



# ANNUAL REPORT

(May 1, 2010 to April 30, 2011)

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## INTRODUCTION

This report covers the period of May 1, 2010 to April 30, 2011 and summarizes the activities of Equity & Human Rights Services (EHRS) over that period. It is divided into several sections:

- A. Harassment and Discrimination
- B. Employment Equity
- C. Educational Initiatives and Related Activities
- D. Observations and Recommendations

An appendix is also included that contains information on EHRS and the policy structure at Western.

### A. HARASSMENT AND DISCRIMINATION

EHRS categorizes matters related to harassment and/or discrimination as either complaints or consultations:

**Complaint:**

a) Where a formal complaint has been filed pursuant to Western's non-discrimination and harassment policies. It is in writing, signed and dated by a complainant(s) and names a respondent(s).

b) Where, pursuant to the UWOPA Article on Non-Discrimination and Harassment, a **request for alternate resolution** has been made.

c) When EHRS has taken an **active and/or on-going role** in providing advice, consultation or assistance on a matter related to harassment, discrimination or employment equity.

**Consultation:**

Where EHRS has been contacted for information or guidance on a harassment, discrimination and/or employment equity-related issue, but where EHRS has not taken an active or on-going role. A consultation may also be a request for resources or equity-based training.

A statistical review of the work done by EHRS cannot reflect the complexity of any particular matter. Matters may involve multiple parties and may require numerous meetings involving the parties, their union representative(s) or colleague(s) acting in a supportive role, the parties' supervisor(s), Dean(s) or other representatives of the University.

Although EHRS is the office charged with administering Western's non-discrimination and harassment policies, other departments such as Human Resources, the Office of Faculty Relations or the Ombudsperson Office may deal with matters which have a harassment or discrimination component because of the policies or procedures within their jurisdiction (such as Student Code of Conduct or the performance management process). This report reflects only those matters which have come to the attention of the Equity & Human Rights Services office.

## COMPLAINTS

During the current reporting period of **May 1, 2010 through April 30, 2011**, the EHRS staff administered sixteen complaints under Western’s Non-Discrimination/Harassment Policy (MAPP 1.35) or under the Non-Discrimination/Harassment articles or clauses. Please note that, in an effort to reflect recent changes to the UWOPA Article on Discrimination and Harassment, while still maintaining confidentiality (i.e., not sharing data that may readily identify the parties involved), our office has chosen to break down “complaints” into two categories:

1. **Formal Complaints** - those matters that resulted in **written complaint** which was filed according to one of Western’s employee agreements or policies related to harassment and discrimination.

**Figure 1**  
**Status of Formal Complaints (at April 30, 2011)**

Ongoing as of May 1, 2010	New During Reporting Period	Resolved During Reporting Period	Ongoing as of April 30, 2011
<b>1</b>	<b>6</b>	<b>3</b>	<b>4</b>

Six new formal complaints were filed this year.

Three formal complaints, including the complaint that was ongoing as of May 1, 2010, were resolved within this year’s reporting period. These complaints were resolved, pursuant to their applicable policies, through an investigation and informal resolution process, respectively.

Four formal complaints remained ongoing as of April 30, 2011. All of them are expected to involve an investigation process.

2. **Requests for Alternate Resolution** - those matters where EHRS conducts mediation, facilitates discussion, provides education, advice and/or referral in an active and continuing manner over a period of time. A formal, written complaint is not filed.

**Figure 2**  
**Status of Requests for Alternate Resolution (at April 30, 2011)**

Ongoing as of May 1, 2010	New During Reporting Period	Resolved During Reporting Period	Ongoing as of April 30, 2011
<b>0</b>	<b>9</b>	<b>7</b>	<b>2</b>

Nine requests for alternate resolution were made this year.

Seven matters were addressed through alternate resolution proceedings. Two matters were referred to other administrative offices at the University. In these situations, EHRS will provide advice to the relevant leader. Three involved ongoing education and advice delivered by the EHRS office. And two matters involved facilitated discussion and mediation.

Two requests for alternate resolution were ongoing as of April 30, 2011.

**Figure 3**  
**New Complaints by Issue (2006-2011)**

<b>Issue</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
H (Harassment)					
D (Discrimination)					
<b>H - Sexual</b>	5	2	5	1	<b>2</b>
<b>H - Racial</b>	0	0	1	2	<b>2</b>
<b>H - General</b>	10	8	11	8	<b>10</b>
<b>D - Sex</b>	2	0	0	1	<b>0</b>
<b>D - Race</b>	0	0	0	3	<b>0</b>
<b>D - Disability</b>	0	1	1	0	<b>3</b>

Notes: (1) Complaints based on more than one enumerated ground are listed multiple times.  
(2) Racial Discrimination includes complaints based on religious accommodation.

