



Workplace Harassment Prevention Program

January 2013

Carleton University: committed to respect and safety in the workplace

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Introduction

Carleton University is committed to providing a safe learning and work environment and maintaining a Workplace that is free of Workplace Harassment as required by the Occupational Health and Safety Act (Act). This document supplements the University policy entitled “Workplace Harassment Prevention” and outlines the responsibilities associated with this program. The program will be reviewed annually and revised as necessary.

I. Objectives:

1. To take every precaution reasonable in the circumstances to prevent Workplace Harassment.
2. To provide guidelines on:
 - How to develop and implement preventative measures
 - How to report and investigate Workplace Harassment
 - How to follow-up on incidents
3. To assist faculty and staff in addressing Workplace Harassment.

II. Application:

This program applies to Workers, Related Third Parties, and students.

III. Policies, Standards and Legislation:

1. The University policy entitled “*Workplace Harassment Prevention*” states:

“Carleton University is committed to the protection of the health, safety and wellbeing of all members of the University community. As such, the University will take all precautions reasonable to provide and maintain a respectful learning and working environment that is free of Harassment. Harassment will not be tolerated in the Workplace.”

2. The *Occupational Health and Safety Act* requires all employers to take every precaution reasonable in the circumstances to protect Workers against Workplace Harassment.
3. The *Criminal Code of Canada* makes it an offence for a person to knowingly, or recklessly engage in conduct that causes a person to fear for their safety or the safety of anyone known to them.

IV. Definitions:

Workplace Harassment: Workplace Harassment as defined by the *Occupational Health and Safety Act* means:

“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.”

The definition of Workplace Harassment is broader than Harassment as defined by the *Human Rights Code*.

Examples of Workplace Harassment under this definition may include, but are not limited to:

- Unwelcome words or actions that are known or ought reasonably to be known to be offensive, embarrassing, humiliating or demeaning to a Worker or group of Workers
- Behaviour that intimidates, isolates, or discriminates against a Worker or group of Workers
- Repeated words or actions, or a pattern of behaviours, against a Worker or group of Workers in the Workplace that are unwelcome. A single event can be considered if it is grave or harmful

Workplace Harassment does not include:

- Legitimate performance management
- Operational directives
- Job assignments
- Inadvertent management errors,

Act: “Act” is the *Occupational Health and Safety Act*, R.S.O. 1990, as amended.

Complainant: A “Complainant” is any person who is a Worker (including any employee whether covered by a collective agreement with the University or employed under an individual contract of employment), or student and any person who is a volunteer, all of whom are entitled to submit a complaint under this program.

Contractor: A “Contractor” is an organization, partnership, or individual engaged by Carleton University to provide services to the University either personally or with the assistance of other individuals.

Cyberbullying: Deliberate repeated bullying or harassing behavior that uses the internet, social media, or other web related technology, such as email and rtext messages, experienced by a Worker in the course of their duties

Manager/Supervisor: A “Manager/Supervisor” is the person responsible for the work unit who has the ability to review behavior and initiate corrective action including discipline, if required. (the person who has charge of the workplace or authority over a worker)

Related Third Party: Related Third Party includes a Contractor and the Contractor’s employees or subcontractors.

Respondent: A “Respondent” is any person who is a Worker (including any employee whether covered by a collective agreement with the University or employed under an individual contract of employment), or a student and any person who is a volunteer, any one of whom is alleged to have engaged in Workplace harassment as defined above.

Visitor: A “Visitor” is any person who is not a Worker or a student or a Related Third Party who has occasion for any reason to visit the University campus.

Worker: A “Worker” has the definition ascribed under the *Act*, namely a person who performs work or supplies services for monetary compensation and also includes any person recognized by Carleton University as a volunteer.

Workplace: For the purposes of this program, the Workplace includes but is not limited to, the Carleton University campus, locations of business travel and conferences, student placements, field trips and University sponsored social events and any other place where workers are expected to fulfill their duties.

V. Roles and Responsibilities: Workplace Harassment

Shared Responsibility

To ensure the preservation of a productive, safe and peaceful learning and work environment:

- Everyone involved with Carleton University shares a responsibility to create and maintain an environment free of Workplace Harassment and to act respectfully towards one another.
- Every effort must be made to work toward changing and resolving of complaints by all those affected.
- Anyone who witnesses Workplace Harassment is responsible for bringing it to the attention of his/her Manager/Supervisor and for participating in the investigation of the complaint.

