

<p>EASTERN TOWNSHIPS SCHOOL BOARD</p>	<p><i>Title:</i> POLICY FOR THE PROTECTION OF THE DIGNITY OF EMPLOYEES IN THE WORKPLACE</p>	
<p><i>Source:</i> Director Human Resources</p>	<p>Resolution No. ETSB04-11-106 Effective: November 23, 2004</p>	<p><i>Reference Number:</i> P028</p>

STATEMENT

The Eastern Townships School Board (“ETSB”) affirms its belief in the right of all employees¹ to work and learn in an environment free of violence, harassment and verbal insults.

LEGAL FRAMEWORK

1. The ETSB hereby undertakes to honour sections 4, 10 and 10.1 of *the Charter of Human Rights and Freedoms*, which read as follows:

- 4.** *Every person has a right to the safeguard of his dignity, honour and reputation.*
- 10.** *Every person has a right to full and equal recognition and exercise of human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap. (...)*
- 10.1** *No one may harass a person on the basis of any ground mentioned in section 10.*

2. The ETSB also undertakes to honour section 2087 of the *Quebec Civil Code*, which reads as follows:

2087. *The employer is bound not only to allow the performance of the work agreed upon and to pay the remuneration fixed, but also to take any measures consistent with the nature of the work to protect the health, safety and dignity of the employee.*

3. In addition, the ETSB undertakes to honour sections 81.18, 81.19 and 81.20 of the *Act respecting Labour Standards*, which read as follows:

81.18 *For the purposes of this Act, “psychological harassment” means any vexatious behaviour in the form of repeated and hostile or unwanted*

¹ “Employee” denotes any adult (including administrators, volunteers, etc.) who works under the jurisdiction of the Eastern Townships School Board.

conduct, verbal comments, actions or gestures, that affects an employee's dignity or psychological or physical integrity and that results in a harmful work environment for the employee. A single serious incidence of such behaviour that has a lasting harmful effect on an employee may also constitute psychological harassment. (IN FORCE ON JUNE 1, 2004)

81.19 *Every employee has a right to a work environment free from psychological harassment.*

Employers must take reasonable action to prevent psychological harassment and, whenever they become aware of such behaviour, to put a stop to it. (IN FORCE ON JUNE 1, 2004)

81.20 *The provisions of sections 81.18, 81.19, 123.7, 123.15 and 123.16, with the necessary modifications, are deemed to be an integral part of every collective agreement. An employee covered by such an agreement must exercise the recourses provided for in the agreement, insofar as any such recourse is available to employees under the agreement. At any time before the case is taken under advisement, a joint application may be made by the parties to such an agreement to the Minister for the appointment of a person to act as a mediator. The provisions referred to in the first paragraph are deemed to form part of the conditions of employment of every employee appointed under the Public Service Act (chapter F-3.1.1) who is not governed by a collective agreement. Such an employee must exercise the applicable recourse before the Commission de la fonction publique according to the rules of procedure established pursuant to that Act. The Commission de la fonction publique exercises for that purpose the powers provided for in sections 123.15 and 123.16 of this Act. The third paragraph also applies to the members and officers of bodies. (IN FORCE ON JUNE 1, 2004)*

SCOPE

1. This policy applies to events or acts concerning employees while in the workplace or while performing any work-related duty.
2. The present policy applies to events or acts allegedly committed against employees, unionized or management, by other employees, commissioners or third parties (e.g. parents, suppliers, journalists, etc.).
3. This policy does **NOT** apply to cases of suspected physical and/or sexual abuse of minors by adults, whether or not they are employees of the ETSB, or by other minors (please refer to the Multi-sectoral Agreement). This policy does **NOT** apply either to cases of harassment, discrimination, assaults that might involve a student. In such situations, the case will be dealt with in conformity with relevant laws concerning minors and with the upcoming ETSB policy entitled "Safe Schools and Centres".

DEFINITIONS

Harassment exists when any person acts to distress, humiliate, torment or intimidate another. It may occur only once or on many occasions and it takes both verbal and non-verbal forms.

The following types of situations are covered by this policy:

1. Sexual harassment – any **repeated** and unwelcome comment, suggestion or physical contact of a sexual nature that creates an uncomfortable working environment for the recipient.

Sexual harassment may also be a **single** sexual advance, particularly one by a person in authority that leads to and/or implies a threat and/or leads to a reprisal after a sexual advance is rejected.

2. Psychological harassment – any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects an employee's dignity or psychological or physical integrity and that results in a harmful work environment for the employee.

A single serious incidence of such behaviour that has a lasting harmful effect on an employee may also constitute psychological harassment.

3. Verbal insult – affront to the dignity of a person, especially on the basis of race, colour, sex, pregnancy, sexual orientation, civil status, age, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.
4. Violence – physical assault, threat or intimidation by at least one individual against another.

POLICY

1. The ETSB shall protect all its employees from harassment, violence and verbal insults, as such behavior is contrary to an atmosphere of respect and is prohibited by law.
2. The ETSB shall actively investigate all reports submitted in accordance with established procedures (see Procedures for the Investigation of Sensitive Inter-Personnel incidents) and shall take appropriate action where complaints are justified. If part of the solution concerning a reported incident requires the disciplining of an employee, then the process described in the appropriate collective agreement or in the PAS will be followed.
3. All investigations are to be conducted in a confidential manner by all concerned and shall be dealt with as expeditiously as possible.
4. In cases of sexual harassment, at least one of the ETSB's representatives conducting an investigation shall be of the same sex as the employee who has been harassed.

November 5, 2004