Policy Statement

The Eastern School District is committed to providing a workplace in which all persons can expect to be treated with dignity and respect. Harassment undermines an individual's self-respect and adversely affects work performance and well-being. It also reduces the productivity and effectiveness of the public service enterprise. All individuals have the right to work in an atmosphere free of harassment.

Regulations

1. Application

   This policy applies to any employee who performs work for, or on behalf of the Eastern School District, in any Eastern School District workplace. Where applicable, the policy also applies to trustees, appointees, volunteers, contractors and fee-for-service individuals.

2. Definitions

   A. Complainant
      A person who makes a complaint of harassment is referred to as the complainant in this policy.

   B. Harassment
      Harassment in the workplace includes personal harassment, sexual harassment and abuse of authority.
      (1) Personal Harassment
          Personal harassment means any unwarranted, offensive behaviour that is known or ought reasonably to be known to be unwelcome. It includes any comment, conduct, gesture or display that demeans,
intimidates or causes embarrassment to another person. Personal harassment includes but is not limited to harassment on the basis of race, religion, creed, colour, sex, sexual orientation, family or marital status, ethnic or national origin, age, physical or mental handicap, source of income or political belief.

(2) Sexual Harassment
Sexual harassment means any conduct, comment, gesture or contact of a sexual nature that is likely to cause offense, embarrassment or humiliation to the recipient; or that might, on reasonable grounds, be perceived by the recipient as placing a condition of a sexual nature on employment or on any opportunity for training or promotion, or on receipt of a service or benefit by the Employer.

(3) Abuse of Authority
Abuse of authority means an individual's use of power and authority inherent in the position held in a manner which serves no legitimate work purpose and which ought reasonably to be known to be inappropriate. It includes a misuse of power which is intimidating, coercive or demeaning.

The legitimate and proper exercise of the employer's right to supervise or manage (for example, performance reviews, work evaluation and disciplinary measures taken for any valid reason) does not constitute harassment under this policy.

C. Respondent
A person about whom a complaint of harassment is made is referred to as the respondent in this policy.

D. Workplace
The "workplace" includes but is not limited to the actual work site, lunchrooms or cafeterias, a client's home or work site, training sessions, conferences, business travel, work-related social gatherings, or other location where an employee is engaged in activity associated with employment.

3. Responsibilities

Management has an obligation to take follow-up action when instances of possible harassment are brought to its attention. The employer will make every reasonable effort to ensure that no employee is subjected to sexual harassment. While it is recognized that all employees share responsibility for creating a harassment-free workplace, nevertheless, it is important to emphasize that supervisors, by virtue of their authority, carry a greater responsibility for maintaining this type of work environment.

A. Employees with Supervisory Responsibility
Supervisors are responsible for incorporating the intent of this policy in their daily activities and ensuring that the policy is adhered to in their areas of responsibility by:
- becoming fully informed of the provisions of the policy and of the nature of workplace harassment;
- maintaining a high standard of personal conduct in their dealings with all employees and clients;
- ensuring that all employees are advised of their rights and responsibilities under this policy and the courses of action open to them;
- providing opportunities for education and training related to workplace harassment to all employees under their supervision;
- taking immediate action to report or deal with incidents of harassment that come to their attention, whether or not a complaint has been made.

B. **Employees**

All employees are responsible for:

- treating all persons in the workplace in a manner that is free of harassment and that respects individuals;
- changing their own behaviour when given indications that the behaviour is offensive or harassing to others;
- taking action, where possible, should they feel they or other persons are being subject to harassment;
- cooperating fully with all those responsible for dealing with a complaint of harassment.

4. **Assistance**

A person who is faced with problems relating to harassment may wish to obtain assistance or advice in deciding the best course of action to follow. Employees may seek help from any of the following:

- their immediate supervisor, if appropriate;
- the Manager of Human Resources or the Human Resource Officer;
- the Superintendent of Education;
- or, if none of the above individuals is appropriate, any one of the trustees.

