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Harassment Prevention Protocol

Harassment and the Law

The Workplace Safety and Health Regulation, M.R.217/2006, and the Human Rights Code require Pine Creek school division to ensure freedom from harassment in the workplace. Students, employees and board members have the right to live and work without being harassed. This protocol provides procedures to be followed by individuals who are harassed or become aware of harassment.

What Constitutes Harassment

There are two main types of harassment. One type includes inappropriate conduct in any form about a person's:

- age, race
- creed, religion
- sex, sexual orientation
- marital status, family status, economic status
- political belief, association or activity
- disability, size, weight, physical appearance
- nationality, ancestry or place of origin

A second main type relates to what is sometimes referred to as "bullying" behaviour that may involve:

- repeated humiliation or intimidation that adversely affects a worker's psychological or physical well-being
- a single instance so serious that it has a lasting, harmful effect on a worker

Harassment may be written, verbal, physical, a gesture or display, or any combination of these. It may happen only once, but often happens repeatedly.

Sexual Harassment includes offensive or humiliating behaviour based on a person's gender. It includes behaviour of a sexual nature that creates an intimidating or hostile work environment, or behaviour that could reasonably be thought to put sexual conditions on a person's job or job opportunities. Some examples are: questions or discussions about a person's sexual life; persisting in asking for a date after having been refused; or writing sexually suggestive letters or notes. Sexual harassment often occurs when there is unequal power between the people involved.

What Does Not Constitute Harassment

Consensual banter or romantic involvement where the people involved consent to what is happening is not harassment.

Appropriate performance reviews, counseling or discipline by a supervisor or manager is not harassment.

Employees' Rights and Responsibilities

Employees are entitled to work in an environment free from harassment.

Employees have the responsibility to treat each other with respect, and to speak up if they or others are being harassed. All employees have the responsibility to report harassment to the appropriate person in the school division.

Employees have the responsibility to cooperate in the investigation of a harassment complaint. Anyone who gives evidence in an investigation, or who is otherwise involved in the process must keep this information confidential, except when disclosure is necessary to deal effectively with the complaint.

Employees have the right to file a complaint with the Manitoba Human Rights Commission.

Employer's Responsibilities

The policy will be placed on a bulletin board accessible to staff in all workplaces.

Administration in Pine Creek School Division must ensure, as much as is reasonably practical, that no employee is subjected to harassment in the workplace.

Administrators will take corrective action when anyone under their direction subjects an employee to harassment.

Administrators will not disclose the identity of a complainant or an alleged harasser or the circumstances of the complaint to anyone except where disclosure is necessary to investigate the complaint or take corrective action, or required by law.

The harassment policy of Pine Creek School Division is not intended to discourage or prevent complainants from exercising legal rights under any other policy or law.

Procedures Applying to Complaints of Harassment

1. If you are being harassed, tell the harasser to stop. This can be done in person or in writing.
2. If you are uncomfortable or feel unable to deal with the harasser directly, then advise your supervisor or principal.
3. Informal measures will be attempted to address the complaint. This could include having the supervisor speak to the harasser, or having the supervisor arrange for mediation.
4. If the informal route does not succeed, or is not appropriate, a formal complaint may be filed. The complaint will be investigated in a fair, thorough and prompt manner.
5. Submit a complaint of harassment in writing directly to the Principal or Superintendent. All complaints received by principals shall be communicated immediately to the Superintendent.
6. Following receipt of a complaint, the Superintendent or designate will initiate a confidential investigation; and will inform the Board, in confidence, that an investigation is underway. Both the complainant and the alleged harasser will be contacted.
7. The Superintendent or designate will endeavour to resolve the matter, and in doing so shall:
 - a. Assume responsibility for ensuring that the investigation is conducted in a confidential manner.
 - b. If necessary, take steps to ensure that there is no recurrence of harassment during the investigation.
 - c. Take appropriate disciplinary action when warranted.
 - d. In writing, inform the complainant and the alleged harasser of the outcome of the investigation.

e. If it is found through the investigation that the complaint is groundless and was done willfully or maliciously, disciplinary action will be taken against the complainant.

8. Once the investigation is complete, the investigator will prepare a complete written report. The Superintendent or Secretary Treasurer will inform the complainant and the alleged harasser of the findings.

9. In cases where the complainant is not satisfied with the outcome of the investigation, he/she may appeal to the School Board.

Corrective Action for Harassers

Employees found to have engaged in harassment will be subject to one or more of the following forms of discipline depending on the severity of the harassment.

1. A written reprimand
2. A requirement to attend sensitivity training
3. A suspension without pay,
4. A transfer
5. A demotion
6. A dismissal

If the investigation does not find evidence to support the complaint, then there will be no documentation of the complaint and subsequent investigation in the file of the alleged harasser. If the investigation reveals that harassment has occurred, the incident and the corrective action will be recorded in the harasser's personnel file.

Corrective action for students is included in divisional and school Code of Conduct.

Confidentiality

Pine Creek School Division will not disclose a complainant's or alleged harasser's name, nor any circumstances of the complaint, to anyone except where necessary to complete the investigation, take disciplinary action, or where required by law.

Retaliation

Anyone who retaliates in any way against a person who has complained of harassment, given evidence in a harassment investigation, or been found guilty of harassment, will be considered to have committed harassment and will be dealt with accordingly.

Education

Pine Creek School Division is committed to making all employees and administrators aware of harassment policies.

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