



# BUSU

BROCK UNIVERSITY  
STUDENTS' UNION

## WORKPLACE HARASSMENT AND DISCRIMINATION POLICY

### PURPOSE

The Brock University Students' Union, Inc. ("BUSU") is committed to providing and maintaining a professional working environment that is based on respect for the dignity and rights of everyone in the organization.

While BUSU cannot eliminate all behavioural risks, it is BUSU's goal to provide a healthy and safe work environment that is free from discrimination, harassment or violence.

BUSU recognizes the obligation to:

- Provide and maintain a safe and healthy workplace;
- Support and promote an environment that is free of disruptive workplace conflict and disrespectful behavior, and;
- Comply with all duties and responsibilities under the provision of the [Ontario Human Rights Code](#) and [Occupational Health and Safety Act](#) and its Regulations as may be amended from time to time.

The overall purpose of this policy is to ensure that:

- All employees understand the key terms and definitions that relate to this policy.
- All employees understand their role and responsibilities as they relate to workplace harassment and/or discrimination.
- Educate employees to increase awareness and sensitivity in order to identify conduct that is in violation of this policy and to understand the negative impact of workplace harassment and/or discrimination..
- BUSU builds an environment where employees feel safe to disclose incidents of harassment and/or discrimination.
- To prevent workplace harassment and/or discrimination.
- To provide a process and procedure to handle complaints and disclosures.

### SCOPE

1. This policy applies to all employees, Board Members, Executives, Council Members, contractors, volunteers and consultants. It applies in any location in which an employee is engaged in work-related activities. This includes, but is not limited to:

- the workplace
  - during work-related travel
  - at restaurants, hotels or meeting facilities that are being used for business purposes
  - in company-owned or leased facilities
  - in all company owned residences
  - during telephone, e-mail or other communications
  - at any work-related social event, whether or not it is company sponsored
2. This policy applies to situations in which you are discriminated or harassed in the workplace from individuals who are not employees of the organization such as students, suppliers and members of the public although the available remedies may be constrained by the situation.

## **DEFINITIONS**

### **DISCRIMINATION**

1. Workplace discrimination includes any distinction, exclusion or preference based on the protected grounds in the *Ontario Human Rights Code*, which nullifies or impairs equality of opportunity in employment or equality in the terms and conditions of employment.
2. The protected grounds of discrimination are:
  - race, colour, ancestry, citizenship, ethnic origin or place of origin
  - creed, religion
  - age
  - sex
  - gender identity and gender expression
  - sexual orientation
  - family, marital (including same-sex partnership) status
  - disability or perceived disability
  - a record of offences for which a pardon has been granted under the federal *Criminal Records Act* and has not been revoked or an offence in respect of any provincial enactment

### **HARASSMENT**

1. The Ontario *Occupational Health and Safety Act* defines "workplace harassment" as:
  - (a) "engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome" or
  - (b) Workplace sexual harassment.

### **WORKPLACE SEXUAL HARASSMENT**

1. Workplace Sexual Harassment means,

- (a) 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
  - (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 advance to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.
2. Sexual harassment includes conduct or comments of a sexual nature that the recipient does not welcome or that offend them.. It also includes negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are directed at an individual because of gender identity, expression, or sex designation.gender.
3. All People can be victims or propogators of harassment.
4. Some examples of sexual harassment may include:
  - sexual advances or demands that the recipient does not welcome or want
  - threats, punishment or denial of a benefit for refusing a sexual advance
  - offering a benefit in exchange for a sexual favour
  - leering (persistent sexual staring)
  - displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic Web sites or other electronic material
  - distributing sexually explicit e-mail messages or attachments such as pictures or video files
  - sexually suggestive or obscene comments or gestures
  - unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, clothing or sex
  - demanding hugs
  - unwelcome remarks about a person's physical appearance
  - bragging about sexual ability
  - using rude or insulting language or making comments that stereotype people.
  - asking for a date and not taking "no" for an answer
  - persistent, unwanted attention after a consensual relationship ends
  - physical contact of a sexual nature such as touching or caressing
  - unnecessary touching or patting
  - sexual assault