Management/Supervisory Responsibilities

Managers/Supervisors are responsible for understanding what constitutes harassing behaviour and conducting themselves in accordance with the spirit and intent of the program and policy.

Managers/Supervisors shall:

- Act respectfully in their interactions with all members of the University community.
- Communicate to all members of the University community that Workplace Harassment is not permitted and will not be condoned or ignored.
- Demonstrate by leadership and action a commitment to the prevention of Harassment by maintaining an environment free of Workplace Harassment.
- Communicate the principles of the “Workplace Harassment Prevention” program and policy and uphold its intent.
- Take the steps necessary to end any Harassing behavior of which they are aware, regardless of whether a complaint has been filed.
- Take all complaints of Workplace Harassment seriously.
- Promptly and diligently investigate any reported or witnessed incident of Workplace Harassment.
- Encourage and provide opportunity for participation in education and training programs provided by the University.

- Provide information to Workers on various support programs/mechanisms available to them (e.g. Employee and Family Assistance Program).
- Keep detailed confidential records of any incident of Workplace Harassment or investigations and forward to the AVP Human Resources as required.
- Participate in education and training programs as required

Worker Responsibilities

Workers shall:

- Act respectfully in their interactions with all members of the University community.
- Serve as role models in the Workplace by promoting a Harassment free Workplace.
- Cooperate with the University in efforts to investigate and resolve matters arising under the program (the Worker may choose to request union representation in accordance with the applicable collective agreement and legislative requirements).
- Abide by the requirements of this program and applicable procedure(s).
- Report any incidents of Workplace Harassment that have been experienced or witnessed in accordance with the applicable procedure(s).
- Participate in education and training programs as required.

VI. Training

All Workers will be provided information and instruction on the contents of the policy and program with respect to Workplace Harassment. Further information about course offerings is available on the Learning and Development and the Environmental Health and Safety websites.

VII. No Reprisal

Workplace Harassment is a serious matter. This program prohibits reprisals against Workers who have made good faith complaints or provided information regarding a complaint or incident of Workplace Harassment.

Persons who engage in reprisals or threats of reprisals may be disciplined up to and including dismissal from employment.

Reprisal includes:

- Any act of retaliation that occurs because a person has complained of or provided information about an incident of Workplace Harassment;
- Intentionally pressuring a person to ignore or not report an incident of Workplace Harassment; and
- Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of Workplace Harassment.

Although false and frivolous accusations of harassment occur in rare instances, such false accusations are serious offences because they may have serious consequences for the accused.

The insufficiency of evidence to prove a complaint does not mean that the complaint was submitted in bad faith. A malicious or bad faith complaint means that a person who has made a complaint, made such a complaint when he/she knew or ought to have known that it was untrue.

A Worker who makes a false complaint or otherwise abuses this program may be disciplined up to and including dismissal from employment. Such discipline is not a reprisal or breach of this policy.

VIII. Harassment by/of Students and Visitors

Harassment by/of Students

The University does not condone Workplace Harassment by or toward any student registered in a course or program of study at Carleton University (“Student”).

- If a Worker is subjected to harassing behaviour by a Student, he or she should seek support from their Manager/Supervisor who will refer the matter to the Associate Vice-President (Students and Enrolment) and University Registrar.
- A Student who is subjected to harassing behaviour by a Carleton Worker should report it to the Worker’s Manager/Supervisor.

The University does not condone Harassment by or toward Visitors.

- All members of the Carleton community should make it clear to visitors that harassing behaviour is not acceptable at Carleton University.
 - If a Worker is subjected to harassment by a visitor, he or she should seek support from his/her Manager/Supervisor.
 - Campus Safety may be called by a Manager/Supervisor to escort the visitors off campus and/or take other appropriate action.
- Visitors who are subjected to harassment by a Carleton Worker should be encouraged to contact University Safety and/or the worker’s manager or supervisor. DUS will contact the appropriate manager/supervisor.

IX. Harassment by/of Related Third Parties

The University does not condone harassment by or toward Related Third Parties.

- Workers subjected to harassment by a Related Third Party should report it to their Manager/Supervisor who will investigate the complaint.
- Related Third Parties who are subjected to harassment by a Carleton Worker should report it to their Contractor.
- The Contractor should report complaints of harassment to the Carleton Contract Manager. The complaint will be investigated using the process outlined in Section X.

