

Workplace Harassment and Discrimination Prevention		
For Policy Office Use Only		
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Policy Sponsor: Chief Talent Officer		
Policy Author: Chief Talent Officer		Dept: Human Resources
Scope/Impact: This policy applies to staff, medical staff, volunteers, students, learners, and contractors of CHEO (hereinafter known as "individuals").		
Keywords: harassment, discrimination, bullying, respectful work environment,		

## 1. Purpose

This policy applies to staff, medical staff, volunteers, learners, and contractors of CHEO (hereinafter known as "individuals").

To foster a respectful and inclusive work environment through the prevention and resolution, when needed, of harassment, discrimination, bullying or other forms of disrespectful behaviour.

CHEO acknowledges its responsibility to support and assist those covered by this policy who may be subject to harassment, discrimination or bullying by individuals who are not CHEO employees, medical staff, volunteers, learners, but with whom they interact in carrying out their work or volunteering activities.

CHEO acknowledges that workplace-related incidents that occur beyond the normal workplace, including on social media and/or outside of working hours may be included in this Policy. Please refer to CHEO's Professional Environment and Social Media Policies.

CHEO recognizes that learners (students, medical students, residents, fellows/clinical fellows) are an investment in our future and the future of the health system more broadly. They have a unique role in our organization, are essential members of the care team and make meaningful contributions to patient care that CHEO relies on every day. They also have unique vulnerabilities, concerns, and needs within our organizational structure and are subject to shared oversight from both the hospital and their educational institutions. Depending on the nature of their relationship and role, the procedure to deal with workplace complaints, reports, and, where needed, investigations, involving a learner may vary. All attempts will be made to harmonize with the policies and procedures of the learner's educational institution.

CHEO recognizes that individuals may face multiple forms of discrimination simultaneously, understanding that a person's identity is shaped by multiple factors, including race, gender, sexual orientation, creed, age, ancestry, marital status, ethnicity, citizenship, and disability. These intersecting identities may create unique experiences of privilege and oppression, and CHEO is committed to continuously striving to address these complexities in its anti-discrimination efforts.

## 2. Policy

- 2.1 CHEO is committed to providing a professional, safe, and healthy work environment in which all individuals are treated with dignity and respect and to promote a culture of respect, equity and inclusion. As such, CHEO will not tolerate, ignore, or condone any form of harassment, discrimination, bullying or other forms of personal harassment.