Fifteen *new* matters were administered by EHRS as complaints (formal complaints or requests for alternate resolutions). Not shown in Figure 3 are two matters related to employment equity which were included as “complaints” due to the nature of EHRS’ involvement. As Figure 3 shows, the types of issues dealt with by complaint have remained fairly consistent over the past five years.

### **PARTIES TO COMPLAINTS**

Figure 4 displays the parties to a complaint categorized by university affiliation (undergraduate student, graduate student, staff, faculty, administration or group) and shows who filed a complaint against whom this past year.

**Figure 4**  
**University Affiliation of Parties to a Complaint**  
**(May 1, 2010 – April 30, 2011)**

		<b>Complainant/Requesting Party</b>						<b>Totals</b>
		<b>U/G</b>	<b>Grad</b>	<b>Staff</b>	<b>Fac</b>	<b>Admin</b>	<b>Other</b>	
<b>Responding Party</b>	Undergraduate Student	-						<b>0</b>
	Graduate Student	-				1		<b>1</b>
	Staff	1		1			1	<b>3</b>
	Faculty	-	3		2			<b>5</b>
	Admin	1	2	1	1			<b>5</b>
	Other	-				1		<b>1</b>
	<b>Totals</b>	<b>2</b>	<b>5</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>15</b>

## CONSULTATIONS

Figure 5 displays the university affiliation of the person consulting with or seeking advice or information from EHRS.

**Figure 5**  
**Consultations by University Affiliation of Individual Initiating Contact**  
**(2006-2011)**

<b>Affiliation</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
Undergraduate	29	19	21	25	<b>31</b>
Graduate	25	13	23	28	<b>38</b>
Staff	47	120	59	45	<b>27</b>
Faculty	27	16	29	26	<b>24</b>
Union	7	1	4	4	<b>2</b>
Admin	97	74	85	56	<b>82</b>
Non-UWO	54	24	34	43	<b>37</b>
<b>TOTAL</b>	<b>286</b>	<b>267</b>	<b>255</b>	<b>227</b>	<b>241</b>

Figure 6 depicts the most common issues raised through consultations over the past five years. Note that not all possible grounds of harassment and discrimination are shown.

**Figure 6**  
**Consultations by Issue (2006-2011)**

<b>Issue</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
Harassment - Sexual	38	20	43	24	<b>38</b>
Harassment - Racial	5	2	9	13	<b>8</b>
Harassment - General	74	114	104	71	<b>74</b>
Discrimination – Sex	12	14	12	8	<b>12</b>
Discrimination – Race	11	8	9	13	<b>7</b>
Discrimination – Disability	15	19	10	13	<b>21</b>
Discrimination – Religion	17	14	2*	3	<b>6</b>
* Resources -Employment Equity	16	6	16	13	<b>15</b>
Resources – ALL *	96	73	71	74	<b>77</b>

Note: A consultation may involve more than one issue. Each issue is recorded separately.

A total of 241 people consulted our office for assistance and advice this past year. While it is interesting to track the number of consultations over the years, it is also important to note that these these numbers do not adequately reflect the variation in the amount of work done by our office or the level of concern raised by a party during a consultation.

Our office’s largest “client group” is University employees – staff, faculty or administrators. Percentage-wise, the number of students consulting with our office, relative to the number of students at Western, is low. This may be in part explainable by the great breadth of student services available at Western. However, our office continues to consider our methods of outreach to students.

“General harassment” continues to be the most recorded issue. This number includes meetings with staff who are expressing personal concerns as well as consultations with academic or administrative

leaders who are seeking advice on management of potential situations of general harassment. Due to amendments to Ontario's Occupational Health and Safety Act ("Bill 168"), a large-scale training program available to all faculty and staff began in the spring of 2011. It is expected that consultations based on general harassment may increase as awareness grows.

We continue to receive a large number of "resource-related" requests each year. These requests relate to religious and disability-related accommodation tools, referral information (on-campus or community), and general office-related materials or workshop requests.

## **B. EMPLOYMENT EQUITY**

Equity & Human Rights Services (EHRS) provides the primary support to the University to achieve its employment equity goals. Western recognizes that diversity significantly enriches campus life and the academic experience. By developing a workforce where diversity is respected, celebrated and more reflective of the broader community, Western will be in a better position to draw upon a variety of backgrounds and experiences to teach our students, serve our community, and conduct research in new and innovative ways.

As part of its commitment under the Federal Contractors Program (FCP)<sup>1</sup>, Western is required to implement and maintain an employment equity program. Western continues to meet its accountabilities under the FCP, which include, inter alia, the development of an Employment Equity Policy<sup>2</sup> and Plan, the conduct of an Employment Systems Review<sup>3</sup> and regular workforce analyses<sup>4</sup>.

