

Office of Human Rights & Equity Services Overview

Phone: 905 688 5550 x4859

Email: humanrights@brocku.ca

Website: www.brocku.ca/humanrights

Note: If you have an immediate concern for the health and safety of yourself or others on campus, call campus security, at extension 3200, immediately.

The Office of Human Rights and Equity Services (OHRES) is a resource for all Brock community members, including students, staff, and faculty. Contact with the office is a confidential service. We provide information and advice on a wide range of issues relating to harassment and discrimination. The University has a variety of policies, procedures and codes of conduct that prohibit Brock community members from harassing, bullying, or discriminating others. Our staff will work with you to decide on an approach to resolution that works for you, often making use of alternative dispute resolution techniques that allow the parties to rebuild their relationship in a more positive, respectful way.

The key functions of the OHRES are to:

- Resolve complaints of harassment, discrimination, and bullying;
- Provide information and training to increase awareness about the importance of promoting a respectful work and learning environment; and
- Develop and provide expertise on human rights policies at Brock University

The OHRES works to promote a respectful work and learning environment at Brock University through the following initiatives:

- coordinating and promoting diversity events;
- providing training for students, staff and faculty on campus;
- administration of the respectful work and learning environment policy, which can be found at www.brocku.ca/webfm_send/3474;

The OHRES can assist you with a wide range of individual concerns, including:

- sexual harassment, sexual assault, stalking and domestic violence;
- human rights harassment or discrimination (based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, gender identification, sexual orientation, age, marital status, family status and disability); and,
- general harassment or bullying, workplace harassment, and online harassment.

Human Rights Overview

All employees and students have the right to work and learn in a safe place that is free of harassment and human rights discrimination. Harassment in the workplace and on campus can lead to a toxic environment filled with stress and anxiety. All Brock community members have a role to play in maintaining a safe and healthy environment. If you witness or experience harassment in the work and learning environment, please report it to your supervisor or the OHRES.

Human Rights Code

The Ontario [Human Rights Code](#) (HRC) states that, every person has a right to equal treatment with respect to employment and education services without discrimination or harassment because of

- Race
- Ancestry
- Place of origin
- Colour
- Ethnic origin
- Citizenship
- Creed
- Sex
- Sexual orientation
- Gender identity
- Gender expression
- Age
- Record of offences (in employment)
- Marital status
- Family status
- Disability

The right to equal treatment with respect to **employment** covers every aspect of the workplace environment and employment relationship, including job applications, recruitment, training, transfers, promotions, dismissal and layoffs, rate of pay, overtime, hours of work, holidays, benefits, shift work, discipline and performance evaluations.

The right to equal treatment with respect to **education services** covers every aspect of the campus environment and student relationship, including lectures, exams, assignments, accommodations, and physical spaces.

Occupational Health and Safety Act

Brock University also has a legal obligation under the [Occupational Health and Safety Act](#) (OSHA) to protect the health and safety of employees. This includes the obligation to take reasonable steps to protect workers from workplace harassment. Brock University has established and implemented policies and procedures to help workers identify inappropriate behaviors and to inform them about their rights and responsibilities. Specifically, we have developed the Respectful Work and Learning Environment Policy (RWLEP) which includes procedures to allow employees to report workplace bullying or harassment. We are committed to investigating and resolving complaints in a timely manner and in accordance with the RWLEP.

Respectful Work and Learning Environment Policy

Brock University is committed to building and maintaining a diverse and inclusive community where our students, staff, and faculty can work and learn in an environment that respects the dignity and worth of members of the Brock community. The RWLEP was created to protect the Brock community from bullying, harassment, and discrimination. It was designed to accomplish the following goals:

- Develop and support a work and learning culture that values diversity and inclusion, fosters respect, and does not tolerate prejudice, discrimination, harassment, or bullying;
- Outline rights, responsibilities, and types of behaviour which fall within the scope of the RWLEP;
- Make provision for support services, including training and awareness initiatives, to promote a respectful work and learning environment; and,
- Outline procedures for handling and resolving complaints when the RWLEP is breached by discrimination, harassment, or bullying.

RWLEP Scope

The following list of definitions includes behaviour, comments, and actions that fall within the scope of the RWLEP. If you or another Brock community member experiences one of the following, you may meet with a staff member of the OHRES to discuss possible resolution options. Please see the RWLEP Process section for more information on resolution options and procedures.

