

University Health Network Policy & Procedure Manual People & Culture: Fostering Respect in the Workplace

Policy

University Health Network (UHN) is committed to providing an environment within which all persons are treated with respect and dignity in alignment with UHN's Purpose, Values, and Principles (PVP). This policy provides a [conflict resolution and complaint process](#) which applies to any conduct described as [incivility](#), [bullying](#), [harassment](#), [sexual harassment](#), or [discrimination](#). (In the case of [violence](#), refer to [Violence & Domestic Violence in the Workplace](#) policy 6.30.004.)

All employees, physicians, students, volunteers, and contractors are required to uphold this policy, and will be held accountable by UHN. Any individual found to have engaged in behaviour constituting discrimination and/or harassment in the [workplace](#) will be subject to [disciplinary action](#), up to, and including, dismissal.

General Principles

All persons have a right to a harassment-free workplace.

All persons have a right to engage in these resolution processes without reprisal or threat of reprisal. [Disciplinary action](#) may result in the event that participants in these resolution processes experience any form of retaliation.

All persons have a right to seek remedies under applicable collective agreements, the Ontario Human Rights Code, or the Occupational Health and Safety Act. If such a remedy is sought, or if any other external legal claim is initiated, while also engaged in the processes described in this document, the internal UHN processes will be halted.

Each case will be considered and handled on its own merits.

If there is evidence that a complaint was made in bad faith (i.e. exaggerated or fabricated), the person who submitted the complaint will face disciplinary measures.

Management may initiate measures to correct inappropriate behaviour, even in the absence of a formal complaint.

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Section	Employee Relations	Revision Dates	07/92 to 07/10; 07/11; 02/14; 10/16; 01/18; 04/19; 06/19; 09/19
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UHN's Health Services department will be alerted in the event that an employee loses time from work as a result of an incident of harassment.

Responsibilities

All members of UHN have a personal responsibility to:

- ensure that their behaviour and conduct complies with this policy; and
- immediately report to their managers or People & Culture (P&C) any inappropriate conduct that they witness or become aware of.

All supervisors, managers, and physicians at UHN are responsible to:

- establish and maintain a respectful work environment which is free of incivility, discrimination and harassment;
- address incidents of possible discrimination and harassment they become aware of, or reasonably ought to be aware of, as soon as reasonably practical;
- actively work to eliminate any discrimination or harassment which they are aware of, or reasonably ought to have been aware of, and promptly inform P&C of any incident or situation;
- report any matter involving criminal or quasi-criminal conduct (e.g. a hate crime or sexual assault) to P&C; and
- communicate and reinforce this policy.

People & Culture is responsible for:

- leading investigations under this policy, and providing information, education and consultation to all members of UHN on inappropriate conduct, including the interpretation and application of this policy.

Confidentiality

All persons involved in the processes defined in this policy are expected to maintain confidentiality. Information that is collected about an incident or complaint, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action, or as required by law.

Conflict Resolution and Complaint Process

The Conflict Resolution and Complaint Process may be initiated by any employee, physician, student, volunteer or contractor working at, or on behalf of, the UHN [workplace](#).

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In the event that an incident of incivility, bullying, harassment, or discrimination occurs, individuals are encouraged to first address the issue at an early stage and in a collaborative manner. If this does not resolve the issue, or is not appropriate, individuals may engage the [Formal Resolution Process](#) as described in [step 4](#).

Individuals are encouraged to seek advice on how to proceed, and may do so from either a member of their management team, or from People & Culture (People Consultants or Inclusion Diversity Equity Accessibility (IDEA)).

Refer also to the [Conflict Resolution & Complaint Process Flowchart](#).

The **Conflict Resolution Process** follows 4 steps:

1. Discussing the concern directly with the person believed to be acting inappropriately towards the employee. Advice on how to do so can be found at the [Respect, Civility & Professionalism @ Work](#) intranet site.
2. If the behaviour continues after having discussed the concerns with the person, or if unsure about how to proceed, asking a member of management or P&C for advice.
3. If the behaviour continues, asking a member of management or P&C to facilitate or [mediate](#) a resolution with the person.
4. If the behaviour continues, or is of a serious nature, submitting a complaint under the [Formal Resolution Process](#). Speak to management or a member of P&C for further advice.

Notes:

- If the employee is unionized, the employee must seek advice from their union representative as to whether the grievance process applies to the situation.
- If the source of the behaviour is a patient or someone associated with a patient, staff should inform their supervisor. Patient Relations may also be contacted for advice.
- If the complaint involves an individual within People & Culture, the investigation will be conducted by the internal employment counsel, with oversight by the executive vice-president (EVP), People, Culture & Community. If the complaint involves the EVP, People, Culture & Community, the investigation will be overseen by the chief executive officer (CEO) or chief legal counsel.
- Anyone may contact the confidential Ethics and Civility Helpline at 416-340-3344 (14-3344) for advice on all options available.

