

POLICY

Policy Title	Respectful Work & Learning Environment (Workplace Harassment) Policy
Policy Holder	Organizational Effectiveness
Policy Approver(s)	Strategic Leadership Team
Related Policies	Code of Conduct Investigation, Protocol Personal Relationships, Sexual Assault and Sexual Violence Policy and Procedure, Student Code of Conduct, Violence-Free Work and Learning Environment (Workplace Violence) Policy, Workplace Discipline
Related Procedures	
Appendices	
Storage Location	Website - https://www.confederationcollege.ca/policies-and-procedures
Effective Date	April 21, 2017
Next Review Date	

Purpose

To foster a respectful work and learning space by ensuring that the rights and responsibilities of all members of the College Community are upheld.

Scope

This Policy applies both on and off campus to all members of the College community including: governors, employees, students, student associations, contractors, suppliers of services and their employees, lessees/renters of space, individuals who are directly connected to any College initiatives, volunteers, and visitors. This policy and procedure are complementary to the *Sexual Assault and Sexual Violence Policy* and *Violence-Free Work and Learning Environment (Workplace Violence) Policy*.

Definitions

The Act

Refers to the Occupational Health and Safety Act.

Bullying/Psychological Harassment

Any vexatious behaviour and is known or ought reasonably to be known to be unwelcome and that takes the form of repeated conduct that could be regarded as intended to intimidate, offend or humiliate; and/or affects an employee's dignity or psychological integrity; and/or results in a negative work environment.

This may include bullying, intimidating or offensive jokes or innuendos, displaying or circulating offensive pictures or materials, or offensive or intimidating phone calls.

The Code

Refers to the *Ontario Human Rights Code*

College Community

Includes Board of Governors, employees, students, student associations, contractors, suppliers of services and their employees, lessees/renters of space, individuals who are directly connected to any College initiatives, volunteers, and visitors.

College Management

Includes any individual who exercises Management or Supervisory functions within Confederation College.

Discrimination

One or a series of action(s) or behaviour(s) related to one or more of the prohibited grounds, as defined by the Ontario Human Rights Code, that results in unfavourable or adverse treatment which negatively affects or could negatively affect the employment status of an employee or the status of a student.

Discriminatory Harassment

One or a series of vexatious comment(s) or conduct related to one or more of the prohibited grounds that is known or ought reasonably to be known to be unwelcomed/unwanted, offensive, intimidating, derogatory or hostile.

It may include, but is not limited to, gestures, remarks, jokes, taunting, innuendos, display of offensive materials, offensive graffiti, threats, verbal or physical assault, imposition of academic penalties, hazing, stalking, shunning or exclusion.

Negative Environment

Refers to one or a series of comments or conduct that creates a negative environment (i.e. an offensive or intimidating climate for individuals or groups and related to the prohibited grounds).

The comment or conduct must be of a significant nature or degree and have the effect of “poisoning” the work environment. A complainant does not have to be a direct target to be adversely affected by a negative environment.

Reprisal or Retaliation

Adverse action taken against an individual for invoking this policy or for participating or cooperating in an investigation under this policy or for associating with someone who has invoked this policy or participated in the policy’s procedures.

Sexual or Gender Harassment

Any unwelcome conduct, comment, gesture of a gender-related or sexual nature, whether on a one-time basis or a series of incidents, that might reasonably be expected to cause offence or humiliation or that might reasonably be perceived as placing a condition of a sexual nature on employment, on an opportunity for training or promotion, or on the receipt of services or a contract.

Worker

Per the Act,

1. A person who performs work or supplies services for monetary compensation.

2. A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.
3. A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university or other post-secondary institution.
4. A person who receives training from an employer, but who, under the Employment Standards Act, 2000 (ESA), is not an employee for the purposes of that act because the conditions set out in subsection 1 (2) of that act have been met.
5. Other persons who work or provide services to an employer for no money, who may be prescribed by regulation. (At this time, no such persons have been prescribed as a “worker” under the OHSA.)