X. Complaint Process - Informal and Formal Investigation Procedure

Confidentiality

- All reports made in the course of action taken pursuant to these procedures shall be considered to be confidential by the parties involved and by those who, in providing advice and carrying out duties contemplated in these procedures, are required to know of their existence and content.
- The identities of all Complainants, Respondents and Witnesses, and the nature of the complaint itself, will be kept confidential and only persons with a need to know will be informed.
- Workers may request union representation as appropriate.

Process

The complaint process will be fair:

- the Respondent will be informed of the allegations
- the Respondent will be provided the opportunity to respond
- an investigation will be made by the appropriate level of management in consultation with the AVP Human Resources, if required
- in the event of conflict of interest, appropriate alternative measures will be taken

Attached as Appendix A is a Process Map outlining the complaint reporting and investigation process.

Reporting

All Workers are responsible for reporting Workplace Harassment as defined by the Ontario *Occupational Health and Safety Act* to their Manager/Supervisor. If the Worker's immediate Manager/Supervisor is involved in the Workplace Harassment, the Worker shall contact the next level Manager/Supervisor.

In all cases, the Manager/Supervisor will follow the reporting procedures as outlined below. If the Manager has concerns about whether the matter should be referred to the Ottawa Police, he or she should consult with the Department of University Safety. No Manager/Supervisor should go to the Ottawa Police without consulting with the Department of University Safety

When a Manager/Supervisor Becomes Aware of a Workplace Harassment Concern

- The Manager/Supervisor assesses the immediate risk, gathers information and documents the concern within two days of receiving the complaint. He or she will consult with one of the resources listed on Appendix B and decide whether the concern is based on a complaint under the *Human Rights Code* or is a University Safety issue.
- If the concern falls within the scope of the *Human Rights Code* the Manager/Supervisor may refer to Equity Services for support

- If the concern does not fall within the scope of the *Human Rights Code* or University Safety, the Manager/Supervisor determines whether the resolution falls within the informal *or formal process* for resolution.
- If the Respondent is a student and the incident involves student misconduct, the concern is referred to Student Affairs. If the issue is regarding Human Rights it will be referred to Equity Services. If a complaint under this program is received by Student Affairs, Equity Services, Human Resources or University Safety the Manager/Supervisor will be involved in the resolution of the concern, as appropriate.

Informal Resolution

A Manager/Supervisor who receives a complaint of Workplace Harassment resolvable through informal resolution must take reasonable action to assist the Complainant in achieving a resolution within ten (10) days of receiving the complaint.

- Efforts at informal resolution are a shared responsibility and should include individual meetings with the parties as appropriate (i.e. Complainant, Respondent and witnesses). The parties may decide to meet as a group to discuss the issue.
- If desired, the parties at the meeting may invite representatives of their union(s). The Manager/Supervisor shall record the details of information provided during the informal resolution process.
- The Manager/Supervisor shall consider if any interim measures are required during the resolution process. Interim measures may change based on the circumstances of the nature of each incident and do not reflect the merit of the incident.
- If the concern is resolved informally then the file is closed.
- If the concern is not resolved at this stage, then the Manager/Supervisor may also seek assistance from the AVP Human Resources. After consultation, the Manager/Supervisor may then attempt further informal resolution.
- If the concern is resolved informally at this point then the file is closed. If informal resolution is not possible, the Manager/Supervisor shall forward the complaint (Appendix C – *Workplace Harassment Reporting Form*) to the AVP Human Resources to initiate a formal investigation. (Proceed to “Formal Investigation Procedure”)
- The Manager/Supervisor in consultation with the AVP Human Resources will make a decision as to what additional interim measures, if any, are required in the Workplace while the AVP Human Resources considers the complaint.
- Any of the parties may request a formal review of the decision of the Manager/Supervisor by submitting additional evidence in writing to the AVP Human Resources within 30 days of receiving the decision.

Formal Investigation Procedure

Upon receipt of a request for a formal investigation of a Workplace Harassment concern, the AVP Human Resources shall appoint an investigator within ten days of receiving the complaint and the investigation shall proceed expeditiously and on a confidential basis.

