

## **Workplace Violence and Harassment**

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*Institutional Manual*

*Approving Authority: President (Vice-Chancellor)*

*Established: June 15, 2011*

*Date of Last Review/Revision: February 2, 2016, replaces May 28, 2015*

*Office of Accountability: Vice-President, Administration*

*Administrative Responsibility: Human Resources*

### **Policy Statement**

St. Jerome's University is committed to a workplace that is free of violence and harassment ("Abuse") and shall take reasonable precautions to prevent same. All members of the community have the responsibility to foster a workplace environment of civility and respect that reflects the University's mission on the basis of excellence, academic freedom, understanding, integrity, and service.

No person shall subject another person to Abuse, or allow and/or create conditions that permit or support Abuse in the workplace. St. Jerome's University operates with zero tolerance for Abuse of all forms and considers all incidents or complaints of such nature seriously.

Any person who engages in such Abuse, or falsely accuses someone of Abuse, shall be subject to complaint procedures, investigation, remedies, sanctions, and discipline up to and including termination from employment and/or removal from campus as applicable. Offenders may also be subject to civil or criminal proceedings. Abuse is further defined in Appendix A; see also St. Jerome's University's policy on Health, Safety, and Environment.

If you witness or are a victim of workplace Abuse, as soon as safely possible, contact the University of Waterloo Campus Police at ext. 22222 (on-campus) or 519-888-4911 (off-campus), and either your supervisor/department head or the SJU Human Resources Department at 519-884-8111. See Appendix A for the procedures involved in reporting incidences of Abuse.

### **Scope**

This Policy applies to all employees and all St. Jerome's University activities, social or otherwise, performed at, for, or on behalf of St. Jerome's University, regardless of where and when the activity is held. The scope of the term "workplace" will be interpreted accordingly. This Policy will be reviewed as necessary, but at least annually.

## Responsibilities

St. Jerome's University shall:

1. assess, and reassess as necessary, the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work, and advise the St. Jerome's University Joint Health & Safety Committee of the results of the assessment;
2. develop, maintain and assess a program to implement this Policy with respect to Abuse in accordance with legislated requirements, including the *Occupational Health & Safety Act* as well as the *Human Rights Code*;
3. provide awareness and refresher training to St. Jerome's University employees through the University of Waterloo's Workplace Violence & Harassment Awareness Program including but not limited to definitions of unacceptable behavior and complaint processes (see Appendix A);
4. provide specific training to Supervisors and Managers on their obligations; and
5. investigate and deal with all incidents and complaints of Abuse in a fair and timely manner, respecting the privacy of all concerned as much as possible.

All persons covered within the scope of this policy are expected to:

1. conduct one's self in accordance with the intent of the policy;
2. participate in the development and assessment of workplace programs that foster an Abuse free workplace;
3. attend training sessions offered by the University to maintain awareness of workplace Abuse; and
4. co-operate with investigations related to workplace Abuse.

## Appendix A Supplementary Information and Procedures

### 1. Definitions

Violence and harassment in the workplace (“Abuse”) may originate from and be directed to anyone in a workplace, such as a student, a member of the Academic Staff Association, a staff member, a co-worker, employer, a supervisor, or, the person may be someone with no formal connection to the workplace, such as a stranger or a domestic/intimate partner, who brings violence into the workplace. It is important that unwanted behaviours are addressed early to minimize the potential for workplace harassment to lead to workplace violence.

**Workplace violence** means:

- (a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.
- (b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.
- (c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Workplace violence also includes acts of domestic violence perpetrated by non-employees against employees at the worksite.

**Workplace harassment:**

- (a) means engaging in a course of vexatious comment or conduct against a worker that is known or ought to be known to be unwelcome.
- (b) may involve conduct that is verbal or non-verbal, a single incident or a series of incidents, including:
  - (i) verbal abuse: such as shouting, swearing, name calling, teasing, or comments of offensive or degrading nature;
  - (ii) emotional and psychological abuse: behaviour or communication with the intention to, but not limited to, degrade or attack an individual’s self-esteem to cause emotional harm through acts such as manipulation, humiliation, intimidation, berating, threatening, ridicule, taunting, or exploitative behaviour; and
  - (iii) sexual abuse: behaviour, comments, actions or gestures of a sexual nature that are not consensual, including unwanted touching, fondling, leering, and propositions.

Where such conduct is directed at a person 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 such activities also amount to harassment contrary to the *Human Rights Code*.

Workplace harassment does not include decisions or actions relating to employment, including a decision to change the work to be performed or the working conditions, imposition of discipline or termination of employment unless motivated by prohibited grounds.

### 2. Training

St. Jerome’s University works with the University of Waterloo in terms of training and will maintain records of the training provided, including dates training is provided and the number of persons trained. Contractors and agents providing services on behalf of St. Jerome’s University will be required to ensure their staff has received the appropriate training.

Training procedures can be found at: <http://www.safetyoffice.uwaterloo.ca/hse/training/cbt.html>.

### **3. Reporting and Investigating**

Employees who make a complaint in good faith under this policy will be protected from reprisal and have available to them, the right to file the complaint under other legislation as applicable. St. Jerome's University has the responsibility to investigate all potential policy breaches.

All employees are to report any activity of Abuse to a Supervisor or Human Resources as soon as they are able. Immediate actions to be taken include but are not limited to provision of medical attention, record of event details, interviewing witnesses, interim removal from the workplace, and notification to the Police if necessary.

St. Jerome's University works with the University of Waterloo in reporting and investigating incidents of workplace violence. All complaints of violence will be relayed to Campus Police who will record the event and conduct an investigation.

When an allegation of Abuse is between members of the Academic Staff Association, covered by a Collective Agreement between SJU and SJU-ASA the procedures to be followed are stipulated in the Collective Agreement.

When any party to a complaint are other than those covered by a Collective Agreement, the complaint will be investigated by Human Resources or a designated external investigator. The specific procedures to be followed will be dependent on the nature of the complaint, and will be determined by Human Resources. The procedures followed will be guided by the principles of fairness.

### **4. Confidentiality**

All persons involved with a complaint must ensure the matter remains confidential. The investigator will only release information as required by law or deemed necessary to process the investigation in a fair and expeditious manner.

Such disclosure may include the duty to provide information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if the employee can be expected to encounter that person in the course of his or her work; and the risk of workplace violence is likely to expose the employee to physical injury. Management will only disclose the amount of information necessary to reasonably protect the employee from such risk.

### **5. Resources**

If you are looking for on-campus resources or assistance, please see your supervisor or department head, Human Resources or one of the University of Waterloo offices that provide support to employees (e.g., Counseling Services, Safety Office, Health Services, Access Ability Office, Conflict Management & Human Rights).

This Policy is subject to the *Occupational Health and Safety Act* and *Human Rights Code*.

Dispute Resolution Policy for Staff [available under Policies on SharePoint] may be used in the event a staff members believes that there has been a misapplication of policy, procedure or guidelines.