

# WORKPLACE HARASSMENT PROGRAM

Last updated: January 2018

## 1.0 PURPOSE

To support workplace harassment provisions contained within **Policy #33 – Ethical Behaviour**, and the University’s commitment to providing a work environment in which all workers are treated with respect and dignity. Workplace harassment will not be tolerated from any person in the workplace.

Consistent with this purpose, the University provides several resources to assist community members concerned with harassment in their workplace. The Safety Office, Human Resources and the Conflict Management & Human Rights Office are available for consultation when consideration options for resolution, both formal and informal.

## 2.0 SCOPE

This program applies to all workers at the University of Waterloo.

## 3.0 DEFINITIONS

### **Workplace harassment**

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 workplace sexual harassment.

### **Workplace sexual harassment**

As defined by the Act, means 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. It also includes 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.

Reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

## **4.0 PROCEDURES**

### **4.1 REPORTING WORKPLACE HARASSMENT**

#### **4.1.1 HOW TO REPORT WORKPLACE HARASSMENT**

Workers can report incidents or complaints of workplace harassment verbally or in writing.

The report of the incident should include the following information:

- Name(s) of the worker who has allegedly experienced workplace harassment and contact information.
- Name of the alleged harasser(s), position and contact information (if known).
- Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known).
- Details of what happened including date(s), frequency and location(s) of the alleged incident(s).
- Any supporting documents the worker who complains of harassment may have in his/her possession that are relevant to the complaint.
- List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.

#### **4.1.2 WHO TO REPORT WORKPLACE HARASSMENT TO**

An incident or a complaint of workplace harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

Report a workplace harassment incident or complaint to your immediate supervisor. Your supervisor will, in turn, report the complaint to the Department Head/Chair for direction on next steps and to investigate and take appropriate corrective action. If the worker's supervisor or reporting contact is the person engaging in the workplace harassment, contact the Department Head/Chair or the next administrative level directly.

If the employer (e.g. owner, senior executive, director) is the person engaging in the workplace harassment, the Conflict Management & Human Rights [CMAHRO] or Human Resources shall be notified of the workplace harassment incident or complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances. If the complaint involves a member of Executive Council, an external person qualified to conduct a workplace harassment investigation (e.g. knowledge of the relevant workplace harassment laws) will be retained to conduct the investigation, as necessary.

All incidents or complaints of workplace harassment shall be kept confidential except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

## **4.2 INVESTIGATION**

### **4.2.1 COMMITMENT TO INVESTIGATE**

The University of Waterloo will ensure that an investigation appropriate in the circumstances is conducted when the employer, human resources, a manager or supervisor becomes aware of an incident of workplace harassment or receives a complaint of workplace harassment.

### **4.2.2 WHO WILL INVESTIGATE**

The Department Head/Chair will determine who will conduct the investigation into the incident or complaint of workplace harassment. If the allegations of workplace harassment involve a member[s] of Executive Council, the employer will, if necessary, refer the investigation to an external investigator to conduct an impartial investigation.

### **4.2.3 TIMING OF THE INVESTIGATION**

The investigation must be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

### **4.2.4 INVESTIGATION PROCESS**

The person conducting the investigation whether internal or external to the workplace will adhere to principles of fairness and natural justice, and, at minimum, complete the following:

- The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
- The investigator must thoroughly interview the worker who allegedly experienced the workplace harassment and the alleged harasser(s), if the alleged harasser is a worker of the employer. If the alleged harasser is not a worker, the investigator should make reasonable efforts to interview the alleged harasser.
- The alleged harasser(s) must be given the opportunity to respond to the specific allegations raised by the worker. In some circumstances, the worker who allegedly experienced the workplace harassment should be given a reasonable opportunity to reply.

- The investigator must interview any relevant witnesses employed by the employer who may be identified by either the worker who allegedly experienced the workplace harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified.
- The investigator must collect and review any relevant documents.
- The investigator must take appropriate notes and statements during interviews with the worker who allegedly experienced workplace harassment, the alleged harasser and any witnesses.
- The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, allegations of the worker who allegedly experienced the workplace harassment, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace harassment was found or not.

#### **4.2.5 RESULTS OF THE INVESTIGATION**

Within 10 days of the investigation being completed, the worker who allegedly experienced the workplace harassment and the alleged harasser, if he or she is a worker of the employer, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the employer to address workplace harassment.

#### **4.2.6 CONFIDENTIALITY**

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the worker who has allegedly experienced harassment, the alleged harasser(s) and any witnesses should not discuss the incident or complaint or the investigation with each other or other workers or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

All records of the investigation will be kept confidential.

#### **4.2.7 HANDLING COMPLAINTS**

As appropriate, at the time of complaints or during an investigation the University may take interim steps to minimize the likelihood of any further inappropriate behaviour or to minimize the negative impact that past behaviour will have on the parties.

Where the University finds that there has been misconduct as it relates to Workplace Harassment it shall consider appropriate remedies [consistent with Policy #18, Staff Employment, The Memorandum of Agreement between the UW Faculty Association and UW, Union Agreement between UW and the CUPE Local #793] which could range from a verbal reprimand up to and including termination of employment.

### **5.0 RECORD KEEPING**

The department head will keep records of the investigation including:

- A copy of the complaint or details about the incident.
- A record of the investigation including notes.
- A copy of the investigation report (if any).
- A summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace harassment and the alleged harasser, if a worker of the employer.
- A copy of any corrective action taken to address the complaint or incident of workplace harassment.

All records of the investigation will be kept confidential. The investigation documents, including the report should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law.

Records will be kept for: 5 Years [classification HSO4]

### **6.0 TRAINING**

All workers will participate in mandatory training on workplace harassment through completion of “Workplace Violence & Harassment Awareness” available through the Safety Office.

In addition, worker workshops [i.e. conduct standards, resource availability, management responsibilities, complaint procedures] on all forms of harassment and discrimination, including workplace harassment are available through CMAHRO.