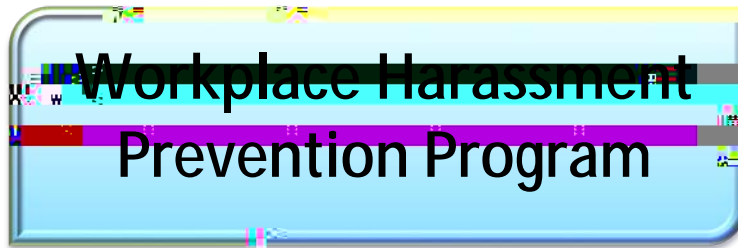




Northeastern
Catholic District
SCHOOL BOARD

Northeastern Catholic District School Board



Date:	June 2010
Prepared by:	Human Resources
Reviewed and Approved by:	Joint Health and Safety Committee and Senior Management
Review dates	December 2016 June 2019 December 2020 September 2021



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5.0 TERMS AND DEFINITIONS

7.0 PROCEDURES

- 7.1 Nothing in this Procedure denies or limits access to other avenues of redress available under the law or through the filing of a grievance or through progressive discipline. Where there is such an occurrence, this process will cease until the parties and their respective representatives have met with the Manager of Human Resources to determine whether a formal investigation will proceed or whether the complainant wishes to proceed under another process. Multiple processes will not be permitted to proceed concurrently, although informal dispute resolution attempts will be permitted at any time with the agreement of the Board and the parties.
- 7.2 The complainant is free to commence the complaint procedure at the formal or informal stage outlined herein. The complainant is also free to discontinue a complaint at any time. The Board, however, may deem the circumstances worthy of further investigation and initiate its own action. At any stage an employee has a right to file a complaint:
- through the Human Rights Code;
 - through their affiliated Union/Association or collective agreement;
 - through the Board Harassment procedures;
 - through the Police or other authority;
 -

responsibility to designate resources for ensuring the implementation of and compliance with this Policy.

The Manager of Human Resources will ensure that new employees are informed of this Policy and how it can be accessed and will ensure that it will be reviewed at orientations for all employees. The Board will review the Policy with respect to workplace harassment as often as is necessary, but at least annually.

7.6 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 matters remain confidential. Witnesses should be informed that supervisory and managerial personnel, in obtaining a statement, will maintain such statement in strict 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 nature of the complaint and by whom it has been made so that they have an opportunity to respond to the allegations. 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, such as but not limited to police services, court or tribunal that has the right to require information otherwise protected by the *Municipal Freedom of Information and Protection of Privacy Act*.

7.7 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 Human Resources.

7.8 POSTING

The Policy and Program concerning workplace harassment will be posted at a conspicuous place in

Workplace Harassment Prevention Policy and/or other relevant Board policies, and obtaining a commitment that the behavior will stop; and

- following up with the complainant to ensure that the behavior has stopped.

Supervisory and managerial personnel may initiate mediation by a neutral third party.

b) INFORMAL RESOLUTION FOLLOW-UP ()10)-6.4 (n)2.r (e)-3 (Hi (02

- does not provide sufficient details of the alleged harassment, provided the complainant is given notice that insufficient details have been provided and given reasonable time to provide sufficient details; or
- is vexatious

ii. Other Respondents

Actions must be determined as appropriate for the individual situation and include such responses as a letter of disapproval and caution or warning, a revoking of permits or contracts,

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 or her findings to the Director of Education who will affirm or ~~deny~~ affirm the final decision or require that a new investigation be undertaken.

7.15 BOARD COMPLAINT

In rare circumstances, in recognition of its liability as an employer subject to the *Ontario Human Rights Code*, and to ensure the integrity of the Board's Policy, action may be pursued in the absence of a formal complaint. In the event that:

- the complainant is unwilling to file a formal complaint, but there are overriding concerns to be addressed, or;
- over time, there appears to be a number of complaints against ~~the~~ the same person, even though they may not be substantiated, or;
- over time, there appears to be a number of complaints initiated by the same person, even though they may not be substantiated, or;
- the complainant is subject to any retaliation or intimidation ~~in~~ having pursued a matter under this Policy, or;
- the Board, or its administration, deem an event or activity to be inappropriate and contrary to the spirit of this Policy, then the Board, or its administration, will commence the complaint procedure at any



APPENDIX A

Workplace Harassment Complaint Process

This flowchart provides an overview of major steps in the workplace harassment complaint process. Persons seeking further information regarding the complaint process are advised to refer to the NCDSB Workplace Harassment Prevention Policy and Program.

INCIDENT	A person engages in a course of vexatious comment or conduct against a worker in his or her workplace that is known or ought reasonably to be known to be unwelcome.
PRE-STEP Speak up	Bring the matter to the attention of the alleged harasser to inform him or her that the behavior is unwelcome and must stop immediately. Document the event details and the communication.
THE COMPLAINANT IS FREE TO COMMENCE THE COMPLAINT PROCEDURE AT THE FORMAL STAGE OUTLINED HEREIN. THE COMPLAINANT IS ALSO FREE TO DISCONTINUE A COMPLAINT AT ANY TIME.	
INFORMAL RESOLUTION	<p>Each of the 2 parties involved should seek the advice/assistance of a colleague or Union/Association representative.</p> <p>Contact the appropriate supervisory/managerial personnel to request assistance in resolving the issue.</p> <p>Document the process.</p>
FORMAL COMPLAINT - Documentation and Notification	<p>File a formal written complaint outlining the particulars of the allegation and any initial attempted resolutions.</p> <p>The formal complaint is recorded on the <i>Workplace Harassment Complaint Form</i> and is submitted to the Manager of Human Resources (m)-904-000-6370.</p>



APPENDIX B

PRIVATE AND CONFIDENTIAL

Workplace Harassment Formal Complaint Form

Prior to completing this form, users are advised to review the ~~NCDSP~~ Workplace Harassment Prevention Policy and Program.

