



ADMINISTRATIVE PROCEDURE	
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Contact Person/Department <b>Human Resources Administrator</b>	Identification <b>HR-4031</b>

## ONTARIO'S OCCUPATIONAL HEALTH AND SAFETY ACT: PREVENTION AND RESOLUTION OF WORKPLACE HARASSMENT

### 1.0 PURPOSE

Trillium Lakelands District School Board (the Board) is committed to providing a working and learning environment in which all individuals are treated with respect and dignity. Every individual has an equal right to learn and work in an environment that is free from workplace harassment.

Harassment in the workplace under the *Occupational Health and Safety Act* differs from harassment based on enumerated grounds under the Ontario Human Rights Code.

Workplace harassment and workplace sexual harassment in any aspect of employment is strictly prohibited.

### 2.0 REFERENCES AND RELATED DOCUMENTS

2.1 Relevant sections of Education and Employment Statutes and Regulations of Ontario include:

- a) *Occupational Health and Safety Act* Section 32.0.1
- b) *Sexual Violence and Harassment Action Plan Act* (Supporting Survivors and Challenging Sexual and Harassment), 2015
- c) Ontario Human Rights Code
- d) *Education Act*: Section 301; *Safe Schools Act*: Section 283-CEO; Section 264 – Duties of a Teacher; Section 265 – Duties of a Principal
- e) Ontario Schools Code of Conduct
- f) *Municipal Freedom of Information and Protection of Privacy Act*
- g) Criminal Code of Canada
- h) The following Acts and Regulations:
  - i. *Ontario College of Teachers Act* and Regulations;
  - ii. *Ontario College of Social Work and Social Service Work Act* and Regulations;
  - iii. *Ontario College of Speech Language Pathologists and Audiologists Act* and Regulations;
  - iv. *Ontario College of Psychologists Act* and Regulations;
  - v. *Teaching Profession Act*;

- vi) Ontario College of Early Childhood Educators.
- vii) College of Trades

2.2 Related Board Policies and Procedures are:

- a) OP-6020 / 6021 Code of Conduct Policy and Procedure;
- b) HR-4010 / 4011 Ontario Human Rights Code: Prevention and Resolution of–Employee Discrimination and Harassment Policy and Procedure;
- c) HR-4535 Progressive Discipline Procedure;
- d) BU-3035 / 3036 Appropriate Use of Information/Communication Technology and Technology Services Policy and Procedure;
- e) ES-5000 / 5001 Volunteer Helpers in the School Policy and Procedure;
- f) HR-4521 / 4522 Ontario's *Occupational Health and Safety Act (OHSA)*: Prevention and Resolution of Violence in the Workplace Policy and Procedure;
- g) OP-6015 / 6016 School Councils Policy and Procedure;
- h) OP-6550 / 6551 Physical Intervention Guidelines for Responding to Injurious and Self Injurious Behaviour of Students Policy and Procedure;
- i) HR-4519 / 4520 Responding to Student Violence Towards Staff Policy and Procedure;
- j) HR-4005 / 4006 Employee Assistance Program Policy and Procedure;
- k) BU-3050 Health and Safety Policy;
- l) OP-6025 / 6026 Video Surveillance in Schools Policy and Procedure;
- m) HR-4208 Incident/Accident/Injury Reporting and Investigation Procedure

2.3 Union / Federation Collective Agreements, Employee Terms of Employment, and Personal Services Contracts.

2.4 Other deemed appropriate documents, as developed from this point forward, may also be pertinent.

### 3.0 TERMS AND DEFINITIONS

#### 3.1 WORKPLACE HARASSMENT

Workplace Harassment is defined in the *Occupational Health and Safety Act (OHSA)* as:

- 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.

A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not considered workplace harassment.

### 3.2 WORKPLACE SEXUAL HARASSMENT

Workplace Sexual Harassment is defined in the *Occupational Health and Safety Act (OHSA)* as:

- 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.

