



Harassment

Background

The Division in its commitment to fairness and decency, shall endeavour to ensure that its students and employees have a learning, growth and work environment that is free from sexual or other harassment.

Definitions

Harassment means any inappropriate conduct, comment, display, action or gesture by a person:

That either:

- Is based on race, creed, religion, color, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin;
- 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 or safety of the worker;

Specifically, sexual harassment is defined as any unwelcome sexual comment, suggestion, gesture or physical contact that:

- Is made by a person or persons who know, or ought to know, that such action is unwelcome; and
- Causes discomfort and endangers the well-being, job security or job performance of the victim.

Other types of harassment may be physical coercion, objectionable behaviour or psychological abuse where the intent is to intimidate or to create an inappropriate power imbalance in the relationship between two people.

Procedures

1. Process

- 1.1 Student complaints of harassment will be dealt with in accordance with school policies and procedures.
- 1.2 Whenever possible, an employee who believes that he/she has been sexually or otherwise harassed is to endeavour to resolve the issue by direct discussion with the perpetrator.
- 1.3 An employee who believes that he/she been sexually or otherwise harassed by another employee of the Division is encouraged to report the complaint to the Superintendent of Human Resources. Upon receipt of a complaint, the Superintendent of Human Resources shall follow regular procedures for dealing with complaints regarding the behaviour of an employee, including investigation of the circumstances relevant to the complaint. The person whose behaviour is alleged to be unacceptable shall be notified of the complaint. Notification will occur through a face to face meeting, followed with a written letter.

- 1.4 Should a conflict of interest arise during the investigation, which prevents the Superintendent of Human Resources from conducting the investigation, the Secretary-Treasurer will become the lead investigator.
- 1.5 In dealing with allegations of harassment, confidentiality shall be maintained by all persons involved. The name of the complainant or alleged harasser will not be disclosed. Except where necessary for the purposes of the investigating the complaint or taking corrective action with respect to the complaint or if required by law.
- 1.6 At the conclusion of the investigation separate meetings will be held with the complainant and the harasser at which time both parties will be informed of that the investigation has been completed. A written letter will follow.
- 1.7 Notwithstanding the above regulations, an employee who believes that he/she is the victim of sexual or other harassment may confidentially contact the Saskatchewan Human Rights Commission and/or an Occupational Health officer for advice and assistance.
- 1.8 If, as a result of an adjudication by the Saskatchewan Human Rights Commission, it is determined that an employee is guilty of sexual or other harassment, the employee shall be subject to such disciplinary action as determined by the Division.
- 1.9 Any disciplinary action against the employee will be conducted through a formal meeting and documented in writing.

2. For the Guidance of Employees

If you believe that you are the victim of sexual or other harassment:

- 2.1 Do not feel guilty.
 - 2.2 Do not ignore it.
 - 2.3 Indicate to the harasser with an immediate, clear, direct and firm response that such behaviour is unacceptable. This response may include a warning that repetition will be reported.
 - 2.4 Maintain a detailed written record of events. Include the name, place, date, time and other particulars of the offensive behaviour. Whenever possible, record the name(s) of any witness (es).
3. This Administrative Procedure is not intended to discourage or prevent the complainant from exercising any other legal rights pursuant to any other law.

Reference: Human Rights Code Act
Occupational Health and Safety Act
Canada Labor Code
Canadian Charter of Rights and Freedoms
STF Code of Ethics