



## **PROTECTION OF HUMAN RIGHTS POLICY**

Approved by: Academic Coordinating Committee

Authorizer: Executive Director, Human Resources

Reference Code: HR7 V2

Effective Date: 1/1/2005

### **POLICY STATEMENT:**

Conestoga is committed to providing a working and learning environment that is free of discrimination and harassment and supportive of academic achievement and the dignity, self-esteem and fair treatment of everyone taking part in its activities. Conestoga seeks to create a climate of mutual respect that reinforces opportunity and allows for each person to contribute fully to the development and well-being of the community.

Conestoga recognizes the right of every person in its community to be protected from unlawful discrimination and harassment in accordance with the Ontario Human Rights Code and from personal or psychological harassment in accordance with the Occupational Health & Safety Act.

### **SCOPE:**

This policy applies to all employees and students, Board of Governors members, members of committees, societies or associations established or recognized by Conestoga, employees' family members or spouses/domestic partners, residence staff, contractors, providers of service or research, visitors or guests and applicants for admission or employment.

### **DEFINITIONS:**

#### **Discrimination**

Action(s) or behaviour(s) that results in the unfavourable or adverse treatment or preferential treatment related to the prohibited grounds. Discrimination can be direct (by a person acting on his or her own behalf), indirect (carried out through another person), constructive (systemic discrimination) or by association.

## **Harassment**

A course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. For the purpose of this policy, harassment may include comment or conduct linked to the prohibited grounds initiated by one person towards another, which cause humiliation, offence or embarrassment. Single acts of sufficient severity may constitute harassment.

### **Understanding Harassment**

- Harassment is a form of discrimination. It is prohibited by the Ontario Human Rights Code. It is against the law.
- Harassment is concerned with the impact of behaviour, not the intent.
- Harassment is offensive, degrading and threatening. In its most extreme forms (sexual touching, for example), harassment can be an offence under Canada's Criminal Code.
- There are times when a person causing the harassment is unaware of the impact of his or her behaviour. If you are able to make that person aware of your discomfort, he or she should cease acting in that manner.

Harassment includes, but is not limited to:

- (i) inappropriate or insulting remarks, gestures, jokes, innuendoes or taunting about a person's racial or ethnic background, colour, place of birth, citizenship, ancestry, creed, or disability
- (ii) unwanted questions or comments about an employee's or a student's private life
- (iii) posting or display of materials, including by electronic means, articles, or graffiti, etc. which may cause humiliation, offence or embarrassment on Code prohibited grounds.

### **Sexual Harassment**

- One or a series of comments or conduct of a gender-related or sexual nature that is known or ought reasonably be known to be unwelcome/unwanted, offensive, intimidating, hostile, or inappropriate.
- Examples include gestures, remarks, jokes, slurs, taunting, innuendo, threats, unwanted physical or sexual contact, invitations, leering, the display of sexually offensive material, solicitation, demands, penalties related to sexual orientation, marital or family status, unwanted attention, implied or expressed promise of reward or benefit in return for sexual favours, implied or expressed threat or act of reprisal if sexual favours are not given.

### **Prohibited Grounds (Ontario Human Rights Code)**

Every person has a right to freedom from discrimination in the areas of:

- services, goods and facilities
- the occupancy of accommodation contracts
- employment

- membership in vocational associations and trade unions

On the grounds of:

- race
- colour
- creed (religion)
- handicap (disability)
- ancestry
- ethnic origin
- sexual orientation
- place of origin
- citizenship
- sex
- gender identity
- gender expression
- age (18 or more in employment)
- marital status (includes cohabitation, widowhood, separation)
- family status (parent – child relationship)
- same sex partnership
- the receipt of public assistance (in accommodation only)
- record of offences (provincial offences, pardoned federal offences – in employment only)

### **Personal/Psychological Harassment**

For the purposes of this policy, “harassment” as outlined in the Occupational Health & Safety Act, also includes personal/psychological harassment.

Workplace harassment means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought to be known to be unwelcome.

Personal/psychological harassment is defined as behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects an employee’s dignity or psychological or physical integrity and that result in a harmful work environment for the employee. Psychological harassment includes and is not limited to behaviours defined as bullying, mobbing, victimization, emotional abuse, psychological violence. A single serious incident of such behaviour that has a lasting harmful effect may constitute psychological harassment. It must be demonstrated that this behaviour affects the person’s dignity or physical or psychological integrity and that it results in a harmful work environment for the employee.

Reasonable action by a manager, employees, students, the union is not psychological harassment, e.g. evaluations of employees’ work performance, which may include reasonable criticism of performance and/or reasonable changes in a person’s assignment; employees’ correction of inappropriate student behaviour and maintaining order, in a reasonable manner, in the work/classroom environment; conduct of union business in a reasonable manner.

**POLICY ELABORATION:**

Any action or failure to act which results in harassment or discrimination on any of the grounds enumerated under the Code or actions that constitute harassment under the OHSA will not be tolerated by Conestoga.

In the event that harassment or discrimination is alleged, all reasonable efforts will be made to work with the people involved to find a fair and timely resolution of the matter. It is recognized that the most effective way to deal with harassment and discrimination is through preventative action, including informing, educating and good management.

**REFERENCES:**

Protection of Human Rights Procedure  
Ontario Human Rights Code  
Occupational Health & Safety Act

**REVISION LOG:**

June 2008 – moved to new template, revised some staff titles as appropriate  
November 2010 – added personal/psychological harassment in accordance with the Occupational Health and Safety Act  
December 2012 – changed to AODA acceptable format  
April 2013 – policy review  
June 5 2013 – Policy and Procedure Committee – revisions approved  
June 19 2013 – Academic Coordinating Committee - approved