A person may also obtain confidential assistance through the Employee Assistance Program for a wide range of problems, including workplace harassment.

It should be recognized that management has an obligation to take follow-up action when instances of possible harassment are brought to its attention. Confidential assistance to employees for a wide range of problems, including workplace harassment, is available from the Employee Assistance Program.

5. **Confidentiality**

All complaints under this policy, both formal and informal, and any information and materials related to the complaints will not be disclosed except where such disclosure is necessary for the purposes of investigating the complaint, taking disciplinary measures or as required by force of law.
6. Dealing with Harassment

A. Time to Make a Complaint

A person who believes she/he is being subjected to workplace harassment should take steps without delay to have the problem resolved. The Employer is committed to responding to all complaints of harassment; however, complaints not made within a year may be difficult to investigate or substantiate.

B. Options for Resolving Issue

The complainant has several options for attempting to resolve a harassment issue. A choice of one option does not preclude the complainant from opting to pursue a different choice at a future time.

Informal

By discussing the problem, exploring avenues of solution and seeking mediation when necessary, many harassment situations can be corrected within the normal working relationships between employees and their supervisors.

- Direct Discussion: In many situations the harassment can be handled informally by discussing the issue with the person involved, with or without the assistance of a supervisor.
- Mediated: Other avenues of resolution may involve the assistance of a mediator who is acceptable to both parties.

Formal

- A written complaint submitted to the Employer for investigation and resolution.
- A complaint to the PEI Human Rights Commission where the harassment relates to a prohibited group of discrimination.
- A grievance under the relevant collective agreement
- A legal proceeding in the courts

C. Inform Harasser of Unwelcome Conduct

A complainant should make it known to the harasser without delay, if possible, that the behaviour is unwelcome. It is recommended that the complainant make note of:
- the details of the harassment, including the time, date, place and the names of any witnesses or others affected, and
- any attempts to resolve the situation.

These records are very important if the problem continues or if management intervention is needed.
D. Inform the Employer

If a complainant is not comfortable communicating directly with the harasser, or if the communication does not stop the harassment, the complainant should inform the immediate supervisor, the Manager of Human Resources or Human Resources Officer, or the Superintendent of Education of the concern.

E. Written Complaint

Anyone who feels adversely affected by harassment may file a formal, written complaint. Assistance in filing the complaint will be provided if requested.

A formal complaint must be in writing and be signed by the complainant. It should give a detailed account of the incident or incidents or harassment, including times, locations, witnesses and parties involved. The written complaint should be submitted to the immediate supervisor. In the case when the immediate supervisor is the respondent, the written complaint should be submitted to the next level of authority.

F. Investigation and Resolution

- Allegations of harassment will be handled at the most appropriate level of management required to resolve the matter.
- When it is determined that an investigation should occur, all pertinent information will be requested such as dates, witnesses, remarks or actions.
- The respondent will be given an opportunity to present his/her position and respond to the complaint.
- The investigation will be concluded as quickly as possible.
- Both complainant and respondent will be informed in writing of the outcome of the investigation.

7. Disciplinary Action

A. Disciplinary Response

The employer will take such disciplinary action as is necessary respecting any person engaging in harassment in the workplace. Any disciplinary action taken against the harasser will be taken in accordance with the School Act, its Regulations, and any applicable statutory instrument, and any collective agreement. Disciplinary measures taken will be influenced by a variety of factors including, but not limited to, the persistence of the harasser, the severity of the behaviour, and the cooperation of and willingness on the part of the harasser to change his/her behaviour.
B. False Complaints

Knowingly and recklessly making a false complaint of harassment or to provide false information regarding a complaint is, in itself, a form of harassment, and will be treated as such.

C. Unsubstantiated Complaints

No disciplinary action will be taken against an employee for making a complaint of harassment in good faith, whether or not the complaint is substantiated.