

ADMINISTRATIVE PROCEDURE

Personnel and Employee Relations

Harassment

PER #18

Revised: May 2024

Background

In the Board's [Division Foundational Statements Policy](#), the safe and caring fundamental belief states, "We believe that the infinite value of each person in God's eyes must be reflected in all that we do. This calls for respect in all relationships." In support of this belief, Christ The Redeemer (CTR) Catholic School Division endeavors to provide a work environment that is faith-filled and free from discrimination and harassment. CTR is committed to recognizing and reducing the hazard of harassment. Everyone is obligated to uphold this policy and to work together to prevent workplace harassment. CTR has developed an administrative procedure that defines harassment, outlines the resolution process and details what should happen if a formal complaint is received. This procedure is part of CTR's health and safety program required under the Occupational Health and Safety Act.

CTR will investigate and take appropriate and corrective actions to address incidents of harassment in a fair, respectful and timely manner.

CTR pledges to respect the privacy of all concerned as much as possible. The division will not disclose the circumstances related to an incident of harassment or the names of the parties involved (including the complainant, the person alleged to have committed the harassment, or any witnesses) except where necessary to investigate the incident, to take corrective action, to inform the parties involved in the incident of the results of the investigation and corrective action taken, or as required by law.

The reporting of harassment as documented in this administrative procedure does not discourage an employee from exercising the employee's right under any other law or professional standards, including the *Alberta Human Rights Act*.

Definition

The *Occupational Health and Safety Act* defines workplace harassment in paragraph 1(n) as: "any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know, will or would cause

offence or humiliation to a worker, or adversely affects the worker's health and safety, and includes:

- (i) Conduct, comment, bullying or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation, and
- (ii) A sexual solicitation or advance."

Workplace harassment excludes any reasonable conduct of an employer or supervisor related to the normal management of workers or a worksite.

Some examples of discrimination and harassment include:

- Threats, intimidation, innuendos, taunting, unwelcome remarks or jokes or verbal abuse of any individual on the grounds listed above in the definition;
- Displaying sexist, racist or other offensive pictures or posters;
- Sexually suggestive remarks or gestures;
- Inappropriate invitations or requests whether indirect or explicit;
- Unnecessary physical contact, such as touching, patting, pinching, or punching; and
- Physical abuse, physical assault, including sexual assault.

A person in authority includes:

- A person who has charge of a worksite or authority over an employee;
- A person who employs or engages one or more employees, including a person who employs or engages employees on a temporary staffing assignment;
- A person designated by an employer as the employer's representative, or
- A director of the division or a person employed by the division who oversees the occupational health and safety of the employees of the division.

Procedures

If an employee is being harassed, there are a number of steps that can be taken to resolve the situation.

1. Informal Procedure

Any employee who has been the subject of harassment or witness to harassment can take the following actions:

- Confront the alleged offender personally, or in writing, clearly stating what the unwelcome behaviour or action was and requesting that it stop immediately; or
- Discuss the situation with the alleged offender's supervisor, their supervisor, or any other supervisor.

Any employee who is the victim of harassment can and should, in all confidence and without fear of reprisal, personally report the occurrence to their supervisor.

2. Formal Procedure

An employee who is the subject of harassment or who has witnessed harassment can make a written complaint to the Superintendent. It must include the following information:

- The date and time of each incident being reported;
- The nature of the harassment;
- The name of any persons involved in the incident;
- The name of any persons who witnessed the incident; and
- A full description of what occurred.

Once a written complaint has been received, the Superintendent, or designate, will complete a thorough investigation. Employees will not be demoted, dismissed, disciplined, or denied a promotion, advancement, or employment opportunity because they lodged a complaint when they honestly believed they were the subject of harassment in the workplace.

3. Investigation Procedure

The investigation will include:

- Informing the respondent of the complaint;
- Interviewing the complainant, the respondent, any other persons involved in the incident, and any identified witnesses; and
- Interviewing any other persons who may have knowledge of the incident.

Statements from all parties involved will be taken and a decision will be made. If necessary, CTR may employ outside assistance or request the use of legal counsel. Where CTR determines that harassment has occurred, a written report of the remedial action will be given to the employees concerned, as appropriate.

CTR will retain investigation reports for a minimum of two years after the incident.

If the complainant decides not to lay a formal complaint, the Superintendent may decide that a formal complaint is required, which will be based on the investigation of the incident and will file such documents with the persons against whom the complaint is laid. Further, the Superintendent may decide to pursue a formal investigation resulting in disciplinary measures.

Disciplinary Measures

Any action taken by CTR will be above and beyond other actions that may be taken by other regulatory bodies. Action from a validated harassment claim could include any of the following:

- A formal reprimand up to and including termination;
- Referral to the appropriate legal authority with a recommendation of formal charges;
- Referral for the victim to Employee and Family Assistance Program (EFAP);
- Referral of the respondent to the EFAP for counselling and / or further evaluation.
- Outside counselling or medical treatment; and

- Recommend the victim seek legal advice about personal protection.

Any disciplinary action will be recorded in the personnel file of the offender. No record of the complaint will be placed in the personnel file of the person making the complaint, or in the personnel file of any witness involved in the investigation.

It is the responsibility of anyone in a supervisory position to take immediate and appropriate action to report or deal with incidents of harassment of any type whether brought to their attention or personally observed. Under no circumstances should a legitimate complaint be dismissed or downplayed.

Training and Communication

All employees will receive communication on the following:

- The recognition of harassment,
- The procedure developed and implemented to recognize and reduce the hazard of harassment,
- The response to harassment, including the procedures for obtaining assistance and,
- The procedures for reporting, investigating and documenting incidents of harassment.

Supervisors will receive information in regards to the following:

- Steps to follow to manage a complaint;
- Ensure that none of the employees under their supervision is subjected to or participate in harassment at the worksite.

Responsibilities

- All employees and supervisors will receive relevant information and instruction on the contents of this procedure.
- Supervisors will adhere to this administrative procedure. Supervisors are responsible for ensuring that measures and procedures are followed by employees and that employees have the information they need to protect themselves. The employees' supervisor shall ensure that this procedure is communicated to all employees under their direction and that copies of the procedure are readily available.
- Every employee must work in compliance with this administrative procedure. All employees are required to raise any concerns about harassment and to report any incidents to the appropriate person.

Fraudulent or Vexatious Complaints

Unfounded, frivolous, or fraudulent allegations of harassment may cause both the respondent and the division significant damage.

If the division determines that any employee has knowingly made false statements regarding an allegation of workplace harassment, immediate disciplinary action will be taken and may include immediate dismissal without further notice.

Confidentiality

All records of harassment and subsequent investigations are considered confidential and are strictly prohibited from being disclosed to anyone except to the extent required by law.

In cases where criminal proceedings are forthcoming, the division will assist police agencies, lawyers, insurance companies, and courts to the fullest extent. CTR will do everything it can to protect the privacy of the individuals involved and to ensure that complainants and respondents are treated fairly and respectfully. The division will protect this privacy so long as doing so remains consistent with the enforcement of this procedure and adherence to the law.

Neither the name of the person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever, unless such disclosure is necessary for an investigation or disciplinary action.

Reprisal

This procedure prohibits reprisals against individuals, acting in good faith, who report incidents of workplace harassment or act as witnesses. Management will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further harassment. Reprisal is defined as any act of retaliation, either direct or indirect.

Review

This procedure and training procedures will be reviewed and, if necessary, updated when an incident of harassment occurs, upon recommendation from the joint worksite health and safety committee or representative or at the very least every three years.

References

Alberta Occupational Health and Safety Act

Alberta Human Rights Act