

DEFINITIONS

Harassment: As defined in the Workplace Safety and Health Regulation is any objectionable conduct, comment or display directed at a worker made on the basis of race, creed, religion, colour, sex, sexual orientation, marital status, family status, economic status, political belief, association or activity, disability, physical size or weight, physical appearance, age, nationality, ancestry, or place of origin and creates a risk to the health of the worker.

Harassment is any behaviour that degrades, demeans, humiliates, or embarrasses and that a reasonable person should have known would be unwelcome. It includes actions (i.e. touching, pushing), comments (i.e. jokes, name calling) or displays (i.e. posters, cartoons).

Harassment can take place in the workplace or outside of it in a situation connected to work such as field trips and other extra curricular activities. Harassment will not be tolerated in any workplace or at any work related event.

Harassment may be written, verbal, physical, a gesture or display, or any combination of these. It may happen only once, but often happens repeatedly.

- **Sexual Harassment:** Includes offensive or humiliating behaviour of a sexual nature that creates an intimidating, hostile or poison work environment or behaviour that could reasonably be thought to put sexual conditions on a person's job or job opportunities. Examples are questions and discussions about a person's sexual life; persistence in asking for a date after having been refused; or writing sexually suggestive letters or notes. Sexual harassment often occurs where there is unequal power between the people involved.
- **Psychological Harassment/Workplace Bullying:** Any unwanted conduct, comments, displays or gestures that adversely affect an employee's dignity, psychological or physical health and well-being. This type of harassment is often characterized through insulting, hurtful, demeaning, vindictive, cruel, hostile or malicious behaviours that undermine, embarrass or otherwise negatively impact another's ability to do his or her job and results in a harmful work environment for the employee. Conduct considered above may be either a persistent, repeated pattern of humiliating or intimidating behaviour or a single, severe incident that is so serious that it has a lasting, harmful effect on the worker.

Examples of behaviour that may signify Psychological Harassment/Workplace Bullying include, but are not restricted to:

- *Insulting or derogatory remarks, gestures or actions*
- *Yelling, outbursts or other displays of anger directed at others*
- *Targeting an individual or group through persistent, unwarranted criticism*
- *Isolation and/or exclusion from work-related activities*
- *Removing or making frequent changes to areas of responsibility without cause*
- *Verbal, written or physical threats and intimidation*
- *Misrepresenting, undermining or ridiculing a person's character, opinions or performance to others*
- *Withholding information, training or resources needed to do a job*
- *Misuse of power or authority*
- *Tampering with a person's personal belongings*
- *Malicious, false or unsubstantiated rumours, gossip, accusations or negative innuendo*

Psychological Harassment/ Workplace Bullying would not include the normal exercise of supervisory responsibilities, including performance reviews, direction, re-assignment, counselling and disciplinary action where necessary, provided they are conducted in a respectful, professional manner.

EMPLOYEES RIGHTS AND RESPONSIBILITIES

Employees are entitled to work free of harassment in Turtle Mountain School Division.

Employees have the responsibility to treat each other with respect and to speak up if they or others are being harassed. All employees have a responsibility to report harassment in writing to their immediate supervisor and copy the report to the appropriate senior administrator. This written report will be on the Harassment Report form available on the Division website.

Employees also have a responsibility to cooperate in the investigation of a harassment complaint. Anyone who gives evidence in an investigation or who is otherwise involved in the process must keep this information confidential except when it is necessary to deal effectively with the complaint.

Employees have the right to file a complaint with the Manitoba Human Rights Commission.

SCHOOL BOARD'S RIGHTS AND RESPONSIBILITIES

Appropriate performance reviews, counselling, or discipline by a supervisor or manager is not harassment.

Supervisors in Turtle Mountain School Division must ensure as much as is reasonably practical that no employee is subjected to harassment in the workplace.

Supervisors will take corrective action with anyone under their direction who subjects an employee to harassment.

Supervisors will not disclose the name of a complainant or an alleged harasser or the circumstances of the complaint to anyone except where disclosure is:

- a) necessary to investigate the complaint or take corrective action;
- b) required by law
- c) a part of taking corrective action

Turtle Mountain School Division, its senior administrators and supervisors are responsible for creating a safe work environment free of harassment. All supervisors in Turtle Mountain School Division are responsible for addressing the issue of harassment. If they become aware of harassment in their work area or elsewhere in the Division they must take appropriate action under this policy and by law to address the issue of harassment whether or not a complaint has been made. Supervisors who ignore harassment may be investigated and may face disciplinary action by Turtle Mountain School Division and legal action deemed necessary by the Courts. The Turtle Mountain School Division Harassment Prevention Policy does not discourage or prevent anyone from exercising their legal rights.

