

HR22

Respectful Workplace (Anti-Harassment and Anti-Discrimination)

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

To foster a respectful and safe workplace where integrity, fairness, collaboration, professionalism, civility, and trust are the norm, and facilitates the dignity of every individual while upholding equity and diversity within its community. To outline resolution and reporting mechanisms for employees who experience inappropriate, disrespectful behaviour in the workplace.

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 to all matters of circumstances related to employment, involving any employee, contractor or volunteer as either the complainant or the recipient. It extends to incidents occurring both on and off campus, during or outside of scheduled work hours, whether within or sufficiently connected to, the workplace. This policy also applies to all students in that they are prohibited from harassing and discriminating against employees, contractors and volunteers. Student employees are governed by this policy, policy SA07: Student Conduct, and policy SA03: Student Complaints.

DEFINITIONS

Word/Term	Definition
College Community	The College Community refers to Algonquin College students, employees, volunteers, and contractors.
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 (“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, threats, verbal or physical assault, imposition of academic penalties, hazing, stalking, shunning or exclusion
Ontario Human Rights Code	The Human Rights Code is a statute in the Canadian province of Ontario that guarantees equality before the law and prohibits discrimination in specific social areas such as housing or employment. The code's goal specifically prohibits discrimination based on race, colour, gender identity or expression, sex, sexual orientation, disability, creed, age and other grounds. The code is administered by the Ontario Human Rights Commission and enforced by the Human Rights Tribunal of Ontario.
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.
Workplace Violence	Workplace Violence is 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.

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:

1. The College commits to taking allegations of discrimination, harassment, or sexual or gender-based harassment seriously. College community members will not tolerate, condone, or engage in any form of intentional discriminatory harassment, sexual or gender-based harassment, workplace harassment and discrimination. This includes all forms of behaviour prohibited by the Ontario Human Rights Code (OHRC) and the Ontario Health and Safety Act (OHSA) plus any inappropriate behaviour that risks undermining a respectful workplace.
2. Every individual has the right to file a discrimination or harassment complaint based on membership in a protected group with the Human Rights Tribunal of Ontario, in accordance with the Ontario Human Rights Code (OHRC). Furthermore, all individuals maintain the right to pursue other applicable legal remedies, including those available through a collective agreement or the justice system, even when the College is actively addressing the matter.
3. Individuals can report harassment or discrimination internally by following the procedures outlined in this policy. Employees are to fulfill their responsibilities under this policy by reporting incidents of harassment and discrimination, participating fully and cooperatively in the investigation process, and providing honest and relevant information. This policy protects employees involved in any capacity from retaliation or reprisal. Throughout the complaint and investigation process, the College will respect the rights and dignity of both complainants and respondents as outlined in the definition of confidentiality.
4. The College confirms its responsibility to address complaints of harassment and discrimination promptly, fairly and proportionally. The College is committed to managing the investigation of formal complaints appropriately and with utmost integrity, abiding by the requirements of applicable legislation.
5. The College commits to taking all reasonable steps to promote awareness of this policy, and its provisions by proactively implementing education and prevention initiatives to foster understanding and compliance.
6. The College reserves the right to undertake an investigation in the absence of an individual or formal complaint should there be evidence of a

poisoned work environment, as outlined by the Ontario Human Rights Code (OHRC).

2. Responsibilities

1. Duties of College Community Members

1. Treat others with respect by interacting in a manner that is professional, courteous and considerate, demonstrating the College values of Caring, Learning, Integrity and Respect ([Mission, Vision, Values | Office of the President](#)).
2. Avoid harassment or discrimination by refraining from engaging in conduct that may be construed or proven to be harassing, bullying, discriminating or undermining of a respectful workplace .
3. Promptly report concerns including any incidents or experienced, witnessed, or suspected harassment and/or discrimination of which they have knowledge in accordance with the provisions of this policy and/or policies SA03 (Student Complaints), HS03 (Workplace Violence Prevention), HR24 (Inclusion and Diversity) or SA16 (Sexual Assault / Sexual Violence). College employees, contractors and volunteers can submit a complaint to the Director, Employee & Labour Relations by completing Appendix B (HR22 Procedure - Respectful Workplace Complaint Intake Form).
4. Participate, when requested, in the investigation process fully and in good faith. Provide honest and relevant information when requested, maintain confidentiality pertaining to the process, and assist the investigation and/or resolution of complaints under this policy.
5. Foster a culture of respect, inclusivity, and collaboration by undertaking and being familiar with the Respectful Workplace policy, adhering to its provisions and all related procedures.
6. Attend and participate in applicable learning programs and training sessions on this policy to further understand and contribute to creating a positive and inclusive work environment for everyone.

