

## Policy on the Prevention of Workplace Harassment and Violence (20240926)

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École Vanguard (hereinafter referred to as the « **Establishment** ») is dedicated to maintaining a healthy work environment, free from any form of harassment or violence, and ensuring the respect, dignity, and integrity of its employees. The well-being and professional fulfillment of our staff is integral to our mission. The Establishment will not tolerate any behaviour that compromises the dignity or integrity of its employees. Any form of harassment or violence may result in administrative or disciplinary actions by the Establishment.

The Establishment recognizes the serious impact that workplace harassment and violence can have on individuals and the organization as a whole. Adopting and regularly updating this Policy on the Prevention of Workplace Harassment and Violence (hereinafter referred to as the « **Policy** ») reflects our clear commitment to fostering a work environment free from all forms of harassment and violence.

The Establishment requires that all staff members conduct themselves in a manner that is free from harassment or violence towards all individuals, including colleagues, students, parents, and the general public. It is the responsibility of every employee to help prevent and report any instances of harassment or violence. To this end, the Establishment strongly encourages all staff [and the union] to follow the procedures outlined in this Policy.

### 1. PURPOSE

This Policy aims to prevent and address all forms of harassment and violence in the workplace by any individual. It also defines the Establishment's stance and commitments in this regard.

Specifically, the objectives of this Policy are to:

- foster and maintain an environment that protects the physical and psychological well-being of employees, while safeguarding their dignity;
- create a workplace where every employee feels motivated to return each day;

- implement necessary measures to raise awareness, inform, and train staff in the prevention of harassment;
- ensure appropriate support for victims of harassment or violence by establishing assistance and recourse mechanisms.

## **2. SCOPE OF APPLICATION**

This Policy applies to all members of the Establishment's staff, regardless of position, hierarchical level, or status. It governs interactions between staff and management and relationships between co-workers and third parties (including clients, consultants, suppliers, family members, interns, and others).

The Policy covers all work-related incidents, whether on or off the premises, during or outside of working hours, including business trips, conferences, and social events approved or authorized by the Establishment.

## **3. LEGAL AND REGULATORY FRAMEWORK**

- *Charter of Human Rights and Freedoms* - Articles 10 and 46
- *Civil Code of Québec* - Article 2087
- *Act Respecting Labour Standards* - Sections 81.18 and subsequent
- *Act Respecting Occupational Health and Safety* - Article 9
- *Act Respecting Industrial Accidents and Occupational Diseases* - Article 32
- *Criminal Code* - Sections 264 and 372
- Collective bargaining agreement in force for the personnel of the Establishment

## **4. DEFINITIONS**

Under Article 81.18 of the *Act Respecting Labour Standards*, psychological harassment is defined as: vexatious conduct in the form of comments, gestures or behaviour that are hostile or unwelcome, adversely affecting an employee's dignity or psychological or physical integrity, making for a harmful work environment for the employee. Psychological harassment also includes conduct that takes the form of words, actions, or gestures of a sexual nature.

A single serious incident of such behaviour could also be considered psychological harassment if it has a lasting negative impact on the employee.

Harassment can take many forms:

## **A. PSYCHOLOGICAL HARASSMENT**

Psychological harassment can manifest as jokes, comments, threats, or other offensive and inappropriate behaviours.

Below are examples of behaviours, words, acts, or gestures that may constitute psychological harassment as defined in Section 81.18 of the *Act Respecting Labour Standards*:

- Preventing expression: constantly interrupting an individual, preventing them from speaking to others;
- Isolation: preventing a person from speaking publicly or generally, ignoring them, excluding them, depriving them of communication means (telephone, computer, mail, etc.), or preventing others from communicating with them;
- Unjustified exclusion: withholding information, refusing to communicate with the person, excluding them from discussions or meetings, or omitting them from social events;
- Defamation: spreading rumours about the individual, ridiculing or humiliating them, questioning their beliefs or private life, or insulting them;
- Discrediting: stopping the allocation of work to an individual, organizing their failure, simulating professional errors on their part, or denigrating them in front of others;
- Threats or Assaults: shouting at or attacking the person, damaging their property, or openly threatening them;
- Destabilization: mocking a person's convictions, tastes, political choices, or weaknesses, or making vague allusions about them without explanation;
- Work Assignments: imposing unfair work assignments and responsibilities, or making inappropriate and derogatory remarks about their performance, particularly in the presence of other employees.