Workplace

Any place where business or work-related activities are conducted. It includes, but is not limited to, the physical work premises, work-related social functions, work assignments outside of Confederation College’s work premises, work-related travel and work-related conferences or training sessions.

Workplace Harassment

Per the Act means:

1. engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
2. workplace sexual harassment.

Workplace harassment may also relate to a prohibited ground as set out in the Code, but it does not have to.

Vexatious or Bad Faith Complaint

A complaint in which a complainant makes allegations knowing them to be false or submits a complaint for purely malicious or vindictive purpose.

Governing Laws and Regulations

Occupational Health and Safety Act.

Ontario Human Rights Code

Policy Statements**1. General**

Confederation College is committed to fostering a climate in which all individuals are treated with respect and dignity and in which the human rights of the College Community are respected. Harassment and discrimination as defined above will not be tolerated by the College in its educational, employment or business dealings.

To that end:

- a) Discriminatory harassment, sexual harassment and discrimination, as prohibited by the Code, and workplace harassment and workplace sexual harassment, as prohibited in the Ontario Occupational Health and Safety Act, will not be tolerated.

- b) Instances of bullying or harassment, including workplace harassment and workplace sexual harassment, committed by or against an employee while the employee is engaged in College-related duties or activities in a workplace is unacceptable and will not be tolerated.
- c) Every individual has the right to file a complaint of harassment or discrimination, participate or cooperate in an investigation, provide information relevant to the complaint or act in any role under this policy without fear of retaliation or reprisal. The rights of both complainants and respondents will be safeguarded to the extent possible with respect to the hearing of complaints.
- d) The College recognizes its responsibility to deal quickly, fairly and effectively with complaints of harassment and discrimination should they arise.
- e) The College will take all reasonable steps to ensure awareness of this policy and will be proactive in undertaking an education/prevention campaign in relation to its provisions.
- f) Any person who believes he/she has been subject to discriminatory or sexual harassment or discrimination continues to have the right to make application to the Ontario Human Rights Tribunal. In addition, every person retains his/her right to pursue other applicable legal avenues, such as through a collective agreement or the justice system, even when steps are being undertaken by the College. The College procedures will continue at the same time a person is exercising his/her rights outside of this policy.
- g) The College recognizes its duty to investigate or act upon incidents in which they become aware, even in the absence of a complaint.

2. Responsibilities

- a) Duties of Members of the College Community (Including Workers):
 - i. Promptly report incidents of apparent harassment and/or discrimination of which they have knowledge to the immediate supervisor and/or to the Dean of the School and/or to the Director of Human Resources.
 - ii. Cooperate, when requested, in the investigation and/or resolution of complaints under this policy.
 - iii. Understand and comply with this policy and all related procedures.
 - iv. Participate in applicable education and training programs.
- b) Duties of College Management:
 - i. Act on observations, incidents or upon receiving reports alleging discrimination and/or harassment, including workplace harassment and workplace sexual harassment.
 - ii. Promote a working environment that is free of discrimination and harassment, including workplace harassment and workplace sexual harassment.
 - iii. Review all reported incidents of harassment and/or discrimination (including workplace harassment and workplace sexual harassment) in a prompt, objective and sensitive manner.
 - iv. Ensure that all those for whom this policy applies are aware of its existence and the issues it addresses.

3. Prevention and Education

- a) The College will provide reasonable educational training opportunities that permit College staff to develop the skills and knowledge to handle and prevent problems of harassment and discrimination.
- b) Managers and others in positions of authority within the College will be made aware of their responsibilities under this policy and under the Code and the Ontario Occupational Health and Safety Act in creating and maintaining an environment free from harassment and discrimination. They will receive appropriate training on their responsibilities and the complaints resolution procedures under this policy.

Non-Compliance**Revision History**

Version	Change	Author	Date of Change