



P034, Workplace Harassment Prevention for Non-Human-Rights-Code Harassment Policy Review: Phase 5

To: Governance and Policy Committee

Date: 2 June, 2021

Report No.: 06-21-4106

Strategic Directions

- Create a Culture for Student and Staff Well-Being
- Allocate Human and Financial Resources Strategically to Support Student Needs
- Build Strong Relationships and Partnerships Within School Communities to Support Student Learning and Well-Being

Recommendation

It is recommended that the revised Workplace Harassment Prevention Policy, renamed the Workplace Harassment Prevention for Non-Human-Rights-Code Harassment Policy (P034), as presented in this report, be approved.

Context

The current Workplace Harassment Prevention Policy (P034) (the “Policy”) renamed Workplace Harassment Prevention for Non-Human-Rights-Code Harassment Policy (Appendix A, with tracked changes version at Appendix B), is being revised in accordance with the Policy Review Work Plan (Appendix C) approved on April 29, 2020 and the *Occupational Health and Safety Act* which requires school boards to review their policies related to the prevention of workplace harassment and violence annually.

The objective of the revised Policy is to prevent non-Code workplace harassment (i.e. harassment that is not covered by the Board’s Human Rights Policy or the Ontario *Human Rights Code*) from taking place and, where necessary, to investigate and respond to instances, potential instances, and complaints of such behaviour in a fair, timely and effective manner.

As detailed in the Policy Review Work Plan, the proposed content revisions to the Policy are based on the Committee's direction and a review of legislative and operational requirements, including a proposed transferring of responsibility for non-human rights cases away from the Human Rights Office to enable it to better fulfill its mandate across employment and services. Staff also completed a jurisdictional scan of similar policies from other jurisdictions in the Greater Toronto Area (Appendix C).

Revisions to the Policy also considered feedback from various stakeholders received during policy consultations. Policy consultations with the Board's Community Advisory Committees, Student Senate, Federations, Unions, Staff Associations and the wider TDSB community were conducted from February 18, 2021 until May 11, 2021.

The revised Policy is designed to promote a healthy, respectful, and supportive work environment. It highlights conduct that may amount to non-Code workplace harassment and outlines the system's shared responsibility for fostering a harassment-free workplace.

Action Plan and Associated Timeline

Subject to the Governance and Policy Committee's directions, the revised Policy will be presented to the Board of Trustees for consideration and final approval on June 30, 2021. Staff will initiate the review of existing and, as required, development of new operational procedures to support implementation of the revised Policy.

Resource Implications

Additional resources have been allocated to enable Employee Services to take on this new mandate of receiving, managing, investigating, and resolving non-Code based workplace harassment complaints under the *Occupational Health and Safety Act*.

Communications Considerations

Following Board approval, the Policy will be communicated to the system and posted on the Board's public website.

Board Policy and Procedure Reference(s)

- Acceptable Use of Information Technology Resources (P088)
- Board Member Code of Conduct (P075)
- Caring and Safe Schools (P051)
- Equity (P037)
- Gender-based Violence (P071)
- Human Rights (P031)
- Occupational Health and Safety (P048)
- Respectful Learning and Working Environment (P073)

- Workplace Violence Prevention (P072)
- Reporting of Suspected Wrongdoing (Whistleblowing) (P066)
- Board Code of Conduct (PR585)
- Bullying Prevention and Intervention (PR703)
- Promoting a Positive School Climate (PR697)
- Bullying Prevention and Intervention (PR703)
- Code of On-line Conduct (PR571)
- Complaint Protocol for the Board Member of Conduct (PR708)
- E-mail Usage (PR572)
- Police-School Board Protocol (PR698)
- Sexual Misconduct by Students (PR608)
- Workplace Harassment Prevention and Human Rights (PR515)

Appendices

- Appendix A: Workplace Harassment Prevention for Non-Human-Rights-Code Harassment Policy (P034) – Revised Clean
- Appendix B: Workplace Harassment Prevention for Non-Human-Rights-Code Harassment Policy (P034) – Revised, Changes Tracked
- Appendix C: Policy Review Work Plan and Scan

From

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