

**Ch4-s2-01**
**Respectful Work & Learning Environment  
 (Workplace Harassment) Policy**

Classification: Human Resources  
 Responsible Authority: Director, Human Resources and Organizational Development  
 Approval Authority: Strategic Leadership Team  
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**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**

<b>Word/Term</b>	<b>Definition</b>
The Act	Refers to the <i>Occupational Health and Safety Act</i> .
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 <i>Ontario Human Rights Code</i>
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 <i>Ontario Human Rights Code</i> , 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	<p>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.</p> <p>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.</p>
Negative Environment	<p>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).</p> <p>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.</p>
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	<p>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.</p> <p>See also “Workplace Sexual Harassment”, defined below.</p>
Worker	<p>Per the <i>Act</i>,</p> <ol style="list-style-type: none"> <li>1. A person who performs work or supplies services for monetary compensation.</li> <li>2. A secondary school student who performs work or supplies services</li> </ol>

	<p>for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.</p> <ol style="list-style-type: none"> <li>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.</li> <li>4. A person who receives training from an employer, but who, under the <a href="#">Employment Standards Act, 2000</a> (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.</li> <li>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.)</li> </ol>
<p>Workplace</p>	<p>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.</p>
<p>Workplace Harassment</p>	<p>Per the Act means:</p> <ol style="list-style-type: none"> <li>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</li> <li>2. workplace sexual harassment.</li> </ol> <p>Workplace harassment may also relate to a prohibited ground as set out in the <i>Code</i>, but it does not have to.</p>
<p>Workplace Sexual Harassment</p>	<p>Per the Act means:</p> <ol style="list-style-type: none"> <li>1. engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or</li> <li>2. making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.</li> </ol>
<p>Vexatious or Bad Faith Complaint</p>	<p>A complaint in which a complainant makes allegations knowing them to be false or submits a complaint for purely malicious or vindictive purpose.</p>

## POLICY

### 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.

**PROCEDURE**

Action

Responsibility

**1. Complaint Resolution Process**

- 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 *Sexual Assault and Sexual Violence Policy* or the *Violence-Free Work and Learning Environment (Workplace Violence) Policy* or any other related policy. College Management
  
- 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. College Management
  
- 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. Complainant
  
- 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. College Management

**Step 1: Informal Complaint Process**

- 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 Complainant

may choose to address the complaint at the formal stage if they are uncomfortable with the informal or mediation stages.

- 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. Complainant/Respondent

**Step 2: Mediation (optional)**

- 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 consultation with the parties. Complainant/Respondent/  
Manager/Human  
Resources/Public  
Safety/Dean/Learning  
Resources Division

- 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. Mediator/Complainant/  
Respondent

**Step 3: Formal Complaint**

- 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. Complainant/Respondent/  
Manager/ Public Safety/  
Human  
Resources/Dean/Learning  
Resources Division

- 1.12 The College will initiate an investigation in accordance with the Investigation Protocol. Human Resources/Public  
Safety/Dean/Learning  
Resources Division

**2. Remedies and Sanctions**

- 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: Human Resources/Public  
Safety/Dean/Learning  
Resources Division

- 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;

- b) A complaint is found to be frivolous or in bad faith;
- 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.

**3. Confidentiality**

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|---|---|
| <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 Ontario <i>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>Human Resources/Public Safety/Investigation Team</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>College Community</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>College Community</p>                                |
| <p>3.4 All records related to a complaint will be stored in a secure manner.</p>  | <p>Human Resources/Public Safety</p>                    |



## 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 MATERIALS

It's about respect <http://www.confederationc.on.ca/student-life/your-student-association-succi/succi-services/its-about-respect>

The Ontario Human Rights Commission: <http://www.ohrc.on.ca/>

The Ontario Human Rights Code (1990): <http://www.ontario.ca/laws/statute/90h19>

The Ontario Occupational Health & Safety Act (1990): <http://www.ontario.ca/laws/statute/90o01>

Ministry of Training, Colleges and Universities Act (1990) <https://www.ontario.ca/laws/statute/90m19>