2. Duties of Management

1. Take appropriate and timely action upon observing or receiving reports alleging discrimination and/or harassment, reporting such incidents in accordance with the procedure outlined in this policy and addressing misconduct in consultation with employee and labour relations.
2. Act as a role model by demonstrating behaviours that promote respect in the workplace and contributes to an environment that is free of discrimination and harassment.

3. Maintain confidentiality and ensure non-retaliation by collecting and reporting information objectively and with sensitivity.
4. Support employee skill development by promoting College learning programs and training sessions.
5. Inform and remind all individuals covered by this policy its existence, its provisions and ensure they understand the expectations outlined within.

3. Prevention and Education

1. The College will provide mandatory training sessions in compliance with legislative requirements, as well as other educational opportunities through its Employee Learning Catalogue or other communications. These opportunities will enable College staff to develop the necessary skills and knowledge to address and prevent issues of harassment and discrimination.
2. Managers and others in positions of authority within the College will be informed of their responsibilities under this policy as well as their obligations under the Ontario Human Rights Code (OHRC) and the Occupational Health and Safety Act (OHSA). Managers will receive appropriate training to equip them with the knowledge and skills required to create and sustain a workplace free from harassment and discrimination, and resolution of complaints. Administrators will communicate this policy to contractors and other persons who attend the College's workplace.

PROCEDURE

	Action	Responsibility
1.	Response Measures: Emergency/Urgent Incident Any emergency or urgent incident related to a complaint are to follow the procedures set forth in HS03 (Workplace Violence Prevention) or SA16 (Sexual Assault / Sexual Violence). Actions under these policies will be initiated as follows:	
1.1	Report any urgent incident immediately according to the emergency procedures for the applicable campus: <ul style="list-style-type: none"> • Ottawa campus - dial 5000 or 911 • Pembroke campus - dial 911 	Employee
1.2	For incidents involving employees, contractors or volunteers as a Complainant or Respondent, notify the Director, Employee & Labour Relations who will initiate the formal investigation	Employee

	process outlined in this policy. If submitting the complaint in that manner is not feasible considering the circumstances of the particular matter, the employee may follow the process outlined in AD21 (Safe to Speak Up).	
1.3	Undertake all other actions required under HR03 (Workplace Violence) or SA16 (Sexual Assault / Sexual Violence).	Security Services
2.	Response Measure: Non-Emergency / Non-Urgent Incident	
2.1	Any College Community member who believes that they have been the subject of discriminatory/sexual harassment and/or any form of discrimination, as well as employees, contractors and volunteers who believe that they have experienced workplace harassment may submit a formal complaint through the College policy or practice.	College Community Members
2.2	In general, the Complaint Resolution Process must be initiated within the timelines specified in the respective collective agreement or, at the latest within six (6) months from the date of the incident or the last in a series of incidents. This timeline is essential for maintaining the integrity of the College's investigation process. The College may at its discretion, allow exceptions in cases where exceptional circumstances are substantiated with evidence.	Complainant
2.3	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.	Complainant
2.4	The College reserves the right, at its sole discretion, to address complaints of workplace harassment concurrently under HR18 (Employee Code of Conduct), HS03 (Workplace Violence Prevention), SA16 (Sexual Assault / Sexual Violence), or other policy as deemed necessary and appropriate based the circumstances.	Labour Relations
2.5	In some circumstances, the College may have a legal obligation or ethical duty to initiate an investigation in the absence of a formal written complaint if it becomes aware of allegations or evidence suggesting a serious violation of the College's Respectful Workplace Policy. In these cases, the College's Director, Employee & Labour Relations will assess the situation and decide whether to pursue an informal resolution or an investigation. The primary objective is to address the alleged behaviour and/or preventing further incidents. However, the College acknowledges that no individual will be compelled to proceed with a complaint if they choose not to do so.	Director, Employee & Labour Relations or designate
2.6	The complainant or witness 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).	Complainant
2.7	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.	Director, Employee & Labour Relations
3.	Remedies and Sanctions	
3.1	<p>The College shall have full discretion to impose remedies and sanctions deemed appropriate, including disciplinary action up to and including dismissal for just cause, where:</p> <ol style="list-style-type: none"> 1. Any member of the College Community subjects another member of the College Community to harassment or discrimination, or otherwise violates this policy; 2. A complaint is determined to be frivolous, vexatious or made in bad faith; 3. A reprisal or retaliatory action against an employee or volunteer who, in good faith, submits a complaint of harassment or discrimination under this policy and/or cooperates in the investigation of a complaint. Complaints of reprisal should be submitted in accordance with the formal complaint procedure. 	Director Employee & Labour Relations
4.	Confidentiality	
4.1	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.	Labour Relations
4.2	Employees are expected to fulfill their responsibility to other members of the College Community by assisting and cooperating with the investigation of complaints. This includes sharing information and being forthcoming with administrators, Employee and Labour Relations, and other designate individuals as required.	Employee
4.3	Unwarranted breaches of confidentiality will result in disciplinary action as outlined in the College's policy HR18	Labour Relations

