



Classification	LCG 1137
Framework Category	Legal, Compliance, and Governance
Approving Authority	Board of Governors
Policy Owner	Vice President responsible for Human Resources
Approval Date	December 7, 2016
Review Date	May, 2018
Last Updated	May 3, 2017
Supersedes	See end notes

Style Definition

POLICY AGAINST VIOLENCE, HARASSMENT AND DISCRIMINATION IN THE WORKPLACE

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POLICY

WORKPLACE VIOLENCE POLICY

PURPOSE

- The purpose of this Policy is to prevent Workplace Violence, ~~Harassment and Discrimination~~ through proactive measures, and to ensure that the University effectively addresses and responds to Reports of ~~Workplace Violence, Discrimination and Harassment~~ in accordance with the *Occupational Health and Safety Act* and the *Human Rights Code*.

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Any person who finds themselves or others to be at risk of imminent danger should summon immediate assistance by contacting:

On Campus: Office of Campus Safety

Extension: 2400
Direct line: 905.721.3211

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Code Blue Stations

[Off Campus- Durham Regional Police Service](#)
[911 \(emergency\)](#)
[905.579.1520 \(non-emergency\)](#)

<u>Classification Number</u>	<i>To be assigned by Policy Office</i>
<u>Framework Category</u>	<i>To be assigned by Policy Office</i>
<u>Approving Authority</u>	<i>To be assigned by Policy Office</i>
<u>Policy Owner</u>	AVP Human Resources
<u>Approval Date</u>	DRAFT FOR REVIEW
<u>Review Date</u>	
<u>Supersedes</u>	

DEFINITIONS

2. The following definitions apply throughout For the purposes of this Policy, and underlying procedures, the following definitions apply:

2. "Bullying" is a form of Harassment that involves repeated incidents, or a pattern of behaviour, that is intended to intimidate, offend, denigrate, degrade or humiliate a particular individual or group of individuals.

3. "Complainant" refers to an Employee who is alleged to have experienced Workplace Violence, Harassment and/or Discrimination. A Complainant may experience discrimination directly or indirectly.

4. "Discrimination" is a distinction, without lawful justification, whether intentional or not, which has the effect of denying benefits to, or otherwise disadvantaging, an Employee in the course of their employment on the basis of a Protected Ground (defined below).

5. "Discriminatory Harassment" means engaging in a course of vexatious comment or conduct, against an Employee in the course of their employment, based on a Protected Ground, that is known or ought reasonably to be known to be unwelcome. Discriminatory Harassment may include, for example, racist jokes, sexual harassment or gender-based harassment.

6. "Employee" means any individual employed by UOIT Ontario Tech, including but not limited to Employees who are members of a bargaining unit, and Employees who are not. Students who are employed at UOIT Ontario Tech during the course of their studies, are "Employees" for the purposes of this Policy when they are engaged in employment activities, but not otherwise.

7. "Faculty" includes a Faculty Member, or previous Faculty Member, at UOIT Ontario Tech, and includes those with both limited term and indefinite term appointments, as well as those with paid, unpaid and honorific appointments. For greater certainty, "Faculty" also includes visiting scholars and emeritus professors.

8. "FIPPA" means the Freedom of Information and Protection of Privacy Act, RSO 1990, c. F.31.

9. "Harassment" includes Discriminatory Harassment, Workplace Harassment, and Workplace Sexual Harassment.

10. "Human Resources" means the department of Human Resources at UOIT Ontario Tech, or its delegate.