### ***Employment Equity Survey***

The employment equity self-identification survey continues to be an essential part of Western's employment equity program as it is the only means by which the University can measure the representation of the four designated groups (women, members of visible minorities, Aboriginal persons, and persons with disabilities) in its workforce. EHRS engages in regular email communication with new staff and faculty, as well as with those who have not yet responded to the survey. This system of regular reminders is essential in maintaining a high response rate to the employment equity survey. As a result of these ongoing efforts, Western's overall response rate currently stands at 88%, which is above the 80% threshold identified by Human Resources and Social Development Canada (HRSDC) to ensure accurate employment equity data.

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<sup>1</sup> Western has been a signatory to the *Federal Contractors Program* (FCP) since 1988. The FCP applies to provincially regulated organizations, which receive federal government goods or services contracts of \$200, 000 or more. Maintaining compliance with the FCP is a condition of bidding on federal contracts.

<sup>2</sup> Western's Employment Equity Policy is found in the Manual of Administrative Policies and Procedures (MAPP) at section 3.2 (<http://www.uwo.ca/univsec/mapp/section3/mapp32.pdf>). Several of Western's collective and employee agreements also include employment equity articles.

<sup>3</sup> An Employment Systems Review was conducted between January and June of 2009 by an external consultant. A full summary of the consultant's findings is available here: [http://www.uwo.ca/equity/docs/FINAL\\_ESR\\_REPORT.pdf](http://www.uwo.ca/equity/docs/FINAL_ESR_REPORT.pdf). The consultant's recommendations have been recorded and will be implemented, where appropriate and possible. A copy of the Employment Equity Action Plan, containing these recommendations and prepared pursuant to FCP guidelines, is available upon request from the office of Equity & Human Rights Services ([www.uwo.ca/equity](http://www.uwo.ca/equity)).

<sup>4</sup> Available at: <http://www.uwo.ca/equity/reports.htm>

### ***Diversity and Inclusion Plan***

This year, EHRS, in consultation with PSCEE and other University members, drafted a Diversity and Inclusion Plan for Western. The Diversity and Inclusion Plan supports Western's aspirations to raise its international profile and expand its efforts within the region and around the world to attract the best talent to our workforce. Western recognizes that a workplace that respects and celebrates diversity can draw upon colleagues' different backgrounds and experiences in order to address challenges and conduct research in new and innovative ways. The Diversity and Inclusion Plan reflects recommendations made by Western community members who were asked to review and respond to the Employment Systems Review as well as suggest further ideas that could have a positive impact on Western's diversity. The recommendations in the plan are grouped along the following themes:

- Engaging and Retaining the Best Talent
- Inclusion and Connectivity of the Community
- Accessibility and Accommodation
- Work-life Balance
- A Community Free of Harassment and Discrimination
- Diversity Leadership and Accountability

While the Diversity and Inclusion Plan will be guided by the offices of Equity & Human Rights Services, Human Resources, Faculty Relations and the Vice-Provost (Academic Planning, Policy and Faculty), the support of all of Western's leaders, faculty and staff will be vital as we work together to achieve these goals.

The Diversity and Inclusion Plan will be released to the broader University community in the fall of 2011.

### ***PSCEE***

EHRS continues to support the work of the President's Standing Committee for Employment Equity. Our office presented the Diversity and Inclusion Plan to PSCEE and solicited feedback from committee members at various stages in the development of the plan.

## **C. EDUCATIONAL INITIATIVES AND RELATED ACTIVITIES**

### **Training and Educational Initiatives in the Western Community**

Education on issues of diversity, harassment, discrimination and employment equity help contribute to a safe and welcoming environment for staff, faculty and students at Western. Over the past year, EHRS continued its efforts to raise awareness of these issues across the University community. The following are some highlights of those programs:

#### *Staff and Faculty*

- Participated as a panellist in a sessions designed for faculty members to review changes made to the Discrimination and Harassment Article in the UWOPA collective agreement
- Participated in the development and delivery of training for all faculty and staff regarding the new requirements under "Bill 168" (an Act to Amend the Occupational Health and Safety Act) and how to support a safe and respectful campus community

- Presented to administrative leaders and staff who were enrolled in Western's Canadian Institute of Management (CIM) Program
- Developed and delivered a workshop to the Hospitality Services Leadership Team entitled: *Managing a Diverse Workforce*
- Provided an update on the results of the Employment Systems Review at the Academic Leaders Summer Conference
- Responded to several requests to attend Faculty or departmental meetings to present on employment equity, diversity, harassment and/or discrimination issues, provide information on the work of the office, or to take part in related discussion and dialogue.

