

## College of Audiologists and Speech-Language Pathologists of Ontario

### Respect in the Workplace Policy

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The College of Audiologists and Speech-Language Pathologists of Ontario (College) recognizes the dignity and worth of every employee, and to that end believes in providing and maintaining a work environment in which all employees are free from workplace violence, harassment, and discrimination. This policy applies to all employees and covers all forms of violence, harassment and discrimination prohibited under human rights legislation.

#### **Definitions**

“Workplace” means any place where work-related activities are conducted. It includes, but is not limited to, the physical work premises, work-related social functions (social events, golf games, etc.), work assignments outside the College’s office, events where the individual represents the College, work-related travel and work-related conferences or training sessions.

“Violence” means the threatened, attempted or actual conduct of a person that causes or is likely to cause physical injury whether at the College or a work-related location.

“Discrimination” means the differential treatment of an individual on the basis of race, colour, ancestry, place of origin, religious beliefs, gender, age, physical disability, mental disability, marital status, family status, and sexual orientation or any other factor that is legally protected (“Prohibited Grounds”).<sup>1</sup>

“Harassment” means engaging in a course of vexatious comments or conduct that is known, or ought reasonably be known, to be unwelcome. It may include unwelcome, unwanted, offensive, or objectionable conduct that may have the effect of creating an intimidating, hostile or offensive work environment; interfering with an individual’s work performance; adversely affecting an individual’s employment relationship; and/or denying an individual’s dignity and respect. Harassment may result from one incident or a series of incidents. It may be directed at specific individuals or groups.

Examples of harassment and discriminatory conduct include but are not limited to the following:

- Humiliating an employee in front of co-workers;

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<sup>1</sup> The actual language from the Ontario Human Rights Code at the time of approval reads: “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”. The *Occupational Health and Safety Act* can also apply to some forms of discrimination and most forms of harassment.

- Subjecting an individual to unwelcome remarks or jokes;
- Consistent subjection of an individual to practical jokes or ridicule;
- Making any work-related decision (including matters of hiring, promotion, compensation, work assignments, evaluations, training or job security) not on the basis of merit, but on the basis of any of the Prohibited Grounds;
- Comments which are intended, or that ought reasonably be known, to promote stereotyping on the basis of any of the Prohibited Grounds;
- Jokes or comments which draw attention to, for example, a person's disability, age, ethnic, racial, or religious background or affiliation, or which draw attention to a person's gender, sexuality or sexual orientation with the effect of undermining such person's role in a professional environment or that by their nature are known or ought reasonably be known to be embarrassing or offensive; and
- Derogatory remarks, verbal abuse or threats directed toward members of one gender or regarding one's sexual orientation or sexuality or with respect to a person's or group's ethnic, racial or religious background or affiliation. Such remarks can be made to someone other than the object (e.g., statements made to another employee).

Harassment encompasses sexual harassment, which is defined as any conduct, comment, gesture or contact of a sexual nature that is likely to cause offence or humiliation to any employee or that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment, work assignment, or on any opportunity for training or promotion. Examples include but are not limited to:

- Unwelcome remarks, jokes, innuendoes or taunting of a sexual nature about a person's body, attire, age, marital status or sexuality;
- Unwelcome or intimidating invitations or requests with sexual overtones whether indirect or explicit;
- Leering or other gestures;
- Unwelcome physical contact such as touching, patting or pinching;
- Unwelcome display of objects or pictures of a sexual nature; and
- Sexual advances, request for sexual favours, or other verbal or physical conduct of a sexual nature when:

- i. Submission to such conduct is made explicitly or implicitly a term or condition of employment;
- ii. Submission to or rejection of such conduct is used as the basis for decisions affecting an employee's employment, promotion, or movement within the organization; and/or
- iii. Such conduct has the purpose or effect of humiliating an individual or substantially interfering with an employee's work performance or in creating an intimidating, hostile or offensive work environment.

Please note that reasonable action taken by an employer or manager relating to the management and direction of workers or the workplace is not workplace harassment. For example, supervision of employees who perform better with such support or annual performance appraisals would not constitute workplace harassment unless those activities were targeted on Prohibited Grounds.

#### ***Policy Statement***

All employees in the workplace have a right to work in an environment free from violence, harassment and discrimination. To accomplish the College's goal of promoting a violence, harassment and discrimination free environment, the College will not tolerate violent, harassing or discriminatory behaviour from employees, non-employees (i.e., contractors, consultants, interns and volunteers), members, Council or committee members, visitors, guests, or any others that attend at the workplace. In addition, the College will communicate its commitment to a workplace free of violence, harassment and discrimination.