11. "JHSC" means the Joint Health & Safety Committee(s) at UOIT Ontario Tech,

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12. **"University Member"** includes a Student, Faculty or Staff Member.
13. **"Personal Information"** means information about an identifiable individual, as defined in s. 2 of FIPPA, as amended from time to time.
14. **"Person(s) of Authority"** includes any person who has charge of a workplace or authority over another Employee. Anyone who supervises an Employee at UOIT Ontario Tech is a Person of Authority.
15. **"Policy"** refers to this *Policy Against Violence, Harassment and Discrimination in the Workplace*.
16. **"Protected Ground"** includes race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, Record of Offences, marital status, family status or disability, and any additional protected grounds that are added to the Ontario *Human Rights Code* by way of statutory amendment.
17. **"Record of Offences"** means a conviction for,
- a.—an offence in respect of which a pardon has been granted under the *Criminal Records Act* and has not been revoked, or
 - b.—an offence in respect of any provincial enactment.
18. **"Report"** refers to information about Workplace Violence, ~~Harassment~~ and/or ~~Discrimination~~ Reprisal in the workplace that is reported ~~under the *Procedures to Prevent and Address Violence, Harassment and Discrimination in the Workplace*~~ to Human Resources and/or the Office of Campus Safety..
19. **"Reporting Process"** refers to the process for reporting information about Harassment and/or Discrimination in the workplace under the *Procedures to Prevent and Address Violence, Harassment and Discrimination in the Workplace*.
- "Reprisal"** includes retaliation, coercion, dismissal, threats or intimidation of anyone who in good faith: raises complaints or concerns, exercises their rights or participates in a remedial process under this Policy instrument.
20. **"Respondent"** refers to anyone who is alleged to have engaged in behaviours of Violence, ~~Harassment and/or Discrimination~~ in a Report or investigation.
21. **"Staff"** means a Staff Member, or former Staff Member, at UOIT Ontario Tech.
22. **"Student"** includes any student who is registered, or was previously registered, at UOIT.
23. **"University" or "UOIT"** means the University of Ontario Institute of Technology.
- "Worker"** means any individual employed by Ontario Tech, including but not limited to workers who are members of a bargaining unit, and workers who are not. Students who are employed at Ontario Tech during the course of their studies, are workers for the purposes of the policy

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when they are engaged in employment activities, but not otherwise. Persons who perform work or supply services for monetary compensation are considered to be workers.

24. "workplace" means any place where UOIT Ontario Tech Employees engage in employment activity, including employment activities online, outside the normal place of work, and employment activities that occur outside of normal working hours.

25. "Workplace Harassment" means,

- a. engaging in a course of vexatious comment or conduct against an Employee in a workplace that is known or ought reasonably to be known to be unwelcome, including bullying,
- b. Workplace Sexual Harassment (defined below), and/or
- c. Workplace Sexual Violence (defined below).

A reasonable action taken by UOIT or a Person of Authority relating to the management and direction of an Employee or a workplace is not Workplace Harassment. Workplace Harassment includes, but is not limited to, Bullying.

26. "Workplace Sexual Harassment" means,

- a. engaging in a course of vexatious comment or conduct against an Employee 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 Employee and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Workplace Sexual Harassment includes but is not limited to, rough or vulgar humour or language related to sexuality, or showing or sending pornography.

27. "Workplace Sexual Violence" means, any sexual act or other physical act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person-worker in the workplace without the person's consent, in the workplace, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

28. "Workplace Violence" means,

- a. the exercise of physical force by a person against an Employeea worker, in a workplace, that causes or could cause physical injury to the Employee, worker,

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- b. an attempt to exercise physical force against an Employeea worker, in a workplace, that could cause physical injury to the Employee, — worker,
- c. a statement or behaviour that is reasonable for an Employeea worker to interpret as a threat to exercise physical force against the Employeeworker, in a workplace, that could cause physical injury to the Employeeworker, or
- d. Workplace Sexual Violence (defined above).

Workplace Violence includes, for example, verbally threatening to attack an Employeea worker, shaking a fist in an Employee’sa Worker’s face, wielding a weapon at work, hitting or trying to hit an Employeeworker, or throwing an object at an Employee-a Worker.

SCOPE AND AUTHORITY

~~29. The Vice President with responsibility for Human Resources is the Policy Owner. The Policy Owner is responsible for overseeing the implementation, administration, interpretation and application of this Policy.~~

30.3. This Policy applies to all Employees in the course of their employment, and is intended to address Violence, Harassment and Discrimination against Employees from all sources, including colleagues, coworkers, supervisors, managers, administrators, students and other members of the University community, and the public.

4. The Assistant Vice President of Human Resources is the Policy Owner. The Policy Owner is responsible for overseeing the implementation, administration, interpretation and application of this Policy.

31.5. This Policy applies to all aspects of the employment relationship, including recruitment, training, evaluation, development and promotion of Employees.

