the will be submitted to the respondent, indicating the name of the complainant and respondent, the places, times, dates, and nature of the alleged incidents being investigated.
- 5.8.6 The principal or designate(s) conducts further fact-finding meeting(s,) as needed, including to interview potential witnesses.
- 5.8.7

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5.9 Formal Other User Complaints

- 5.9.1 Participants involved in the formal investigation procedure will include the complainant, the respondent, witnesses (if any), and an investigator and/or support person.
- 5.9.2 Once a formal written complaint alleging harassment or discrimination is received from another user, the appropriate superintendent will appoint an investigator(s).
- 5.9.3 The investigator(s) will meet with the manager to discuss the issue, as needed. The investigator(s) will keep detailed notes pertinent to the investigation and as outlined in 8.4).
- 5.9.4 The investigator(s) conducts further fact-finding meeting(s), as needed, including to interview potential witnesses.
- 5.9.5 Once the investigator(s) has completed the fact-finding investigation, the final report of the investigation and a final summary report will be prepared. The final summary report is provided to the complainant, respondent, and the appropriate superintendent(s) or RSO. This summary will respect confidentiality to the extent possible.
- 5.9.6 The complainant and respondent will be informed, in writing, about results of the investigation and of any corrective action that has been or will be taken as a result of the investigation. In accordance with confidentiality and/or collective agreements, details of corrective action(s) against employees may not be disclosed.
- 5.9.7 Where a resolution cannot be reached, or if the complainant and/or their parents/guardians are not satisfied with the resolution, an outside agency may become involved. Lakehead District School Board will cooperate

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6.3 For other user respondents action taken could be as follows:

a letter of disapproval and warning;
 revoking of permits or contracts;
 issuing a trespass notice; and
 other remedies as applicable by law.

7.0 Withdrawn & Abandoned Complaints

7.1 A complainant who has submitted a formal or informal complaint under this policy may opt at any time to withdraw their complaint.

7.1.1 Intent to withdraw a complaint must be submitted to the investigator or RSO in writing.

7.1.2 Once a complaint is withdrawn, the file will be considered closed and cannot be revived. The complainant can resubmit the complaint to open a new file, subject to the time limits outlined in this procedure.

7.2 A complainant can also voluntarily elect to forgo their formal complaint and investigation to instead participate in any options outlined in Section 4 Informal Complaint Process.

7.3 The investigator will take all reasonable steps to contact and gather information from the complainant and all parties involved. Should the complainant cease contact with the investigator during the investigation, the complaint file may be deemed abandoned.

7.3.1 The investigator must demonstrate that they attempted to communicate with the complainant without response for a period of at least thirty (30) days in order to deem a complaint abandoned.

7.3.2 The investigator will notify the RSO (or other designated party) that the file is abandoned and closed. These files cannot be reopened.

7.3.3 Complainants may resubmit their complaint to open a new file, subject to the time limits outlined in this procedure.

8.0 Records

8.1 All information will be gathered and dealt with in accordance with the Municipal Freedom of Information Act, PRIVATE AND CONFIDENTIAL. Records of investigation will be kept securely and according to the record retention schedule at LDSB.

8.2 Records of investigation may include copies of the complaint, details regarding the incident/complaint, investigation notes, summaries, or reports.

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- 8.3 Human resources will maintain investigation records pertaining to employees in a confidential file.
- 8.4 Records shall be kept for a period of a minimum of two years and in accordance with Records Retention Schedule. If, at the time prescribed in the retention schedule, there is no litigation, investigation, ongoing concerns, or heratciovtiyaudrs

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