

WORKPLACE HARASSMENT AND DISCRIMINATION POLICY

Approving Authority: President & Chief Executive Officer

Administrative Responsibility: Director, Policy Research & Advocacy

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Related Policies, Procedures, and Documents:

- Executive Limitation #1 – Global Executive Constraint
- Executive Limitation #2b – Treatment of Staff
- Conflict of Interest Policy
- Employee Standards and Performance Policy
- Health and Safety Policy
- Prevention of Workplace Violence Policy
- Safe Disclosure Policy

1. Purpose

- 1.1. This policy is intended to make the work environment of the Students' Union inclusive, safe, and non-discriminatory for everyone by setting out expectations and standards of conduct, and by ensuring a clear process for responding to complaints of workplace harassment, discrimination, and sexual misconduct.

2. Definitions

- 2.1. **Discrimination:** An act, behaviour, or practice of treating another person or group unfairly on the basis of a Protect Ground.
- 2.2. **Employee:** A paid worker of the Students' Union.
- 2.3. **Protected Grounds:** Protected categories listed under the *Human Rights Code* (Ontario), which include age, creed, disability, family and marital status, gender identity and gender expression, race and related groups, receipt of public assistance, record of offences, sex, or sexual orientation.
- 2.4. **Respondent:** The person named in a complaint.
- 2.5. **Supervisor:** The individual to whom an employee directly reports, or their designate.

- 2.6. **Workplace Harassment:** As defined by the *Occupational Health and Safety Act* (OHSA), workplace harassment means engaging in a course of vexatious comment or conduct against a worker in the workplace that is known or ought reasonably to be known to be unwelcome, or workplace sexual harassment, including virtually through the use of information and communications technology.
- 2.6.1. Workplace harassment often involves repeated words or actions, or a pattern of behaviours, against a worker or group of workers in the workplace or virtually through the use of information and communications technology that are unwelcome, including but not limited to:
- 2.6.1.1. Offensive or intimidating comments or jokes.
 - 2.6.1.2. Bullying or aggressive behaviour.
 - 2.6.1.3. Displaying or circulating offensive pictures or materials.
 - 2.6.1.4. Inappropriate staring
 - 2.6.1.5. Workplace sexual harassment.
 - 2.6.1.6. Isolating or making fun of a work because of gender identity.
- 2.6.2. Harassment does not include interpersonal conflict or disagreement, or reasonable actions taken by a supervisor relating to the management and direction of the workplace.
- 2.7. **Workplace Sexual Harassment:** As defined by the *Occupational Health and Safety Act* (OHSA), workplace sexual harassment is engaging in a course of vexatious comment or conduct against a worker in a workplace or virtually through the use of information and communications technology because of sex, sexual orientation, gender identity, or gender expression, where the course of comment or conduct is known or ought reasonably known to be unwelcome, or 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 of advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.
- 2.7.1. Workplace sexual harassment may also include unwanted attention or remarks of a sexually oriented nature or unwelcome remarks based on gender which are not of a sexual nature, but which are demeaning or degrading.
- 2.7.2. Workplace sexual solicitation or sexual advance includes an implied or expressed promise of reward for complying with a sexually oriented request made by a person in a position to confer, grant, or deny a benefit or advancement.
- 2.8. **Workplace:** Any site at which the employee works, including any property or building utilized by the Students' Union and any other place an employee is located while performing work for the Students' Union or representing the organization.
- 2.8.1. Workplace includes operating Students' Union equipment or a personal vehicle while the employee is on duty.

3. Jurisdiction/Scope

- 3.1. This policy applies to all Students' Union employees.

4. Policy

- 4.1. All Students' Union employees have a right to equal treatment without discrimination based on the Protected Grounds of the *Human Rights Code* (Ontario).
- 4.2. All Students' Union employees have a right to freedom from workplace harassment and workplace sexual harassment.
- 4.3. All Students' Union employees have a right to be free from reprisal or threat of reprisal for rejecting a sexual solicitation or advance, where the reprisal is made, or threatened by, a person in a position to confer, grant, or deny a benefit or advancement.
- 4.4. All employees involved in allegations of harassment, discrimination, or sexual misconduct are to be treated fairly and according to the conduct procedures outlined in the **Employee Standards and Performance Policy**.
- 4.5. The Students' Union will take appropriate steps to fairly investigate and respond to all allegations of harassment, discrimination, and sexual misconduct and proceed according to the conduct procedures outlined in the **Employee Standards and Performance Policy**.
- 4.6. With the protection of the **Safe Disclosure Policy**, employees are encouraged to report any incidents of workplace harassment, discrimination, or sexual misconduct.
- 4.7. Employees will not be penalized for reporting an incident or participating in a workplace harassment investigation.

5. Workplace Harassment Program

- 5.1. The Students' Union, through the Joint Health and Safety Committee, will maintain the Workplace Harassment Program.

Reporting

- 5.2. Employees may report incidents of workplace harassment, discrimination, and sexual misconduct as outlined in the **Safe Disclosure Policy**.
- 5.3. The report must include the following information:
 - 5.3.1. Name of the complainant.
 - 5.3.2. Name of the respondent(s).
 - 5.3.3. Names of the witness(es), if another person or people have relevant information about the incident.
 - 5.3.4. Details of the incident, including date, location, and supporting documentation if available.

Investigation and Handling of a Complaint

- 5.4. The Students' Union will ensure that an investigation consistent with the **Employee Standards and Performance Policy** and appropriate in the circumstances will be conducted into complaints or incidents of workplace harassment.
- 5.5. The Students' Union will take all reasonable steps to maintain confidentiality and will only disclose information necessary to conduct the information.
- 5.6. While an investigation is ongoing, the employee who has allegedly experienced harassment, the respondent(s), and any witnesses will be advised of their obligation not to discuss the complaint,

incident, or the investigation with other employees or witnesses unless necessary to obtain advice about their rights.

- 5.7. The employee who has allegedly experienced harassment and the (s), if they are any employee, will be informed in writing of the results of the investigation and any corrective action in accordance with the conduct procedures within the **Employee Standards and Performance Policy** that has been taken or that will be taken.
- 5.8. The Students' Union retains the discretion to hire a qualified outside investigator to conduct a workplace harassment or discrimination investigation.

Reprisals

- 5.9. As per the **Safe Disclosure Policy**, the Students' Union shall not impose any type of negative consequence on an employee who is acting in good faith to report workplace harassment, discrimination, or sexual misconduct.

Training

- 5.10. The Students' Union will provide employees with information and instruction about the **Prevention of Workplace Harassment, Discrimination, and Sexual Misconduct Policy** and Workplace Harassment program.
- 5.11. Specific job training will be provided to employees who will be performing duties involving the risk of workplace harassment.

Record Keeping

- 5.12. The Students' Union will keep records of all complaints or incidents of workplace harassment, discrimination, and sexual misconduct, including:
 - 5.12.1. A copy of the complaint or details about the incident.
 - 5.12.2. A record of the investigation including notes.
 - 5.12.3. Copy of witness statements, if taken.
 - 5.12.4. A copy of the investigation report.
 - 5.12.5. A copy of the result of the investigation that were provided to the employee who reported the incident.
 - 5.12.6. A copy of any corrective action taken.
- 5.13. Records will be kept for at least one (1) year from the conclusion of the investigation.