

Workplace Harassment Policy

1. Purpose

The purpose of the Corporation's Workplace Harassment Policy (the Policy) is to reinforce Vector Institute's (the "Corporation") commitment to provide a work environment in which all workers are treated with respect and dignity, and a workplace that is free from discrimination and harassment. Workplace harassment will not be tolerated from any person in the workplace (including management, workers, and members of the public).

It is the policy of the Corporation to address incidents of harassment and discrimination with seriousness and sensitivity. Any employee of the Corporation found to be in violation of this Policy may be disciplined up to and including the termination of their employment for cause, depending upon the circumstances involved. Other individuals who subject any employee or other individual to workplace harassment will be subject to penalties that are appropriate in view of their relationship to the Corporation.

2. Scope

This policy applies to "workers", which is broadly defined in the *Occupational Health and Safety Act* (the "OHS") to include "a person who performs work or supplies services for monetary compensation." This definition includes all employees (permanent, temporary, part-time, full time), faculty, secondees, students/trainees, and service providers. The policy also applies to Board members and volunteers.

The Policy applies to harassment and/or discrimination in any aspect of employment, including, but not limited to, recruitment, promotion, receipt of benefits, dismissal, layoff, performance evaluation, and working conditions. All workers must be treated equally regardless of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, disability, or any other prohibited ground of discrimination.

3. Policy

Workplace harassment and workplace sexual harassment are unacceptable and are prohibited at the Corporation. Harassment and sexual harassment are against the law, and all workers have a responsibility to conduct themselves accordingly.

4. Definitions

4.1. Workplace Harassment

Workplace Harassment is defined in the *OHS* as follows:

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, 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) workplace sexual harassment (defined below).

Reasonable action taken by the employer relating to the management and direction of workers or the workplace is not workplace harassment. The normal exercise of supervisory responsibilities, including scheduling, training, evaluation counseling and discipline when warranted, does not constitute workplace harassment.

While harassment is usually based on an ongoing pattern of conduct, in some instances a single incident can be sufficiently serious to constitute harassment.

The Ontario *Human Rights Code* (the “Code”) defines “harassment” the same way, and provides that “every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.”

4.2. 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.

The *Code* also expressly prohibits “harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by his or her employer or agent of the employer or by another employee.”

4.3. Examples of Workplace Harassment

Examples of workplace harassment include, but are not limited to:

- Workplace bullying or aggressive behaviour, which includes making rude, degrading or offensive remarks, discrediting a person, spreading rumours, ridiculing him or her, humiliating a person, calling into question their convictions or their private life, or shouting abuse.
- Workplace Cyberbullying, can involve behaviours such as, sending unsolicited and/or threatening e-mail, spreading rumours, making defamatory comments about the victim online, harassing the victim during a live chat.
- Sexual or racial harassment, or harassing someone based on any ground prohibited by human rights legislation, including race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.
- Refusing to speak to or work with someone or treating that person differently because of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

5. Workplace Locations

The Policy will be enforced on the Corporation’s premises, including virtually through the use of information and communications technology and where activities related to the business of the Corporation take place. These include:

- activities within offices, lunch rooms and other Corporation property;
- events associated with the Corporation and including outside activities; or
- work situations outside of Corporation-operated premises, including external work assignments, work-related conferences, and training sessions.

6. Roles & Responsibilities

6.1. Duties of Management

Management will provide all workers with information and instruction that is appropriate in the circumstances regarding the contents of this Policy and the Corporation's Workplace Harassment Program.

Management will also ensure that:

- (a) an investigation is conducted into incidents and complaints of workplace harassment that is appropriate in the circumstances; and
- (b) the worker who has allegedly experienced workplace harassment and the alleged harasser, if they are a worker of the Corporation, are informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation.

6.2. Duties of Workers

To ensure that the Policy is adhered to, all workers are expected to:

- Treat everyone in the workplace with dignity and in a manner that is respectful and free of intimidation and harassment.
- Make changes to their own behaviour where they become aware that there is a potential for such behaviour to harm, intimidate, threaten or cause offence to others.
- Refuse to accept harassing behaviour from others, regardless of whether that behaviour originates from management or co-workers, family members, or a member of the public.
- Intervene and/or report instances of inappropriate behaviour on the part of others which could amount to workplace harassment.
- Be supportive of others who are victims of workplace harassment.
- Cooperate fully with a workplace harassment investigation.
- Preserve evidence related to instances of alleged workplace harassment, documenting dates, times and the names of any witnesses.

7. Reporting Workplace Harassment

All workers must remain vigilant about harassment. Any workers who are aware of, or have cause to be concerned about, workplace harassment or sexual harassment should report such incidents to Director, Human Resources & Corporate Services, the COO/CFO or the CEO of the Corporation. Reports can be made either verbally or in writing. Reports should be made as soon as reasonably possible given the circumstances of the incident.

The Corporation will investigate and deal with all complaints or incidents of workplace harassment in a fair, respectful and timely manner. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

All workers are expected to adhere to this Policy and will be held responsible by the Corporation for not following it. Workers will not be penalized or disciplined for reporting an incident in good faith, or for participating in an investigation involving workplace harassment.

The Corporation will treat any report of harassment or discrimination as a serious matter and will respond in a timely fashion.

8. Privacy and Confidentiality

The Corporation is committed to maintaining the privacy and confidentiality of information obtained about an incident or complaint of workplace harassment, including individual identifying information, unless disclosure is necessary for the purposes of investigating or taking corrective action, or unless disclosure is otherwise required by law.

9. Reprisal, False and Unsubstantiated Complaints

No disciplinary action or reprisal can be made against a complainant who acts in good faith and exercises his or her rights under this Policy and under the law, even if the complaint turns out to be false, impossible to verify or if the behaviour complained does not amount to harassment or discrimination. However, a false accusation made by a person who knows it to be false represents a contravention of this Policy and may be subject to disciplinary action up to and including termination of employment for cause, or other penalties that are appropriate in view of the individual's relationship to the Corporation.

Any employee who engages in reprisal will be subject to disciplinary action, up to and including termination of employment for cause (i.e., without notice or payment in lieu of notice or any other severance payment whatsoever). Other individuals will be subject to penalties that are appropriate in view of their relationship to the Corporation.

10. Workplace Harassment Program

The Corporation will develop and maintain a program to implement this Policy. Without limiting the generality of that obligation, the program will:

- (a) include measures and procedures for workers to report incidents of workplace harassment to their manager or the employer;
- (b) include measures and procedures for workers to report incidents of workplace harassment to a person other than the employer or manager, if the employer or manager is the alleged harasser;
- (c) set out how incidents or complaints of workplace harassment will be investigated and dealt with;
- (d) set out how information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law; and
- (e) set out how a worker who has allegedly experienced workplace harassment and the alleged harasser, if they are a worker of the employer, will be informed of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation.

The workplace harassment program shall be reviewed as often as necessary, but at least annually, to ensure that it adequately implements this Policy.

11. Distribution of the Policy

This Policy will be posted at a conspicuous place in the workplace. This Policy will be provided to all workers, volunteers and board members and will be sent out to new hires. All workers, and volunteers will be asked to sign to confirm that they have read and understood the policy.

12. Amendment

This Policy will be reviewed as often as is necessary, but at least annually. This Policy may be amended by the Board.