

HR 22

Respectful Workplace

Classification:	Human Resources
Responsible Authority:	Director, Labour Relations
Executive Sponsor:	Vice President, Human Resources
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PURPOSE

To foster a respectful workplace through the prevention and prompt resolution of workplace harassment and/or discrimination.

Refer to policy HR18 *Employee Code of Conduct* for guiding principles regarding the conduct expected of College employees in the performance of their duties.

SCOPE

This policy applies both on and off campus, to all employees, contractors, students, and volunteers in the pursuit of College duties or while engaged in College-related activities.

DEFINITIONS

This includes an explanation of terms and abbreviations used within the policy and procedure.

Word/Term	Definition
Administrator	Program Chair, Course Chair, Academic Manager, Manager, Director, Executive Director, Dean, Associate Vice President, Vice President and President.
College Community	Refers to all employees, volunteers, contractors, clients, visitors and guests of the College for the purpose of this policy.
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> (“the 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, innuendo, display of offensive materials, offensive graffiti,

Word/Term**Definition**

threats, verbal or physical assault, imposition of academic penalties, hazing, stalking, shunning or exclusion.

Domestic Violence

Personal relationships outside of the workplace including spouse, former spouse, current or former intimate partner or family member that may harm an employee in the workplace.

Reprisals 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.

Vexatious or Bad Faith Complaint

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

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 Algonquin College's work premises, work-related travel and work-related conferences or training sessions.

Workplace Harassment

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

Examples of workplace harassment include, but are not limited to:

1. Unwelcome jokes, slurs, innuendoes or taunting;
2. Behaviour or conduct which might reasonably be expected to cause harm, discomfort, offence or humiliation;
3. Body language or gestures that are disrespectful;
4. Inappropriate communication via electronic mail and/or attainment, display and distribution of improper information from the internet;
5. Inappropriate, unwelcome touching, come-ons or sexual flirtation;
6. Display of sexually offensive pictures or objects.

Word/Term**Definition**

Workplace harassment does not include:

1. Performance management, coaching, feedback, performance appraisals, and performance improvement plans;
2. Appropriate and justifiable disciplinary action;
3. Providing fair and reasonable constructive feedback or evaluation;
4. Assigning additional work;
5. Voicing differences of opinion;
6. Showing frustration or annoyance, where such behaviour is objectively justified and displayed in a respectful manner without any threat of violence, intimidation or other reprisals, and where it is shown only on an occasional basis.

Workplace Violence

An attempt to exercise physical force against an employee, in a workplace, that could cause physical injury to the employee, or A statement or behaviour that is reasonable for an employee to interpret as a threat to exercise physical force against the employee, in a workplace, that could cause physical injury to the employee.

The College will address incidents of workplace violence and/or sexual violence where workers are named as respondents under policy HS03 (*Workplace Violence Prevention Policy*)

POLICY**1. General**

Algonquin College is committed to fostering a climate in which all individuals are treated with respect and dignity and in which the human rights of its employees, contractors and volunteers 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, including that which is prohibited by the Code and the Ontario *Occupational Health and Safety Act*, will not be tolerated.
- b) Instances of 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 may undertake an investigation in the absence of an individual complainant should there be evidence of a toxic/negative environment.

2. Responsibilities

a) Duties of College Community Members

- i. Promptly report incidents of apparent harassment and/or discrimination of which they have knowledge to the immediate supervisor and/or to the Director of Labour Relations.
- 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 Management

- i. Act on observations or upon receiving reports alleging discrimination and/or harassment.
- ii. Promote a working environment that is free of discrimination and harassment.
- iii. Review all reported incidents of harassment and/or discrimination 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

<u>Action</u>	<u>Responsibility</u>
0. <u>Emergency/Crisis Response Procedure</u>	
0.1 The employee immediately notifies management	Employee
0.2 Management will contact security services with details of the incident.	Management
0.3 Trained personnel/security services will provide first aid and/or contact police services. Police services may also be involved in the event of a non-physical form of workplace violence at the request of the involved parties or at the request of Algonquin College.	Security Services
0.4 Human Resources will work with Security and Management to determine any immediate and ongoing risks and if any controls need to be implemented for the protection of members of the College Community.	Human Resources/Security Services
<ul style="list-style-type: none"> i. Human Resources will make the appropriate validations and take the appropriate steps, as defined within the Occupational Health and Safety Act and Algonquin College's HS01: Occupational Health and Safety. ii. Algonquin College's HS03: Workplace Violence Prevention Policy applies for all employees workplace violence events. iii. Where appropriate, assistance may be offered to the victim(s) through Algonquin College's Employee Assistance Program (EAP). iv. Labour Relations will initiate a formal investigation. 	
1. Complaint Resolution Process (non-emergency)	
1.1 Any employee who believes that he or she has been the subject of discriminatory/sexual harassment and/or discrimination and any employee who believes that they have been subjected to workplace harassment may lodge a complaint.	Employee
1.2 In general, the Complaints Resolution Process must be initiated no later than six (6) months from the date of the incident, barring exceptional circumstances and at the discretion of the College.	

