



AP 450 – PREVENTION OF HARASSMENT (EMPLOYEES)

BACKGROUND

Saskatoon Public Schools believes that all employees have the right to work in a workplace free of harassment.

Harassment in any form is an illegal employment practice and is a violation of the law under the province's Human Rights Code and *The Saskatchewan Employment Act*. As such, it is a serious offence and may result in a range of disciplinary actions up to and including termination.

Harassment in the workplace will not be tolerated, and the division will make every reasonable effort to ensure that no employee is subjected to harassment. The division will make every effort to prevent harassment and to stop harassment should it occur.

DEFINITION

1. **Harassment is defined as any inappropriate conduct, comment, display, action or gesture by person that constitutes a threat to the health or safety of the worker, and is:**
 - 1.1. based on any prohibited ground as defined in *The Saskatchewan Human Rights Code, 2018* or on physical size or weight;
 - 1.2. adversely affects the employee'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 (sometimes referred to as personal harassment); or
 - 1.3. of a sexual nature that a person knows or ought reasonably to know is unwelcome.
2. **Personal harassment includes any inappropriate conduct, comment, display, action or gesture by a person that:**
 - 2.1. adversely affects an employee's psychological or physical well-being;
 - 2.2. the perpetrator knows or ought to reasonably know would cause the worker to be humiliated or intimidated; and
 - 2.3. constitutes a threat to the health and safety of an employee;
 - 2.4. involves repeated occurrences; however, a single serious incident may also constitute harassment if it is shown to have a lasting harmful effect on a worker.
3. **Sexual harassment may be:**
 - 3.1. verbal, physical or visual.
 - 3.2. one incident or a series of incidents.
 - 3.3. unsolicited and unwelcome behaviour that may include but is not limited to:
 - Sexual remarks
 - "Jokes" with sexual overtones
 - A sexual advance or invitation
 - Displaying offensive pictures or images
 - Threats and leering



- Physical contact like touching, patting, pinching or brushing against, contact of a sexual nature that is offensive
 - Sexual and physical assault
4. Harassment is not mutually acceptable social discourse or banter that may occur in the workplace or outside of the workplace. However, where another employee is present, and that employee is not of the same view, and that employee makes it known that they find the social discourse/banter offensive, the other employees must refrain from that kind of behaviour in the presence of an employee who finds it, within reason, offensive.
 5. Harassment does not include any reasonable action that is taken by the division or administrators employed or engaged by the division relating to the management and direction of employees or the place of employment, including day-to-day management or supervisory decisions involving work assignments, job assessment and evaluation, implementation of appropriate dress codes and disciplinary action.

RESPONSIBILITIES

1. Division

- 1.1. The division will actively work towards creating and maintaining a work environment free from harassment in any form.
- 1.2. The division will make every effort, consistent with this procedure, to resolve incidents of harassment and provide support and assistance to employees subjected to harassment.

2. Supervisory Staff

- 2.1. Principals and supervisors are obligated to act quickly upon information concerning incidents of harassment.
- 2.2. All principals and supervisors are expected to foster a respectful workplace environment.

3. Employees

- 3.1. Each employee has an individual responsibility to support a workplace free from harassment and to foster and contribute to respectful workplaces.

4. Other

- 4.1. Students, parents/guardians/caregivers or other members of the public have a responsibility to refrain from engaging in harassment at the school.

PROCEDURES

1. Prevention

- 1.1. Present Employees
 - 1.1.1. At the commencement of each school year, principals shall advise school-based employees of this administrative procedure.



- 1.1.2. Central office supervisors, managers, and coordinators shall advise their respective employees of this administrative procedure.
- 1.1.3. Supervisors are expected to model respectful and inclusive practices, be aware of their behaviour as well as behaviour of others in the workplace and watch for signs that harassment may be occurring. Signs of harassment may include rumours, increased absenteeism, decreased motivation, reduced performance and increased staff turnover.

1.2. New Employees

- 1.2.1. Human resources shall advise new employees, as part of their orientation, of this administrative procedure.

1.3. Posting of Procedure

- 1.3.1 A copy of this procedure shall be posted on the division website that is accessible to all employees.