- One of three types of investigators may be appointed:
 - internal investigator (i.e. Senior Manager or trained investigator)

- third-party investigator
- referral to University Safety
- The investigator will be responsible for establishing the facts, including interviews of the Complainant, the Respondent and any witnesses.
- The Complainant, Respondent and Witnesses will be provided a copy of the information they provided during the course of the investigation.
- The Worker may choose to request union representation throughout this process.
- The Complainant, Respondent and witnesses may be called upon with advance notice to ensure the timeliness of the investigation process.

Investigation Process

The investigation process will be fair:

- the Respondent will be informed of any and all allegations
- the Respondent will be provided the opportunity to respond
- a decision will be made by an impartial decision-maker, and
- in the event of conflict of interest, appropriate alternative measures will be taken.
- The investigator interviews the Complainant(s).
- The investigator interviews Respondent(s) if identified.
- The investigator meets with any witnesses identified as having knowledge of the incident, if necessary.
- If required, the investigator will re-interview the Complainant(s), Respondent(s) or witness(es).
- The investigator will prepare and submit a report within 30 days providing the facts and findings and determine whether there is:
 - sufficient evidence to substantiate a finding of violation of the policy, or
 - insufficient or lack of credible evidence to substantiate the alleged violation of the policy, or
 - no violation of the policy

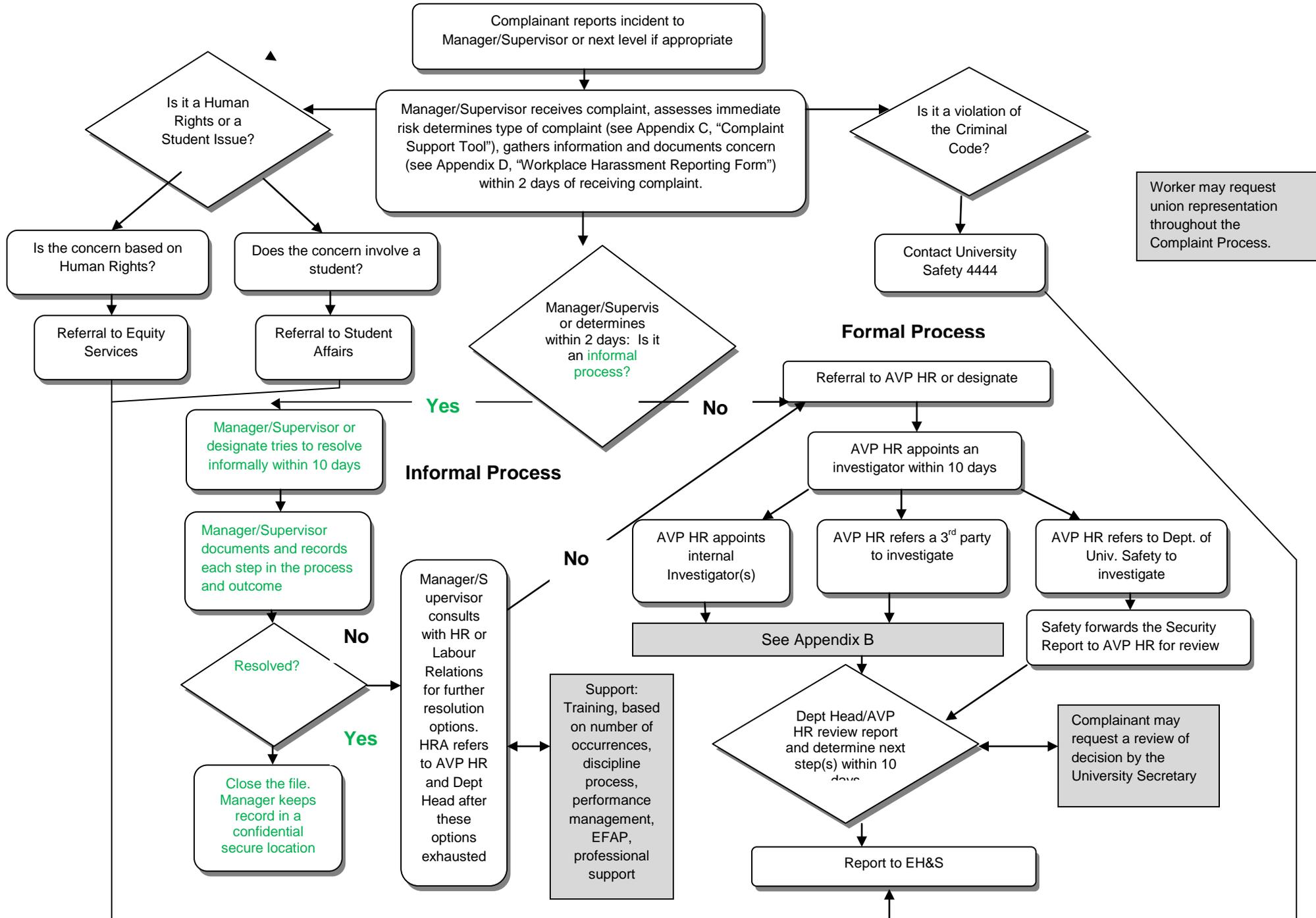
Copies of the investigative report will be distributed to the following recipients:

