



THORNELOE
UNIVERSITY

AT LAURENTIAN

**A Respectful Workplace and Learning Environment:
Workplace Harassment and Discrimination Prevention Policy¹**

Approval Authority: Executive Committee of the Board of Governors

Approval Date: November 22, 2018

Next Review: November 1, 2019 (JHSC)

Thorneloe University (“the University”) is committed to promoting a respectful, diverse and inclusive community. Each individual has the right to participate, learn and work in an environment that promotes equal opportunities and is free from discrimination and harassment. All acts of discrimination and harassment are strictly prohibited. Thorneloe University shall hold employees, students, contractors, volunteers and visitors accountable. In doing so, Thorneloe University will act in accordance with the rights and obligations established by collective agreements.

This policy, which is Thorneloe University’s policy on Discrimination and Harassment, is intended to:

- i. Promote a workplace and learning environment that is free of Discrimination and Harassment;
- ii. Protect the health, safety and security of the Thorneloe University Community;
- iii. Outline the rights, responsibilities and types of behavior that fall within the scope of this Policy;
- iv. Outline procedures for handling and resolving complaints of alleged Discrimination and Harassment;

¹ Along with the “Workplace Violence, Harassment, and Sexual Harassment Prevention Program,” this Policy replaces the “Harassment and Discrimination Policy” of October 2005/August 2016.

- v. Meet the requirements of *The Occupational Health and Safety Act (OHSA)* and *the Ontario Human Rights Code (the Code)*;

SCOPE

This policy applies to all employees, residents, students, contractors, volunteers and visitors to the Thorneloe University workplace and learning environment. This policy also applies to all work environments including offices, classrooms and any other location where employees are engaged in business on behalf of Thorneloe University. It applies to any sponsored meetings or activities held off site as well as any business travel. It also applies to employees' homes and within the community if actions may impact the workplace.

DEFINITIONS

Workplace harassment, sexual harassment and/or workplace violence may be psychological, verbal and/or physical. This prohibited behavior can occur from man to woman, woman to man, and between members of the same sex.

“Workplace harassment” means 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 workplace sexual harassment.

Examples include but are not limited to:

- Verbally abusive behavior such as insults, ridiculing and name calling
- Workplace pranks, vandalism and hazing
- Gossiping or spreading malicious rumours
- Sabotaging someone's work or work station
- Humiliating someone

(OHSA s.1 definitions)

“Workplace sexual harassment” means:

- a.) 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
- b.) 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;

Examples include but are not limited to:

- Sexual remarks or physical contact from any person
- Demeaning jokes, innuendoes, or taunts about another person's body or attire
- Display of degrading, demeaning or pornographic pictures or other offensive materials
- Unwelcome sexual flirtations, propositions, advances including compromising invitations
- Unnecessary physical contact such as touching, patting, pinching or grabbing including impeding or blocking movement

(OHS s. 1 definitions)

Discrimination is defined as any distinction, exclusion or preference without legal justification, based on any of the prohibited grounds indicated in the Code, that nullifies or impairs equality of opportunity or of terms and conditions of employment in the workplace. Prohibited Grounds include: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, gender identity, sexual orientation, age, record of offences (for which a pardon has not been granted), marital status, family status or disability.

What Isn't Harassment? (OHS s.1 definitions)

A reasonable action taken by an employer or supervisor relating to the management and direction of employees or the workplace is not workplace harassment. Harassment does not include:

- Performance management
- Exercise and delegation of management authority
- Operational requirements or directives
- Work related changes such as change of location
- Discipline, and
- It also does not include common workplace conflict that may occur between individuals, or differences of opinion between employees

RESPONSIBILITIES

Each member of the University is responsible for helping to create a community that is free from harassment and discrimination, as can best be accomplished in an environment of understanding and of mutual respect for the work and learning of its members. Thorneloe University will investigate and deal with all complaints or incidents of workplace harassment and discrimination in a fair and timely manner. Information about a complaint or incident will not be disclosed except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

Employees/Students/Residents

Whether you are a victim or a witness all must comply with this Policy and Program and are encouraged to report incidents of discrimination or harassment to the Application Officer. If the alleged harasser is the Application Officer then you will report to the President. If the alleged harasser is the President, the incident is to be reported to the Board of Governors Chair.
(OHSa s. 32.0.6(2)(b))

Administrator

The President is the senior administrator and represents the Employer. The President will, in consultation with the Joint Health and Safety Committee, develop and maintain a written program to implement the Policy with respect to workplace discrimination and harassment.
(OHSa Part III.0.1 s. 32.0.6)

The President shall;

- Ensure that their behavior and actions comply with this Policy and Program;
- Communicate this Policy to the employees and provide relevant training related to the Policy;
- If there is a reason to believe that discrimination or harassment exists, it is the President's responsibility to notify the Application Officer immediately, or may be held responsible for failing to do so;
- Disclosure of information obtained about a workplace discrimination or harassment incident will normally be limited, including identifying information about the individuals involved. Information may be disclosed to protect workers, to investigate the complaint or incident, to take corrective action, or because it is otherwise required by law;
- Maintain confidentiality to the extent possible.
- Render a final decision ("the Final Decision") regarding whether the alleged harassment or discrimination occurred;
- Inform the Complainant and Respondent, in writing, of the Final Decision and any corrective action that has been or will be taken. (OHSa s. 32.0.6(2)(e))

Application Officer

The Application Officer is an impartial, neutral source of information about harassment, discrimination and the interpretation of the Policy and Program. They are appointed by the President for a fixed and renewable term and shall:

- receive proper training;
- be responsible for administering this Policy;
- ensure that the University Community is informed about the Policy and its application;
- If both parties are agreeable, facilitate an informal resolution of a Complaint. This may be done at any stage of the Complaint Process;
- preserve the confidentiality of Complaints;

- report annually to the Board of Governors through the President on the application of the Policy, including, without names, the disposition of cases before the Hearing Panel; and
- report all harassment complaints to the President or an individual appointed by the Board of Governors where there is a health or safety risk.

PROHIBITION AGAINST REPRISAL

An individual who reports workplace discrimination or harassment will not be penalized or subject to reprisal, threat or retaliation because of their good faith participation in the process (either as a complainant or a witness). In the event that an employee feels that he or she is the subject of a reprisal, threat or retaliation, the matter will be reviewed and/or investigated in the same manner. (OHS s.50)

Note: Nothing in this Policy precludes an individual's right to file a complaint with their local Police Department, or to file a complaint under any other statute, including the Ontario Human Rights Code or the Occupational Health and Safety Act.

ADDITIONAL RESOURCES

If anyone needs further assistance, they may contact the Ontario Health and Safety Association, The Ontario Human Rights, the Thomeloe Joint Health and Safety Committee, or Laurentian University Equity and Human Rights office.