### 3.3 WORKING AND LEARNING ENVIRONMENT

The working and learning environment is any place where employees perform work or work-related duties or functions. Schools and school-related activities, such as extracurricular activities and excursions, comprise this environment, as do Board offices and facilities. Conferences and training sessions fall within the ambit of this policy, as does the Board's courier system, fax, e-mail, phones and mailboxes. Social media conduct, even off-duty conduct, comprise this environment.

### 3.4 EMPLOYEE

Under these Procedures, the word employee includes all persons employed by the Board. Consequently, this Procedure applies to and covers all employees.

### 3.5 BALANCE OF PROBABILITIES

The Balance of Probabilities is a standard of proof, based upon the weighing of evidence to determine the most appropriate judgement. It is often distinguished from another standard of proof, "beyond a reasonable doubt", used in the criminal justice system.

### 3.6 STANDARD OF PROOF

A Standard of Proof is used to make judgements in legal proceedings. For purposes of this Procedure, a civil standard of proof will be used; that is, proof on the balance of probabilities.

This standard will be objective. It will not be sufficient for a complainant to prove that s/he found the alleged conduct unwelcome. The complainant must demonstrate that the conduct itself was workplace harassment, based on an objective assessment of that conduct (i.e. would another reasonable person, in the same situation, find the conduct to be harassment).

### 3.7 THRESHOLD ASSESSMENT

A threshold assessment is an initial evaluation conducted by the Human Resources Administrator (or designate), which is used to determine whether an incident is covered by this policy/procedure and, if so, whether it is sufficient to warrant formal investigation. Differences of opinion, minor disagreements between co-workers or the exercise of management functions (i.e.: providing direction, conducting performance appraisal) do not constitute harassment.

### 3.8 COMPLAINANT

The Complainant under this Procedure refers to any employee who believes that s/he is being harassed.

### 3.9 RESPONDENT

The Respondent under this Procedure refers to any employee who is accused of the harassing behaviour.

## 4.0 ADMINISTRATIVE PROCEDURES

An educational community is a place that promotes responsibility, respect, civility and academic excellence in a safe and caring learning and teaching environment. All staff within Trillium Lakelands District School Board's learning / working environment will:

- respect differences in people, their ideas and opinions;
- treat one another with dignity and respect at all times, and especially when there is a disagreement;
- respect the rights of others;
- show proper care and regard for Board property and for property of others;
- demonstrate honesty and integrity; and
- respect the needs of others to work in an environment supportive of learning and teaching.

The Board endeavours to maintain an environment free of workplace harassment. The Board expects that all staff in its learning / working environment will:

- become aware of and sensitive to issues of workplace harassment;

- support individuals who are, or have been targets of workplace harassment;
- take steps to prevent workplace harassment;
- take all allegations of workplace harassment seriously and respond promptly;
- provide positive role models; and
- not demonstrate, allow or condone behaviour contrary to the Procedure.

The Human Resources Administrator (or designate) has the responsibility to designate resources for ensuring the implementation of and compliance with these Procedures.

The Human Resources Administrator (or designate) will ensure that the Workplace Harassment Prevention and Resolution Policy and Procedure are as accessible as possible.

#### 4.1 APPLICATION

This procedure applies to all members of the Board community, including but not limited to, trustees, employees, students, visitors such as parents and community members, volunteers, permit holders, contractors and employees of other organizations wherever a work-related function is being performed.

##### 4.1.1 Reporting Workplace Harassment

All those individuals who are included under Section 4.1 have a right to report workplace harassment. All employees are entitled to have access to the dispute resolution processes. Reports by non-employee in Section 4.1 may be dealt with under other Board procedures.

Anonymous reports will not be entertained for dispute resolution under this or any other Procedure.

##### 4.1.2 Other Avenues for Resolving Disputes

In accordance with the Policy, these Procedures provide a mechanism for dealing with complaints of workplace harassment occurring in the learning / working environment. Nothing in these Procedures denies or limits access to other avenues of redress available under the law or through the filing of a grievance or through progressive discipline.