- the Department Head or delegate
- the AVP HR
- the Complainant(s)
- representative of the union(s) of which the Complainant and/or Respondent are members, as relevant
- the Respondent(s), if identified

- Based on the investigator's findings, the Department Head or delegate in consultation with the AVP Human Resources, and/or other University officials as relevant, shall determine whether further action is warranted (i.e. initiate corrective action) within ten (10) days of receiving the investigator's report.
- Once the investigative process has been completed and corrective actions, if any, are implemented, the file will be closed.
- Where a complaint is lodged by more than one Complainant or is against more than one Respondent, the Complainant or Respondent, as the case may be, shall receive only the portions of findings applicable to their specific complaint/response.
- Any of the parties may request a formal review of the decision of the investigator by submitting additional evidence in writing to the University Secretary within 30 days of receiving the findings of the investigation.

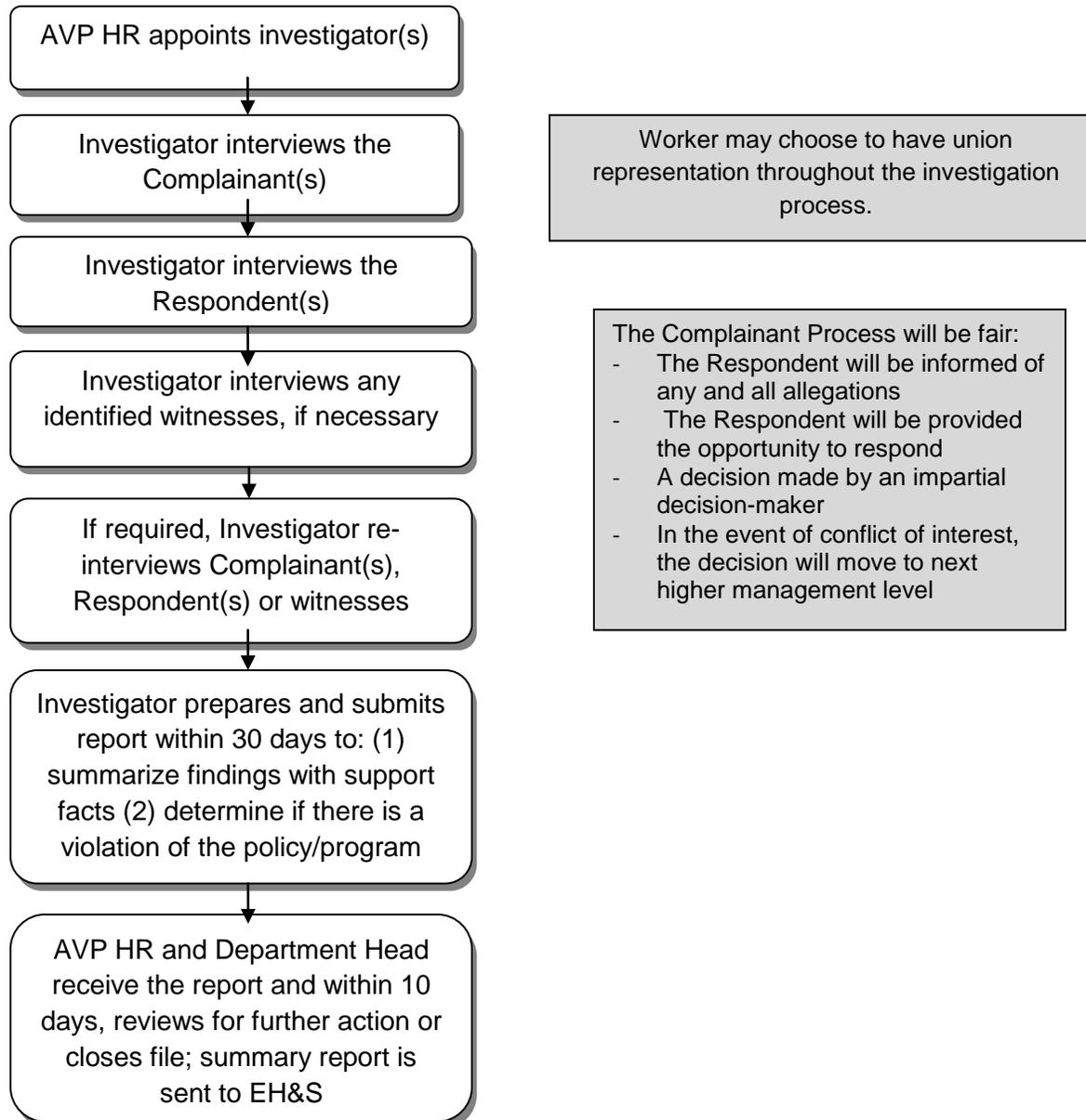
Workplace Harassment Complaint Process

Appendix A – Process Map



Appendix A
(continued)

Complaint Investigation Process



Appendix B - Complaint Support Tool

<i>Choose the most appropriate area of support</i>	<i>Human Rights Code Equity Services 613-520-5622</i>	<i>Act - Bill 168 HR Services 613-520-3624</i>	<i>Criminal Code University Safety 4444</i>	<i>Sexual Assault Services Equity Services 613-520-5622</i>
Race	*			
Ancestry	*			
Place of origin	*			
Colour	*			
Ethnic origin	*			
Citizenship	*			
Creed	*			
Political affiliation or belief	*			
Sex	*			
Sexual Orientation	*			
Gender identity	*			
Age	*			
Marital status	*			
Family Status	*			
Disability	*			
Record of offense	*		*	
Public assistance	*		*	
Bullying		*	*	
Intimidating		*	*	
Interfering		*		
Disorderly		*	*	
Horseplay		*		
Scuffling		*		
Shouting		*	*	
Throwing objects		*	*	
Abusive conduct		*	*	
Insulting		*	*	
Condescending		*		
Malicious rumors		*		
Physical assault			*	
Sexual touching			*	*