However, here are a few examples of what does not constitute psychological harassment:

- The Establishment and its management exercising their right to manage. This includes normal management activities such as maintaining discipline, evaluating work performance, managing absenteeism, assigning tasks, applying progressive sanctions, and dismissing employees. These actions do not

constitute harassment, provided that the Establishment exercises its management rights in a reasonable, non-abusive, and non-discriminatory manner;

- Difficult working conditions, job requirements, and pressure arising from work, as well as organizational changes justified by economic or technological factors that affect staff in a manner that is not arbitrary, are not considered harassment.
- Jokes, gossip, or opinions: While jokes, gossip, or personal opinions are generally acceptable, they may constitute harassment if used to make another person feel uncomfortable or if the individual disregards the other person's lack of interest or boundaries.

Although impossible to anticipate every potential situation, these examples are not exhaustive. Other forms of behaviour may or may not be considered prohibited psychological harassment under this Policy and applicable law.

## **B. SEXUAL HARASSMENT**

Sexual harassment is a specific form of harassment defined as unwanted conduct of a sexual nature that offends, humiliates, or undermines a person's dignity or integrity. Such conduct can be verbal or physical. Specifically, sexual harassment may occur:

- I. when it is reasonable to believe that the behaviour creates insecurity, discomfort, or is likely to offend or humiliate another person or group; or
- II. when acceptance of such conduct is, either implicitly or explicitly, a condition of employment; or
- III. when acceptance or rejection of such conduct is the basis for any employment decision (including, but not limited to, opportunities for advancement, career progression, type of assignment, salary increases, job security, and benefits); or
- IV. when the purpose or result of such conduct is to adversely affect the performance of the individual concerned or to create an intimidating, hostile, or offensive work environment.

To help clarify what types of behaviour may constitute sexual harassment, we have compiled a non-exhaustive list of examples below:

- Remarks, jokes, or allusions regarding sex or sexual orientation, especially when the individual has been warned that such remarks are offensive or when the remarks are inherently offensive;

- Derogatory or humiliating remarks aimed at a particular sex or sexual orientation, or directed at members of that sex or sexual orientation;
- Suggestive or obscene remarks or gestures;
- Posting or sending sexual or offensive material via mail, fax, email, text message, or any other means;
- Unwelcome advances, invitations, or propositions of a sexual nature;
- Unwelcome questions or comments about a person's sex life;
- Any unwanted physical contact;
- Sexual assault.

It is understood that the above list of examples is not exhaustive.

Comments or compliments of a socially acceptable nature are not considered sexual harassment unless deemed unacceptable by the recipient.

### **C. DISCRIMINATION**

Discrimination based on any of the grounds listed in Section 10 of the *Charter of Human Rights and Freedoms* may also constitute harassment and falls under the definition of psychological harassment provided above. The prohibited grounds of discrimination include exclusion or preference based on race, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.

### **D. VIOLENCE OR THREATS**

Violence is defined as any act, word, or gesture that violates a person's dignity or physical or psychological integrity. Violence can manifest in physical, verbal, or psychological forms.

### **E. ABUSE OF AUTHORITY**

Abuse of authority refers to the improper exercise of the authority or power inherent in a position or role, aimed at jeopardizing an employee's employment, impairing their work performance, threatening their livelihood, or otherwise interfering with their career. This includes intimidation, threats, blackmail, and coercion.

However, this definition of abuse of authority shall not restrict the authority or power of those employee(s) of the Establishment who are responsible for managing labour relations, employee performance, and the application of disciplinary rules.

## **5. ROLES AND RESPONSIBILITIES**

### **5.1 EMPLOYEES**

Employees are expected to conduct themselves in a manner free from any form of harassment or violence towards others, including colleagues, students, their parents, and the general public.

An employee who believes they are a victim or witness of harassment or violence should first inform the alleged harasser that their conduct is disapproved of and request that it cease. If the situation remains unresolved, the victim or witness must notify their supervisor. The affected employee should then file a complaint in accordance with this Policy.

All employees must act in good faith when utilizing the complaint process outlined in this Policy.

### **5.2 MANAGEMENT**

Due to its legal and moral responsibility regarding harassment and violence, management must take reasonable steps to identify, control, and eliminate instances of harassment in the workplace. These steps include:

- disseminate the present Policy;
- ensure that employees have a working environment free from any form of harassment or violence;
- play an advisory role in the prevention, management, and follow-up of cases related to harassment and violence;
- treat any complaint brought to its attention diligently and confidentially, to the extent possible;
- take appropriate corrective action against employees responsible for harassment or violence, which may go as far as dismissal of the employees responsible.