#### *Students*

- Facilitated a workshop on diversity as part of the training program for English Conversation Leaders (International Student Services)
- Conducted an education and awareness session for International Student Services' Peer Guides Program
- Facilitated workshops on diversity, equity and professional issues to students as part of their academic courses, such as graduate level courses in the School of Communication Sciences and Disorders and to all of Ivey's first year HBA and MBA students
- Presented on harassment and discrimination for graduate students at the Graduate Student Conference on Teaching (TA Day)
- In conjunction with International Student Services, facilitated a discussion regarding diversity, non-harassment and discrimination.
- Presented to the USC's newly established Student Appeals Support Centre regarding the role of EHRS at Western.
- Participated in a campus tour video in order to provide Residence Staff with information about EHRS.

#### *Community*

- Continued to work with the Thames Valley District School Board to recruit and train Western students to facilitate the 'Violence Prevention Program' in local high schools
- Attend as a resource member on the City of London's Diversity and Race Relations Advisory Committee (LDRRAC)

#### **Continuing Education of EHRS Staff**

In order to keep up-to-date on relevant legal and social developments, the EHRS staff has taken advantage of professional development opportunities in the past year, including:

- Both members of EHRS, continued and advanced their training in Alternative Dispute Resolution.
- Attended the "Neighbours, Friends and Families" training workshop at Western.
- Participated in sessions at the annual UWO Staff Conference, including a session on Intercultural Communications.
- Attended a session on "Bill 168" at the AOUHRP Conference held at Western.
- Attended the 2011 Breakfast of Champions sponsored by St. Joseph's Health Care London and Canadian Mental Health Association.

## **D. OBSERVATIONS AND RECOMMENDATIONS**

Western's Non-Discrimination and Harassment Policy provides an opportunity for EHRS to provide observations and make recommendations with respect to the implementation of the policy. As such, this year, our office would like to comment on the changes that have occurred and that are on-going to Western's policies regarding harassment and discrimination.

The passing of "Bill 168", *An Act to Amend the Occupational Health and Safety Act*, on June 15, 2010, and specifically, the provisions regarding workplace harassment contained in that legislation, have necessitated a review of Western's policy (including articles contained in collective agreements) and practices regarding personal harassment.<sup>5</sup>

In November 2010, the UWOPA became the first employee group to amend its Article on Discrimination and Harassment in order to adopt a new process for the reporting and assessment of incidents and complaints of discrimination and harassment.

The process now adopted is intended to streamline access for members to information and advice regarding concerns and provide for a timely method to have formal complaints investigated and, where necessary, provide for disciplinary action. It also provides members with access to a variety of alternate resolution options to assist parties with reaching resolution, without the formality of written complaint and investigation.

In accordance with the reporting requirements under the Occupational Health and Safety Act, the Article clearly states that any Member or Academic Leader who becomes aware of an incident that may be related to discrimination and/or harassment is required to report the concerns to the EHRS office. Including a clear and direct statement regarding this reporting responsibility is a significant step forward in ensuring accountability and assuring the University community of Western's commitment to the safety of all its faculty, staff and students.

EHRS looks forward to continuing to work with University administration to review other harassment and discrimination policies in place at Western in order to ensure they are in accordance with human rights and occupational health and safety legislation, as well as general best practices.

### ***A final word of thanks...***

As always, our work at EHRS would not be possible without the support of those who are at Western to study, teach and work. We welcome the opportunity to meet with the students, staff and faculty of Western to provide advice, to discuss equity-related issues or to provide education, training or workshops on issues relating to employment equity and human rights.

Respectfully submitted,

Larissa Bartlett  
Director, Equity & Human Rights Services  
July 1, 2011

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<sup>5</sup> Bill 168, *An Act to Amend the Occupational Health and Safety Act with respect to Workplace Violence and Harassment*, contains extensive language and direction relating specifically to workplace violence. Our office's comments are directed solely to the portions of that Act dealing with workplace harassment.

## Appendix

### Equity & Human Rights Services (EHRS)?

EHRS supports the commitments Western has made to diversity and to providing a work and study environment for everyone that is free from harassment and discrimination.

Working within the existing policy structure at Western, EHRS assists any member of the University community (student, staff or faculty) who has concerns relating to harassment and/or discrimination, or employment equity. The services of the office are confidential, except where concerns may relate to the safety of an individual(s).

Further information about EHRS is available: [www.uwo.ca/equity](http://www.uwo.ca/equity)

### The Policy Structure at Western

Two policies contained in the University's Manual of Administrative Policies and Procedures (MAPP) provide a structure for the work done by EHRS:

- Non-Discrimination/Harassment Policy (MAPP 1.35); and,
- The Employment Equity Policy (MAPP 3.2).

In addition, all of the employee groups on campus have incorporated specific Non-Discrimination/Harassment clauses into their collective or employment agreements with the University.

All relevant policies are available here: <http://www.uwo.ca/equity/policies.htm>