Sexual assault			*	*
Indecency			*	
Weapons			*	
Stalking			*	
Threats			*	
Fighting			*	
Domestic violence			*	*
Promoting hatred			*	
Illegal drugs			*	
Vandalism			*	

Appendix C - Workplace Harassment Reporting Form

This form assists the Manager in documenting a complaint reported by a Worker. If informal resolution is not possible, the Manager shall forward the completed form to the AVP Human Resources to initiate a formal investigation.

Report Initiation Date: _____

Has University Safety Been Contacted? **Yes** **No**

Worker/Complainant Information:

Reported by (last name, first name): _____

Reported Date/Time: _____

Department: _____

Job/Position: _____

Telephone No.: _____

Incident Occurrence Date/s:

Incident date(s) (Can be specific date or set of dates or over a certain period of time, e.g., three times in the last month.):

Description of Incident:

Exact date and time of incident: _____

Exact location of incident: _____

Exact location of Complainant, Respondent and witness: _____

Activities of Complainant, Respondent and witness/participant before, during and after incident:

Workplace Harassment Reporting Form (cont'd)

Complainant's detailed explanation of events in order of sequence of occurrence:

Respondent's physical and mental state prior to and at the time of the incident:

Unusual activity or behavior that may have contributed to the incident:

Relationship between Complainant and Respondent, if any:

Witness(es) (if any):

- 1. Name: _____ Dept: _____ Phone : _____

- 2. Name: _____ Dept: _____ Phone : _____

- 3. Name: _____ Dept: _____ Phone : _____

Workplace Harassment Reporting Form (cont'd)

Action Taken by Manager: 1st Incident:

Resolutions Discussed:

Action Taken by Manager: 2nd Incident:

Next Steps:

Support Services Recommended (Performance Management, EAP, Training, and Professional Support):

Workplace Harassment Reporting Form (cont'd)

Report completed by: _____
Manager's Name (please print) Signature

Department: _____
Telephone

Submit to: Assistant Vice-President (Human Resources) if formal resolution is required

Date of submission: _____