In such a case, this process may cease until the parties and their respective representatives have met with the Human Resources Administrator (or designate) to determine which dispute resolution process will proceed and which one(s) will be stayed pending completion of the chosen process.

#### 4.1.3 Confidentiality

It is the duty of the supervisory and managerial personnel to maintain confidentiality in the complaint process. All complainants, respondents and other persons involved with the complaint processes under these Procedures will ensure that all matters remain confidential. Witnesses should be informed that supervisory and managerial personnel, in obtaining statements, will maintain such statements in confidence, subject to their ability to conduct a full and thorough investigation.

Notwithstanding the above, procedural fairness requires that the respondent to a complaint be apprised of the complaint and by whom it has been made so that they have an opportunity to respond to the allegations. Similarly, the complainant must have an opportunity to respond to the information provided by the respondent. This may require the disclosure of witness names and statements to the parties.

The Board may be required to provide information obtained during an investigation to an outside agency that has the right to require information otherwise protected by the *Municipal Freedom of Information and Protection of Privacy Act*.

#### 4.1.4 Records

All correspondence and other documents generated under these Procedures must, subject to the *Municipal Freedom of Information and Protection of Privacy Act*, be marked "**PRIVATE AND CONFIDENTIAL**" and be stored in a locked and secure file in the Human Resources Department. Access to the files is limited to the Human Resources Administrator (or designate).

Where an investigation is completed and the determination made that the workplace harassment complaint was bona fide but not justified, the materials collected will be kept for a period of two years. In all other circumstances, all correspondence relating to the matter will remain with the Human Resources Department indefinitely.

#### 4.1.5 Misuse of the Complaint Procedures

If there is a determination on a balance of probabilities that a complaint has been filed in bad faith, the complaint process may discontinue and disciplinary action may occur.

4.1.6 Reprisals

Alleged reprisals shall be investigated as formal complaints and, if substantiated, are subject to the same consequences as complaints of workplace harassment.

4.2 PRE-STEP TO RESOLUTION (OPTIONAL STAGE)

All employees may opt to forego the Pre-Step stage. The first step is to inform the individual that his/her behaviour is unwelcome and must stop immediately. Many disputes can be resolved quickly and effectively using this approach. Supervisory and/or managerial personnel may attempt to provide support to both parties, if asked, in order to resolve the incident prior to initiating the informal stage of this procedure.

4.3 INFORMAL COMPLAINT (REQUIRED STAGE IF NOT PREVIOUSLY RESOLVED)

- a) Supervisory and managerial personnel may become aware of workplace harassment in the working or learning environment in different ways. They may observe workplace harassment directly or receive a report from the individual affected. The Workplace Harassment Prevention and Resolution Policy and Procedure requires the complainant to file a report to formally access this procedure. A speedy resolution of a complaint can prevent escalation and further negative consequences while promoting restoration of a healthy learning and working environment.

It is important that supervisory and managerial personnel be aware of and respond to symptoms arising out of possible workplace harassment such as reduced productivity, changes in staff relations and behaviour, absenteeism, requests for transfers or rampant rumour mongering. Without assistance, the targets of workplace harassment may be embarrassed or reluctant to report a situation.

- b) Informal Resolution is a procedure that provides an opportunity for parties to resolve a dispute mutually in a respectful manner. Employees may first attempt Informal Resolution as a means of resolving issues.
- c) Supervisory or managerial personnel, as well as union / federation representatives shall attempt to facilitate an informal resolution by:
  - i. suggesting that the complainant confront the problem by making it clear to the individual alleged to have engaged in workplace harassment that the behaviour is not acceptable and by obtaining a commitment that the behaviour will stop;

