



Interim Workplace Harassment & Discrimination Policy

Category: Human Resources

Approval: *Vice-Principal's Operations Committee*

Responsibility: *Director and Counsel, Employee and Labour Relations*

Date: *Date initially approved:*
August 22, 2016

- 1.1. " " refers to Queen's University Campus Security and Emergency Services.
- 1.2. " " refers to an Employee who alleges they have experienced Discrimination and/or Harassment under the *Interim Workplace Harassment & Discrimination Complaints Procedure*. A Complainant may experience discrimination directly or indirectly.
- 1.3. " " refers to an allegation of Harassment and/or Discrimination in the workplace that is pursued under the *Interim Workplace Harassment & Discrimination Complaints Procedure* by a Complainant.
- 1.4. " " refers to the University's process for handling complaints of Discrimination and/or Harassment, as established under the *Interim Workplace Harassment & Discrimination Complaints Procedure*. The Complaints Process can only be initiated by an Employee who has allegedly experienced Discrimination and/or Harassment. A separate procedure--the Reporting Process--is available to those who do not allege having experienced Discrimination or Harassment for reporting information about Discrimination and/or Harassment in the workplace.
- 1.5. " " is a distinction without lawful justification, whether intentional or not, which has the effect of denying benefits to, or otherwise disadvantaging, an Employee in the course of their employment on the basis of a Protected Ground (defined and listed below).
- 1.6. " " means engaging in a course of vexatious comment or conduct, directed at an Employee in the course of their employment, based on a Protected Ground, that is known or ought reasonably to be known to be unwelcome. Discriminatory Harassment may include, for example, racist jokes, sexual harassment or gender-based harassment.

Harassment & Discrimination Information Reporting Procedure. This Reporting Process is the appropriate process for individuals who do not allege having experienced Discrimination or Harassment to report information about Discrimination and Harassment in the workplace of which they become aware.

- 1.22. " " refers to anyone who is alleged to have engaged in behaviours of Discrimination and/or Harassment in a Report or Complaint.
- 1.23. " " means Queen's University at Kingston.
- 1.24. " means any place where Employees engage in employment activity, including employment activities outside the normal place of work, and employment activities that occur outside of normal working hours

- 3.1. This Policy applies to all Employees in the course of their employment, and is intended to address Discrimination and/or Harassment of Employees from all sources, including students, colleagues, coworkers, supervisors, managers, administrators, other members of the University community, and the public.
- 3.2. This Policy currently overlaps with several existing University policies, procedures and collective agreements. The University will administer the overlap according to the following principles:
 - 3.2.1. This Policy and related procedures will be applied to all incidents in which an Employee has allegedly experienced, or engaged in, Discrimination and/or Harassment to ensure the University satisfies its commitment as stated in section 4.1 below and its obligations under legislation and collective agreements.
 - 3.2.2. Where a Complainant chooses to pursue his or her allegations under another policy or procedure, the University will nevertheless ensure that the standards relating to investigations, and the communication of investigation outcomes, set out under this Policy and related procedures are upheld.
 - 3.2.3. Those who are obliged to disclose information under this Policy and related procedures must comply with disclosure obligations regardless of whether other policies and procedures are being implemented.
 - 3.2.4. Where it is alleged that a student has engaged in Discrimination and/or Harassment in the course of University employment (e.g. as a teaching assistant), the matter will be addressed under this Policy and related procedures.
 - 3.2.5. Where it is alleged that a student has, in their capacity as a student, engaged in Discrimination and/or Harassment against an Employee, the matter will be addressed under the *Queen's University Student Code of Conduct, 2016* and related procedures. However, in such cases, Human Resources and/or Faculty Relations will nevertheless be consulted in the process to ensure any investigation and/or corrective action satisfy the standards set out this Policy.
- 3.3. This Policy is not geographically limited, and applies to any employment activity, including employment activities that occur outside the normal place of work, and employment activities that occur outside of normal working hours.
- 3.4. This Policy applies to the recruitment and promotion of Employees.
- 3.5. This Policy does not override or diminish the rights provided to Employees under applicable collective agreements, and will be applied with appropriate regard to the rights established under collective agreements, where applicable.

in a manner that strikes a balance between the privacy of individuals and the severity of the matters at issue.

- 4.1.7. The University will inform and update individuals who are involved in investigations about the status of those investigations as they progress.

5.1. Department of Environmental Health & Safety

- 5.1.1. EHS is primarily responsible for overseeing compliance with the *Occupational Health & Safety Act*, including requirements related to Workplace Harassment.
- 5.1.2. EHS is responsible for providing Employees with appropriate information and instruction with respect to Workplace H

- 5.2.3. Human Resources will ensure the Faculty Relations Office is fully advised, where appropriate, of information related to Reports and Complaints. See paragraph 5.4 for further details.
- 5.2.4. Unless it is agreed that the Faculty Relations Office will assume primary responsibility in a particular case, Human Resources will ensure appropriate steps are taken in response to Reports and Complaints.
- 5.2.5. Human Resources will ensure the outcome of an investigation under this Policy, and corrective actions taken (if any), are communicated in writing to Respondent(s) who are Employees, and to Complainant(s).
- 5.2.6. Human Resources will ensure that copies of this *Interim Workplace Harassment & Discrimination Policy* and related procedures are posted on the Human Resources website.
- 5.2.7. Human Resources will take primary responsibility for maintaining this Policy and related procedures. To this end, Human Resources will ensure that this Policy, and all related procedures, are reviewed as often as is necessary, and in any event, at least annually. Human Resources will consult the University's Joint Health & Safety Committees and as appropriate with the HRO, EHS and others with respect to this Policy.

5.3. Employees

- 5.3.1. Employees must not engage in Discrimination or Harassment.
- 5.3.2. Employees are encouraged to report incidents of Discrimination and

Complaints Procedure and the Interim Workplace Harassment & Discrimination Information Reporting Procedure.

5.6. The University Ombudsman

- 5.6.1. The Ombudsman provides an independent, impartial and confidential office through which members of the University community may seek assistance in the pursuit of resolving University-related concerns. This may include, for example, providing advice and support to a witness or Respondent involved in the investigation of a Report or Complaint.
- 5.6.2. The Ombudsman may initiate a Report, but does not adjudicate Complaints or initiate the Complaints Process on behalf of Employees, nor

<i>Contact Officer</i>	<i>Director and Counsel, Employee and Labour Relations</i>
<i>Date for Next Review</i>	<i>September 8, 2017</i>
<i>Related Policies, Procedures and Guidelines</i>	<i>Interim Workplace Harassment & Discrimination Complaints Procedure; Interim Workplace Harassment & Discrimination Information Reporting Procedure; Queen's University's accessibility policies; Return to Work and Accommodation Policies; Sexual Violence Policy; Queen's Policy Against Campus Violence; Harassment/Discrimination Complaint Policy and Procedure; Queen's University Policy and Procedures for Safe Disclosure Reporting and Investigation.</i>
<i>Policies Superseded by This Policy</i>	<i>Prevention and Resolution of Harassment in the Workplace</i>