

# STAFF AND HUMAN RESOURCES POLICY

## 3.0

**Policy Title:** Harassment Prevention

**Last Approved:** October 2023

### BACKGROUND

The Saskatchewan School Boards Association ('Association') believes that every individual has the right to perform their duties of employment free from harassment in the workplace. The purpose of this policy is to cultivate a respectful workplace through prevention and resolution of harassment and discrimination.

Under *The Saskatchewan Employment Act*, employers are required to develop and implement a harassment policy within their workplace. This policy focuses on the rights and obligations set out in the Act and in *The Saskatchewan Human Rights Code*. The Association is expected to take all complaints of harassment and discrimination seriously. The Association is committed to implement, maintain, promote and further develop this policy in order to promote a productive and respectful workplace and to prevent and stop harassment.

### APPLICATION

This policy applies to all employees, executive members of the Association, contractors with the Association directly working with employees or Executive or on Association premises, and to all individuals participating in Association activities. The Association recognizes that its employees may be subjected to harassment by others who attend Association activities or conduct business with the Association. In these circumstances, the Association acknowledges its responsibility to support and assist the person subjected to such harassment.

For the purposes of this policy, harassment can occur:

- At the workplace;
- At employment-related social functions;
- In the course of work assignments outside the workplace;
- During work-related travel;
- Over the telephone, if the conversation is work-related; or
- Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship.

**A.** In the event of a conflict between any provisions of this policy and applicable law, the applicable law shall apply.

Nothing in this policy precludes an employee from accessing his or her rights pursuant to:

- a) The Saskatchewan Human Rights Code;
- b) The Saskatchewan Employment Act which includes requesting the assistance of an occupational health officer;
- c) The Worker's Compensation Act, 1979; and
- d) Any other legal avenue available.

### B. Outsourcing

1. The person who initiates the hiring of a contractor who will perform services for the Association shall ensure that all contracts include language requiring the contractor to comply with the provisions of this policy.
2. The person initiating and/or supervising the contract shall monitor compliance by the contractor with the policy and shall immediately report any breaches to Employee and Labour Relations.

### POLICY STATEMENT

1. The Association shall provide a work environment which is supportive of the productivity, the dignity and self-esteem of every employee.
2. The Association does not condone harassment of any kind and expects its employees and any other individuals on Association premises or at Association sponsored events not to participate in or to condone such behaviour.
3. Compliance with the provisions of this policy is a condition of employment.

### 3.1 OBJECTIVES

- a. This policy is designed to:
  - i. increase awareness of the issue of harassment;
  - ii. encourage employees to report all incidents;
  - iii. provide a process for employees to report incidents;
  - iv. provide a process for investigation when required;
  - v. ensure a fair investigation;
  - vi. ensure any report of harassment is kept in confidence, except as necessary to investigate and resolve the situation; and
  - vii. facilitate fair resolution.
- b. The Association shall:
  - i. make every reasonable effort to ensure that no employee is subject to harassment in the course of participating in Association activities; and
  - ii. take corrective action respecting any person under the Association's direction who subjects any employee or other person to harassment.

### 3.2 WHAT CONSTITUTES HARASSMENT

To constitute harassment either of the following must be established:

- a. Repeated conduct, comments, displays, actions or gestures;
- b. A single, serious occurrence of conduct, or a single, serious comment, display, action or gesture that has a lasting, harmful effect on the employee.

### 3.3 HARASSMENT IS NOT

- a. For the purpose of this policy, harassment does not include any reasonable action that is taken by the employer, or a Director relating to the management and direction of the Director's employees or the place of employment including day to day managerial/supervisory function, decisions and activities involving work assignment, performance management and instruction, workplace inspections, implementation of appropriate dress codes or disciplinary action, unless these functions are performed in a manner which constitutes harassment as defined in this policy.
- b. Normal social contact and friendly relations between employees and/or others that are part of the work environment, based on an objective view of mutual consent.
- c. Normal physical contact necessary for performance of the work using acceptable sector standards.
- d. Conduct that all parties agree is welcome and not offensive, unless it is within the context of prohibited grounds.
- e. Conflict, rudeness or disagreement in the workplace, where it does not meet the definition of harassment in this policy.

### 3.4 CATEGORIES OF HARASSMENT

Specific categories of Harassment included within the Act definition are harassment based on prohibited grounds, sexual harassment and personal harassment:

**1. Harassment based on Prohibited Grounds** – any inappropriate conduct, comment, display, action or gesture by a person that either is:

- based on religion, creed, marital status, family status, sex, sexual orientation, disability, age, colour, ancestry, nationality, place of origin, race, or perceived race, receipt of public assistance, gender identity; or
- adversely affects the employee's psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated; and
- that constitutes a threat to the health or safety of the employee.

It includes objectionable acts, comments or displays that demean, belittle, or cause personal humiliation or embarrassment, and acts of intimidation or threat made on the basis of prohibited grounds.