The management of the Establishment recognizes that certain factors may influence the risk of harassment occurring. To this end, the Establishment must implement reasonable measures to identify, control, and eliminate situations of harassment in the workplace, particularly by:

- disseminating and promoting this Policy, the psychological support resources available to employees, and the complaint process;
- promoting specific harassment information and training programs for employees;
- establishing confidential and accessible communication mechanisms to encourage the reporting of any harassment situation;
- promptly addressing any complaints of harassment and taking appropriate action as necessary.

No form of sexual harassment will be tolerated by the management of the Establishment. Accordingly, the management of the Establishment must ensure that employees are made aware of this issue and establish specific training courses on sexual harassment in the workplace. These courses aim to help employees recognize and identify situations of sexual harassment and adopt appropriate behaviours to prevent or address them. This specific training will be reviewed periodically by the Establishment.

### **5.3 THE UNION**

The Union also commits to taking steps to promote a work environment free from harassment and violence and to cooperating with the Establishment in the implementation of this Policy.

## **6. PROCESS FOR DEALING INFORMALLY WITH SITUATIONS OF HARASSMENT, VIOLENCE OR ABUSE OF AUTHORITY**

The objective of this process is to resolve any situation of harassment, violence, or abuse of authority as swiftly as possible, prior to initiating a formal complaint process.

To the best of their ability, the employee should clearly and firmly express their lack of consent regarding the situation or comments made by the alleged harasser and attempt to reach a resolution directly with them.

If this is not feasible or the process is unsuccessful, the employee must notify the Human Resources Coordinator (putting the General Director in Cc) so that the situation can be reviewed and appropriate steps are taken to resolve the issue. If the situation involves the General Manager, the President of the Board of Directors of the Establishment must be informed. Conversely, the General Manager must be notified if the situation involves the Human Resources Coordinator of the Establishment.

If the situation is not resolved satisfactorily, any individual who believes they have been a victim of harassment, abuse of authority, or violence in the workplace may submit a formal complaint in accordance with the procedure outlined in Article 7 below (using [the form](#) provided on the Intranet for staff).

## 7. FORMAL PROCEDURE

### 7.1 FORMULATING AND TRANSMITTING A COMPLAINT

Without limiting any other recourse provided by law, any person who believes they have been a victim of harassment or violence may file a complaint within two (2) years of the last occurrence of such conduct with the General Director or the Human Resources Coordinator. If the complaint involves the Human Resources Coordinator, it must be submitted to the General Director. In cases where the complaint concerns the General Director of the Establishment, it should be directed to the President of the Board of Directors.

A detailed written complaint must be submitted. Victims of harassment are encouraged to use the Establishment's [Intranet form](#) specifically provided for this purpose.

### 7.2 INVESTIGATING AND HANDLING COMPLAINTS

The General Director, the Human Resources Coordinator, or the President of the Board of Directors of the Establishment (hereinafter referred to as the « **Responsible Party** ») will investigate the situation and evaluate the various options to ensure that the complaint is addressed appropriately and promptly, considering all relevant circumstances. These options may include mediation and the involvement of a third-party specialist when deemed necessary.

The Responsible Party may also refer the complaint to an external investigator, who will conduct the investigation and provide recommendations to the Responsible Party as soon as possible. (The Responsible Party or the external investigator will hereinafter be referred to as the « **Investigator** »).

Specifically, the role of the Investigator includes:

- collecting relevant information pertaining to the complaint;
- establishing the pertinent facts by interviewing those involved and potential witnesses;
- gathering written statements regarding the elements reported by individuals interviewed during the investigation;
- preparing a report detailing the relevant elements of the complaint;
- making any administrative or disciplinary recommendations deemed necessary.

In the event the General Director, the Human Resources Coordinator, or the President of the Board of Directors has serious reason to believe that harassment or violence may exist, they may initiate an investigation even if no written complaint has been filed.



### **7.3 INTERIM AND CORRECTIVE MEASURES**

The Responsible Party, in collaboration with the employees involved, will ensure that interim measures are implemented to halt any harassment or violence as soon as the complaint is filed or the investigation is initiated. Such measures may include, but are not limited to, suspension for investigation, temporary relocation, or referral to an employee assistance program.

If the Responsible Party determines that the complaint is frivolous or made in bad faith, they may dismiss the complaint without further investigation and impose disciplinary measures against the complainant, which may include termination of employment.

### **7.4 CONFIDENTIALITY**

The management of the Establishment acknowledges that filing a complaint of workplace harassment can be challenging and that maintaining confidentiality is in the best interest of all parties involved.