- 2.2 Individuals are expected to conduct themselves within the highest standards of respect and professional behaviour and will perform their duties in a manner that establishes, maintains, and enhances integrity, confidence, trust and mutual respect.
- 2.3 Individuals are expected to refrain from harassment or discrimination and to act professionally, courteously and objectively in all interactions with their co-workers, other employees, members of medical staff, learners, volunteers, patients/clients, family members, the general public and any other individuals with whom they may be in contact while performing their duties or when representing or referencing CHEO in public, including on social media.
- 2.4 CHEO will continuously strive to prevent incidents of harassment, discrimination, bullying and other forms of disrespect through ongoing intervention, awareness and training.
- 2.5 CHEO is committed to fostering a safe and respectful workplace where individuals feel confident and empowered to report concerns without fear of retaliation. Following a complaint report, CHEO will work with a complainant to determine what interim measures, or accommodation may be required during an investigation. Retaliation against any individual who, in good faith, raises a complaint, participates in an investigation, or provides information related to a workplace complaint is strictly prohibited. Any individual who experiences or witnesses retaliation is strongly encouraged to come forward so that appropriate action can be taken. Please refer to the Workplace Complaints Reporting Procedure.
- 2.6 When possible, individuals who believe they are being subjected to harassment, discrimination or bullying (the 'Complainant') should make it known to the Respondent clearly, firmly and directly that the behaviour is offensive and unwelcome, that it needs to stop, and that they perceive the behaviour as harassment, discrimination, bullying or other forms of disrespectful behaviour under the terms of the CHEO policy. The individual should keep a record of the incident(s) leading up to the complaint detailing dates, times, witnesses and steps taken to alleviate the problem. Where an individual is not comfortable taking the first step or where this step is unsuccessful, the complainant will report the details of the incident in accordance with the workplace complaints reporting procedure.
- 2.7 This policy is in accordance with the *Ontario Human Rights Code*, which protects individuals from discrimination and harassment in the workplace on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status, disability, sexual orientation, sex, gender identity, or gender expression (collectively referred to as the "Prohibited Grounds"). The implementation of this policy and the associated workplace complaints reporting procedure does not limit or prevent any individual from exercising their rights under the *Ontario Human Rights Code*.
- 2.8 This policy is in accordance with the *Occupational Health and Safety Act* which sets out the duties of the workplace related to workplace violence and sexual harassment in the workplace and workplace harassment.
- 2.9 Where appropriate, e.g. in cases involving learners, members of medical staff, members of regulated professions, individuals from partner organizations, this policy and the associated procedures will be applied in coordination with policies and/or procedures as per affiliation agreements between CHEO and the University of Ottawa (or other institutions/organizations as appropriate) as well as requirements of any professional regulatory bodies.
- 2.10 Any breach or violation of this policy is a serious matter and may result in disciplinary action including, without limitation, dismissal from employment, placement, volunteer opportunity, or loss of privileges or contract. Any breach or violation may also result in the submission of a report to the individual's professional regulatory body, as appropriate. Similarly, a false, frivolous, vexatious and/or malicious complaint brought under this policy is a serious matter and may result in discipline up to and including, without limitation, dismissal from employment, placement, volunteer opportunity, or loss of privileges or contract. Please see below for further information on what does not constitute harassment.
- 2.11 Any individual under investigation for allegations under this policy may be placed on leave or be re-assigned to other duties pending completion of the investigation, depending on the particulars of the case known to the investigator and the best interests of the complainant(s), respondent(s), any witnesses and CHEO

broadly. Contracts may be reassigned, suspended, or terminated in the event a contractor is under investigation. Learners involved in an investigation may experience interruption in their rotation or placement.

**2.12 Harassment, discrimination, and other forms of disrespectful behaviour do not include the following workplace actions or situations:**

- Reasonable actions taken by an employer or supervisor relating to the management and direction of its worker/workplace such as appropriate feedback, training, investigations, directions or delegation
- Attendance tracking or monitoring and/or performance management
- Management appointment or promotion to positions based on reasonable practices
- Appropriate disciplinary action
- A voluntary social relationship where the parties are mutually consenting
- Stressful events encountered in the performance of legitimate job duties

### 3. Responsibilities

**3.1 Individuals are responsible to:**

- Refrain from any acts of harassment, discrimination, bullying and disrespectful behaviour
- Be knowledgeable about CHEO's harassment policies and procedures and all related policies
- Engage in continuous learning: Complete mandatory training(s) and participate in education and training opportunities to enhance understanding of respectful behaviours and anti-discrimination practices and principles

**3.1.1 Individuals are strongly encouraged to:**

- Report any acts of harassment, discrimination, bullying, and/or retaliation they experience
- Report any incident/act of harassment, discrimination, bullying, and/or retaliation they witness

**3.2 Immediate Managers, Directors, and Division/Department Chiefs are responsible to:**

- Create, promote and maintain a respectful workplace within their teams free from harassment, discrimination and bullying
- Model and actively promote respectful and inclusive behaviour
- Understand CHEO's harassment policies, related procedures, and associated policies, and to demonstrate accountability by modeling and enforcing these standards as part of their leadership responsibilities.
- Ensure that the workplace harassment policy and procedures are available for review by individuals
- Intervene in accordance with policies and procedures when they witness an act of harassment, discrimination or bullying whether or not it is in their own team, including proper reporting and documentation of the issue and actions taken and seeking guidance/support from Human Resources (HR)/Medical Staff Office (MSO)
- Formally acknowledge receipt of any complaints received and engage with HR/MSO to determine appropriate next steps
- As required, participate in the investigation of complaints
- Implement, support and monitor corrective action resulting from investigations
- Ensure complainants and witnesses are not subject to retaliation and report any concerns of retaliatory activity
- Fostering a culture of learning, encouraging completion of mandatory training and engagement in ongoing education and development opportunities.