- ii. informing the individual of the complainant's concern regarding the alleged workplace harassment and the Board's expectation for appropriate behaviour;
  - iii. providing a copy of the Board's *HR-4531 Workplace Harassment Prevention and Resolution Policy and Procedure* and / or other relevant Board policies to the individual alleged to have engaged in the workplace harassment;
  - iv. obtaining a commitment that the behaviour will stop; and
  - v. following up with the complainant to ensure that the behaviour has stopped.
- d) In cases where an informal plan of action is implemented, supervisory and managerial personnel shall follow up by monitoring the situation, holding, if necessary, subsequent meetings with the parties and taking further steps to ensure that the workplace harassment has stopped.
- e) Where disputes are resolved informally, there will be no formal reports about such disputes. Every effort will be made to protect the privacy of individuals.
- f) Any written agreement between the parties that result from an informal plan of action shall be kept in a separate file in the Human Resources Department.
- g) For informal complaints, where the parties are members of a union, federation, middle and senior management groups, or principals' council, a resolution facilitated by the appropriate representative(s) will be acceptable to the Board, if acceptable to the parties.
- h) At any time during the Informal Resolution process, the complainant and Respondent may mutually agree to drop the complaint.

#### 4.4 FORMAL COMPLAINT (REQUIRED STAGE IF NOT RESOLVED PREVIOUSLY)

##### 4.4.1 Initiating a Complaint

- a) Employee complainants should contact their appropriate supervisor. Employee complainants should also consider contacting a colleague, their union, federation, professional association, or middle and senior management representative for support. If an employee requires assistance in completing the formal complaint form (Appendix 5.2), another individual such as a colleague, their union, federation, professional association, or middle and senior management representative may assist the complainant in completing the form.

- b) If the supervisor is the party alleged to be responsible for the workplace harassment or alleged to condone the workplace harassment, the complaint should be reported to the appropriate manager / supervisor above the supervisor. Employee respondents may wish to contact the appropriate supervisor, a colleague, union, federation, professional association, or middle and senior management. For assistance and representation throughout the complaint process, both employee complainants and employee respondents are referred to the list in Section 4.4.3 below.
- c) The rights of students to a respectful learning / working environment, free from workplace harassment, are dealt with under other appropriate policy, legislation or regulations including but not limited to Codes of Behaviour, Safe Schools Act (now Part XIII of the Education Act) and Provincial Student Code of Conduct. Students should contact their vice-principal, principal, or, where appropriate, their school superintendent, for clarification on the process to be followed.
- d) The Human Resources Administrator (or designate) shall have the discretion to refuse to investigate a formal complaint where, in the opinion of the Human Resources Administrator (or designate), the complaint has not been made in good faith, or where the complaint does not fall under this procedure.
- e) Supervisory and managerial personnel who are contacted shall follow the procedures set out in Section 4.5 – Procedures for Resolving a Formal Complaint.

#### 4.4.2 Respondents to a Complaint

Individuals who are named as respondents in a formal complaint have a right to a written copy of the Formal Complaint Form (Appendix B) within three (3) working days of the formal complaint being filed. In particular, a respondent has a right to know the specifics of an allegation, including times, dates and alleged conduct. Respondents who choose to respond to the allegations must complete and return their response within five (5) working days of receipt of the written copy of the Formal Complaint to the Human Resources Administrator (or designate).

#### 4.4.3 ASSISTANCE FOR COMPLAINANTS, RESPONDENTS AND WITNESSES

Prior to initiating any complaint and throughout the complaint process, complainants have a right to assistance and support. Individuals, who are named as respondents in a complaint, as well as witnesses, also have a right to assistance and support throughout the complaint process.

The following people may provide support:

- a) union / federation / professional association;
- b) professional support staff representative;
- c) Site-Based Joint Occupational Health & Safety Committee;
- d) employee or colleague;
- e) trained resource person;
- f) parent / guardian / family member;
- g) translator / interpreter (if necessary).

