



**FOR ENDORSEMENT
AND FORWARDING**

PUBLIC

CLOSED SESSION

TO: Executive Committee

SPONSOR: Kelly Hannah-Moffat, Vice-President, Human Resources & Equity
CONTACT INFO: 416-978-4865, vp.hre@utoronto.ca

PRESENTER: Same as above
CONTACT INFO:

DATE: October 5, 2017 for October 12, 2017

AGENDA ITEM: 5(d)

ITEM IDENTIFICATION:

Amendments to the *Policy with Respect to Workplace Harassment* dated May 13, 2010
(amended September 8, 2016)

Amendments to the *Policy with Respect to Workplace Violence* dated May 13, 2010

JURISDICTIONAL INFORMATION:

Under Section 5 of its Terms of Reference, the changes to these two policies fall within the Business Board's areas of responsibility:

"Monitoring and recommending policy on the occupational health and safety of members of the staff of the University and other policy pertaining to the health and safety of all members of, and visitors to, the University except for those matters falling within the terms of reference of the University Affairs Board".

And under Section 5.12 ("Health and safety") of its Terms of Reference, the Business Board also has responsibility for "approval of policies concerning the health and safety of members of the University and its visitors."

GOVERNANCE PATH:

1. Business Board [For Recommendation] (October 10, 2017)
2. **Executive Committee [For Endorsement and Forwarding] (October 12, 2017)**
3. Governing Council [For Approval] (October 26, 2017)

PREVIOUS ACTION TAKEN:

The *Policy with Respect to Workplace Harassment* was introduced and approved by Governing Council on May 13, 2010. It was amended effective September 8, 2016, to reflect a revised statutory definition of the term “workplace harassment” that took effect on September 8, 2016.

The *Policy with Respect to Workplace Violence* was introduced and approved by Governing Council on May 13, 2010.

HIGHLIGHTS:

On January 1, 2017, the University’s *Policy on Sexual Violence and Sexual Harassment* took effect. In the fall of 2016 when the *Policy on Sexual Violence and Sexual Harassment* was being considered by Governing Council, we had anticipated that in view of the potentially overlapping subject matter between that policy and the *Policy with Respect to Workplace Harassment* and *Policy with Respect to Workplace Violence*, the latter two policies might need to be amended to incorporate references to the former. These are the amendments that are now being brought forward. The amendments add specific references to the *Policy on Sexual Violence and Sexual Harassment* and the Sexual Violence and Prevention Centre in both the *Policy with Respect to Workplace Harassment* and *Policy with Respect to Workplace Violence*.

For information, copies are also attached of the programs that implement the *Policy with Respect to Workplace Harassment* and the *Policy with Respect to Workplace Harassment*. The Workplace Harassment Program is comprised of the Human Resources *Guideline on Civil Conduct* (which is being renamed the “Human Resources Guideline on Workplace Harassment and Civil Conduct”) and the *Guideline for Employees on Concerns and Complaints Regarding Prohibited Discrimination and Discriminatory Harassment*. The Workplace Harassment Program was updated in 2016 to ensure compliance with legislative amendments, and is currently being reviewed to ensure consistency with the *Policy on Sexual Violence and Sexual Harassment*. It is also subject to consultation with Joint Health and Safety Committees. The Workplace Violence Program is also currently being updated.

FINANCIAL IMPLICATIONS:

Not applicable.

RECOMMENDATION:

Be It Resolved

THAT the following recommendation be endorsed and forwarded to the Governing Council:

THAT the amendments to the *Policy with Respect to Workplace Harassment* (dated May 13, 2010 and amended September 8, 2016) and *Policy with Respect to Workplace Violence* (dated May 13, 2010) be approved, effective immediately.

DOCUMENTATION PROVIDED:

- Current: *Policy with Respect to Workplace Harassment*
- Marked Amendments: *Policy with Respect to Workplace Harassment*
- Final Proposed: *Policy with Respect to Workplace Harassment*

- Current Policy: *Policy with Respect to Workplace Violence*
- Marked Amendments: *Policy with Respect to Workplace Violence*
- Final Proposed: *Policy with Respect to Workplace Violence*

OTHER DOCUMENTS (links)

- *Human Resources Guideline on Civil Conduct* (dated August 4, 2016)
http://dlrssywz8ozqw.cloudfront.net/wp-content/uploads/sites/34/2016/09/Policies_Human-Resources-Guideline-on-Civil-Conduct_08Sep2016.pdf.
- *Guideline for Employees on Concerns and Complaints Regarding Prohibited Discrimination and Discriminatory Harassment* http://dlrssywz8ozqw.cloudfront.net/wp-content/uploads/sites/34/2016/09/Policies_Guideline-for-Employees-on-Concerns-Complaints-Regarding-Prohibited-Discrimination-Discriminatory-Harassment_08Sep2016.pdf (dated August 4, 2016)
- *Workplace Violence Program* (Updated August 27, 2013)
<http://dlrssywz8ozqw.cloudfront.net/wp-content/uploads/sites/34/2016/04/U-of-T-Workplace-Violence-Program.pdf>



