



FOR RECOMMENDATION

PUBLIC

OPEN SESSION

TO: Business Board

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: March 9, 2020 for March 18, 2020

AGENDA ITEM: 5

ITEM IDENTIFICATION:

Amendments to the *Policy with Respect to Workplace Harassment* dated May 13, 2010 (amended October 26, 2017)

JURISDICTIONAL INFORMATION:

Under Section 5 of its *Terms of Reference*, the changes to the *Policy* falls 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] (March 18, 2020)**
2. Executive Committee [for endorsement and forwarding] (March 24, 2020)
3. Governing Council [for approval] (April 2, 2020)

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. It

was further amended on October 26, 2017, to incorporate the *Policy on Sexual Violence and Sexual Harassment*.

The *Occupational Health and Safety Act* requires these policies to be reviewed on an annual basis. The review has been conducted by staff reporting to the Vice-President, Human Resources and Equity (VPHRE).

HIGHLIGHTS:

The VPHRE is bringing forward an amendment to clarify that conduct occurring online can constitute workplace harassment, as well as additional housekeeping amendments to change the language to be gender neutral and update names and links to other policies and related documents.

FINANCIAL IMPLICATIONS:

Not applicable.

RECOMMENDATION:

Be It Recommended to the Governing Council:

THAT the amendments to the *Policy with Respect to Workplace Harassment* be approved, effective April 3, 2020.

DOCUMENTATION PROVIDED:

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



UNIVERSITY OF TORONTO

University of Toronto
Governing Council

Policy with Respect to Workplace Harassment

May 13, 2010

(amended ~~October 26, 2017~~DATE)

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.

Workplace sexual harassment also falls within the scope of the University of Toronto Policy on Sexual Violence and Sexual Harassment <http://www.governingcouncil.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. Conduct that occurs online can constitute workplace harassment.

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

- **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://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~~their 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 Workplace Harassment and Civil Conduct, which can be found online at <http://policies.hrandequity.utoronto.ca/wp-content/uploads/sites/34/2016/09/Human-Resources-Guideline-on-Workplace-Harassment-and-Civil-Conduct-Civ...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://dlrissywz8ozqw.cloudfront.net/wp-content/uploads/sites/34/2016/09/Policies_Guideline-for-Employees-on-Concerns-Complaints-Regarding-Prohibited-Discrimination-Discriminatory-Harassment_08Sep2016.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 *Workplace Harassment Program (Guideline for Employees on Concerns and Complaints Regarding Prohibited Discrimination and Discriminatory Harassment (“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*

May 13, 2010 approved by Governing Council

Amended September 8, 2016

Amended October 26, 2017

Amended DATE, 2020

Last annual review conducted: 2019-2020



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