32.6. This Policy is not geographically limited, and applies to any employment activity, including employment activities that occur outside the normal place of work, and employment activities that occur outside of normal working hours.

33.7. This Policy does not override or diminish the rights provided to Employees under applicable collective agreements, and will be applied with appropriate regard to the rights established under those agreements.

34.8. This Policy does not preclude Employees from pursuing resolution through external resources and processes, including those offered by the Human Rights Legal Support Centre, the police, the Ministry of Labour, local law enforcement and the Ontario Labour Relations Board, the Ontario Human Rights Commission and the Human Rights Tribunal of Ontario.

POLICY

35.9. The University is committed to providing a work environment in which all Employees are treated with dignity safe and secure from acts of violence, and to fostering a climate of understanding and mutual respect for the value of each Employee. To this end:

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- a-9.1.** The University will not tolerate Workplace Violence, ~~Harassment and/or Discrimination in the workplace.~~
- 9.2.** The University will comply with Section 32.0.3(1) of the Occupational Health and Safety Act by assessing the risk of workplace violence that may arise from the nature of the workplace, type of work or conditions of work.
- b-9.3.** The University will ensure that procedures are in place for the prevention of, and response to, Workplace Violence, ~~Harassment and/or Discrimination.~~
- c-9.4.** The University will provide information, instruction and assistance to Employees with respect to Workplace Violence, ~~Harassment and/or Discrimination.~~
- d-9.5.** The University will ensure Persons of Authority are provided with information and instruction that will enable them to recognize, assess and address ~~Violence, Harassment and/or Discrimination in the workplace, Workplace Violence~~ and to understand how to respond appropriately when such incidents are alleged.
- e-9.6.** The University will not penalize an Employee for submitting a Report in good faith, or for participating in a related investigation.- This protection does not apply to an Employee who submits a Report that is determined to be frivolous or vexatious, or who exhibits bad faith in the course of an investigation.- An Employee who believes they have been penalized for submitting a Report in good faith, or for participating in a related investigation, may pursue the allegation of ~~reprisal~~ Reprisal by submitting a Report ~~under the Procedures to Prevent and Address Violence, Harassment and Discrimination in the Workplace,~~ and/or may pursue a reprisal complaint through external processes.
- f-9.7.** The University will respect the privacy of individuals involved in Reports and investigations, ensuring information about a Report is not disclosed, except to the extent necessary to investigate, take corrective action, implement measures to protect the health and safety of Employees, or as otherwise required by law.
- g-9.8.** Personal Information collected under this Policy will be used only for the purposes of administering this Policy, and will be disclosed only on a need-to-know basis, to the extent disclosure is required to fulfill the University's legal obligations under the ~~Human Rights Code, the Occupational Health & Safety Act,~~ and any other applicable law and/or legal obligations, including any applicable collective agreement.- Subject to applicable law, Personal Information collected, used and disclosed under this Policy will otherwise be kept confidential, and will be stored and disposed of in accordance with FIPPA and ~~UOIT's~~ Ontario Tech's Records Management Policy.
- h-9.9.** The University will administer the processes set out in ~~the Procedures to Prevent and Address Violence, Harassment and Discrimination in the Workplace~~ this policy instrument, responding to Reports fairly and promptly, with adequate regard to the unique circumstances of each particular case ~~and the severity of the matters at issue,~~ and in a manner that prioritizes the privacy of individuals involved.
- i-9.10.** The University will inform and update individuals who are involved in investigations about the status of those investigations as they progress.

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~~36-10.~~ Employees who engage in Workplace Violence, ~~Harassment and/or Discrimination~~ will be held accountable and may be subject to disciplinary measures, up to and including termination of employment. In any event, the University will act in accordance with the rights and obligations established by applicable collective agreements.

~~11.~~ **Students who engage in Workplace Violence will be held accountable and may be subject to disciplinary penalties, up to and including expulsion.**

~~37-12.~~ Employees may refuse to work, or do particular work, where they have reason to believe that Workplace Violence is likely to endanger the Employee.

