

PROCEDURE

Procedure Title	Respectful Work & Learning Environment (Workplace Harassment) Procedure
Procedure Holder	Organizational Effectiveness
Procedure Approver(s)	Strategic Leadership Team
Related Policies	
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

Procedure Statements

	Action	Responsibility
1.	<u>Complaint Resolution Process</u>	
	1.1. Any member of the College Community who believes that they have been the subject of discrimination or harassment may lodge a complaint.	Complainant
	1.2. A complainant may, at his or her discretion, decide to withdraw a complaint at any point in the complaints process. In the event of a withdrawal, the College may, at its discretion, continue to investigate the complaint.	Complainant
	1.3. The College reserves the right to address complaints of workplace harassment concurrently through the	College Management

	<p><i>Sexual Assault and Sexual Violence Policy or the Violence-Free Work and Learning Environment (Workplace Violence) Policy or any other related policy.</i></p> <p>1.4. In some circumstances, the College may be obligated to proceed with an investigation in the absence of a formal written complaint if it becomes aware of allegations or facts which constitute a violation of the College’s Respectful Work and Learning Environment (Workplace Harassment) Policy or any other related policy.</p> <p>1.5. The Complainant should carefully record the details of all incidents including the date and time of the incident, the nature of the incident, and the names of any individuals who may have been witness to the incident.</p> <p>1.6. Where there are multiple complainants, the College shall have the discretion to determine whether the complaints shall be addressed as a single complaint or individual complaints, for the purpose of the Complaint Resolution Process.</p> <p>Step 1: Informal Complaint Process</p> <p>1.7. If the complainant is willing to do so they should approach the respondent on an informal basis to identify the conduct of concern and explain to the respondent that it is unwelcome. The complainant may choose to address the complaint at the formal stage if they are uncomfortable with the informal or mediation stages.</p> <p>1.8. The complainant and the respondent may meet to discuss the nature of the concern and suggest/discuss ways in which it might be resolved. The parties may consult with any member of management including Human Resources and/or Public Safety.</p> <p>Step 2: Mediation (optional)</p> <p>1.9. Either party may make a request to their manager or to Human Resources and a mediator be engaged to assist with the resolution of the complaint. Human Resources or the Public Safety shall coordinate the selection and engagement of a mediator, in</p>	<p>College Management</p> <p>Complainant</p> <p>College Management</p> <p>Complainant</p> <p>Complainant/ Respondent</p> <p>Complainant/Respondent/ Manager/Human Resources/Public Safety/Dean/Learning Resources Division</p>
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	<p>consultation with the parties.</p> <p>1.10. The mediator will meet with the relevant parties to gather information and suggest/discuss ways in which the complaint might be resolved. All information shared throughout mediation are privileged and confidential in the event a formal complaint is pursued.</p> <p>Step 3: Formal Complaint</p> <p>1.11. If the complaint cannot be resolved informally or through mediation, a written complaint may be filed to the employee's manager, or to Public Safety, Human Resources or the Learning Resources Division.</p> <p>1.12. The College will initiate an investigation in accordance with the Investigation Protocol.</p>	<p>Mediator/Complainant/ Respondent</p> <p>Complainant/Respondent/ Manager/ Public Safety/ Human Resources/Dean/Learning Resources Division</p> <p>Human Resources/Public Safety/Dean/Learning Resources Division</p>
2.	<p><u>Remedies and Sanctions</u></p>	
	<p>2.1. The College shall have complete discretion to impose remedies and sanctions as appropriate, including disciplinary action up to and including dismissal for just cause or expulsion, where:</p> <p>a) Any member of the College community subjects another member of the College community to harassment or discrimination, including workplace harassment, or workplace sexual harassment, or otherwise violates this policy.</p> <p>b) A complaint is found to be frivolous or in bad faith.</p> <p>c) There is a reprisal or retaliatory measure against an employee who, in good faith, raised a complaint of harassment or discrimination, including workplace harassment or workplace sexual harassment, within the meaning of this Policy or any related policy and/or cooperates in the investigation of the complaint.</p>	<p>Human Resources/Public Safety/Dean/Learning Resources Division</p>

3.	<u>Confidentiality</u>	
	<p>3.1. Information relating to a complaint will be kept confidential to the extent possible in order to respect the interests of the parties involved. However, during the course of the investigation, information will be disclosed to the extent necessary to properly conduct the investigation and as may be required by this policy and the law. In so doing, the College will ensure compliance with the <i>Ontario Freedom of Information and Protection of Privacy Act (FIPPA)</i>.</p> <p>Access by third parties to the report, or to any records collected or created during the course of the investigation will be in accordance with <i>FIPPA</i>, and the College will protect personal information contained in such records in the manner and to the extent required by <i>FIPPA</i>.</p> <p>3.2. Members of the College Community are expected to fulfill their responsibility to other members of the College Community by assisting and cooperating with the investigation of complaints, including sharing information with administrators.</p> <p>3.3. Unwarranted breaches of confidentiality will result in disciplinary action. Open discussions regarding any complaints, incidents and/or investigations will not be tolerated.</p> <p>3.4. All records related to a complaint will be stored in a secure manner.</p>	<p>Human Resources/Public Safety/Investigation Team</p> <p>College Community</p> <p>College Community</p> <p>Human Resources/ Public Safety</p>

Non-Compliance

Revision History

Version	Change	Author	Date of Change