UNIVERSITY OF TORONTO

University of Toronto
Governing Council

Policy with Respect to Workplace Harassment

May 13, 2010
(amended September 8, 2016)

To request an official copy of this policy, contact:

The Office of the Governing Council
Room 106, Simcoe Hall
27 King's College Circle
University of Toronto
Toronto, Ontario
M5S 1A1

Phone: 416-978-6576

Fax: 416-978-8182

E-mail: governing.council@utoronto.ca

Website: <http://www.governingcouncil.utoronto.ca/>

POLICY WITH RESPECT TO WORKPLACE HARASSMENT

The University of Toronto is committed to creating a workplace that is free of workplace harassment. Workplace harassment is defined in the *Occupational Health and Safety Act* 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” 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 advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

This Policy applies to activities that occur while on University of Toronto premises and to work- related activities or social events occurring off-campus.

If you are the victim of workplace harassment please contact one of the following:

- **Your supervisor**
- **Your human resources office (see <http://www.hrandequity.utoronto.ca/about/divisional.htm> for a list of HR offices and their contact information)**

In addition, employees who are represented by a union or association may also contact their union/association.

Penalty

Any employee who subjects another employee to workplace harassment may be subject to disciplinary action up to and including the termination of his/her employment.

A student who subjects any employee to workplace harassment will be subject to penalties under the Code of Student Conduct.

Others who subject any employee to workplace harassment will be subject to penalties that are appropriate in view of their relationship to the University.

Program

The University's program for implementing this Policy is contained in the University of Toronto Human Resources Guideline on Civil Conduct, which can be found online at <http://dlrssywwz8ozqw.cloudfront.net/wp-content/uploads/sites/34/2016/04/Human-Resources-Civility-Guideline.pdf>, and the University of Toronto Guideline for Employees on Concerns and Complaints Regarding Prohibited Discrimination and Discriminatory Harassment, which can be found online at <http://dlrssywwz8ozqw.cloudfront.net/wp-content/uploads/sites/34/2016/04/Guideline-for-Employees-on-Concerns-and-Complaints-Regarding-Prohibited-Discrimination-and-Discriminatory-Harassment.pdf>.

Related Documents

In applying this Policy, the University is committed to acting conscientiously and in keeping with applicable legislation as well as its own policies and guidelines. These include, for example:

- Ontario Occupational Health and Safety Act
- Ontario Human Rights Code
- University of Toronto Code of Student Conduct
- University of Toronto Guideline for Employees on Concerns and Complaints Regarding Prohibited Discrimination and Discriminatory Harassment
- University of Toronto Human Resources Guideline on Civil Conduct
- University of Toronto Statement on Human Rights
- University of Toronto Statement of Institutional Purpose
- University of Toronto Statement on Prohibited Discrimination and Discriminatory Harassment

*May 13, 2010 approved by Governing Council
Amended September 8, 2016*



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Governing Council-

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Policy with Respect to Workplace Harassment
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May 13, 2010-
(amended ~~September 8, 2016~~-TBD)
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~~(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 worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.—~~

Workplace sexual harassment also falls within the scope of the University of Toronto Policy on Sexual Violence and Sexual Harassment <http://www.governingcouncil.lamp4.utoronto.ca/wp-content/uploads/2016/12/p1215-poshsv-2016-2017pol.pdf>.

This Policy applies to activities that occur while on University of Toronto premises and to work- related activities or social events occurring off-campus.—

If you are the victim of workplace harassment please contact one of the following:—

~~• Your supervisor~~

• Your supervisor (or, if your complaint is against your supervisor, you may contact someone at a more senior level of the department or division)

• Your human resources office (see

<http://www.hrandequity.utoronto.ca/about/divisional.htm><http://contact.hrandequity.utoronto.ca/> for a list of HR offices) and their contact information)–

If you are the victim of workplace sexual harassment, please contact the Sexual Violence Prevention and Support Centre at 416-978-2266 or thesvpcentre@utoronto.ca.

In addition, employees who are represented by a union or association may also contact their union/association.–

Penalty–

Any employee who subjects another employee to workplace harassment may be subject to disciplinary action up to and including the termination of his/her employment.–

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- University of Toronto *Code of Student Conduct-*

-University of Toronto [Workplace Harassment Program \(Guideline for Employees on Concerns and Complaints Regarding Prohibited](#)

Discrimination and Discriminatory Harassment

- ~~University of Toronto~~ (“[Discrimination Guideline](#)”) and *Human Resources Guideline on [Workplace Harassment and Civil Conduct](#) (“[Civility Guideline](#)”))*

- [University of Toronto Policy on Sexual Violence and Sexual Harassment](#)

- University of Toronto *Statement on Human Rights-*

- University of Toronto *Statement of Institutional Purpose-*

- University of Toronto *Statement on Prohibited Discrimination and Discriminatory Harassment*

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May 13, 2010 approved by Governing Council

Amended September 8, 2016-

[Amended TBD](#)



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