Bullying: is persistent, offensive, abusive, intimidating or insulting behaviour, abuse of power or unfair punitive sanctions, which makes the recipient feel threatened, humiliated or vulnerable, which undermines the recipient's self-confidence or reduces the recipient's feelings of self-esteem and self-worth, and which may cause the recipient to suffer severe stress.

Discrimination: differential treatment of an individual or group which is based on a prohibited ground (eg. gender, race, creed, disability) of that individual or group, and which has an adverse impact on them. Discrimination has many forms and can target one person, or a group. Discrimination is:

- Tied to human rights prohibited grounds
- May be personal or systemic
- Discrimination is: hiring practices that exclude women, refusing to provide services to people of colour, buildings that are not accessible
- It is NOT: differential treatment based on seniority or use of legitimate discipline and other management rights

Harassment: is a course of vexatious comment or conduct that is known or ought reasonable to be known to be unwelcome Harassment usually meets the following:

- What was said or the behaviour usually happened more than once
- Single acts may constitute harassment if they are severe
- The person responsible for the comment or conduct should have known that it is not welcome.
- May be general or based on human rights grounds.
- Harassment is: Yelling, screaming, name-calling, practical jokes
- It is NOT: constructive feedback, appropriate discipline, or expressing disagreement respectfully

Poisoned Environment: is created when comments or actions based on grounds listed in the code make you feel unwelcomed or uncomfortable at work. It poisons the workplace. Sometimes all it takes is one comment to poison the environment.

Reprisal: means taking action, or threatening to take action against someone who has an RWLEP complaint, or who is a witness to the harassment or discrimination, and is not allowed under the RWLEP. You cannot be punished or threatened with punishment for trying to make a complaint, filing a human rights application, filing a human rights grievance, or acting as a witness at a human rights hearing.

RWLEP Process

The RWLEP process is invoked by a Brock community member making a complaint or report of conduct that violates the RWLEP. Staff of the OHRES will work with parties to resolve the complaint. There are three levels of resolution:

1. **Personal resolution:** Any Brock community member who believes that they have experienced or witnessed discrimination, harassment, or bullying should take direct action, if possible, to make it clear to the person causing the offence that such behaviour is inappropriate, unacceptable, unwelcome, and should not be repeated. A prior meeting with staff of the OHRES can help in preparing that person to address the other party, whether in person or in writing.
2. **Informal resolution:** the OHRES will explore the use of alternative dispute resolution with the parties to resolve the matter. Where the parties agree, the OHRES will work together with the parties to resolve the matter. Informal resolution will attempt to be conciliatory rather than adversarial. It is important for both parties to retain their dignity, and for practical solutions to be found to enable the parties to continue to work and study together.
3. **Formal resolution:** where alternative dispute resolution measures do not succeed, both parties are not willing to attempt informal resolution, the behaviour continues, the behaviour is of a more serious nature, or informal resolution is not appropriate, then the matter will be referred to the formal resolution procedures. This will likely include an investigation of the specific allegations made, a finding of whether the RWLEP was breached, and could result in discipline.

Your Role as a Chair

As a Department Chair, you are often a trusted member of the department and other colleagues or students may approach you regarding concerns of harassment and discrimination. As a leader, you have a responsibility to be aware of the RWLEP process and refer students and staff to the OHRES if they are experiencing behaviour that violates the RWLEP.

What to do if someone comes to you with a complaint of harassment or discrimination.

Step 1: Provide Support

- Allow them to speak about their concerns
- When appropriate, refer them to counselling services on campus or in the region. If you need help accessing these resources, an OHRES staff member can help.

Step 2: Give Advice

- When appropriate, give advice on how the person can resolve the issue on their own. If you need help offering advice, an OHRES staff member can help.

Step 3: Resolve the Issue

- When appropriate, you may offer to help with the resolution. If you need advice or help resolving the issue, an OHRES staff member can help.

Step 4: Refer to the OHRES

- If it is not appropriate for you to intervene or the person's concerns continue after you have offered support, advice, and attempted to resolve the issue, refer the person to the OHRES.

Step 5: Follow Up

- Even after the matter has been resolved, there may be ongoing concerns. Check in with the person to see if they require any further assistance.

Note: it is important for you to remain neutral in these matters. If you have a conflict of interest, please refer the matter to the OHRES immediately.

If you have any questions or concerns about the foregoing information, please consult with a staff member of the OHRES or visit our website.

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