



# **Queen's University Faculty Association**

## **Harassment Protocols for QUFA Staff**

*(From the Staff Employment Policy)*

**April 2020**

## Appendix B: Prevention & Reporting of Harassment & Violence in the Workplace Protocol

### **Prevention & Reporting of Harassment and Violence in the Workplace**

The intention of this protocol is to facilitate prevention of and timely intervention in situations of harassment or violence affecting QUFA staff.

#### **Definitions of Workplace Violence & Harassment Awareness**

##### ***Workplace Violence & Harassment Awareness***

*Queen's University endeavours to promote the highest possible level of safety and security in all of its areas, the ultimate result being a study, living and working environment free from violence, threats of violence, harassment, intimidation and other disruptive behaviour. While violent acts are not pervasive at Queen's, no university is immune from such behaviour. All members of the Queen's community share the responsibility to create and maintain an environment free from harassment and violent behaviour.*

*In order to comply with amendments made to the Occupational Health and Safety Act (Bill #168), Queen's University has defined procedures to protect employees from workplace violence and harassment.*

##### **"Workplace Harassment" defined:**

- *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.*
- *The comments and/or conduct typically happen more than once. They could occur over a relatively short period of time (for example, during the course of one day) or over a longer period of time (weeks, months or even years).*

Harassment may be expressed verbally or physically, by commission or omission, is usually coercive, and it can occur as a single incident or on a repeated basis. It degrades, demeans, humiliates, intimidates, undermines or destroys the character or confidence of an individual or group of individuals. This is often carried out by an individual who ought reasonably to have known that their actions are unwelcome or unwanted, but it can also be an aspect of group behaviour. It comprises actions, attitudes, language, or gestures which the harasser knows or reasonably ought to know are abusive, unwelcome, or wrong. Harassment can be considered violence if the psychosocial impact is severe enough to warrant such a characterization.

Some examples of workplace harassment may include but are not limited to:

- Unwelcome remarks, jokes, innuendos, taunts or other discriminatory communication in any media (for example, cyberbullying);

- Insulting or malicious gestures or practical jokes which cause someone embarrassment or discomfort;
- Ridiculing, degrading or expressing hatred or intolerance, whether verbally, in writing or physically;
- Display of offensive material/pictures or graffiti;
- Placing unreasonable limitations on someone because of a perceived need (e.g. disability, pregnancy, etc.);
- Leering (sexually suggestive staring);
- Defamation of religious imagery;
- Mockery of religious practices, customs or religious wear;
- Demands for sexual favours;
- Unnecessary physical contact such as touching, patting or pinching;
- Making comments about one's appearance or personal life; or,
- Expressing or promoting racial hatred.

Some examples of bullying and personal harassment include but are not limited to:

- Abusive and offensive language;
- Insults;
- Unwelcome teasing;
- Spreading rumour or innuendo;
- Unfair blame for mistakes;
- Exclusion;
- Intimidation;
- Humiliation;
- Practical jokes;
- Outbursts or displays of anger directed at others;
- Targeting of an individual through persistent, unwarranted criticism;
- Belittling opinions or suggestions; or,
- Public criticism that is objectively identifiable to a reasonable observer in the same circumstances as being criticism, and not merely comment.

Context is important in understanding bullying, particularly verbal communication. There is a difference between friendly insults between long-time work colleagues and comments that are meant to be, or are taken as demeaning.

Some examples of sexual harassment include but are not limited to:

- Unwelcome sexual solicitations, flirtations or advances;
- Sexually suggestive comments, gestures, threats or verbal abuse;
- Sexual assault which includes unwarranted touching or physical contact of a sexual nature or coerced consent to sexual contact;
- Inappropriate display or transmission of sexually suggestive or explicit pictures, posters, objects or graffiti;
- Leering, compromising invitations or demands for sexual favours;

- Degrading, demeaning or insulting sexual comment or content, including unwelcome remarks, taunting, jokes or innuendos about a person's body, sexual orientation or sexual conduct;
- Misuse of position or authority to secure sexual favours;
- Persistent, unwanted attention or requests for sexual contact after a consensual relationship has ended; or,
- A course of sexualized comment or conduct that interferes with the dignity or privacy of an individual or group.

This policy is not intended to interfere with ordinary social or personal relationships among members or staff of the Association or impinge on normal expectations of privacy. Consensual relationships are not examples of sexual harassment.

Some examples where supervisory authority veers into harassment include but are not limited to:

- Unjustified discipline or undervaluing of work;
- Withholding vital information;
- Setting up individuals to fail;
- Monitoring movements without justification;
- Removing areas of responsibility without justification;
- Making conditional or appearing to make conditional employment, or other services, benefits, opportunities or facilities upon performance unrelated or irrelevant to the employment status of the one supervised, even where it does not have the intention or effect of benefiting the supervisor in question.