#### 4.4.4 Threshold Assessment

- a) All formal reports filed under this Procedure shall be subject to a threshold assessment within five (5) working days of receipt of the Formal Complaint by the Human Resources Administrator (or designate) to determine whether the alleged conduct would, if proven, meet the definition of workplace harassment.
- b) If the Human Resources Administrator (or designate), following this threshold assessment, determines that the report filed:
  - i. would not, if true, meet the definition of workplace harassment;
  - ii. does not provide sufficient details of the alleged workplace harassment, provided the complainant is given notice that insufficient details have been provided and is given reasonable time to provide sufficient details;
  - iii. is vexatious, frivolous or trivial, has not been made in good faith or would, if investigated, constitute an abuse of the Procedure;

the complainant and respondent shall be so advised. The complainant or respondent still may pursue other avenues for resolution.

- c) Where allegations relate to discrimination and / or harassment on the basis of a ground prohibited by the Ontario Human Rights Code, they shall be addressed using the appropriate Board policy and procedure (i.e., Ontario Human Rights Code: Prevention and Resolution of Employee Discrimination and Harassment Policy and Procedure HR-4010 / 4011).
- d) Where allegations relate to violence in the workplace under the *Ontario Health and Safety Act* they shall be addressed using the appropriate Board policy and procedure. (e.g. Ontario's *Occupational Health and Safety Act*: Prevention and Resolution of Violence in the Workplace Policy and Procedure HR-4521 / 4522).

- e) In all cases where the Human Resources Administrator (or designate) has determined that the parties have made all reasonable efforts to resolve the dispute informally, and has conducted a threshold assessment to determine that a formal complaint should proceed, the Human Resources Administrator (or designate) shall appoint the appropriate investigator to take action to resolve a formal complaint under this Procedure.

#### 4.5 PROCEDURES FOR RESOLVING A FORMAL COMPLAINT

In all cases, supervisory and managerial personnel will endeavour to take action to resolve any alleged or suspected situations involving workplace harassment.

##### 4.5.1 Formal Investigation and Resolution

- a) Formal complaints require an investigation of the complaint allegations. The Standard of Proof to be applied is the balance of probabilities. Investigators will be chosen by the Human Resources Administrator (or designate). If the respondent declines to participate in the formal investigative process, the investigation shall proceed. The respondent should be encouraged to participate in the interest of a balanced and fair process.
- b) In a Formal Investigation, the Human Resources Administrator (or designate) shall ensure that the following steps are taken as soon as possible:
  - i. take appropriate measures to ensure the safety of the complainant;
  - ii. notify the complainant, the respondent and witness(es);
  - iii. ensure that the respondent has a copy of the complaint within three (3) working days;
  - iv. provide an opportunity for the respondent to complete and return their response within five (5) working days of receipt to the Human Resources Administrator (or designate);
  - v. assign an investigator to the case;
  - vi. advise the complainant and respondent who will be conducting the investigation.
- c) In a formal investigation, the investigator (as assigned by the Human Resources Administrator) shall:
  - i. separately meet with the complainant (first) and the respondent (second) within **fifteen (15)** working days of the receipt of the complaint. The purpose of this initial meeting is to ensure that both parties understand the particulars of the complaint and the process of the investigation. The investigator will obtain the names of witnesses and other persons that the complainant and the respondent believe may be relevant;

- ii. interview the respondent so that the respondent can reply fully to allegations made against him / her, including dates, times, locations;
- iii. interview the named witnesses;
- iv. interview other persons, not named, who may be able to contribute relevant information to the investigation;
- v. complete the interviews as expeditiously as possible;
- vi. come to a conclusion about whether a specific incident did or did not occur based on a balance of probabilities;
- vii. review findings orally with the complainant;
- viii. review findings orally with the respondent;
- ix. investigate further, any additional information provided during the review of findings;
- x. share results of final investigation orally with the complainant;
- xi. share results of final investigation orally with the respondent;
- xii. complete the investigation within thirty (30) days of the meetings outlined in (i) above or apply to the Director of Education for an extension of the timelines;
- xiii. complete the final written report, including specific recommendations and the rationale for further action to resolve the matter;
- xiv. submit final report to the Director of Education, Complainant and Respondent.

d) The Director of Education will:

- i. share the investigator's report with appropriate members of Executive Council;
- ii. consider the recommendations and take appropriate actions to resolve the situation;
- iii. provide a written response to the complainant and the respondent outlining the actions that will be taken and the rationale for such actions.

e) The Formal Investigation shall cease and the matter shall be declared resolved at any time during the investigation if the Complainant and Respondent can reach a mutually agreed upon resolution supported by the Investigator.

