Policy 6.25 - Discrimination and Harassment

.01 The Employer and the Association are committed to a working and learning environment that allows for full and free participation of all members of the institutional community. Discrimination against and harassment of individuals, whether as members of any recognizable group or otherwise, undermine these objectives and violate the fundamental rights, personal dignity and integrity of individuals or groups of individuals.

.02 This Policy is in accordance with all applicable federal and provincial legislation related to discrimination and harassment such as the Ontario *Human Rights Code.* It also applies to those situations defined as Workplace Harassment under the *Occupational Health and Safety Act.* The Safe Campus Policy (M.A.P.P. 1.46) should be consulted whenever there are concerns about violence in the workplace including domestic.

Discrimination

.03 Except as permitted by law, there shall be no discrimination, interference, restriction or coercion exercised against or by any Employee regarding any term or condition of employment, nor shall any discrimination be exercised against or by Employees in the course of carrying out their duties, by reason of:

a) race, color, ancestry, place of birth, ethnic or national origin, citizenship; or
b) creed, religious or political affiliation or belief or practice; or
c) sex, sexual orientation, gender identity or expression, physical attributes, marital status, or family status; or
d) age; or
e) physical or mental illness or disability; or
f) place of residence; or
g) record of offences for which a pardon has been granted; or
h) membership or participation in the Association.

.04 This Policy shall not infringe upon the implementation of special programs designed to relieve hardship or economic disadvantage or to assist disadvantaged persons or groups to achieve or attempt to achieve equal opportunity.

Harassment

.05 There shall be no Harassment or Sexual Harassment exercised against or by any Employee.

.06 Harassment means engaging in a course of vexatious comment or conduct that is known

or ought reasonably to be known to be unwelcome. Harassment may be related to one or more of the prohibited grounds of discrimination under section .03 above. Harassment includes sexual harassment, personal harassment, and workplace harassment. Harassment is a serious offence that may be cause for disciplinary sanctions including, where appropriate, dismissal.

.07 *Sexual Harassment* includes comment or conduct of a sexual nature such as, but not limited to, sexual assault, verbal abuse or threats, unwelcome sexual invitations or requests, demands for sexual favours or unwelcome innuendo or taunting about a person's body, physical appearance, sexual orientation or gender expression, and includes situations where:

a) submission to such conduct is made either explicitly or implicitly a condition of an individual's employment; or
b) submission to such conduct by an individual is used as a basis for employment; or
c) such conduct interferes with an individual's work performance; or
d) such conduct creates an intimidating, hostile or offensive working or learning environment.

This definition of sexual harassment is not intended to inhibit interactions or relationships based on mutual free consent or normal social conduct between Employees.

.08 *Personal Harassment* includes conduct and/or behaviours which create an intimidating, demeaning or hostile working or learning environment whether or not it is based on the prohibited grounds defined in the Ontario *Human Rights Code* and listed in Policy 5.03.

.09 *Workplace Harassment* is defined under the *Occupational Health and Safety Act* as 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.

.10 Harassment may not include:

a) interpersonal conflict or disagreement; or
b) the proper exercise of management's rights and/or performance evaluation.

.11 An Employee alleging a violation of this Policy may seek resolution through the Employer's policy on Discrimination and Harassment.

.12 Nothing in this Policy precludes the Employer from conducting an investigation into an allegation of Discrimination or Harassment. The Employer shall notify the Association of any investigation into an allegation of Discrimination or Harassment made against an Member. In all other such investigations involving Members, they shall be notified of their right to Association Representation prior to any meeting with the Employer.

.13 No Employee against whom an allegation of Discrimination or Harassment has been made shall be subject to any disciplinary measure before the completion of any investigation into the matter, but may be subject to other interim measures where necessary.