

WORKPLACE HARASSMENT FOR UW STUDENTS

Welcome. This module, Workplace Harassment for University of Waterloo Students, has been designed to ensure that you have a good understanding of:

- your rights and responsibilities as a worker,
- what harassment can look like in the workplace and,
- what resources are available to you if you experience or become aware of workplace harassment.

Conflict Management and Human Rights Office

The Conflict Management and Human Rights Office acts as a resource to all members of the university community (faculty, staff and students) regarding matters of harassment, discrimination, and other general forms of conflict.

When you are on-campus as either a student during an academic term, during an on-campus work term or experiential term, we are available to provide you with support, advice and coaching related to dealing with conflict on campus. We can also provide mediation services to you and other parties involved in a conflict.

Policy #33, Ethical Behaviour

There are a number of university policies that apply to situations involving harassment, discrimination and other forms of conflict. One of these policies is Policy 33: Ethical behavior. The Conflict Management and Human Rights Office is available to help you understand your rights and responsibilities related to human rights under provincial legislation and University of Waterloo policy. We can help you understand how these apply to specific situations that you might face on campus and what options, both formal and informal, are available to individuals dealing with human rights issues.

You might be wondering what I mean by an “informal” or “formal” response to a human rights concern. An informal response is one that is aimed at repairing a damaged relationship. The goal of an informal response is to not only resolve the current issue at hand but also prepare you and the other person to respond well when future issues arise. An informal response could be as simple as receiving some advice or coaching, it could involve preparing to have a difficult conversation alone or with a support person, it could also involve mediation between two or more people. A formal response is aimed at determining whether there has or has not been a breach of policy. An example of a formal response would be a formal complaint under Policy 33. An informal response is more likely to be an option if a concern is identified early. That is why we encourage anyone dealing with conflict to get help as early as possible. As soon as you feel that something is not quite right in the relationship, take steps to address the issue.

Everyone on campus, whether they are a faculty, staff or student, is protected by Policy 33. This policy speaks to:

- fairness
- equal opportunity
- academic freedom
- the right to advance views openly
- and respect for individual differences

Policy 33 outlines both general and specific principles based on what the University of Waterloo understands to be ethical behaviour. When someone does not adhere to these principles, they are in breach of Policy 33 and are considered to be acting unethically.

Policy #33, General Principles

One of Policy 33's general principles states that; it's University policy "that each member of the University endeavour to contribute to the existence of a just and supportive community based on equality and respect for individual differences."

It goes on to state "That no member of the University community (faculty, staff, student) may unduly interfere with the study, work or working environment of other members of the University or any aspect of another's University activity."

This means that no matter who you are – student, faculty or staff - you are a member of the University community and responsible for how your behaviour impacts other community members. During any activity – whether it's academic, research-related, administrative or social - and no matter where you are on campus - in a classroom, hallway, residence, or office - you are expected to be paying attention to how your behavior is impacting those around you. Policy 33 also addresses harassment and discrimination which we'll discuss later.

Policy #42, Prevention & Response to Sexual Violence

Another policy that I want to make sure that you are aware of is Policy 42 which deals with prevention and response to sexual violence. This policy also has an associated set of protocols and procedures.

Policy 42 states that "the University of Waterloo is committed to fostering a safe and respectful environment where the impact of sexual violence is understood and individuals affected receive support."

Policy 42 establishes the University's commitment to preventing and promoting awareness of sexual violence and to ensuring that there is a process in place to address complaints of sexual violence. [The Sexual Violence Response Protocol and Procedures](#) provides further details about the University's response and related resources available for individuals affected by sexual violence.

Meet the Sexual Violence Prevention and Response Office

If you have experienced sexual violence, have received a disclosure of sexual violence, or have otherwise been impacted by sexual violence, the Sexual Violence Prevention and Response Office is happy to meet with you and provide support. Amanda Cook is the Director of Sexual Violence Prevention and Response, and Meaghan Ross is the Sexual Violence Response Coordinator. Both are happy to meet with you. Amanda and Meaghan: provide a safe space for students, staff, and faculty who have experienced or have been affected by sexual violence; discuss resources, both on- and off-campus that could provide further support; explore potential next steps, which could involve safety planning, formal and informal response, workplace and/or academic accommodations. It is important to note that meeting with Amanda or Meaghan does not automatically initiate an investigation.

