



**UNIVERSITY OF ST. MICHAEL'S COLLEGE**  
**STATEMENT of POLICY and PROCEDURE**

Manual:	Administrative	SPP No.	A-ADMIN-004-4
Section:	Human Resources	Issued:	
Subject:	Workplace Harassment	Effective:	September 8, 2016
Issue to:	All Employees	Replaces:	HR-003A
Issued by:	Bursar & CAO	Dated:	December 16, 2016

## **1 POLICY**

- 1.01 The University of St. Michael's College ("USMC") is committed to providing a safe and secure learning and working environment that is free from Workplace Harassment.
- 1.02 USMC has established programs, measures and procedures for the reporting and investigation of complaints of Workplace Harassment. All employees shall be made and continue to be aware of and participate in such programs and procedures, as required.
- 1.03 A copy of this Policy shall be provided to each new employee as part of the employee's hiring documentation and acknowledged in employment letter. Additionally, this Policy shall be posted and remain posted on Workplace bulletin boards.
- 1.04 All persons involved in the processing of a complaint of Workplace Harassment will ensure that employees who have made good faith complaints or provided information regarding a complaint or incident of Workplace Harassment are neither penalized nor subjected to any prejudicial treatment as a result of making the complaint. Disciplinary action will be taken against any person who takes reprisal against a person who reports an incident of Workplace Harassment. An employee who makes a false complaint or otherwise abuses this Policy may be disciplined up to and including dismissal from employment. Such discipline is not a reprisal or breach of this Policy.
- 1.05 This Policy will be reviewed by USMC Joint Health and Safety Committee and approved by the Bursar and Chief Administrative Officer on an annual basis.

## **2 PURPOSE**

- 2.01 This Policy is intended to:
- a) Maintain a learning and working environment that is free from Workplace Harassment;

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- b) Define and provide examples of Workplace Harassment to educate employees;
- c) Communicate to USMC employees the fact that Workplace Harassment is prohibited and is a violation of the law;
- d) Establish and describe responsibilities of all employees to assist in maintaining a workplace free from Workplace Harassment; and,
- e) Establish mechanisms and procedures for receiving and reporting complaints of Workplace Harassment and for investigating complaints and addressing/resolving valid complaints, all in a timely and fair manner.

### 3 SCOPE

3.01 This Policy applies to all:

- a) Employees regardless of position, classification or union membership; and,
- b) Persons who are present in the workplace including, but not limited to, all visitors, contractors, vendors and delivery persons.

3.02 Students shall abide by the University of Toronto's **Code of Student Conduct** which can be found at [www.governingcouncil.utoronto.ca/policies/studentc.htm](http://www.governingcouncil.utoronto.ca/policies/studentc.htm)

### 4 RESPONSIBILITY

4.01 It is the responsibility of the Complainant:

- a) To bring the complaint forward as soon as reasonably possible so that it can be dealt with in a timely manner.
- b) To provide sufficient details to allow the person(s) against whom the complaint is made to respond in the event of an investigation.
- c) To respect confidentiality and other steps taken by USMC to assist in maintaining both procedural fairness and a fair working environment for both the complainant and the respondent while the complaint is being assessed.

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- 4.02 It is the responsibility of USMC:
- a) To place primary responsibility for handling a complaint with the Supervisor and/or Human Resources Officer or other USMC Officer (includes Executives, Directors, Managers, Supervisors).
  - b) To keep both the complainant and respondent informed of the progress of the complaint process.
  - c) To establish a process for reporting, investigating and responding to incidents of Workplace Harassment; and
  - d) To post this Policy in a conspicuous place.
- 4.03 It is the responsibility of Directors, Managers and Supervisors:
- a) To respond appropriately to all incidents of Workplace Harassment that they become aware of; and,
  - b) To promptly report all complaints or incidents to Human Resources Officer or the Bursar and Chief Administrative Officer.
- 4.04 It is the responsibility of the Joint Health and Safety Committee:
- a) To be consulted on the development, implementation and maintenance of this Policy and Program.

## **5 DEFINITIONS**

- 5.01 "Workplace" means all locations or places where USMC operations occur or are conducted and includes all buildings (interior, exterior, perimeter, parking lots etc., under USMC's control), off site locations, locations where USMC sponsored events, functions, or social gatherings take place or places or sites visited while engaged in travel for USMC business.

"Workplace Harassment" is defined in the *Occupational Health and Safety Act* as *engaging in a course of vexatious comments or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome or workplace sexual harassment.*

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Workplace sexual harassment means:

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
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;

Some examples of workplace harassment include but are not limited to:

- a) Shouting, slamming doors, throwing objects.
- b) Profanity, abusive, aggressive or violent language directed at an individual or individuals.
- c) Using props suggestive of violence.
- d) Humiliating, degrading, demeaning, belittling, insulting, frightening or intimidating another person.
- e) Display of offensive material.
- f) Distributing unsubstantiated comments about an individual, whether orally or in writing that are likely to have a negative impact on the individual.
- g) Telling inappropriate jokes.