## **DISCRIMINATORY HARASSMENT**

1. Discriminatory harassment includes comments or conduct based on the protected grounds in the *Ontario Human Rights Code* which the recipient does not welcome or that is offensive.
2. Some examples of discriminatory harassment may include:
  - offensive comments, jokes or behaviour that disparage or ridicule a person's membership in one of the protected grounds such as race, religion or sexual orientation
  - imitating a person's accent, speech or mannerisms
  - persistent or inappropriate questions about whether a person is pregnant, has children or plans to have children
  - inappropriate comments or jokes about an individual's age, ability or a protected ground in the *Ontario Human Rights Code*.
3. Harassing comments or conduct can poison someone's working environment, making it a hostile or uncomfortable place to work, even if the person is not being directly targeted. This is commonly referred to as a poisoned working environment and it is also a form of harassment.
4. Some examples of actions that can create a poisoned work environment if they are sufficiently serious or occur repeatedly, include:
  - deliberately excluding or socially isolating another individual from the team; for example, taking coffee orders and deliberately omitting to ask the individual
  - displaying offensive or sexual materials such as posters, pictures, calendars, Web sites or screen savers
  - distributing offensive e-mail messages or attachments such as pictures or videos
  - practical jokes that embarrass or insult someone
  - jokes or insults that are offensive or discriminatory in nature

## **WORKPLACE HARASSMENT AND BULLYING**

1. Workplace harassment is a health and safety issue that is covered under the *Ontario Occupational Health and Safety Act*.
2. Workplace harassment may have some or all of the following components:
  - it is generally repetitive, although a single serious incident may constitute workplace harassment if it undermines the recipient's psychological or physical integrity and has a lasting harmful effect
  - it is hostile, abusive or inappropriate
  - it affects the person's dignity or psychological integrity
  - it results in a poisoned work environment

- it may be insulting, hurtful, hostile, vindictive, cruel or malicious in nature
  - it may undermine, disrupt or negatively impact one's ability to do their job
  - it need not be intentional or deliberate
3. In addition, behaviour that intimidates, isolates or discriminates against the recipient may also be included.
4. Some examples of workplace harassment include:
- verbally abusive behaviour such as yelling, insults, ridicule and name calling, including remarks, jokes or innuendoes that demean, ridicule, intimidate or offend
  - workplace pranks, vandalism, bullying and hazing
  - gossiping or spreading malicious rumours
  - excluding or ignoring someone, including persistent exclusion of a particular person from work-related social gatherings
  - a person with power undermining someone else's efforts by setting impossible goals with short deadlines and deliberately withholding information that would enable a person to do their job
  - a supervisor/manager providing only demeaning or trivial tasks in place of normal job duties
  - humiliating someone
  - sabotaging someone else's work
  - displaying or circulating offensive pictures or materials
  - offensive or intimidating phone calls or e-mails
  - making false allegations about someone in memos or other work-related documents

### **WHAT ISN'T HARASSMENT?**

1. Workplace harassment should not be confused with legitimate, reasonable management actions that are part of the normal work function, including:
- performance measures or targets established to meet service delivery and/or funding obligations
  - measures to correct performance issues such as placing someone on a performance improvement plan
  - imposing discipline for workplace infractions
  - requesting medical documents in support of an absence from work as a part of the accommodation process
2. Workplace harassment also does not include normal workplace conflict that may occur between individuals or differences of opinion between co-workers.

## **THE TEST OF HARASSMENT**

1. It does not matter whether you intended to offend someone. The test of harassment is whether you knew or should have known that the comments or conduct were unwelcome to the other person. For example, someone may make it clear through his or her conduct or body language that the behaviour is unwelcome, in which case you must immediately stop that behaviour.
2. Although it is commonly the case, the harasser does not necessarily have to have power or authority over the recipient..
3. While harassment is generally a course of conduct or comment, even single acts of harassment may be sufficiently serious to violate this policy and satisfy the test of harassment.

## **PREVENTING HARASSING**

It is the mutual responsibility of BUSU and all employees to ensure that we create and maintain an anti-discrimantory and anti-harassment based workplace.

