



FOR APPROVAL

PUBLIC

OPEN SESSION

TO: Business Board

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

PRESENTER: Same as above.
CONTACT INFO:

DATE: January 25 for February 3, 2021

AGENDA ITEM: 10

ITEM IDENTIFICATION:

Annual Review of Policies: *University of Toronto Health and Safety Policy*, *Policy with Respect to Workplace Harassment*; and the *Policy with Respect to Workplace Violence*

JURISDICTIONAL INFORMATION:

Under Section 5 of its *Terms of Reference*, the review of these three policies 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.”

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.

GOVERNANCE PATH:

- 1. Business Board [For Approval] (February 3, 2021)**

PREVIOUS ACTION TAKEN:

The Health and Safety Policy was most recently amended in 2016. The Business Board last confirmed the ongoing application of the Policy at its meeting on February 3, 2020. The *Policy with Respect to Workplace Harassment* and the *Policy with Respect to Workplace Violence* were introduced and approved by Governing Council on May 13, 2010. They were amended October 26, 2017, to incorporate the Policy on Sexual Violence and Sexual Harassment., and further amended and approved by Governing Council April 2, 2020 to change the language to be gender neutral and update names and links to other policies and related documents

HIGHLIGHTS:

Under the Occupational Health & Safety Act, Section 25, An Employer is expected to prepare and review, at least annually, a written health and safety policy and develop and maintain a program to implement that policy. In 2014, the government passed Bill 18, Stronger Workplaces for a Stronger Economy Act, 2014, which amended (among other things) the definition of a “worker” under the Occupational Health and Safety Act, which now includes students who undertake unpaid work placements as part of their academic program. The Policy was modified in 2016 to remove the exclusion of student coverage under the Occupational Health & Safety Act. Annual reviews are conducted by staff reporting into the Vice-President, Human Resources and Equity.

On January 1, 2017, the University’s *Policy on Sexual Violence and Sexual Harassment* took effect. 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 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. It is also subject to consultation with Joint Health and Safety Committees.

FINANCIAL IMPLICATIONS:

Not applicable.

RECOMMENDATION:

Be It Resolved:

THAT the on-going application of the *University of Toronto Health and Safety Policy*, the *Policy with Respect to Workplace Harassment* and the *Policy with Respect to Workplace Violence*, copies of which are attached to Memorandum dated January 25, 2021 from Professor Hannah-Moffat, Vice-President Human Resources and Equity, be confirmed.

DOCUMENTATION PROVIDED:

- *University of Toronto Health and Safety Policy*
- *Policy with Respect to Workplace Harassment*
- *Policy with Respect to Workplace Violence*



UNIVERSITY OF TORONTO

University of Toronto
Governing Council

Policy with Respect to Workplace Harassment

May 13, 2010
(amended March 18, 2020)

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.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. 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 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 March 18,, 2020

Last annual review conducted: February 2021



UNIVERSITY OF TORONTO

University of Toronto
Governing Council

Policy with Respect to Workplace Violence

May 13, 2010

(amended March 18, 2020)

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 VIOLENCE

The University of Toronto is committed to maintaining a workplace that is free of violence. Any act of workplace violence is unacceptable conduct that will not be tolerated. No one shall subject any employee to workplace violence or allow or create conditions that support workplace violence.

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 violence.

If you are the victim of or a witness to a violent incident at work, as soon as safely possible contact:

- **Campus Police at:**
 - **416-978-2222** (St. George)
 - **416-287-7333** (UTSC)
 - **905-569-4333** (UTM)

or

- **911 (9-911 from a campus telephone)**

You may also contact the Community Safety Office at 416-978-1485 to discuss safety concerns.

If you are the victim of or a witness to a incident of sexual violence at work, you may also contact the Sexual Violence Prevention and Support Centre at 416-978-2266 to discuss available services and supports and options for making a formal report to the University and/or to Police.

What is workplace violence?

Workplace violence is defined in the *Occupational Health and Safety Act* as follows:

"Workplace violence" means,

- (a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,

- (b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- (c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Workplace violence may constitute sexual violence. Please refer to 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> or contact the Sexual Violence Prevention and Support Centre at 416-978-2266 or thesvpcentre@utoronto.ca.

Penalty

An employee who subjects another employee to workplace violence may be subject to disciplinary action up to and including the termination of their employment.

A student who subjects any employee to workplace violence 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 has developed and maintains a Workplace Violence Program to implement this Policy which can be found online at <https://ehs.utoronto.ca/wp-content/uploads/2015/10/U-of-T-Workplace-Violence-Program.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 *Policy on Sexual Violence and Sexual Harassment*
- University of Toronto *Workplace Violence Program*
- 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 Crisis and Routine Emergency Preparedness and Response*
- 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 October 26, 2017
Amended March 18, 2020*

Last annual review conducted: February 2021