



## REGINA

## HARASSMENT IN THE WORKPLACE

# PUBLIC SCHOOLS

### 1. Background

- 1.1. The Division values the dignity of all employees and is committed to creating and maintaining a respectful working environment.
- 1.2. Regina Public Schools acknowledges our responsibility to provide a workplace free of harassment and commits to take action as is appropriate and reasonably practical in the circumstance to stop and/or prevent the risk to employee of harassment or discrimination.

### 2. Guiding Principles

- 2.1. All employees are responsible for creating and maintaining a respectful workplace and being aware of the process for addressing concerns regarding harassment.
- 2.2. Where appropriate, early problem-solving mechanisms are preferred processes to resolve situations at the outset. Restorative processes focus on conflict resolution rather than blame or punishment.
- 2.3. Where appropriate, the best resolution is most often developed with participation of the Complainant and Respondent. The complaint process, including the investigation, will adhere to the principles of procedural fairness.
- 2.4. Disciplinary action for employees shall adhere to the principle of progressive discipline and just cause.
- 2.5. Interference with the resolution of a complaint by threats, intimidation, or retaliation; breaches of confidentiality; or complaints filed in bad faith will not be tolerated.

### 3. Application

- 3.1. This Administrative Procedure applies to all employees of the Division and includes all workplace activities (both face-to-face and virtual) inclusive of travel, conferences, work-related gatherings, or any other place where the employee is required to be in service to the employer. This includes:
  - 3.1.1. A person who is enrolled in a secondary or post-secondary educational institution and who is permitted by the Division, directly or indirectly, to perform work or services or is being trained by the Division;
  - 3.1.2. A volunteer who the Division permits, directly or indirectly, to perform work or services; and
  - 3.1.3. An independent or dependent contractor.
- 3.2. Regina Public Schools commits to act as is appropriate and reasonably practicable in circumstances to stop and/or prevent employee harassment by third parties.

- 3.3. An employee who believes they have been subject to harassment may, at any time, seek legal advice or counsel from their employee group or from an independent source at the employee's expense. Should the employee so wish, the employee may be accompanied by, or represented by, a representative of the appropriate employee group at meetings that the employee attends regarding this process.
- 3.4. An employee who believes that they have been subject to harassment may, at any time, contact the police, the Ministry of Labour Relations and Workplace Safety, the employee's appropriate employee group, or the Saskatchewan Human Rights Commission.
- 3.5. For incidents involving students, refer to [AP 375 Discipline](#) and/or [AP 377 Suspensions and Expulsions](#).

#### 4. Harassment

- 4.1. **Harassment** is defined as: any inappropriate conduct, comment, display, action or gesture by a person towards a worker **that either:**
  - is based on any prohibited ground as defined in *The Saskatchewan Human Rights Code, 2018* or on physical size or weight;
  - or
  - adversely affects the worker'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 and/or safety of the worker;**or:**
  - any conduct, comment, display, action or gesture by a person towards a worker that is of a sexual nature; and the person knows or ought reasonably to know is unwelcome.
- 4.2. To constitute harassment, either of the following must be established:
  - 4.2.1. Repeated conduct, comments, displays, actions or gestures;
  - 4.2.2. A single, serious occurrence of conduct, or a single, serious comment, display, action, or gesture, that has a lasting, harmful effect on the worker.
- 4.3. Examples of harassment include, but are not limited to, the following:
  - 4.3.1. Bullying or hazing;
  - 4.3.2. Disorderly or abusive conduct or language;
  - 4.3.3. Spreading malicious rumours;
  - 4.3.4. Mean-spirited or dangerous pranks or practical jokes;
  - 4.3.5. Any offensive comments, actions and/or exclusions from which a person would otherwise have a right or privilege, which demean and/or belittle an individual and/or cause personal humiliation;