Retaliation or reprisals are prohibited against any individual who has complained under this policy in good faith, or has provided information regarding a complaint. Any retaliation or reprisal will be subject to immediate action, up to and including termination for cause. Alleged retaliation or reprisals are subject to the same complaint procedures and penalties as complaints of violence, discrimination and harassment.

The College recognizes that individuals may find it difficult to come forward with a complaint under this policy because of concerns of confidentiality. As such, all complaints concerning workplace violence, harassment, or discrimination, as well as the names of parties involved, shall be treated as confidential to the greatest extent possible. The College's obligation to conduct an investigation into the alleged complaint may require limited disclosure. As it pertains to violence, where the College believes there to be imminent danger to an employee, it may divulge such confidential information as is reasonably necessary. No record of the complaint will be maintained in the personnel file of the complainant. At the conclusion of each complaint process, all related documentation will be maintained for safe-keeping in a confidential manner by appropriate staff in a "Respect in The Workplace" file.

## ***Responsibilities***

Each and every employee is responsible for creating and maintaining a violence, harassment and discrimination free workplace. All employees are requested to report promptly when they become aware of alleged actions or complaints of violence, discrimination or harassment. Managers in particular have a responsibility to actively promote a positive work environment and to intervene when problems occur. Failure to do so may be considered as a failure of the organization to exercise its authority and consequently be in contravention of legislation applicable to the College in this regard.

## ***Complaint Procedure***

Step 1 - Self Help: Employees are encouraged to attempt to resolve their concerns by direct communication with the person(s) engaging in the unwelcome conduct. Where employees feel comfortable doing so, communicate disapproval in clear terms to the person(s) whose conduct or comments are offensive. Keep a written record of the date, time, details of the conduct, and witnesses, if any.

Step 2 - Management Support and Intervention: Employees who are not comfortable with direct communication and who believe they are victims of discrimination or harassment, or who become aware of situations where such conduct may be occurring, are encouraged to seek advice from and report these matters to their manager. In the event the complaint relates to the manager, the employee should report the complaint to the Registrar<sup>2</sup>.

Step 3 - Formal Complaint: If informal attempts at resolving the issue are not appropriate or are proving to be ineffective, a formal complaint may be filed. To file a formal complaint:

- i. Provide a letter of complaint that contains a brief account of the offensive incident (i.e., when it occurred, the persons involved, names of witnesses, if any). The letter should also include the remedy sought and be signed and dated by the person complaining;
- ii. File the complaint with your manager or the Registrar<sup>3</sup>; and
- iii. Cooperate with those responsible for investigating the complaint.

Formal complaints will be investigated. The investigation process will involve interviews of the complainant, the respondent and any witnesses named by either. Generally, the individual charged with the investigation shall investigate the incident and will subsequently prepare a written report of the investigation findings. The report, if prepared, shall be provided along

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<sup>2</sup> If the concern is about the conduct of the Registrar, the report can be made to another staff person who helps manage human resources who can call upon the assistance of the President or the Executive Committee in addressing the concern.

<sup>3</sup> If the concern is about the conduct of the Registrar, the complaint can be filed with another staff person who helps manage human resources who can call upon the assistance of the President or the Executive Committee in addressing the concern.

with recommendations, if any, to the designated manager for action, including advising the complainant and the respondent (if the respondent works at the College) of the results of the investigation<sup>4</sup> and of any corrective action that has been, or will be, taken. Where the complaint is about a Council or Committee member, it will be dealt with in accordance with the College's Respect in the College policy.

Disciplinary action for violations of this policy will take into consideration the nature and impact of the violations and may include a verbal or written reprimand, a suspension (paid or unpaid), or termination of employment for cause. Similarly, deliberate false accusations are of an equally serious nature and will also result in disciplinary action up to and including termination of employment for cause. Note, however, that an unproven allegation does not mean that the conduct did not occur or that there was a deliberate false allegation. It may simply mean that there was an insufficient evidentiary basis to proceed.

Any respondent(s), regardless of their position within the College, will be excluded from administering and managing the investigation and resolution process (save and except for their involvement as a respondent).

### ***Complaints Against Third Parties***

The College recognizes that an employee may be subject to violence, harassment or discrimination by non-employees who interact with the College. An employee who believes that he or she has been subjected to such conduct by a person who does not work for the College may seek the advice of their manager or the Registrar who will take whatever action is appropriate in the circumstances.

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<sup>4</sup> Where the issue involves harassment, the alleged harasser and harassee will be informed in writing of the results of the investigation and any corrective action that has been taken or that will be taken as a result of the investigation.