

CHATHAM-KENT LAMBTON ADMINISTRATIVE SCHOOL SERVICES

Policy:	Workplace Discrimination, Workplace Harassment, Workplace Sexual Harassment and Workplace Violence Prevention
Reference:	CC-POL-001-2023
Adopted:	June 15, 2023
Revised:	



Policy Goals:

1. Develop and support a working and learning culture that values diversity and inclusion, fosters respect and does not tolerate discrimination, harassment, workplace violence or workplace sexual harassment.
2. Preventing, identifying and correcting behaviour or conduct that, left unchecked, would result in discrimination, harassment, workplace violence or workplace sexual harassment or allow it to occur.
3. Outline rights, responsibilities and types of behaviour which fall within the scope of this policy.
4. Outline procedures for handling, investigating, and resolving complaints when this policy is breached by discrimination, harassment, workplace violence or workplace sexual harassment.

Policy Statement:

CLASS shall make every effort to provide a workplace environment that is safe, respects the dignity of the person and is free from all forms of discrimination, harassment, workplace sexual harassment and workplace violence.

Behaviour, actions and/or attitudes that undermine the development of trusting relationships, and/or threaten personal achievement and well-being, will be viewed as unacceptable to CLASS and will be dealt with accordingly.

Preamble:

CLASS is jointly and equally owned by the Lambton Kent District and the St Clair Catholic District School Boards who mutually benefit in the provision of shared services. CLASS is comprised of various business units, including Student Transportation Services, Community Use of Schools, Child Care Services and Energy & Environmental Services.

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Definitions:

Discrimination – “Discrimination” includes, but is not limited to, differential and/or unfair treatment based on a prohibited ground set out in the Ontario Human Rights Code (“the Code”). It includes:

- Not individually assessing the unique merits, capacities and circumstances of a person;
- Making stereotypical assumptions based on a person’s presumed traits;
- Having the impact of excluding persons, denying benefits or imposing burdens.
- Discrimination does not include differential treatment which is permitted under the Code for special programs, special interest organizations, and special programs.
- Discrimination can be intentional or unintentional, and direct or indirect.

Harassment - Workplace harassment is defined in the Ontario Occupational Health and Safety Act (OHSa) as “engaging in a course of vexatious comments or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome” and includes workplace sexual harassment.

Harassment typically involves a pattern of comments or conduct that occurs over time. However, a single incident of a serious nature may be sufficient to constitute harassment.

Workplace harassment can include comment or conduct targeted towards a particular individual, as well as comment or conduct directed toward a group of individuals that creates a poisoned working environment for members of that group. Examples include but are not limited to:

- Offensive, embarrassing, humiliating, or demeaning words or comments;
- Bullying or aggressive behaviour;
- Displaying or circulating offensive pictures and materials;
- Inappropriate staring;
- Workplace sexual harassment; or
- Intimidating, isolating, or discriminating behaviour, making fun of a worker because of gender identity.

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The reasonable exercise of management functions is not considered harassment for the purpose of this Policy. The reasonable exercise of management functions includes, but it is not limited to, giving reasonable instruction or supervisory direction to an employee, providing constructive criticism or counselling, enforcing workplace standards, taking corrective or disciplinary action, or conducting performance appraisals.

Prohibited Grounds - The prohibited grounds set out in the Code are as follows:

- Age
- Ancestry, colour, race
- Citizenship
- Ethnic origin
- Place of origin
- Creed
- Disability
- Family Status
- Gender identity and gender expression
- Marital status
- Receipt of public assistance (in housing)
- Record of offences (in employment)
- Sex (including pregnancy)
- Sexual orientation

Workplace Sexual Harassment - "Sexual harassment" includes any harassment based on sex or gender, including but not limited to the following:

- Any sexual advance or other conduct of a sexual nature which is known or ought reasonably to be known to be unwelcome,
- Any reprisal or threat of reprisal (such as loss of job, or denial of advancement, a pay increase or any other employment benefit) for rejecting a sexual advance or other conduct of a sexual nature from a person in a position of authority who knows or ought reasonably to know that it is unwelcome.

The OHSA further defines Workplace Sexual Harassment:

- a) 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
- b) 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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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 Board offices and facilities. Conferences and training sessions fall within the ambit of this policy.

Workplace Violence – “Workplace violence” is defined in the OHSA as:

- a) the exercise of physical force by a person against an employee, in a workplace, that causes or could cause physical injury to the employee,
- b) an attempt to exercise physical force against an employee, in a workplace, that could cause physical injury to an employee,
- c) a statement or behaviour for which it is reasonable for an employee to interpret as a threat to exercise physical force against the employee, in a workplace, that could cause physical injury to the employee.