

HR709: Workplace Harassment, Discrimination and Bullying

Policy Title:	Workplace Harassment, Discrimination and Bullying
Policy Number:	HR709
Owner:	Belonging, People and Culture Department
Approved by:	College Executive Team
Effective Date:	
Reference:	Human Rights Tribunal of Ontario Occupational Health and Safety Act [Sec.32] <i>Ontario Human Rights Code</i> Collective Agreements CR306: Sexual Violence and Gender-Based Violence Prevention Policy
Links to Other Policy:	CR1211: Workplace Violence Prevention Policy HR712: Sexual Misconduct of an Employee toward a Student

St. Lawrence College is committed to making our resources fully accessible to all persons. This document will be made available in alternative format upon request.

BACKGROUND

Definitions:

Bullying or workplace harassment

Bullying or workplace harassment is defined as 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. Bullying and harassment can also result from a serious single comment or action, and it does not matter whether the harasser was intending to harm or annoy the other person. Workplace harassment can involve unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating, or demeaning to a worker or group of workers in a workplace. It can also include behavior that intimidates, isolates, or discriminates against the targeted individual(s)

Discrimination

Is any form of unequal treatment, whether intentional or not, that is based on the “Protected Grounds” under Code. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but have the effect of imposing burdens, obligations, or disadvantages, on certain groups of people, or which withholds or limits access to opportunities, benefits, and advantages available to other individuals.

Employees

Refers to an individual who performs work or supplies services for monetary compensation and to students (secondary school, college or university) who may perform work or supply services for no monetary compensation under a program-approved work experience placement as defined in the *Occupational Health & Safety Act* (“OHSA”).

Protected grounds

Refers to that every person is protected from discrimination and harassment in employment, services, goods, facilities and housing because of: race, colour, ancestry, place of origin, citizenship, ethnic origin, disability, creed, sexual orientation, gender identity, gender expression, family status, marital status, age, and record of offences, or any other grounds as defined by the *Ontario Human Rights Code*.

Student

Any individual who is actively enrolled or pre-enrolled in a course or program at the College, at the time of an alleged incident under this Policy.

Work medium

Refers to a broad range of communication or work actions taken to accomplish assigned work, including behaviours both in person, and on any information technology (IT) platforms owned or leased by the College. This includes all forms of communication including, but not limited to, the following: e-mail, chat, web postings, social media, electronic presentations, virtual meetings and text messaging.

Workplace

Is any location where any employee is carrying out any work-related function. The meaning of workplace may also be extended if harassment, discrimination and bullying occur outside the workplace but has an adverse effect on employee relationships in the workplace.

Workplace harassment lead person

The Associate Director, Employee Relations and Workforce Abilities, or a designee, is appointed by the College as the lead person in any matters relating to workplace harassment, discrimination and bullying that involves or affects any Employee of the College. A designee may act on behalf of, and in the same capacity as, the Associate Director, Employee Relations and Workforce Abilities.

Workplace sexual harassment

Workplace Sexual Harassment violates both the Ontario Human Rights Code and the *Occupational Health & Safety Act* (“OHSA”). It is defined as 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. Includes 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. Additionally includes taking or threatening a reprisal against an employee who has rejected a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the employee.

Sexual Misconduct of an Employee towards a Student is specifically outlined in **Policy HR712 Sexual Misconduct of an Employee toward a Student** and should be read in conjunction with this Policy as the investigative process findings of misconduct may result in consequence that affect employment and re-employment.

Purpose:

St. Lawrence College is committed to ensuring our values through a respectful and safe working and learning environment that recognizes the dignity and worth of all employees and students and in which all individuals are treated with respect. As a college community, we strive to be inclusive in all our interactions, practices, and processes. We make every effort to preserve the sense of dignity and belonging of all our diverse members, knowing that this is integral to our collective work experience and well-being.

The purpose of this policy is to:

- Develop and maintain a work and learning culture grounded on Belonging, Equity, Diversity and Inclusion which does not tolerate harassment, discrimination or bullying.
- State employees' rights, responsibilities and types of conduct that are covered by this policy.
- Provide supportive resources, including training and coaching, to foster a respectful work and learning environment.
- Outline the procedures for responding to allegations of discrimination and harassment. The procedures aim to provide people with multiple options for resolving harassment, discrimination and bullying concerns, including a complaint and investigation process and alternative resolution options.

Therefore, the College will enforce the rights and responsibilities of the *Human Rights Code* ("Code") and the workplace harassment provisions of the *Occupational Health & Safety Act* ("OHS").