- 4.3.6. Any reprisals, intimidation, or threats made to a person who has acted as a witness in any proceeding, confronted and/or reported an alleged harasser, or been identified as a victim of harassment;
- 4.3.7. Displaying or distributing sexually suggestive or derogatory images or material;
- 4.3.8. Offensive, sexist, or sexually suggestive remarks, innuendos, jokes, gestures, or leering;
- 4.3.9. Unwanted and unsolicited sexual advances or physical contact; and
- 4.3.10. Solicitation of sexual activity by expressed/implied promise of reward or threat of reprisal.
- 4.4. Harassment does not include:
  - 4.4.1. Any reasonable action that is taken by the Division, or a manager or supervisor employed or engaged by the Division, relating to the management and direction of the Division's workers or the place of employment;
  - 4.4.2. Physical contact necessary for the performance of the work using accepted industry standards; or
  - 4.4.3. Disagreements, conflicts or behaviors in the workplace that do not meet the threshold of harassment. These disagreements, conflicts, or behaviours will be dealt with in [AP 406 Addressing Workplace Conflicts](#).

## 5. Definitions

- 5.1. **Complainant** is the person(s) who makes a complaint of harassment or brings an incident of harassment to the attention of the Division.
- 5.2. **Discrimination** (based on prohibited grounds) can be intentional or unintentional, direct, or indirect. Harassment is a form of discrimination. *The Saskatchewan Human Rights Code, 2018* prohibits discrimination in employment 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, or gender identity.
- 5.3. **Facilitated Problem-Solving** is a restorative process that includes the Complainant and Respondent and is facilitated internally. The goal is to identify an acceptable resolution to the issue.
- 5.4. **Investigation** is a fair and impartial fact-finding process to assess whether the allegation(s) is founded, unfounded, or made in bad faith.
- 5.5. **Mediation** is a facilitated and voluntary process led by a trained mediator involving the Complainant and Respondent to help them attempt to resolve the matter. The outcome of this process is typically a mutual understanding and a written, signed and recorded agreement to restorative action between those involved.
- 5.6. **Respondent** is the employee(s) against whom a complaint has been lodged.
- 5.7. **Worker** means an individual, including a supervisor, who is engaged in the service of an employer and includes:

- 5.7.1. A person who is enrolled in a secondary or post-secondary educational institution and who is permitted by the Division, directly or indirectly, to perform work or services or is being trained by the Division;
- 5.7.2. A volunteer that the Division permits, directly or indirectly, to perform work or services; and
- 5.7.3. An independent or dependent contractor.

## 6. Responsibilities

- 6.1. Maintaining a harassment-free work environment is everyone's responsibility.
- 6.2. **Director of Education/CEO and/or Deputy Directors** are responsible for:
  - 6.2.1. Determining who will conduct a formal investigation which includes engaging the services of an external investigator;
  - 6.2.2. Determining if the Complainant and Respondent need to be separated pending completion of the complaint process; and
  - 6.2.3. Making decisions for follow-up action to complete the complaint process if applicable, which may include discipline up to and including dismissal.
- 6.3. **Human Resources** is responsible for:
  - 6.3.1. Updating this Administrative Procedure as needed, ensuring it is communicated to employees and providing employee training to address harassment in the workplace;
  - 6.3.2. Interpreting this Administrative Procedure and related processes;
  - 6.3.3. Assisting to determine the appropriate action to address workplace harassment;
  - 6.3.4. Screening, monitoring and tracking harassment complaints;
  - 6.3.5. Coordinating external investigators; and
  - 6.3.6. Providing advice and assistance to the Director of Education/CEO and Deputy Directors throughout the process.
- 6.4. **Supervisors** are responsible for:
  - 6.4.1. Reviewing this Administrative Procedure;
  - 6.4.2. Addressing any harassment they are aware of and taking appropriate preventive or corrective action within the scope of their authority;
  - 6.4.3. Supporting employees in the complaint process; and
  - 6.4.4. Where appropriate, reporting incident(s) of harassment, witnessed and reported by others in accordance with the process outlined in this Administrative Procedure.
- 6.5. A **Complainant** is responsible for:
  - 6.5.1. Reviewing this Administrative Procedure and may work with their supervisor, Human Resources and/or, if appropriate, Union/ Association, to review options for resolution;

