

PERSONNEL & EMPLOYEE RELATIONS	7000
HUMAN RIGHTS AND WORKPLACE HARASSMENT POLICY	7030

1. Rationale

Lakehead District School Board (LDSB) is committed to providing a safe, equitable and respectful working and learning environment. Lakehead District School Board promotes and supports the human rights of all individuals, as well as values equity and diversity. It is a shared responsibility across LDSB to foster a working and learning environment, where every individual is treated with respect.

2. Policy

It is the policy of LDSB to adhere to and uphold the Ontario Human Rights Code (the Code). Lakehead District School Board is committed to promoting a climate of understanding and mutual respect for each person. Harassment and discrimination based on the following grounds is prohibited:

sex (includes pregnancy);
 race;
 ancestry;
 place of origin;
 colour;
 ethnic origin;
 citizenship;
 creed (religion);
 age;
 record of offences (in employment);
 marital status;
 family status;
 disability;
 sexual orientation;
 gender identity; or
 gender expression.

This policy also includes any new prohibited grounds that may be added to the Ontario Human Rights Code at a future date and prior to policy review.

- 2.1 All LDSB students, employees/workers, trustees, and other users that work on or are invited on to LDSB premises, including prospective employees, volunteers, visitors, parents, guardians, and contractors, must adhere to and uphold the Code. Harassment and discrimination will not be tolerated or condoned.
- 2.2 Lakehead District School Board is committed to providing reasonable accommodation to fulfil obligations according to the Code. The Code also permits the creation of special programs at LDSB to address discrimination or inequality.
- 2.3 This policy also fulfills LDSB's obligations to address workplace harassment according to the Occupational Health and Safety Act (OHSA).

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- 2.4 Lakehead District School Board promotes a safe, equitable and respectful working and learning environment, and endeavours to prevent harassment, discrimination, and workplace harassment. Also, where necessary, LDSB will investigate and/or respond to incidents or complaints of harassment, discrimination, or workplace harassment.

3. Application and Scope

- 3.1 This policy addresses Code-based harassment and discrimination and it applies to all LDSB students, employees, trustees, and other users that work on or are invited on to LDSB premises including prospective employees, volunteers, visitors, parents, and contractors.

Actions will be consistently taken to address student behaviours that are contrary to this policy, provincial, LDSB and school codes of conduct according to the appropriate LDSB policy or procedure, such as the 8070 Safe Schools Systems Expectations Policy and 8071 Bullying Prevention and Intervention Policy.

- 3.2 This policy addresses workplace harassment; it applies to and protects all employees/workers. The policy covers workplace harassment from all sources including students, parents, guardians, trustees, volunteers, contractors, customers of LDSB, members of the public and other members of organizations not related to LDSB but who, nevertheless, work on, are invited on to LDSB premises, or utilize LDSB services.

4. Definitions

4.1 Discrimination

Discrimination means any form of unequal treatment based on a Code ground, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people. Types of discrimination include systemic discrimination and poisoned environment.

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4.2 Harassment

Harassment is defined as a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. Harassment can be based on age, disability, family status, marital status, creed, race, and ancestry, place of origin, colour, ethnic origin, sex, sexual orientation, gender identity, gender expression, citizenship, and record of offences. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome, based on a ground of discrimination identified by this policy.

4.3 Student

Student is anyone regardless of age, who is enrolled in an educational program offered by LDSB.

4.4 Workplace Harassment

Workplace harassment means:

(a) 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

(b) workplace sexual harassment.

Workplace sexual harassment means:

(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.

4.5 Worker or Employee

A worker or employee is any person included in the definition of “worker” under the OHSA and includes all the LDSB employees. Worker is an employee who performs work or supplies services and includes a secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school Board that operates the school in which the student is enrolled.

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4.6 Complainant and Respondent

Complainant refers to the person who makes a complaint of harassment, discrimination, or workplace harassment according to this policy. Respondent refers to the person who has a complaint made against them under this policy.

4.7 Workplace

Workplace is defined as any land, premises, location, or thing at, upon or near where a worker works. It includes places where individuals perform work or work-related duties or functions. It includes all schools, offices, and facilities of LDSB. Work related functions include business trips, conferences, seminars, co-op placements, social and extra-curricular events that arise out of LDSB's involvement.

4.8 External Legal Counsel

Within this policy and procedure, external legal counsel refers to a lawyer or law firm which has not had a previous relationship with LDSB, the director of education, or any member of the Board of Trustees. The role of external counsel is to be neutral and free from any known bias which would prevent them from acting impartially.