***"Workplace Violence" defined:***

- *The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;*
- *An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker;*
- *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.*

*Workers, students, customers, strangers, visitors to the campus or patients can introduce violence into the workplace.... Information on the policy against "Workplace Violence" can be found at: <http://www.safety.queensu.ca/violence/>.*

***"Domestic Violence" in the Workplace defined:***

*Intimate partners (past or present), family members or friends may use violence or threats of violence against a worker. This kind of violence may also be known as "Domestic Violence" or "Family Violence". "Domestic Violence" is considered "Workplace Violence" when it occurs in the workplace.*

*Domestic violence is widely understood to be a pattern of behaviour used by one person to gain power and control over another person with whom they has or has had a personal relationship. This pattern of behaviour may include physical violence, sexual, emotional, and psychological intimidation, verbal abuse, stalking, and using electronic devices to harass and control.*

## **Prevention and Reporting Protocols for QUFA Staff**

### **1. General Protocols**

- An up-to-date list of emergency numbers for the Queen's campus should be posted prominently in all QUFA staff offices, the boardroom, the kitchen, and the foyer.
- New staff should be informed immediately about the emergency alert buttons connected to Queen's Emergency Centre which are located on every staff member's desk (except in the fourth office upstairs).
- QUFA Staff often work outside the office in meetings around campus and beyond. As much as practicable, these principles shall apply to those work spaces as well.
- When a staff member is working alone in the office early or late in the workday or on Fridays in the summer, or on rare occasions during the weekend, the doors will normally be kept locked.
- When all staff are working upstairs, out of view of the exits, the doors will normally be kept locked.
- If a staff member must meet with someone about whom they have safety concerns, the meeting shall only be scheduled at a time when someone else is in the office. The Executive Director and other staff will be informed about these concerns.

### **2. Workplace Harassment & Violence**

The objective of these reporting protocols is to attempt to prevent harassment and violence in the first instance and to respond to harassing or violent situations as quickly as possible. Staff should report all incidents, threats or suspected risks of harassment and violence. Reports should be made to any of the following people as appropriate to the situation:

- Executive Director
- Chair of Staff Relations
- QUFA President
- Staff Relations Committee

QUFA Staff interact with a wide range of people including Volunteers (active Members of the Bargaining Unit), other Bargaining Unit Members, Queen's Staff and administration, external service providers, students and strangers. If QUFA Staff are concerned about a behaviour or pattern of behaviour involving any of these groups, they should discuss their concern as soon as practicable with any of the people listed above as appropriate.

**Any situation that escalates to a threat of violence should be reported to Campus Security and 911 immediately.** A full report of this type of incident should be made to the Executive Director and the Staff Relations Committee as soon as practicable in order to instigate a review

of this protocol and the safety measures in place in the workplace. Additional security measures may be required to eliminate the future risk of violence.

If a report of harassment, violence or threat of violence is made, the Executive Director, Chair of Staff Relations or the Staff Relations Committee will launch an investigation as per the *QUFA Protocol on Investigating Workplace Harassment and Violence*.

### **3. Domestic Violence in the Workplace:**

Protocols for QUFA Staff while at work whose domestic situation presents the threat of domestic violence:

- If a partner/family member of any QUFA Staff member appears at work to threaten her or his safety, witnesses should call 911 and Campus Security immediately.
- If QUFA Staff believe their security is at risk due to a colleague's domestic situation, they should report this to the Executive Director or Chair of the Staff Relations Committee.
- If a QUFA Staff person is in a relationship which might result in domestic violence in the workplace, they are advised to alert other staff, the Executive Director or the Chair of the Staff Relations Committee in order to devise a strategy to protect them and other Staff members at work. They are also advised to alert Campus Security and the Kingston Police.

Reports should be made to any of the following people as appropriate to the situation:

- Executive Director
- Chair of Staff Relations
- QUFA President
- Staff Relations Committee

Any report of violence or threat of violence will instigate a review of this protocol and the safety measures in place in the workplace. Additional security measures may be required to eliminate the future risk of violence.

### **4. Additional Security Measures**

Pending the outcome of review of this protocol and/or any formal investigation, the following measures may be invoked to ensure the security of QUFA staff at work:

- Reorientation of staff hours;
- Suspension of access to the QUFA office for those found to be harassing, threatening or harming QUFA Staff;
- Restriction or elimination of access to QUFA staff in person or by email or telephone;
- Moderation of communications among complainant(s) and respondent(s);
- Temporary re-assignment or reorganization of QUFA Staff duties;
- Training such as Human Rights Awareness, Anger Management etc. for Staff and Volunteers;
- Increased physical security measures in the office;
- Other necessary adjustments in the daily functioning of the QUFA office that may be required to ensure Staff physical and psychosocial health.

## **5. Review**

- All new QUFA Staff will be advised of this protocol.
- A copy of the protocol will be posted in a visible place in the QUFA office.
- The protocol will be reviewed with QUFA Executive Members at their Annual Retreat and form part of Executive Training.

## Appendix C: Harassment & Violence Investigation Protocol

This appendix lays out roles and responsibilities and then includes procedures for workplace investigations. The procedures for workplace investigations is not limited to situations of alleged harassment or violence, but can also be used for any other workplace situation requiring investigation.

### **1. Roles and Responsibilities**

Everyone involved with QUFA has responsibility for creating and maintaining a productive, safe, and secure workplace.