Employees are personally responsible for their behaviour and conduct at all times and the College equally expects every employee to conduct themselves at work in a way which supports St. Lawrence College Values and commitment to a safe and respectful working and learning environment.

Scope:

- Ensuring the College is free of harassment, discrimination and bullying is a shared responsibility therefore this Policy applies to all employees, workers, and volunteers, regardless of work mediums, in that it reinforces that all employees, workers, and volunteers are entitled to be free from harassment, discrimination and bullying by other employees, workers and volunteers; and it also prohibits all harassment, discrimination and bullying by employees, workers and volunteers towards students.

- This Policy also applies to all students in that they are prohibited from harassment, discrimination and bullying against employees, workers, and volunteers. Students at St. Lawrence College are governed by the Student Code of Conduct and the Complaint Policy, however, in circumstances where students have a dual role as an employee and a student (e.g., CSEP students, co-op students, interns, placement students), this Policy also governs the student employee. The student will adhere to the policy according to the circumstances of their role.
- This Policy applies to all harassment, discrimination and bullying occurring on campus; off campus at college related events; in the course of work assignments or placements off campus; and, during work-related travel. It may also apply if harassment, discrimination, and bullying occur outside the workplace but have a direct link to, and/or an adverse effect on, employee relationships in the workplace.

POLICY STATEMENTS

- Harassment, discrimination and bullying at the College is not tolerated.
- The College treats all allegations and complaints of harassment, discrimination and bullying seriously, whether they are made informally or formally. The College will act on all allegations and complaints in accordance with [Appendix A Procedures](#) to ensure that they are resolved quickly and fairly.
- Employees are strongly encouraged to report all incidents of workplace harassment, discrimination or bullying to their Manager, security staff or the Associate Director, Employee Relations and Workforce Ability and any complaints made in good faith and will not result in negative consequences.
- If reasonable to do so, Employees are encouraged to try to resolve the situation with the person who is alleged to have engaged in harassment, discrimination and bullying. Where the situation cannot be resolved or the situation continues, Employees shall report the conduct to their Manager, security staff, or the Associate Director, Employee Relations and Workforce Ability.
- It is the responsibility of all Employees and other individual affiliated with the College to comply with this Policy and ensure that the workplace remains free from harassment, discrimination and bullying. An Employee, or other person that subjects an Employee to workplace harassment, discrimination or bullying shall be subject to the complaint procedures and investigation and may be subject to remedies, sanctions and disciplinary action up to and including termination.

- Employees who do not take appropriate action to end harassment, discrimination and bullying (including the responsibilities included in Appendix A), or who interferes with investigations into allegations of harassment, discrimination and bullying may also be subject to disciplinary action up to and including termination. This includes any employee who:
 - Fails to take reasonable steps to stop harassment, discrimination and bullying that they have directly witnessed, and/or fails to report such incidents to a manager or the Belonging, People and Culture department;
 - Interferes with the resolution of a harassment, discrimination and bullying complaint;
 - Retaliates against an individual for making a harassment, discrimination and bullying complaint or participating in the complaint resolution process;
 - Breaches the confidentiality of a harassment, discrimination and bullying inquiry or investigation; or,
 - Makes an unfounded harassment, discrimination and bullying complaint in bad faith.
- Students who are found to have harass, discriminated or bullied against an employee, worker, or volunteer, or who have created a poisoned environment for an employee, worker or volunteer are subject to disciplinary action up to and including expulsion pursuant to the Student Code of Conduct and the Complaint Policy.
- To protect the integrity of the process for resolving complaints and to ensure fairness for all participants, all parties to a harassment, discrimination and bullying complaint are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of a harassment, discrimination and bullying complaint to those that need to know.
- This Policy does not preclude the right of every person to seek assistance via other avenues such as the Ontario Human Rights Tribunal and Collective Agreements.
- Legitimate performance management is not harassment, discrimination or bullying. This includes demotion, operational directives, job assignments, inadvertent management errors, or a single incident unless grave or harmful.

MONITORING

The Vice President Belonging, People and Culture Department will monitor this Policy.

NEXT POLICY REVISION DATE

This Policy will be reviewed every two (2) years.

Effective Date of Revised Policy: July 1, 2023

Next Review Due: July 1, 2025

SPECIFIC LINKS

[Bill 26, Strengthening Post-secondary Institutions and Students Act, 2022](#)

[Human Rights Tribunal of Ontario](#)

[Occupational Health and Safety Act \(OHSA\)](#)

[Ontario's Human Rights Code](#)

APPENDIX AND ATTACHMENTS

Appendix A – Procedure for reviewing claims of Workplace Harassment, Discrimination and Bullying

Attachment A - Harassment, Discrimination and/or Bullying Complaint Form