

## RESPECT IN THE WORKPLACE POLICY

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### Revision Dates

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April 01, 2020 – Updated policy format

### Policy Information & Responsibilities

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**Policy No:** G-06

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**Approved by:** Regional Vice President ON

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**Approval Date:** March 01, 2018

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**Amendment Date:** March 01, 2020

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**Executive Responsible:** Vice President Human Resources

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**Administrator Responsible:** HR Generalist

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**Date of Last Review:** April 01, 2020

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**Next Review:** March 01, 2021

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**Manny Bassi – Regional Vice President**

# RESPECT IN THE WORKPLACE POLICY

## Workplace Harassment, Discrimination, and Violence

### 1. POLICY

Hanson College ('Hanson') is committed to ensuring that all employees adhere to high standards of personal conduct through providing a safe, inclusive, and respectful work environment that is free of all forms of Workplace Harassment, Workplace Violence, Discrimination, and Bullying. In keeping with this commitment and in compliance with the [Ontario Human Rights Code](#), [Occupational Health and Safety Act](#) (OHS), harassment and violence of any kind will not be tolerated. Such conduct may result in disciplinary action up to and including immediate dismissal. Conduct of criminal nature may lead to police involvement.

Persons in authority and who supervise the activities of others ('Supervisors') are responsible for ensuring that workers are working in compliance to this policy and related legislation, and that adequate information about harassment and violence is given to workers.

### 2. PURPOSE

The purpose of this policy is to provide all Hanson workers with the knowledge, guidelines, and procedures to safely and appropriately respond to any incidents and reports/complaints, of Workplace Harassment, Workplace Violence, and Discrimination, including provisions for support and resources for those who have experienced harassment, violence, and/or discrimination. The policy also serves to protect, inform, and assert individual rights and responsibilities in accordance with the OHS, Human Rights Code, and any other applicable legislation.

### 3. SCOPE

This policy applies to all Hanson workers, including permanent, temporary, casual, contract, and student workers, on any Hanson premises and events, both on-campus and off-site. It also applies to all interactions, including interpersonal and electronic communications such as email or text messaging.

In the event that a student is a perpetrator or a victim of bullying and harassment, sexual harassment, and/or discrimination, procedures can be referred to in Hanson's Student Misconduct Procedures Guide, Code of Conduct, and if applicable, the Sexual Violence Policy.

### 4. POLICY REVIEW

The contents of this policy will be reviewed annually, and all employees will be provided with access to updates as required.

## **5. DEFINITIONS**

Please refer to Appendix A for definitions related to violence, harassment, and discrimination.

## **6. REPORTING AN INCIDENT**

### **6.1. Personal (Informal) Resolution**

#### **6.1.1. Step 1 – Self Help**

Where employees feel safe and comfortable in doing so, they should communicate disapproval in clear terms to the person(s) whose conduct or comments are offensive. Employees should keep a written record of the date, time, details of the conduct, and witnesses, if any.

#### **6.1.2. Step 2 – Management Support and Intervention**

Employees who do not feel safe and comfortable with Step 1 and who believe they are victims of harassment, violence, and/or discrimination, or become aware of situations where such conduct may be occurring, are encouraged to report these matters to any of the following: the employee's supervisor, manager, any other supervisor or manager, or any member of the Human Resources (HR) department. These individuals will support the employee and attempt to resolve the situation.

If Steps 1 and/or 2 are not appropriate or prove to be ineffective, a formal report/complaint may be filed to Human Resources (please see the following section).

### **6.2. Filing a Formal Report/Complaint to Human Resources**

- 6.2.1.** In the event of an emergency, employees should call **911** and/or seek medical attention.
- 6.2.2.** The employee is encouraged to first seek assistance from his/her immediate supervisor, who should attempt to resolve the problem.
- 6.2.3.** If the individual to whom you would normally report is the person who has engaged in or is engaging in conduct you believe amounts to harassment or violence, report the incident to another member of management or to the HR Department.
- 6.2.4.** Incidents may be reported verbally or in writing (using the Workplace Harassment Complaint Form). Employees can also request that a report be filed by a fellow staff member on their behalf.

## **7. DETERMINING WHETHER TO INVESTIGATE: The Initial Review**

- 7.1.** Upon receipt of a formal complaint, HR will initiate an initial review process which will ultimately result in a final decision on whether to conduct a formal investigation.