- 6.5.2. Documenting incident(s) of harassment, including grounds for the complaint, name of Respondent, name of witness(es) and details of the complaint (what occurred, location, date, time, circumstances surrounding the incident, what actions were taken in response to the behaviour, etc.); and
- 6.5.3. Participating in the process to resolve the situation.
- 6.6. The **Respondent** must be notified in the event a complaint is made against them.
  - 6.6.1. The Respondent will review the Administrative Procedure and may work with their supervisor, Human Resources and/or, if appropriate, Union/Association, to review options for resolution.
  - 6.6.2. The Respondent will participate in the process to resolve the conflict constructively.

## 7. Complaint Process

- 7.1. Whenever possible, an employee who believes that they have been subject to harassment is encouraged to resolve the issue by communicating with the offending individual, requesting the offending activity to stop.
- 7.2. An employee who believes that the behaviour/incident has not been satisfactorily resolved by direct discussion with the offending individual or is unable to approach the offending individual, may refer the matter to their immediate supervisor.
- 7.3. The employee is required to provide details of the complaint in writing, using the Division's [Harassment Complaint Form](#), including:
  - 7.3.1. Grounds for the complaint (the grounds for which the employee believes harassment occurred – refer to definition of harassment);
  - 7.3.2. Name of Respondent;
  - 7.3.3. Names of witnesses (if any); and
  - 7.3.4. Details of the complaint (what occurred, location, date, time, circumstances surrounding the incident, what actions were taken in response to the behavior, etc.).
- 7.4. The immediate supervisor will forward the complaint details to the department Superintendent and Superintendent of Human Resources.
- 7.5. The department Superintendent and Superintendent of Human Resources will conduct a preliminary assessment of the complaint details to determine if the allegations fall within the definition of harassment.
  - 7.5.1. If the allegations are determined to be a disagreement, conflict or behaviours that do not meet the definition of harassment, the resolution of the complaint will be handled through [AP 406 Addressing Workplace Conflicts](#).
  - 7.5.2. If the allegations fall within the definition of harassment, further attempts will be taken to resolve the complaint and, where applicable, the Union/Association representatives will be involved in the resolution options.

- 7.6. If the situation remains unresolved, the Superintendent of Human Resources will consult with the Deputy Director who will appoint impartial and trained individual(s) to further investigate the complaint and provide a report of findings.
- 7.7. The Division may engage the services of an external investigator. The Union(s)/Association, if involved, will be consulted by the Deputy Director and Superintendent of Human Resources as to whether the matter is referred to an external investigator.
- 7.8. The Complainant and Respondent will be informed of the results of the preliminary and/or full investigation and will be provided a complete, unredacted copy of the report of findings.
- 7.9. If required, disciplinary action for employees shall adhere to the principle of progressive discipline and just cause and will be in accordance with the applicable collective agreement.

## **8. Confidentiality**

- 8.1. The name of the Complainant or Respondent or the circumstances related to a complaint shall not be disclosed to any person except where the disclosure is necessary for the purposes of restorative or investigative processes, or as required by law.
- 8.2. No one involved will discuss or share the information outside the restorative or investigative processes. Information is shared on a “need to know” basis and must not be shared further. Failure to preserve the confidentiality of information acquired during the process may result in disciplinary action.

Reference: Section 85, 87 *The Education Act, 1995*  
Section 45 *The School Division Administration Regulations*  
*The Saskatchewan Human Rights Code, 2018*  
*The Saskatchewan Employment Act*  
*The Occupational Health and Safety Regulations, 2020*  
*The Canadian Charter of Rights and Freedoms*