1.3 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. Employee

1.4 The College reserves the right to address complaints of workplace harassment concurrently through the Workplace Violence Prevention (HS03), at its sole discretion and as required and appropriate under the circumstances.

1.5 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 serious violation of the College's Respectful Workplace Policy. In these cases, the College will proceed with either informal resolution or an investigation, with the intent of stopping the alleged behaviour and/or preventing further incidents. In such cases, a particular individual will not be compelled to proceed with a complaint.

1.6 The complainant should carefully record 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 witnesses to the incident(s). Employee

1.7 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 purposes of the Complaint Resolution Process.

Step 1: Informal Complaint Process (optional)

1.8 The College recommends that, initially, provided the complainant is willing and able to do so, that they approach the respondent on an informal basis to identify the conduct of concern and explain to the respondent that it is unwelcome. Employee

1.9 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 or Labour Relations.

Step 2: Mediation (optional)

1.10 Either party may make a request to their manager or to Labour Relations, that an external mediator be engaged to assist with the resolution of the complaint. Labour Relations shall coordinate the selection and engagement of external mediators, in consultation with the parties. Manager/
Labour
Relations

- 1.11 The mediator will meet with relevant parties to gather information and suggest/discuss ways in which the complaint might be resolved. All discussions throughout mediation are privileged and confidential in the event a formal complaint is pursued. Mediator/
Employee(s)

Step 3: Formal Complaint

- 1.12 If the harassment complaint cannot be resolved informally or through mediation, a written complaint may be filed to the employee's manager or Labour Relations. The senior manager will be notified that a complaint has been received. Employee/
Manager/
Labour
Relations
- 1.13 The College shall determine who will investigate the complaint, as appropriate in the circumstances, including whether to use an internal or external resource, and shall determine the mandate and scope of the investigation.
- 1.14 A union or employee representative may accompany either party (the complainant or the respondent) during information meetings for the investigation.
- 1.15 The investigator shall have the ability to determine appropriate process, within reason and in accordance with their established mandate. Upon completion of the investigation, the investigator will present their findings and conclusions to Labour Relations. A summary of the complaint and results of the investigation will be provided to the complainant and respondent and the senior manager. Investigator/
Labour Relations
- 1.16 The senior manager, in consultation with Labour Relations, will determine the appropriate response to the investigation, which may include formal corrective action, education and training among other things. The action taken will be kept confidential. Manager/
Labour
Relations

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, where: Manager/Labour
Relations
- a) Any member of the College Community subjects another member of the College Community to harassment or discrimination, or otherwise violates this policy;
 - b) A complaint is found to be frivolous, vexatious or made in bad faith;
 - c) There is a reprisal or retaliatory measure against an employee who, in good faith, raises a complaint of harassment or discrimination within the meaning of this policy and/or cooperates in the investigation of a complaint.

3. Confidentiality

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 *Freedom of Information and Protection of Privacy Act (FIPPA)*. 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 *FIPPA*, and the College will protect personal information contained in such records in the manner and to the extent required by *FIPPA*.

3.2 Employees 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. Employee

3.3 Unwarranted breaches of confidentiality will result in disciplinary action. Discussion about an incident will not be tolerated.

3.4 All records relating to a complaint must be stored in a secure manner. Labour Relations

4. Students and Harassment/Discrimination

4.1 Students can make a complaint against a College employee, contractor or volunteer under this policy. In these instances the present policy may be used in conjunction with Policy SA03 *Student Complaints*, as deemed appropriate under the circumstances.

4.2 The College will address incidences of harassment/ discrimination where students are named as respondents under Policy SA07 *Student Conduct* or Policy SA03 *Student Complaints*.

5. Review of Policy

5.1 The College will review this Policy annually as required by legislation. Labour Relations

SUPPORTING DOCUMENTATION

None

RELATED POLICIES

SA03	Student Complaints
SA07	Student Conduct
HS03	Workplace Violence Prevention
HR18	Employee Code of Conduct
HR21	Staff-Student Personal Relationships

RELATED MATERIALS

The Ontario Human Rights Commission:

<http://www.ohrc.on.ca/en>

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>