	(Employee Code of Conduct). Discussion about an incident, the investigation, or any matters associated with the complaint are strictly prohibited, excluding union representatives, legal counsel, or individuals approved by Employee and Labour Relations and will not be tolerated.	
4.4	All records related to a complaint will be securely retained by Employee and Labour Relations, for a period of five (5) years.	Employee and Labour Relations
5.	Students and Harassment/Discrimination	
5.1	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.	Student
5.2	The College will address incidences of harassment/discrimination where students are named as respondents under Policy SA07 Student Conduct or Policy SA03 Student Complaints.	
6.	Review of Policy	
6.1	The College will review this Policy annually as required by legislation.	Labour and Employee Relations

SUPPORTING DOCUMENTATION

Appendix 1 Complaint Resolution Procedures (Informal and Formal)

RELATED POLICIES

AC05: Use of Service Animals on Campus
 AD21: Safe to Speak Up
 HR18: Employee Code of Conduct
 HR21: Employee/Student Personal Relationships
 HR24: Equity, Diversity and Inclusion
 HR25: Psychological Health and Safety
 HS03: Workplace Violence Prevention
 IT01: Information Security
 IT10: Cell Phones
 SA03: Student Complaints
 SA07: Student Conduct
 SA16: Sexual Assault / Sexual Violence

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>

APPENDIX 1: COMPLAINT RESOLUTION PROCEDURES (INFORMAL AND FORMAL)

The informal resolutions process provides an opportunity to address concerns and complaints by constructively fostering positive progress in working and academic relationships. The mechanisms focus on collaborative solutions rather than assigning blame or pursuing punitive measures against any party involved. The desired outcome of the informal complaint process is to improve relationships, foster understand or find a mutually agreeable solution. Principles of confidentiality and non-retaliation apply to the information complaint resolution process.

Step 1: Informal Complaint Process (*Optional*)

Addressing concerns promptly and respectfully at the initial stage, individually or with support, helps resolve many low-risk and straightforward disputes effectively at the first step. The recommended practice is to start with resolving a concern individually, however, a complainant or respondent can request addition internal or external support as required. Alternative Dispute Resolution is best utilized for complex low-risk concerns, where relationship preservation and confidentiality are paramount. Prior to initiating ADR, other options should be attempted. ADR is voluntary and should be undertaken in consultation with Employee and Labour Relations. Parties involved in the informal complaint process should maintain a record as needed.