ROLES AND RESPONSIBILITIES

13. Roles and Responsibilities

38-13.1. Employees

- ~~a-a)~~ Employees must not engage in Workplace Violence, ~~Harassment or Discrimination~~.
- ~~b-b)~~ Employees are, along with ~~UOIT Ontario Tech~~, responsible for creating and maintaining an environment that is free from Workplace Violence, ~~Harassment and Discrimination~~.
- ~~c-c)~~ Employees are encouraged to report incidents of Workplace Violence, ~~Harassment and Discrimination~~ by communicating such incidents to **the office of campus safety**, their supervisor, ~~and/or Human Resources~~. If the Employee's supervisor is involved in the incidents at issue, the information should be reported directly to the administrator who the Employee's supervisor reports to, or directly to the Director, Human Resources [Link to Human Resources Department]. ~~-. If the Employee's supervisor is involved in the incidents at issue, and that supervisor is a member of Human Resources, then the information should be reported to UOIT The Office of the University Secretary and General Counsel.-~~
- ~~d-d)~~ **Where it is requested and reasonably required**, Employees ~~shall~~ **are required** to participate in the Reporting Process, and/or any related investigation.
- ~~e-e)~~ Employees who are found to have engaged in Workplace Violence, ~~Harassment and/or Discrimination~~ ~~Reprisal~~ under this Policy will comply with the corrective measures imposed by the University, subject to relevant collective agreements, including grievance and arbitration processes.

39-13.2. Persons of Authority

- ~~a-a)~~ Persons of Authority are responsible for supporting ~~UOIT Ontario Tech~~ in its duty to create and maintain an environment that is free from Workplace Violence, ~~Harassment and Discrimination~~.
- ~~b-b)~~ Persons of Authority ~~shall~~ **will** lead by example, acting respectfully in dealings with all Employees, and in particular, those Employees under their supervision.
- ~~c-c)~~ Persons of Authority are responsible for familiarizing themselves with this Policy and related procedures, and for directing Employees under their

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supervision who have information about Workplace Violence, ~~Harassment and/or Discrimination~~ to follow the appropriate procedures.

~~d-d~~ Persons of Authority will ensure Employees under their supervision are aware of this Policy and its associated procedures, and must otherwise assist in the prevention of ~~Discrimination and Harassment in the workplace.~~ Workplace Violence.

~~e-e~~ Persons of Authority are responsible for supporting UOIT Ontario Tech in its duty to recognize, assess and address Workplace Violence, ~~Harassment and/or Discrimination~~. For example, Persons of Authority should intervene promptly when they become aware of Workplace Violence, ~~Harassment and/or Discrimination~~, and should seek assistance from the Director, Human Resources ~~[Link to Human Resources Department], unless a member [Link to Human Resources Department] and/or the Office of Human Resources is directly involved in the incidents at issue, in which case assistance should be sought from UOIT General Counsel, Campus Safety.~~

~~f-f~~ When a Person of Authority becomes aware of information about Workplace Violence, ~~Harassment and/or Discrimination in the workplace~~, that Person of Authority must ensure the information is reported ~~in the form of a Report.~~

40-13.3. Human Resources

~~a-a~~ Human Resources will take primary responsibility for updating this Policy and ~~related procedures procedure~~, ensuring that this Policy, and ~~all related procedures, are procedure is~~ reviewed as often as is necessary, and in any event, at least annually, in consultation with all appropriate departments and the JHSC(s), and in accordance with the University's Policy Framework and relevant collective agreements.

~~b-b~~ Human Resources will, as often as is necessary:

- ~~i-i~~ assign a Human Resources Employee to implement and oversee the activities outlined below, and in related procedures,
- ~~ii-ii~~ assign a Human Resources Employee to act as a contact for those who wish to make Reports;
- ~~iii-iii~~ assess the risk of Workplace Violence that may arise from the nature of the workplace, type of work or conditions of work, taking into account the circumstances of the workplace and circumstances common to similar workplaces, as well as any other elements prescribed in regulation; and
- ~~iv-iv~~ develop measures and procedures to control identified risks that are likely to expose an Employee to Workplace Violence.

~~c-c~~ Human Resources shall share the results of risk assessments conducted under b iii above with the JHSC(s).