No matter where an incident of workplace harassment occurs, the Sexual Violence Prevention and Response Office can support the survivor if they are a UW student. If the person causing harm is a UW student, procedures under Policy 42 can be pursued if the survivor wishes.

If you are on a co-op work term or EDGE work experience Off-Campus, the Conflict Management and Human Rights Office can still provide you with support and information, but since you will also be an employee of another company, it is important to communicate with your supervisor at work and with an Advisor, Workplace Harassment if you are experiencing conflict, harassment or discrimination. The same provincial legislation that requires the University of Waterloo to have policies and procedures in place for dealing with conflict and human rights issues also requires your employer to have their own policies and procedures for dealing with these issues. The Advisors can help you navigate the resources available within your workplace.

The Office of Human Rights, Equity and Inclusion also has many helpful resources available on our website. These are available to you whether you are on-campus or off and they include:

- online presentations related to human rights
- information on responding to cyberbullying;
- links to information about Ontario law and legislation that protects you against harassment and discrimination in your workplace as well as e-Learning modules that are related to these pieces of legislation; and
- our new ***Frequently Asked Questions section*** aimed at addressing questions you may be asking.

Our office can also provide guidance if you find you need to have a difficult conversation with a boss or colleague or, respond to disrespectful communication in the workplace.

Questions

Today, our goal is to help you understand what harassment and discrimination are, how they might look in a workplace, and what you can do if you are experiencing them. We will do this by focusing on these three questions.

- What are discrimination and harassment?
- What is a poisoned environment?

- What can I do if I am experiencing discrimination or harassment in my workplace?

Ontario Human Rights Code

Let's look at the first question: What are discrimination and harassment? Let's begin by looking at what the Ontario Human Rights Code says. The Ontario Human Rights Code is a piece of legislation that protects the rights of all residents of Ontario. It guarantees that:

“Every person has a right to equal treatment in four areas:

- Employment and contracts
- Services, goods and facilities
- Accommodation (housing)
- Association and union memberships”

It prohibits unequal treatment in each of these areas.

Discrimination

One form of unequal treatment is discrimination. The Ontario Human Rights Commission defines discrimination as “treating someone unfairly.” The Ontario Human Rights Commission prohibits discrimination based on a large number of factors such as: race, colour, disability, ethnic origin, religion, gender identity and many more listed here.

Ancestry	Citizenship	Gender Identity
Ethnic Origin	Place of Origin	Gender Expression
Marital Status	Creed (Religion)	Record of Offense (in employment)
Family Status	Sexual Orientation	Receipt of Public Assistance (in housing)

Some examples of discrimination based on these criteria are:

- A person not hired for a job because of their religion
- A person refused access to a restaurant due to a disability
- A person denied access to housing due to race or ethnicity
- A person denied access to a bathroom that corresponds with their gender identity

Harassment

The Human Rights Commission also prohibits harassment, which they define as: “a course of vexatious comment or conduct – where a person knows – or ought reasonably to have known – the behaviour is unwelcome.”

This definition of harassment has 3 key components:

- 1) It involves behavior that is vexatious. Vexatious means irritating, annoying or having a negative impact;
- 2) It involves a course of conduct. Typically, harassment is behavior that is ongoing or repeated, but if the behavior is serious enough, a single event can be considered harassment;

- 3) Harassment involves behavior which the person knows or ought reasonable to know is unwelcome. This means that we're expected to be paying attention to how our behavior is impacting the people around us. It also means that if someone tells us that our behavior is unwelcome, we're expected to listen and to stop the behavior.

A key point to remember is that, when considering whether behavior is discriminatory or harassing, it is the **impact** not the **intent** of the words or actions that must be considered. If the behavior is having a negative impact, we are expected to stop no matter what our intent was.

What is not considered harassment?

It is also important to understand what is not harassment.

Bill 132, Ontario's Sexual Violence and Harassment Action Plan Act, clarifies this for us. It says that "a reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment." This means:

- It is not harassment if your employer asks you to redo work that was not done well.
- It is not harassment if your employer provides you with negative feedback once or repeatedly as long as it is provided in a respectful and reasonable way.

In order to generate a better understanding of what harassment might look like, we are going to consider a number of scenarios.