**3.3 Vice Presidents, Department Chiefs and Chief of Staff are responsible to:**

- In addition to the responsibilities above for individuals and immediate managers, working with HR/MSO ensure that all reported incidents are reviewed, and if needed investigated, in a timely manner
- Follow up on any corrective action to ensure that it is being implemented effectively
- Support their leaders and managers within their teams in addressing issues and creating and promoting respectful work environments
- Ensure complainants and witnesses are not subject to retaliation
- Engage with University or regulatory body as required

### 3.4 Human Resources/Medical Staff Office is responsible to:

- Reviewing complaints and assessing next steps in consultation with relevant leaders and general counsel where appropriate
- Provide support to all parties including, the immediate Manager, Director, Division/Department Chief, Vice President, Chief of Staff to whom the complaint has been made, to the individuals who are subject to harassment, discrimination or bullying (the 'Complainant'), and to alleged harassers (the 'Respondent')
- Ensure timely investigations, when required, ensuring regular and effective communication to all parties throughout the investigation including appropriate dissemination of findings
- Support leaders and managers in developing and implementing any necessary corrective action.
- Engage with unions and educational or other institutions as required
- Ensure ongoing supports and resources are in place as needed to assist complainants and respondents during and following investigations.
- Support leaders and managers in creating, promoting, and maintaining respectful work environments
- Develop and implement awareness and training programs to prevent issues from arising
- Maintain data to identify trends and develop recommendations to address any trends through a cycle of continuous quality improvement

## 4. Procedure

### 4.1. See Workplace Complaints Reporting Procedure

## 5. Cross-References

- 5.1. Professional Environment Policy
- 5.2. Violence in the Workplace Policy
- 5.3. Workplace Complaints Reporting Procedure

## 6. References

### Legislation & Regulations

- 6.1. Ontario Human Rights Code
- 6.2. Ontario Occupational Health and Safety Act <https://www.ontario.ca/laws/statute/s09023>
- 6.3. Professional Regulatory Bodies

## 7. Definitions

- **Bullying:** A deliberate action or course of comment that is offensive, malicious and cruel with an aim to humiliate, intimidate, undermine or destroy the character or confidence of an individual or group of individuals. It differs from personal harassment in that bullying is always intentional. Like personal harassment, it may or may not be based on one or more Prohibited Ground.
- **Complainant:** The individual complaining that he or she has been a victim of harassment, discrimination or bullying. Also referred to as the "Applicant" in some proceedings.
- **Discrimination:** Any action or behaviour which results in unfavourable or adverse treatment based on one or more Prohibited Ground (pursuant to the Ontario *Human Rights Code*, which is not otherwise permitted by law. This includes but is not necessarily limited to:
  - Overt Discrimination: Explicit and intentional acts of discrimination.
  - Covert Discrimination: Subtle, indirect, or unintentional acts of discrimination.
  - Systemic Discrimination: Policies, practices, or procedures that perpetuate inequality.
  - Microaggressions: Everyday verbal, nonverbal, and environmental slights that communicate hostile or derogatory messages.
  - Implicit Bias: Unconscious attitudes or stereotypes that affect understanding, actions, and decisions.
- **Intent:** Intent is not a prerequisite to workplace harassment, personal harassment, workplace sexual harassment, discrimination, or bullying. It is sufficient that the victim perceived the conduct as

harassment, discrimination and/or bullying and that a reasonable person in similar circumstances would have perceived the conduct as such.