- 7.2. No disciplinary action will be taken against persons without their knowledge. Respondents will be given reasonable notice, with full detail of the allegations, and will be provided with an opportunity to respond to the allegations made against them.
- 7.3. The results of the initial review, and the decision whether or not to proceed with a formal investigation, must be communicated in writing to both the Complainant and Respondent before any subsequent procedures are initiated.

## **8. FORMAL INVESTIGATION AND DECISION-MAKING PROCESS**

- 8.1. An investigation must be completed within 90 calendar days or less unless there are extenuating circumstances warranting a longer investigation (e.g. more than five witnesses, key witness unavailable due to illness).
- 8.2. A person with the appropriate skills, training, and/or experience will be appointed by Hanson to conduct the formal investigation.
- 8.3. Most investigations will be conducted internally by the complainant's supervisor or, if the supervisor is the Respondent, by another member of management.
- 8.4. A party to an investigation has the right to have a person present with him/her at any stage of the process, including legal or other representation.
- 8.5. Once an investigation is complete, management will review the contents of the investigator's written report.
- 8.6. HR will confirm to the Complainant and the Respondent, in writing, of the results and decision of the investigation. The decision may include disciplinary action that may be taken.
- 8.7. All workers are expected to cooperate with the investigator and to provide any details of incident they have experienced or witnessed.
- 8.8. The Complainant and the Respondent will have access to an appeals process following the completion of the investigation, as described below.
- 8.9. Any documents and/or materials relating to the investigation, including:
  - 8.9.1. The investigator's notes;
  - 8.9.2. The investigation report;
  - 8.9.3. Written statements obtained from the Complainant, Respondent, and any other witness; and other relevant documents or evidence collected,

Will be filled with HR following the investigation. Hanson will make all reasonable effort to preserve the confidentiality of all information, as described below.

## **9. OUTCOME OF THE INVESTIGATION**

- 9.1. The results must be communicated in writing within ten (10) calendar days of the investigation being concluded to the worker who has experienced the alleged harassment.

**9.2.** Following the investigation, Hanson may take such action or impose sanctions that are appropriate in the circumstances. These actions may include, but are not limited to:

**9.2.1.** Referring a party to services and supports;

**9.2.2.** Imposing discipline, up to and including termination of employment (for employees of Hanson);

**9.2.3.** Imposing sanctions up to and including termination of a contractual relationship (for contractors); and/or

**9.2.4.** Engaging the assistance of emergency services.

## **10. RIGHT TO WITHDRAW A REPORT/COMPLAINT**

A Complainant has the right to withdraw a report/complaint at any stage of the process. However, Hanson may continue to act on the issue identified in the complaint in order to comply with this policy or legislation, especially if Hanson has reason to believe that the identified issue imposes an imminent risk to the health and safety of Hanson employees.

## **11. PROTECTION FROM REPRISALS, RETALIGATION, OR THREATS**

It should be noted that, regardless of the outcome of a complaint made in good faith, the individual lodging the complaint, as well as anyone providing information, will be protected from any form of retaliation and/or reprisal by co-workers. Alternately, since allegations made in bad faith can have serious implications on innocent individuals, the abuse of the policy or the making of frivolous allegations will not be tolerated and will result in disciplinary action.

## **12. APPEALS**

Appeals against the decision of any investigation may be made, in written format, and submitted to the HR department for review. Hanson will provide a response with their decision regarding the appeal request within an appropriate and given timeframe.

## **13. SUPPORTS AND RESOURCES**

The Human Resources (HR) Department is the designate for making available supports, services, accommodations, and resources for those affected by workplace harassment and discrimination.

## **14. CONFIDENTIALITY**

**14.1.** Hanson respects the privacy and confidentiality of all persons. All records regarding reports/complaints, investigations, and incidents of workplace harassment and discrimination will be filed in a confidential manner and maintained in a confidential database that will be monitored and regulated by the HR Department.

**14.2.** However, confidentiality cannot be assumed in the following circumstances:

- a. An individual is at imminent risk or self-harm;
- b. An individual is at imminent risk of harming another;
- c. There are reasonable grounds to believe that others in the Hanson or wider community may be at risk or harm; and/or
- d. Reporting or investigation is required by law (ex. An incident involving a minor; or obligations related to occupational health and safety or to human rights legislation). In such circumstances, information will only be shared with necessary services to prevent harm.

## **15. RELATED POLICIES**

- Health and Safety Policy
- AODA Policy
- Hanson Code of Conduct
- Sexual Violence Policy (for student cases)
- Student Misconduct Procedures Guide (for student cases)

## **APPENDIX A: Definitions**

*For the purposes of this policy, 'Workplace Harassment' includes Bullying, Workplace Sexual Harassment, and Discrimination.*







movement of another person; distributing obscene pictures or cartoons; making insults about a person's gender; and asking for sexual favors in return for continued employment or employment opportunities.