#### 4.5.2 Outcomes in Formal Investigations

In the event a complaint is not substantiated, no further action will be taken, subject to the section on maintaining records, unless the complaint is found to be trivial, vexatious or an abuse of power (see Appendix 5.3). However, if there is a need to restore a positive learning or working environment, appropriate steps shall be taken by the Human Resources Administrator (or designate) which might include:

- a) counselling;
- b) application of strategies to restore a positive learning / working environment;
- c) mediation;
- d) specific training;
- e) workshops for the staff in the school / workplace regarding their rights and responsibilities;
- f) permanent separation of respondent and complainant from each other;
- g) restorative measures;
- h) monitoring of the work environment.

#### 4.5.3 Disciplinary Actions - Employee Respondents

The appropriate supervisor or manager may impose discipline as appropriate and consistent with the circumstances.

The principles of progressive discipline will be applied in dealing with disciplinary actions under this policy. These would include the following possibilities:

- a) verbal warning;
- b) written reprimand;
- c) suspension;
- d) demotion and / or transfer;
- e) dismissal from employment with the Board.

#### 4.5.4 Mediated Resolution

- a) Mediation involves an unbiased third party acting as a facilitator in direct communication between the parties who voluntarily agree to enter into this process. It is an opportunity to resolve disputes in a respectful manner. It provides the opportunity to generate a variety of options for resolution and contributes to restoring the working relationship between the parties.
- b) Where there is already a formal complaint being investigated under these procedures, at any time during the investigation, the parties may agree to hold the investigation in abeyance and attempt to achieve a mediated resolution.
- c) Mediation is appropriate when all parties agree that a mutually agreeable solution is achievable and desirable. The investigator will request approval to mediate or obtain a trained mediator from the Board's list of approved mediators when the parties have expressed an interest in a mediated resolution.

- d) Meetings required for mediation sessions shall be scheduled as soon as possible and, where practical, in a time and place convenient for the complainant, the respondent and the mediator.
- e) When matters are resolved through mediation, the complainant and the respondent will sign a plan of action for resolution outlining the terms to which the parties have agreed. No plan will include violations of any Collective Agreement / Terms and Conditions of Employment. Employees are strongly encouraged to seek advice from their union, federation, or professional association in this regard.
- f) Mediation is voluntary and the complainant or the respondent may choose to withdraw at any time.

#### 4.6 REVIEW

In the event a complainant or respondent to a formal complaint has one or both of the specific concerns listed below, a request may be made to the Director or designate within ten (10) working days of the final decision to convene a Review. A Reviewer will be appointed by the Director or designate.

The grounds for review are:

- a) The investigators fail to comply with these Procedures;
- b) New evidence becomes known after the final decision but before the expiry of the ten working days limitation period for requesting a review.

No review of the final decision will be undertaken with regard to the claim that the conclusions drawn by the investigator(s) based on findings of fact were incorrect.

The Reviewer will report his / her finding to the Director or designate, who will affirm or amend the final decision, or require that a new investigation be undertaken. The complainant and the respondent will each receive a copy of the Reviewer's report.

#### 4.7 POLICY POSTING

The Workplace Harassment policy shall be in written form and shall be posted at a conspicuous place in the workplace.

4.8 PROCEDURE REVIEW

The Workplace Harassment Procedure will be reviewed annually by Administration. Any significant changes will be brought forward for information to trustees at a Committee of the Whole meeting.

4.9 INFORMATION AND INSTRUCTION

The Board shall provide employees with information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace harassment and any other prescribed information.