- **Personal Harassment:** Includes engaging in any course of comment or conduct that is hostile, demeaning, belittling or causes personal humiliation or embarrassment which ought reasonably to have been known to be hostile, demeaning, belittling or the cause of personal humiliation or embarrassment to another. Incivility or other forms of disrespectful behaviour is targeted at a person or a group of persons on the basis of personal values of the harasser and may or may not be based on one or more Prohibited Ground.

Personal Harassment may include but is not limited to:

- Serious or repeated rude, degrading, or offensive remarks such as teasing about a person's physical appearance
  - Threats, intimidation, ridiculing and insulting comments, acts, or gestures
  - Screaming, shouting and name calling in the workplace
  - Disrespectful behaviours such as engaging in repeated and persistent gossiping, rudeness and repeatedly interrupting another individual's speech
  - Inappropriate inquiries or comments about a person's personal life when the individual has indicated that he/she does not wish to discuss same
  - Repeated and unwarranted, non-constructive criticism
- **Poisoned Work Environment:** Workplace harassment may also include behaviour, conduct, comments or activities that are not directed specifically at an individual, but which nonetheless create a degrading, offensive, "poisoned" work environment. Behaviours which contribute to a poisoned work environment may include, but are not limited to, repeated patronizing behaviour, language or terminology that reinforces stereotypes and language or terminology that undermines self-respect or adversely affects work performance or conditions.
  - **Respondent:** The individual named by the Complainant (or applicant) as the alleged harasser or perpetrator of harassment, discrimination, or bullying.
  - **Witness:** Witnesses can describe the events under inquiry based on what they heard, saw, or experienced. They may be interviewed as part of a complaint review or investigation process.
  - **Workplace Harassment:** as defined by the Occupational Health and Safety Act and Ontario Human Rights Code means engaging in a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, that is known or ought reasonably to be known to be unwelcome" and includes workplace sexual harassment

Workplace harassment may include but is not limited to:

- Jokes about one or more Prohibited Ground, for example racist or homophobic jokes
  - The display or circulation of offensive materials
  - Degrading words used to describe a person based on one or more Prohibited Ground
  - Derogatory or degrading remarks directed toward all members of a group who share characteristics based on one or more prohibited ground, pursuant to the Ontario *Human Rights Code*
  - Suggestive or obscene comments or gestures
  - Any objectionable act, comment, display, email or other electronic communication that demeans, belittles, causes personal humiliation or embarrassment, and any act of intimidation or threatening behavior that is based on one or more Prohibited Ground
- **Workplace Sexual Harassment:** as defined by the Occupational Health and Safety Act means:
    - engaging in a course of vexatious comment or conduct against a worker in a workplace including virtually through the use of information and communications technology, because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or
    - making a sexual solicitation or advance where the person making the solicitation or advance is in

a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know the solicitation or advance is unwelcome.

Workplace sexual harassment may include but is not limited to:

- Sexually suggestive remarks or gestures, or inappropriate physical contact or sexual assault
- Sexist jokes and the display or circulation of offensive material including sexually offensive slides and cartoons
- Sexually degrading words used to describe a person
- Derogatory or degrading remarks directed toward the members of one sex
- An implied or expressed condition of employment or a promise of reward for complying with a sexually oriented request
- An implied or expressed threat of reprisal in the form of either actual reprisal or the denial of opportunity for refusal to comply with a sexually oriented request

### Version History:

Date	Type of revisions	List of revisions
Feb 15, 2017	New	Harmonization of CHEO-OCTC policies (CHEO policy HR 127 & OCTC policy 5.3.7)
Apr 15, 2025	Major Revisions	Update template, expansion of purpose of policy to include further details, removed procedural portion which is now properly referenced, updated to reflect new complaints reporting system and provides examples of what is not included for harassment, discrimination and other forms of disrespectful behaviour.