~~d-d~~ Human Resources is primarily responsible for overseeing compliance with the Occupational Health & Safety Act, including:

- ~~i-i~~ providing Employees with appropriate information and instruction with respect to Workplace Violence ~~and Workplace Harassment~~, including notifying them of this Policy and its related procedures;

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- ii. ensuring all Persons of Authority are provided with information and instruction that will enable them to recognize, assess and address Workplace Violence ~~and Workplace Harassment~~ in their respective workplaces, and will ensure Persons of Authority are aware of this Policy and related procedures;
 - iii. ensuring that ~~copies~~ a copy of this Policy ~~Against Violence, Harassment and Discrimination in the Workplace and related procedures are~~ instrument is posted on the established health and safety bulletin boards where it is likely to come to the attention of Employees; and
 - iv. notifying the Ministry of Labour and JHSC, when required, under the OHSA.
- e-e) Human Resources is also responsible for:
- i. receiving and responding to Reports: regarding threats of violence
 - ii. ensuring Reports are investigated, internally or externally, and responded to in a timely and equitable manner, as outlined in this Policy and ~~in related procedures; procedure;~~
 - iii. ensuring the appropriate departments and/or individuals are advised of a Report, where appropriate;
 - ensuring employees receive information related to a risk of Workplace Violence from a person with a history of violent behavior if the employee can be expected to encounter the violent person in the course of his or her work, and the risk of Workplace Violence is likely to expose the employee to physical injury;
 - iv. ensuring the outcome of an investigation under this Policy, and the corrective actions taken (if any), are communicated in writing to Complainant(s) and Respondent(s) who are Employees;
 - v. ensuring that copies of this ~~Policy Against Violence, Harassment and Discrimination in the Workplace and related procedures are~~ policy instrument is posted on a University website; and
 - vi. Where a member of Human Resources is directly involved in the incidents at issue, the above responsibilities will be assumed by UOIT Ontario Tech General Counsel.

14. Office of Campus Safety (OCS)

14.1. OCS will take primary responsibility for responding to actual or attempted acts of Workplace Violence on campus.

14.2. OCS will, as often as is necessary:

- a) assign an OCS Employee to secure the scene of an actual or attempted incident of Workplace Violence, taking care to preserving evidence and gather witness statements from the scene;
- b) Liaise with local law enforcement as necessary and appropriate in the response to acts of actual or attempted incidents of Workplace Violence;
- c) complete an incident report regarding incidents of actual or attempted acts of Workplace Violence and submit the incident report to Human Resources;

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- d) assist Human Resources in the development of measures and procedures to control identified risks that are likely to expose an Employee to Workplace Violence.; and
- e) assist Human Resources in the implementation of interim measures during the course of an investigation into a Report of alleged Workplace Violence.

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MONITORING AND REVIEW

15. This Policy will be reviewed as necessary and at least every three years. The Associate Vice-President, Human Resources, or successor thereof, is responsible to monitor and review this Policy.

RELEVANT LEGISLATION

41.16. Occupational Health and Safety Act, R.S.O. 1990, c O.1, as amended
 Human Rights Code, R.S.O. 1990, c. H.19
 Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c F. 31

RELATED POLICIES, PROCEDURES AND DOCUMENTS

42.17. Academic Staff Employment Policies
 Access to Information and Protection of Privacy Policy
 Emergency Management Plan and Procedures
 Fair Processes Policy
 Non-Academic Staff Policies
 Policy to Prevent and Respond to Sexual Violence for Students
 Procedures for Responding to Incidents of Sexual Violence
 Procedures to Prevent and Address Violence, Harassment and Discrimination in the Workplace
 Records Management Policy
 UOFT Ontario Tech Joint Health and Safety Committee Terms of Reference
 UOFT Ontario Tech Occupational Health and Safety Management System
 UOFT Ontario Tech Student Conduct Policy
 UOFT Ontario Tech-Durham College Threat Assessment Procedures
 Work Refusal Procedures
 Workplace Violence Incident Report
 Workplace Violence Procedure

END NOTES

43. This Policy supersedes the Workplace Violence Policy (LCG 1112), January 2014
 Minor ~~amendment~~amendments to s. 35 h), s. 43, Approved by Board of Governors, May 3, 2017

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