PROCEDURES APPLYING TO COMPLAINTS OF HARASSMENT BY EMPLOYEES

- If you are being harassed the first thing to do is to tell the person harassing you to stop if you feel comfortable doing that. You can do this in person or in writing.
- If you feel unable to deal with him or her directly you can speak to your immediate supervisor or principal. If talking to the supervisor or principal isn't appropriate, then the employee should contact the appropriate Senior Administrator.
- There may be informal ways to address your complaint. You may have the supervisor help you speak to the harasser. You may also ask the supervisor to arrange for mediation – where a neutral third party helps the people involved reach a solution acceptable to each of them.
- If a complainant wishes to make a written complaint, the following process will be followed:
 1. The complainant submits a complaint in writing on the Report for Harassment Form, available on the Division website, to the immediate supervisor, copying the appropriate Senior Administrator. If the supervisor is the subject of the complaint, the written complaint will be given to the appropriate Senior Administrator. If the Senior Administrator is the subject of the complaint, the Report of Harassment form will be provided to the School Board. The School Board will be notified that a complaint has been filed.
 2. Acknowledge of the Complaint

Within 48 hours of receiving the written complaint, the appropriate Senior Administrator acknowledges its receipt in writing to the complainant. (The Report of Harassment form must be received within the school year it occurs.) The Senior Administrator informs the Respondent that a complaint has been received and provides him or her with the particulars of the complaint in writing, including the allegations.
 3. Review of the Complaint

Once the complaint has been acknowledged, within 48 hours, the Senior Administrator reviews the complaint. If the Senior Administrator is able to conclude from this initial review that this complaint is not related to harassment, he or she informs the complainant and the respondent in writing and redirects the complainant to the appropriate avenue of recourse or suggests other means of resolving the issue. If the allegations are related to

harassment, the Senior Administrator reviews what efforts have been made to resolve the problem.

4. Investigation:

Within 14 days the Senior Administrator will complete an investigation into the complaint including interviewing the complainant, respondent and any witnesses. The Senior Administrator then writes a report that states his or her findings and conclusions.

5. Decision:

The Senior Administrator then informs the parties, verbally and in writing, within 48 hours of completing the investigation, of the outcome of the investigation and ensures that corrective measures are taken if warranted. The School Board will be notified of the outcome of the investigation and if further action involves any form of suspension or dismissal, the Board will be notified prior to the corrective action being carried out.

6. Appeal:

Where the complainant or respondent disagrees with the decision (finding or penalties) of the Senior Administrator, an appeal may be made in writing to the School Board within 14 days of the receipt of the decision

The complainant may take the matter to Human Rights to file a complaint

CORRECTIVE ACTION FOR HARASSERS:

Employees who harass another person may be subject to one or more of the following actions depending on the severity of the harassment:

- Apologize in writing
- Attend a harassment training session
- A written reprimand
- A suspension, with or without pay
- A transfer, if it is not reasonable for the people involved to continue working together
- A demotion
- Dismissal

If the investigation does not find evidence to support the complaint there will be no documentation about it in the file of the alleged harasser.

CONFIDENTIALITY:

Turtle Mountain School Division will not disclose a complainant's or alleged harasser's name or any circumstances about a complaint to anyone except where necessary to investigate the complaint, take corrective action, or where required by law. Supervisors involved in a complaint are reminded to keep all information confidential except in the above circumstances.

RETALIATION:

Anyone who retaliates in any way against a person who has complained of harassment, given evidence in a harassment investigation or been found guilty of harassment will be considered to have committed harassment and will be dealt with under the same provisions listed under the Corrective Action for Harassers section.

EDUCATION:

Turtle Mountain School Division commits to continuing the education of all its employees and supervisors about this policy and harassment in general.

MONITORING:

Turtle Mountain School Division will monitor this policy and make adjustments where necessary. If you have any concerns with this policy please bring them to the attention of senior administration.

REMEDIES FOR HARASSED WORKERS:

The Division will look at appropriate remedies where applicable

PERSONNEL FILE:

No record of the complaint, investigation, or decision will go in the employee's personnel file if the complaint was made in good faith. Any unfavourable work review or comments that were placed in the complainants personnel file because of the harassment will be removed from the file.

Corrective action will be recorded in the harasser's personnel file.



TURTLE MOUNTAIN SCHOOL DIVISION

HARASSMENT REPORT

(Please provide as much information as possible.)

Identifying Information

Name _____	Position _____
Contact Number _____	Address _____
School/Department _____	
Location of Incident (specify, e.g.: office, hallway, classroom, school grounds, etc.) _____ _____ _____	
Date and Time of Incident _____	
Type of Harassment	<input type="checkbox"/> Verbal <input type="checkbox"/> Written <input type="checkbox"/> Email <input type="checkbox"/> Other _____
(Add additional information on the nature of the harassment, as appropriate (e.g.: abusive, language, etc.) _____ _____ _____ _____	
Describe the incident (what happened) _____ _____ _____ _____	