**5.0 APPENDICES**

- 5.1 Workplace Harassment Prevention and Resolution Rights and Responsibilities
- 5.2 Formal Complaint Form
- 5.3 Flowchart

## **WORKPLACE HARASSMENT PREVENTION AND RESOLUTION RIGHTS AND RESPONSIBILITIES**

Everyone has the right to work and learn in an environment that is free of unwelcome or intimidating behaviour that could create an unsafe and / or unhealthy environment and could interfere with job performance and ability to learn.

### **Responsibilities of All Employees in Board Learning / Working Environments**

It is the responsibility of every employee to create and contribute to a climate of understanding and mutual respect for the rights and dignity of each individual by:

- showing courtesy and self-discipline in actions and words;
- seeking informal problem solving of issues;
- respecting rules, regulations and practices that are in place which provide for safe and secure learning and working environments;
- demonstrating honesty, integrity and behaviours that are representative of a positive and supportive atmosphere;
- showing proper care and regard for Board property and for the property of others.

### **Responsibilities of the Board**

- It is the responsibility of Trillium Lakelands District School Board to recognize the dignity and worth of every person and to provide for fairness and equal opportunities without discrimination.
- It is a commitment of Trillium Lakelands District School Board to work towards the elimination of workplace harassment in our schools and workplaces.
- It is the duty of Trillium Lakelands District School Board to maintain an environment that is safe, caring, nurturing and positive for all persons served by it.

### **By knowing your rights and responsibilities, you can stop workplace harassment.**

Employees who feel that they are being subjected to workplace harassment have the right and responsibility to tell the individual concerned that the behaviour is offensive, unwelcome, and must cease. They also have the right to report the workplace harassment to someone in a position of authority who can facilitate resolution of the matter.

**If you are experiencing workplace harassment, contact your Principal, Manager / Supervisor or Supervisory Officer, Union / Federation / Association, Middle and Senior Management representatives, or Ontario Principal's Council / Site-Based Joint Occupational Health & Safety Committee.**



## PRIVATE AND CONFIDENTIAL

### WORKPLACE HARASSMENT – FORMAL COMPLAINT FORM

Workplace harassment was  
**directed towards:**

\_\_\_\_\_ *(name of Complainant)*

\_\_\_\_\_ *(worksite or home address)*

\_\_\_\_\_ *(position)*

**directed by:**

\_\_\_\_\_ *(name of Respondent)*

\_\_\_\_\_ *(worksite or home address)*

\_\_\_\_\_ *(position)*

This formal complaint is being  
**launched by:**

\_\_\_\_\_ *(name)*

\_\_\_\_\_ *(worksite or home address)*

\_\_\_\_\_ *(position)*

#### PRE-STEP:

Date Complainant informed Respondent that behaviour was unwelcome: DD/MM/YYYY

#### INFORMAL RESOLUTION STAGE:

Date Complainant reported behaviour to his / her supervisor: DD/MM/YYYY

Name / title of Complainant's supervisor: \_\_\_\_\_

Describe the informal resolution attempt and why it failed, if possible: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**FORMAL COMPLAINT:**

Date of alleged workplace harassment: \_\_\_\_\_

Description of alleged workplace harassment (use verbs to describe each bullet): use additional sheet(s) if necessary

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

History:

1. Has the complaint been reported previously?  Yes  No

2. If yes, by whom? \_\_\_\_\_  
(name)

\_\_\_\_\_  
(worksite or home address)

\_\_\_\_\_  
(position)

3. To whom? \_\_\_\_\_  
(name)

\_\_\_\_\_  
(worksite or home address)

\_\_\_\_\_  
(position)

4. When was it reported? \_\_\_\_\_

5. What actions were taken, if any? \_\_\_\_\_

\_\_\_\_\_

***Employees are strongly encouraged to seek advice from their union, federation, or professional association.***

Complainant(s) Signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor(s) Signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