- Individually
Advise the respondent that the identified behaviour is unwelcomed and direct that it stops immediately. Ensure the moment occurs in a private, calm setting, preferably not in front of others to minimize embarrassment or defensiveness. Be specific and objective, expressing perspective and feelings. Set boundaries as appropriate and listen for response that confirms receipt of the message.
- With Support (Internal)
Advise the department's administrator of the complaint. Administrators witnessing or aware of low-risk behaviours or straightforward disputes that may be resolved informally will undertake the following actions:
 - - Speak with the respondent directly about the identified behaviour, confirming standard for professional workplace conduct in writing;
 - Provide a copy of the College's policy to the complainant and respondent, confirming the procedures contained within for resolving complaints informally and formally;
 - Where appropriate, and mutually agreed to by the parties, establish a plan for resolving differences, identifying key items of agreement as required;
 - Provide support to the complainant and respondent by setting meetings as needed to ensure mutual expectations are met; and

- Follow up with the complainant and respondent separately to ensure there remain no concerns, documenting the resolution with both parties via email.
- With Support (External) - The complainant and the respondent may request the support of an alternate or additional Administrator such as a member of Senior Leadership, member of employee and labour relations, or elder / knowledge keeper. The parties will meet to discuss the nature of the concern and allow the complainant and respondent to suggest/discuss ways in which the concern might be resolved. The role of the Administrator is to work with the parties to establish a documented plan that establishes commitments agreed to.
- Alternative Dispute Resolution (ADR) - Either party may submit a written request to the Administrator or representative from Employee and the designated Employee and Labour Relations representative for the engagement of a trained internal or external third-party to assist in resolving the complaint. The representative from Employee & Labour Relations will coordinate the selection and engagement of the third-party, such as a mediator, conciliator, facilitator, or restorative justice practitioner, in consultation with the parties involved.

The assigned third-party will meet with relevant parties to gather information and explore potential resolutions to the complaint. All discussions conducted during the ADR process remain privileged and confidential, even if the matter progresses to a formal complaint.

Step 2: Formal Complaint

1. If the harassment or discrimination complaint cannot be resolved informally, the complainant must submit a written complaint to Director, Employee and Labour Relations, using the template provided in Appendix B. Upon receipt, the Director, Employee and Labour Relations document the complaint and promptly notify the Senior Administrator of the department.
2. The College will initiate steps to investigate the circumstances of the complaint by appointing an independent and objective investigator within 3 business days following receipt of the complaint. The investigation will be overseen by the Director, Employee & Labour Relations, who will assign a trained representative from Employee and Labour Relations, or an external investigator. The Director will assess the circumstances to decide on the most appropriate resource (internal / external) and will establish the mandate and scope of the investigation.
3. The investigator will contact the complainant within 5 business days of being assigned the file. If an external investigator has been appointed, the timeline may be extended to 10 business days. The investigator will hold a preliminary introduction meeting with the complaint to outline the steps of the investigation process and schedule a formal interview within 7 days, depending on the availability of all parties.

4. A union or support person may accompany any party required to participate in an interview as part of the investigation process. However, a support person cannot be an individual who may be named as a witness in the investigation.
5. The investigator shall have authority to establish an appropriate investigation process, ensuring it is fair and aligned with the defined mandate and scope. Investigation timelines will vary depending on the complexity of the case, the number of witnesses involved, and the availability of all parties. Where applicable and reasonable, investigation timelines outlined in applicable legislation will be followed.
6. Upon completing the investigation, the investigator will provide a written report to the Director, Employee and Labour Relations, presenting the findings and conclusions.
7. Individuals found to have breached this, and any associated policies, will be subject to remedies and sanctions that are reasonable and appropriate to the circumstances, in accordance with the principles of proportionality and progressive discipline. These measures will be determined by the Director, Employee and Labour Relations, along with the department's senior administrator within 10 business days following receipt of the report.
8. The resulting actions taken by the College will remain confidential to the extent required by applicable legislation.
9. Non-exhaustive examples of remedies and sanctions include but are not limited to:
 1. Letter of Expectations
 2. Counselling and education programs
 3. Disciplinary action, up to and including termination
 4. No contact orders
 5. Restrictions related to College activities
10. The designated Employee and Labour Relations, along with the department administrator, will meet separately with the complainant and respondent separately within 15 days of the Director, Employee and Labour Relations confirming the remedies and sanctions to be taken by the College. During these meetings, the parties will receive a summary of the investigation findings and confirmation of the actions to be taken by the College. The information shared in the summary will be limited to a 'need to know' basis, as outlined in applicable legislation. Summary letters will be retained in the personnel files of the respective parties.
11. The College will securely retain records of the complaint and the investigation report for a period of 5 years.