5. Duties and Responsibilities

5.1 All persons at LDSB and interacting with the LDSB are expected to engage in respectful conduct, adhere to and uphold this policy and will be held responsible for not following it.

5.1.1 All employees are responsible for contributing to a climate of understanding and mutual respect for each person.

5.1.1.1 Employees with supervisory authority at LDSB have additional responsibilities to:

- create and promote a safe, equitable and respectful working and learning environment that supports human rights; and
- act on observations or allegations of harassment, discrimination, or workplace harassment.

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5.1.1.2 Teachers have additional responsibilities to:

- foster learning environments that are safe, equitable and respectful that support human rights;
- respond to observations or allegations of harassment or discrimination; and
- refer or report observations or allegations of workplace harassment.

5.1.2 The Board of Trustees have responsibilities to:

- engage in respectful conduct;
- through governance, create and promote a safe, equitable and respectful learning and working environment that supports human rights;
- ensure the director of education acts in compliance with the 7030 Human Rights and Workplace Harassment Policy, the Ontario Human Rights Code, and the Ontario Health and Safety Act; and
- refer concerns and complaints of harassment, discrimination, or workplace harassment to the director of education or designate.

5.1.2.1 In the event of a complaint against the director of education, the chair of the Board of Trustees shall seek external legal counsel and an external human resources expert to support the investigation and management of the complaint. The chair shall bring the matter to the Board of Trustees.

5.2 The director of education is responsible for implementing this 7030 Human Rights and Workplace Harassment Policy and ensuring that it is reviewed annually in accordance with OHSA.

5.3 Lakehead District School Board takes incidents and complaints of harassment, discrimination, and workplace harassment seriously.

5.3.1 All persons are urged to express concerns and file complaints of harassment, discrimination, or workplace harassment according to this policy. Reprisal or retaliation against an individual who is seeking to claim or enforce their rights under this policy is prohibited.

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- 5.4 Lakehead District School Board will provide procedures to address incidents or complaints of harassment, discrimination, or workplace harassment. Complaints shall be dealt with in a fair and timely manner. All persons, including employees, shall cooperate so that the LDSB can address incidents or complaints under this policy.
- 5.5 Any person reporting an incident or complaint of harassment, discrimination, or workplace harassment, who participates in a process to resolve the complaint under this policy, is required to keep the incident/complaint-related information confidential or as required by law.
- 5.5.1 Those with supervisory authority at LDSB or designates, who are involved with addressing an incident or complaint, will strive for confidentiality and will share information on a need-to-know basis to the extent necessary to protect employees, for actions such as investigation, follow-up, corrective action or as otherwise required by law.
- 5.5.2 Unauthorized disclosure or violations of confidentiality, especially by those with supervisory authority, may be subject to remedial action or discipline, as outlined in Section 5.8.
- 5.6 If a complainant withdraws a complaint, LDSB may continue to act, if required.
- 5.7 If it is determined that a complainant has made a complaint that is malicious or made in bad faith, it may result in disciplinary action.
- 5.8 An employee found in violation of this policy may be subject to remedial action or discipline, up to and including termination of employment, in accordance with applicable collective agreement provisions.
- 5.9 Nothing in this policy precludes the employee from seeking support from their union, the Employee and Family Assistance Program, where available, or externally from the Human Rights Legal Support Centre or the police.

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6. Review

This policy shall be reviewed annually in accordance with the Occupational Health and Safety Act, R.S.O. 1990, subsection 32.0.1(1).

<u>Cross Reference</u>	<u>Date Approved</u>	<u>Legal Reference</u>
7030 Workplace Harassment and Human Rights Procedures	April 19, 1994	Education Act
7040 Violence in the Workplace		Safe Schools Act
1020 Equity and Inclusive Education Faith and Creed Accommodation Guideline Appendix A		Ontario Human Rights Code
8070 Safe Schools, System Expectations		Occupational Health and Safety Act
8071 Bullying Prevention and Intervention		Policy/Program Memorandum 120 – Reporting Violent Incidents
8072 Sexual Orientation and Gender Identity		Policy/Program Memorandum 128 – Provincial Code of Conduct & School Board Codes of Conduct
8075 Service Animals in Schools		
	<u>Date Revised</u>	
	June 22, 2004	
	April 22, 2008	
	April 23, 2013	
	November 24, 2020	
	February 27, 2024	