Harassment can be a form of discrimination.

**2. Sexual Harassment** – is unsolicited, unwelcome conduct, comment, display, action, gesture or physical contact of a sexual nature by a Respondent directed at a Complainant in a workplace that is offensive, unsolicited or unwelcome to the Complainant. It may include, but is not limited to:

- Any implied or expressed threat of reprisal for refusal to comply with a sexually oriented request;
- Unwelcome remarks, jokes, innuendoes, propositions, or taunting about a person's body, attire, sex, sex life or sexual orientation;
- Displaying pornographic or sexually explicit pictures or materials;

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- Unwelcome physical contact such as touching, patting or pinching, cornering and close body contact, with an underlying sexual connotation;
- Unwelcome invitations or requests, direct or indirect to engage in behaviour of a sexual nature; or
- Refusing to work with or have contact with an employee on-the-job because of his or her sex, gender or sexual orientation.

3. **Personal Harassment** – is inappropriate conduct, comment, display, action or gesture by a Respondent directed at a Complainant in a workplace that:

- Adversely affects the Complainant’s psychological or physical well-being; and
- Which is known or ought reasonably to be known to cause the Complainant to be humiliated or intimidated.

Personal harassment may involve repeated conduct. It may also involve a single, serious incident that causes a harmful effect on the Complainant. Examples of personal harassment include:

- Verbal or written abuse or threats;
- Insulting, derogatory or degrading comments, profanity, jokes, gestures, or written materials;
- Bullying;
- Personal ridicule or malicious gossip;
- Refusing to work or co-operate with others;
- Shunning, isolation or ostracizing;
- Stalking; or
- Interference with or vandalism of personal property or Association property.

### 4. Internet Harassment or Cyberbullying

Internet harassment, also referred to as “cyberbullying”, is the term used to describe the use of the technology to bully, harass, threaten, or maliciously embarrass. It can involve behaviours such as, but is not limited to:

- Sending unsolicited and/or abusive and threatening emails, texts, phone calls either directly or indirectly to the victim;
- Sending viruses by email or text;
- Making defamatory messages on-line (via email, texts, facebook, etc.); and
- Creating online content that depicts the victim in a negative way.

### 3.5 RIGHTS & RESPONSIBILITIES

Each employee is responsible to:

- i. Refrain from causing or participating in the harassment of another employee;
- ii. Cooperate in identifying, reporting, and in the investigation of harassment when an investigation is warranted;
- iii. Take personal responsibility for his or her own actions;

- iv. Speak up if he/she is subject to harassment by directly telling the offending person to stop prior to reporting the incident or by reporting the incident in accordance with this policy to Employee and Labour Relations (see 3.0-A Harassment Complaint Form);
- v. Maintain confidentiality in accordance with this policy when involved in any aspect of a harassment allegation; and
- vi. In situations of cyberbullying before responding and/or deleting communications:
  - a. Report the incident(s) to Corporate Services;
  - b. Save all offending communications for evidence purposes electronically and do not edit in any way;
  - c. Keep a log of the activity including dates and times and share it with Corporate Services;
  - d. If the harasser is known to you, make it clear that you do not want them to contact you again and if the harasser is unknown to you “block” the sender after saving the communications as per above;
  - e. Do not reply to unsolicited, offensive or harassing communications if the harasser is not known to you. By responding, you confirm your email (for example) is active and valid; and
  - f. Do no open attachments as they may contain viruses.

### Each Director is responsible to:

- i. Ensure employees under his/her direction are aware of this policy and the process to report a Complaint of Harassment(see 3.0-A Harassment Complaint Form).
- ii. Ensure workplace conduct of those under his/her direction is appropriate and in compliance with this policy.
- iii. Foster a work environment consistent with the values of the organization where harassing behavior is not tolerated.
- iv. Be a role model by setting a good example.
- v. Respond immediately to allegations of harassment by notifying Employee and Labour Relations and following this policy and procedures.
- vi. Treat all allegations of harassment seriously and confidentially.
- vii. Take necessary corrective action where harassment has occurred in the workplace.

### 3.6 PREVENTION

The Association recognizes the importance of preventing harassment and is committed to clarifying its objectives with respect to harassment through communication and consistent application of this policy and supporting education and awareness on harassment. The foundation of a respectful workplace is demonstrated through the SSBA CARES principles (see CARES principles document).

#### CARES

(We will: )

Contribute to a welcoming and respectful workplace

Accept responsibility for our own behaviours and attitudes  
Resolve all challenges in a mature and professional manner  
Engage and have fun  
Support and sustain a healthy work life balance

#### 3.7 FILING A COMPLAINT

Employees can submit a Harassment Complaint by filling out 3.0-A Harassment Complaint Form.

#### REFERENCES

“The Saskatchewan Employment Act, Part III Occupational Health and Safety”

“The Saskatchewan Human Rights Code”