## **THE BROCK UNIVERSITY STUDENTS' UNION, INC. COMMITMENT**

1. The Brock University Students' Union, Inc. will do its part by not tolerating or condoning workplace discrimination and/or workplace harassment. This includes making everyone in our organization aware of what behaviour is and is not appropriate, investigating complaints and imposing suitable corrective measures and re-training.
2. BUSU is also committed to implementing and maintaining this policy and procedure to ensure that it is effective in preventing workplace discrimination and/or harassment.
3. BUSU is committed to creating a productive and respectful workplace by:
  - a. Informing employees of their rights and responsibilities
  - b. Providing ongoing training and support regarding the implementation and maintenance of this policy
  - c. Establishing a safe process for reporting, investigating, documenting and debriefing incidents subject to this policy
  - d. Ensuring that an investigation appropriate in the circumstances is conducted when it becomes aware of an incident of workplace harassment or receives a complaint of workplace harassment
  - e. Promptly responding to all concerns of discrimination and/or harassment and not condoning or permitting any behaviour contrary to this policy
  - f. Imposing appropriate corrective action for any substantiated complaint regardless of the status of the respondent
  - g. Protecting employees from reprisal for pursuing their rights under this policy and during its process
  - h. Conducting an annual review of the effectiveness of the policy and the procedure

## **DUTIES OF SUPERVISORS AND MANAGERS**

Supervisors and managers are expected to assist in creating an anti-discriminatory and anti-harassment based workplace and to immediately contact the Director, Operations if they witness conduct or receive a complaint of workplace discrimination and/or harassment. If the concern involves the Director, Operations, you will immediately advise the General Manager.

## **DUTIES OF ALL EMPLOYEES**

1. Employees must do their part by ensuring that their behaviour does not violate this policy and by fostering a work environment that is based on respect and is free of harassment and discrimination.
2. Report all incidents experienced or witnessed promptly to the Director of Operations or to the General Manager where the incident involves the Director of Operations.
3. Cooperate during the investigation process.
4. Be familiar with and follow the procedures in place to report incidents or concerns in violation of this policy that you are involved with directly or have witnessed.
5. Participate in all training and information series regarding workplace harassment and discrimination prevention efforts.

## **GENERAL PROCEDURE FOR RESOLVING AND INVESTIGATING DISCRIMINATION AND WORKPLACE HARASSMENT**

1. The information and formal procedure for resolving and investigating complaints of workplace discrimination harassment is set out in The Brock University Students' Union, Inc. Workplace Violence and Harassment Program.

## **RECORD KEEPING**

The Brock University Students' Union, Inc. will keep records of all complaints or incidents of workplace discrimination and workplace harassment including:

- a copy of the complaint or details about the incident
- records of the investigation, including notes
- a copy of witness statements, if any were taken
- a copy of the investigation report, if any
- a copy of the results of the investigation that were provided to the complainant and respondent
- a copy of any corrective action taken.

These records will remain confidential and should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise required by law.

### **TRAINING**

All employees will be provided training on this policy and The Brock University Students' Union, Inc. Violence and Domestic Violence Policy as well as the Workplace Violence and Harassment Program to pursue and resolve complaints.

Members of The Brock University Students' Union, Inc. Joint Health and Safety Committee will receive training on this policy and program, including how to help an employee report an incident and resources available to an employee who has allegedly experienced discrimination and workplace harassment.

### **PROTECTION FROM RETALIATION**

The Brock University Students' Union, Inc. will not tolerate retaliations, taunts or threats against anyone who complains about discrimination or workplace harassment or takes part in an investigation. Any person who taunts, retaliates against or threatens anyone in relation to a workplace discrimination and/or harassment claim may be disciplined or terminated.

### **BAD FAITH ALLEGATIONS**

A person who submits a complaint in good faith, even where the complaint cannot be proven, has not violated this policy.

It is uncommon for someone to make a false complaint deliberately, but it may happen. Where an investigation finds a complainant has knowingly made a false allegation, the complainant will be subject to appropriate disciplinary action.

### **REVIEW**

BUSU will review this policy as often as is necessary but at minimum it will conduct a review annually.

Policy Accepted By:	BUSU Board of Directors
Effective Date:	October 2018
Next Review:	October 2019
Revision History:	
Related Documents:	Occupational Health and Safety Act Ontario Human Rights Code