5.03 Reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment. The following are examples of behaviors that are NOT in and of themselves considered to be vexatious comment or conduct:

- a) Meetings, letters or conversations dealing with performance management, attendance management, and coaching.

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- b) Instructions given by a supervisor/manager such as what to do, how to do it, the expected standard of performance.
- c) Disciplinary action.
- d) Denial of leave requests.
- e) Requests for documents to substantiate requests for leave.
- f) Comments made in the context of peer review processes.
- g) Differences of opinion or debate conveyed in a respectful manner.
- h) Interpersonal conflicts where the parties remain respectful of one another.

## **REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE**

Occupational Health & Safety Act, 1990  
Human Rights Code, R.S.O, 1990, c.H.19  
The Criminal Code of Canada

## **6 PROCEDURES**

### **7.01 Reporting**

A Complainant who considers that he or she has been subjected to Workplace Harassment is encouraged to bring the matter to the attention of the Respondent.

Where the Complainant does not wish to bring the matter directly to the attention of the Respondent, or where such an approach is attempted and does not produce satisfactory results, the Complainant should seek the advice of their supervisor, manager, director, union representative, Human Resources Officer or other USMC Officer.

All incidents and complaints of workplace harassment should be reported in writing to their immediate supervisor and/or Human Resources. If the Complainant's supervisor or reporting contact is the person engaging in the workplace harassment, contact Human Resources or another USMC Officer. If the employer (e.g. President) is the person engaging in the workplace harassment, contact the Chair of the Collegium of the University of St. Michael's College.

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Human Resources or another USMC Officer shall be notified of the workplace harassment incident or complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances. If the incident or complaint involves the employer (e.g. President), an external person qualified to conduct a workplace harassment investigation who has knowledge of the relevant workplace harassment laws will be retained to conduct the investigation.

An incident or a complaint of workplace harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner..

7.02 Investigation

USMC will ensure that an investigation appropriate in the circumstances is conducted when the employer, human resources, manager, supervisor or other USMC Officer becomes aware of an incident of workplace harassment or receives a complaint of workplace harassment.

The President or other designated officer will determine who will conduct the investigation into the incident or complaint of workplace harassment. If the allegations of workplace harassment involve the employer (e.g. President) USMC will refer the investigation to an external investigator to conduct an impartial investigation.

All incidents or complaints of workplace harassment shall be kept confidential except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law. Investigations will be conducted in a confidential manner, involving only those who need to know either to respond to the complaint or be involved in the process. While efforts are made to provide appropriate protection of the confidentiality of information obtained during the investigation process, anonymity is not possible since in most cases the respondent will need to know who is making the allegations and others will need to know certain basic information in order to process the complaint. It should be understood that the word "investigation" does not

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necessarily involve a full-scale inquiry. Often, informal inquiries and discussion, with the views of the parties being solicited and assessed, will be sufficient.

If an investigation is under way, the Complainant will be advised of the process or just the fact that it is occurring. .

Respondents will be provided with procedural fairness and USMC will take their interests into account so as to minimize any risk of reputation or other impact while the complaint is being assessed and dealt with.

Within 10 days of the investigation being completed, the worker who allegedly experienced the workplace harassment and the alleged harasser, if he or she is a worker of the employer, will be informed in writing of the results of the investigation and any corrective action taken or will be taken by the employer to address workplace harassment.

All records of the investigation will be kept confidential.

#### 7.03 Resolution of Complaint

Any employee who subjects another employee to Workplace Harassment may be subject to disciplinary action up to and including the termination of his/her employment. However, resolutions to complaints may vary greatly. USMC may require that the parties participate in processes including training, coaching, education, mediation or facilitation.

Others who subject any employee to Workplace Harassment will be subject to penalties that are appropriate in view of their relationship to USMC

#### 7.04 Appeal Process

Appeal processes may vary depending on the complaint and management will advise the complainant what avenues are available given the circumstances.

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Should a complaint result in a disciplinary action against an employee, that individual will have access to the normal grievance processes available to him or her under the relevant collective agreement or USMC's Employee Policy Manual.

#### 7.05 No Reprisals

All persons involved in a complaint of Workplace Harassment will ensure that employees who have made good faith complaints or provided information regarding a complaint or incident of Workplace Harassment is neither penalized nor subjected to any prejudicial treatment as a result of making the complaint. Disciplinary action will be taken against any person who takes reprisal action against a person who reports an incident of Workplace Harassment.

Reprisal includes:

- a) Any act of retaliation that occurs because a person has complained of or provided information about an incident of Workplace Harassment.
- b) Intentionally pressuring a person to ignore or not report an incident of Workplace Harassment.
- c) Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of Workplace Harassment.

An employee who makes a false complaint or otherwise abuses this Policy may be disciplined up to and including dismissal from employment. Such discipline is not a reprisal or breach of this Policy.