2. Harassment complaint

- 2.1. An employee who believes that they have been subjected to harassment is encouraged to first clearly and firmly make known to the alleged harasser that the harassment is objectionable and must stop.
- 2.2. It should be noted that a single instance of harassment could be reported, if the nature of the incident was so significant and serious as to make it difficult for the complainant to follow the procedure outlined above.
- 2.3. When it is not possible to report directly to the individual, the employee should report the alleged harassment to the superintendent of education, deputy director, or superintendent of human resources.
- 2.4. Reports of harassment can be made directly to any of the following:
 - The employee's direct supervisor.
 - A member of administrative council (superintendent, deputy director, director).
 - The superintendent of human resources.
- 2.5. Any person designated to receive harassment complaints should:
 - advise a worker on how to bring the complaint to the attention of the employer including completion of the Written Complaint Form;
 - not discourage or prevent a worker from seeking the assistance of an occupational health officer or from pursuing any other legal rights;
 - take complaints seriously and avoid dismissing an employee's concerns;
 - keep complaints confidential and not disclose complaints except in accordance with administrative procedures or as required by law.
- 2.6. If the report is made to a person listed above, other than the superintendent of human resources, the recipient of the report shall immediately provide the superintendent of human resources with the details of the incident(s) in writing (a report involving a member of administrative council shall be made directly to the director).



- 2.7. The complaint will be submitted using the Written Complaint Form in Appendix A of this Administrative Procedure.
- 2.8. To protect the individuals involved and to maintain the highest level of confidentiality, individuals receiving reports of harassment shall not discuss such reports with other division staff or administrators.
3. The onus is on the employee to report instances of harassment as soon after the incident as is reasonably possible. Additionally, individuals who observe the presence of ongoing harassment in the workplace are to report the harassment to the superintendent of human resources.
4. Every effort will be made to ensure the process is fair and reasonable and completed in a timely manner.
5. Harassment complaints and investigations will be held in the strictest of confidence except where disclosure is necessary to investigate the complaint, take corrective action or as required by law.
6. All harassment complaints shall be investigated by the superintendent of human resources, or designate, in keeping with due process and the rights of the parties involved/affected.
7. At any step of the investigation, the complainant or respondent may choose to be accompanied by a friend, colleague, relative, union or association representative.
8. Both the complainant and the respondent may be offered assistance through the Employee and Family Assistance Program.
9. Either party may be removed from the workplace on a temporary basis while the complaint is being investigated.
10. To protect against complaints or accusations made by other staff members that are trivial, frivolous, or made in bad faith, individuals filing a complaint that is found to be vexatious or made in bad faith may be subject to disciplinary action.
11. **Response to complaints:**
 - 11.1. Once a complaint has been made, an initial assessment will occur to determine whether the behaviour(s) are within the definition of harassment.
 - 11.2. If an investigation proceeds, the respondent will be notified of the nature of the complaint filed.
 - 11.3. The superintendent of human resources, upon the completion of the investigation, shall provide a written report to the director along with a recommendation on the action to be taken, if any, as a result of the complaint.
 - 11.4. Following the outcome of the investigation, both parties will be notified of the outcome and recommendations.
 - 11.5. When an investigation finds harassment has not taken place and the complaint was made in good faith, both the complainant and the alleged harasser should be informed.
12. Harassment is a form of discrimination and therefore employees also have the right to refer a harassment complaint to the Saskatchewan Occupational Health and Safety Branch at the Ministry of Labour Relations and Workplace Safety under *The Saskatchewan Employment Act* and regulations. An employee may also file a complaint with the Saskatchewan Human Rights Commission under *The Saskatchewan Human Rights Code, 2018*. The complainant will not be discouraged from exercising any other legal rights pursuant to any other law.



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13. If deemed to be harassment, a record of the disposition of the complaint, and a copy of the initial complaint shall be kept in the respondent's file and retained within the file unless otherwise prescribed in the applicable collective agreement.
14. Following an investigation, appropriate discipline, if warranted, shall be applied in keeping with natural justice and due process. Discipline may include verbal or written reprimand, transfer, demotion, suspension, or termination of employment.
15. Any interference or attempt at coercion in the investigative process, by or on behalf of the complainant or respondent, shall be considered grounds for immediate disciplinary action in response to the interference or coercion.
16. This procedure will be reviewed by Administrative Council every two (2) years.

Reference: *The Saskatchewan Human Rights Code, 2018*
 The Saskatchewan Employment Act
 The Education Act, 1995 – Section 85
 An Employers Guide for Developing a Harassment Prevention Policy, 2022, Government of Saskatchewan

Date Last Revised: March 2025



APPENDIX A

Written Complaint form – Harassment