To protect the interests of the complainant or of the accused and any other person likely to report misconduct in the workplace or to participate in an investigation, the Responsible Party and the Investigator will keep the information obtained confidential as far as possible. However, anonymity, privacy, and confidentiality cannot be guaranteed at all times. For instance, during the investigation process, the individual subject to a complaint must be informed of the circumstances surrounding the complaint.

Unless exceptional circumstances arise, management of the Establishment commits to maintaining the confidentiality of all records related to complaints of misconduct, including the content of meetings, interviews, investigation results, and other relevant documents. Disclosure will only occur when necessary for the investigation, to take corrective action regarding the incident or complaint, or as required by law or a court of law.

Whenever feasible, management will have the complainant, accused, and witnesses sign a [Confidentiality and Non-Retaliation Agreement](#).

The Establishment will retain all documents created or obtained while addressing a situation of psychological harassment for a minimum of two (2) years.

### **CONCLUSION OF THE INVESTIGATION**

Following the investigation, the Investigator prepares a report addressed to the General Director or the President of the Board of Directors of the Establishment. This report contains the facts gathered during the investigation, an analysis of those facts, and any conclusions reached, along with recommendations for corrective measures, if necessary. The

investigation report is confidential and may not be shared with either the complainant or the subject of the complaint.

Once the investigation report has been submitted, management of the Establishment must promptly notify the parties involved whether the complaint has been upheld or dismissed.

If the complaint is substantiated, the General Director will determine the appropriate disciplinary sanctions to be imposed on the individual who is the subject of the complaint, as well as any necessary administrative measures. Additionally, they will decide on any administrative support or psychological assistance to be provided to the victim.

Conversely, If the complaint proves to be unfounded, the General Director will assess whether the complainant has made false allegations of harassment that constitute gross misconduct. If such is the case, disciplinary measures may be imposed, up to and including dismissal.

## **8. RIGHTS AND RESPONSIBILITIES OF THE PERSON MAKING THE COMPLAINT, WHO IS THE SUBJECT OF THE COMPLAINT OR WHO IS A WITNESS IN THE COMPLAINT HANDLING PROCESS**

- Collaborate with the individual responsible for the complaint process by providing any necessary information.
- Exercise rights with discretion and care to avoid damaging the reputation and privacy of those involved in the process.
- Discuss the complaint only with individuals who need to be informed.
- Be aware of the allegations to which the complaint relates (for the accused)
- Be accompanied by a union representative, if applicable, during meetings and interviews related to the complaint process, provided that the representative is not involved in the complaint.

## **9. REMEDIATION MEASURES**

The Establishment will implement any necessary disciplinary or administrative actions to address conduct deemed harassing, violent, or in violation of this Policy. Specifically, the Establishment may impose the following measures:

- disciplinary measures: verbal warning, written warning, reprimand, suspension, or dismissal, depending on the severity of the employee's behaviour or misconduct;

- administrative measures: demotion, reassignment to another position, issuance of a letter of clarification, or a letter of expectation, etc.

## **10. INFORMATION AND TRAINING PROGRAMS**

The management of the Establishment is committed to providing employees with the necessary information and training to prevent and address harassment in the workplace. As such, all staff members, including those designated by the Establishment to handle harassment complaints or reports, will have access to comprehensive information and training programs. This includes the complimentary CNESST/TELUQ (available in French only) training available on the CNESST website.

## **11. SOCIAL EVENTS**

The management of the Establishment expects all employees participating in work-related social activities organized, approved, or authorized by the Establishment to conduct themselves with civility, kindness, and restraint at all times. Specifically, each employee must demonstrate respect for others and refrain from any behaviour that may constitute harassment or violate this Policy. When the consumption of alcohol is permitted during such activities, each employee is expected to drink responsibly and in moderation.

## 12. ACKNOWLEDGEMENT AND AGREEMENT

I acknowledge that I have received, read, and understood the provisions of the Policy on the Prevention of Workplace Harassment and Violence (hereinafter referred to as the «**Policy** ») of École Vanguard (hereinafter referred to as the « **Establishment** »), which was provided to me on \_\_\_\_\_.

I understand and agree that the Establishment may, from time to time and at its sole discretion, change, repeal, or add to the provisions of the Policy, and I commit to staying informed of such changes.

I further understand that the provisions of this Policy constitute an integral part of my terms and conditions of employment with the Establishment, and I hereby agree to abide by its terms, including any amendments made by the Establishment from time to time.

\_\_\_\_\_  
Name (in capital letters)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date