Anyone who witnesses any violation of the Staff Relations Policy, health and safety rules, or legislation is responsible for bringing it to the attention of the Staff Relations Committee Chair as quickly as possible so that the situation can be dealt with in a timely fashion. Allowing such situations to continue usually increases negative consequences, may be illegal and could culminate in work stoppage. No individual shall face reprisal for making a complaint in good faith. Persons who engage in reprisals or threats of reprisal may be disciplined.

The Executive Committee has charged the Staff Relations Committee with overseeing employment matters. The SRC is responsible for understanding all policies and rules governing the maintenance of healthy and safe workplaces and for communicating these to other Volunteers and to Staff. Communication will include posting these appendices at the QUFA office and on the QUFA website, inclusion in the QUFA Executive Binder and distribution to QUFA Council Representatives, and any other form of communication that seems reasonable and will convey the seriousness with which the Association treats such matters, including training at the annual Executive Retreat.

Once allegations have been brought to the SRC Chair, the Chair will determine whether to investigate and how to deal with all incidents and complaints in a fair and timely manner while respecting the privacy of all concerned as much as possible.

Nothing in this Protocol or Policy prevents or discourages Staff members from filing an application with the Human Rights Tribunal of Ontario on a matter related to Ontario's Human Right's Code within one year of the last alleged incident. Staff members also retain the right to exercise any other legal avenues that may be available.

### **2. Workplace Investigation Procedures**

If an allegation of wrongdoing is presented, the SRC will consider the following in determining how to resolve the situation:

- Whether the situation is an emergency
- Whether the situation has existed for a short or a long period of time
- How complicated the situation appears to be
- How many people are involved
- What the fallout might be if the allegations are true



All reasonable steps shall be taken to ensure the physical and psychosocial health and safety of all Staff and Members of the Association during the investigative process. In the case of interpersonal conflict, this may involve separating people some or all of the time. This will be done in the least intrusive way possible, with input from those individuals. If it becomes necessary to do so, the SRC has the power to remove any individual(s) from the workplace if it is determined that a person's continued presence poses a risk to health and safety. These measures remain in place until such time as there is decision regarding whether and how to address or to remedy the situation. This will be accomplished in as fair a manner as possible in the circumstances.

The Staff Relations Committee, in consultation with Staff, will monitor the effectiveness of this Protocol on an ongoing basis.

### **Informal Resolution**

The ED or SRC Chair (or designate) will arrange meetings with each identified Staff member or Volunteer within 15 working days of the report of an incident or issue giving rise to the workplace concern, or the date the employer ought reasonably to have known of the incident or issue giving rise to the concern. If these measures are enacted in the absence of a complaint from the alleged target of harassing, bullying or violent behaviour, that person will be advised of the allegation.

At the meeting, the ED or SRC Chair (or designate) will describe the situation that has come to the employer's attention and discuss possible solutions or next actions, including a time frame within which such actions should be completed.

If the matter is resolved at this stage, no written documentation is necessary.

If the matter is not resolved at this stage or if the situation giving rise to the workplace concern persists, the SRC will decide whether to initiate a workplace investigation on its own initiative or as soon as possible following a request from an affected Staff member.

### **Investigative Process**

Whether an investigation is to be conducted internally or externally will be determined by the SRC. Any investigation, whether conducted by someone within the QUFA Membership or external to it, shall be conducted by someone who has the experience and skills to competently undertake an investigation in a manner that is fair and would be legally defensible.

An internal investigation shall be conducted by a Member not on the Executive at the time of the investigation. An external investigation shall be conducted by someone who is neither an employee nor a student of Queen's University at the time of the investigation.

If the SRC decides to initiate a workplace investigation, it will inform the affected Staff member(s) and Volunteer(s) in writing. That notice will include a summary of the facts and/or allegations that led to the need for an investigation, the name of the investigator, the need for

confidentiality, and the right of the Staff member or Volunteer(s) to be accompanied by a support person.

The investigator shall be given a mandate by the SRC that is appropriate to aid in resolving the issue giving rise to the investigation. The affected Staff member(s) and Volunteer(s) will be given an opportunity to review the mandate and give input, but the SRC has final say over the scope of the investigation. The mandate shall be finalized as soon as practicable following the Staff member(s) being informed of the need for an investigation.

Any support person accompanying Staff or Volunteers to investigation meetings must also respect the confidentiality of the process and will be told this by the investigator.

As soon as practicable following agreement on the mandate, the investigator will begin collecting relevant documentary and viva voce evidence from all affected Staff member(s) and Volunteers who might be involved in the incident or issue giving rise to the need for an investigation.

The investigator shall prepare and submit a written report in a timely fashion following the conclusion of the investigation to assist the SRC in its decision-making process.

Staff and Volunteers whose evidence is used in the report shall have an opportunity to read it, with any necessary redactions to protect privacy and confidentiality of participants, and to comment on it in person or in writing before the SRC makes its decisions on next actions.

Once those comments have been received, the SRC will communicate its decision and any next actions in writing to the Staff member(s) and Volunteers affected by the decision or actions.