Workplace Sexual Harassment includes harassment in any form of contact, either online, physical, verbal, or gestural.

Workplace harassment, including workplace sexual harassment, that involves threats, attempts, or actual acts of physical force or violence, would be considered workplace violence under the Occupational Health and Safety Act and complainants would therefore refer to the Workplace Violence procedures on how to proceed.

**Poisoned Work Environment** Created by comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of management) that create a discriminatory work environment such that it can be said that it has become a term and condition of one's employment to have to be in such a workplace. The comments or conduct need not be directed at a specific individual, and may be from any individual, regardless of position or status. A single comment or action, if sufficiently serious, may create a poisoned environment.

**Workplace Violence** The exercise, statement, or behaviour of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker, such as:

- Physical acts (e.g. hitting, shoving, pushing, kicking, sexual assault, throwing an object at a worker, kicking an object the worker is standing on such as a ladder; or trying to run down a worker using a vehicle or equipment such as a forklift);
- Any threat, behaviour, or action which is interpreted to carry the potential to harm or endanger the safety of others, result in an act of aggression, or destroy or damage property; or
- Disruptive behaviour that is not appropriate to the work environment (e.g. yelling or swearing).

For the purposes of this policy, workplace violence includes Sexual Violence and its various forms, and Domestic Violence.

**Sexual Violence**

Any sexual act or 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 without the person’s consent. This includes Sexual Assault, Sexual Harassment, stalking, indecent exposure, voyeurism, and sexual exploitation.

**Sexual Assault**

Any form of sexual contact without a person’s Consent. Sexual Assault constitutes a range of behaviours that may involve the use of force, threats, or control towards an individual, from unwanted sexual touching to forced sexual intercourse; and can involve situations where sexual activity is obtained by someone abusing a position of trust, power, or authority. Sexual assault is a criminal offence under the Criminal Code of Canada.

**Domestic Violence**

A person who has a personal relationship with a worker – such as a spouse or former spouse, current or former intimate partner or a family member – may physically harm or attempt or threaten to physically harm, that worker at work. In these situations, domestic violence is considered workplace violence.

**Complainant**

A Hanson worker who has made a Report/Complaint of an incident of workplace harassment and/or discrimination.

**Respondent**

Someone against whom an allegation of workplace harassment and/or discrimination has been made.

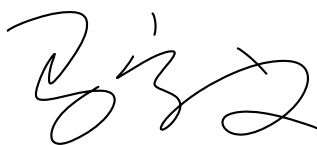
**Consent (Sexual Violence)**

As described in the Criminal Code of Canada, ‘Consent’ is the voluntary and explicit agreement to engage in the sexual activity in question. It is the act of willingly and consciously agreeing to engage in specific sexual behaviour, and requires that a person is able to freely and consciously choose between two options: yes and no. This means that there must be an understandable exchange of affirmative words between the parties involved; which indicates a willingness to participate in mutually agreed upon sexual activity.

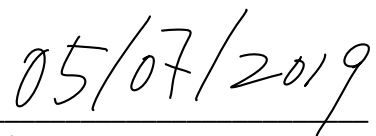
In terms of what constitutes as a situation where **no consent is obtained**, the following must be understood:

- A person who is asleep, unconscious, or is otherwise unable to communicate, is incapable of giving consent.
- Consent cannot be obtained from a person who has been threatened or coerced (i.e. is not agreeing voluntarily) into engaging in sexual activity.
- A person who is not in a fully conscious state of mind, or who is under the influence of drugs or alcohol, is unable to give full consent.
- A person may be unable to give consent if he/she has a mental disability preventing them from fully understanding sexual acts.
- Consent that was given in the past to a sexual or dating relationship does not mean that consent is deemed to exist for all future sexual activity. Consent must always be obtained.
- A person can withdraw consent at any time during the course of a sexual encounter.
- A person is incapable of giving consent to a person in a position of trust, power, or authority, such as:
  - A faculty member initiating a relationship with a student;
  - An administrator initiating a relationship with anyone who reports to that position or is in direct line of authority to that position.
- Consent to engage in sexual activity cannot be given on behalf of another person.

It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated at all stages of sexual engagement. It is also the initiator's responsibility to know if the person he/she is engaging with sexually is a minor under the Law.



Shouyi Ma, President and CEO



Date