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Formal Resolution Process

An individual (the [complainant](#)) who wishes to engage in the Formal Resolution Process must first approach a member of management **or** P&C (People Consultants or IDEA) to discuss the complaint.

A member of management who receives a formal complaint under this policy, either verbally or in writing, is required to report this to a member of P&C (People Consultants or IDEA).

The individual must provide the complaint in writing (see [Writing a Complaint](#)), submitting as soon as possible after the alleged behavior has occurred, and within one year of the last incident.

Within 10 working days of receipt of the complaint, a member of P&C will meet with the complainant and explain the process of investigation, determine the merit and scope of the complaint and provide the complainant with the necessary supports and advice. If appropriate, mediation will be offered and should receive serious consideration as an alternative.

The complainant must be prepared to be identified by name to the person alleged to be in contravention of this policy (the [respondent](#)). The respondent will be notified, and given a reasonable amount of time to respond in writing to the allegations. If the complaint involves a physician, the physician/surgeon-in-chief, the EVP and chief medical officer (CMO), and the EVP, People, Culture & Community will be alerted and briefed on the allegations.

Note: If a complaint of discrimination involves a University of Toronto (U of T) student or faculty member, the U of T Office of Human Rights will be notified as per the U of T and affiliated hospitals agreement.

After the respondent has provided their version of events, the P&C representative reviewing the case will determine if, and how, to proceed with an investigation, including which witnesses to interview and what evidence to be reviewed. If the complaint involves [violence](#), an incident report will be filed with Health Services.

All reasonable efforts will be made to complete the investigation within 60 working days.

At the end of an investigation, a confidential written report will be prepared, and the complainant(s) and respondent(s) will be advised of the outcome in writing, as confidentiality allows.

During investigations, the complainant and respondent may be physically separated to allow for a working environment that is as safe as is reasonably possible for all involved.

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In the event that the outcome is unsatisfactory to the complainant or respondent, either party may submit a written appeal to the EVP P&C (or designate). (Refer to [Criteria for Submitting an Appeal.](#))

If there is evidence that this policy has been breached, appropriate [disciplinary action](#) may be levied, ranging from a written reprimand and apology up to, and including, dismissal from employment.

All members of the UHN community are expected to cooperate fully with investigations.

The EVP, People, Culture & Community (or designate) will determine the most appropriate course of action in the event that the Ministry of Labour requires a third-party investigation, or if the complaint involves a very senior leader.

Two or more complaints alleging similar violations by the same person, or having facts in common, may be dealt with under the same proceeding.

A complainant may, at their discretion, decide to withdraw a complaint at any point in the procedure under this policy. However, UHN may choose to continue to pursue the complaint despite the withdrawal.

Investigation reports will be filed with P&C and kept for at least one year following the date of the last incident.

Writing a Complaint

A complaint must be in writing and should be made as soon as possible after the alleged behaviour has occurred, and within one year of the most recent incident.

The complaint should provide a description of the behaviour experienced, as well as all relevant dates, times, places, and persons involved. If the complainant prepares a paper copy, they must ensure that it is signed and dated. Separate from the complaint, the complainant must provide a list of all witnesses who are believed to have some knowledge of the complaint.

Criteria for Submitting an Appeal

If the complainant or respondent is unsatisfied with the outcome of a complaint under this process, they may submit a written appeal to the EVP, People, Culture & Community (or designate). The person making the appeal must provide evidence that the investigation was improperly conducted, or that there have since arisen significant new facts that could change the outcome of the original investigation.

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Disciplinary Action

The purpose of any actions taken as a consequence of a violation of this policy is to create an environment that is free from incivility, discrimination and harassment.

Where a violation of this policy has occurred, UHN may take appropriate action, upon any respondent, including, but not limited to, one or more of the following remedies and sanctions:

- an apology (verbal or written)
- counseling, education, or training
- written reprimand or warning
- job or program transfer
- change of work assignment or appointment
- termination of appointment, employment, volunteer position, contract agreement or any other privileges
- support/counsel persons affected by discrimination and/or harassment
- monitoring and follow-up to ensure that any discrimination and/or harassment has stopped and no incidents of reprisal have occurred
- suspension of the respondent without pay
- reporting to appropriate licensing body, as required

Where there is evidence that a complaint under this policy was made in good faith and there is no evidence of incivility, discrimination or harassment, no adverse consequences and no documentation of the complaint will appear on the alleged harasser's record, or any person involved in the complaint.

Family Relationships

Staff shall not hire/transfer/promote members of their [immediate family](#) in the normal conduct of their responsibilities, nor shall they hire/transfer/promote members of the immediate family of existing staff in situations in which a conflict of interest may arise. This would include situations where the individual would report directly or indirectly to the staff person or work in the same department with an immediate family member.

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Definitions

Bullying: Refers to a range of behaviours in which targeted individuals are repeatedly, and over time, treated in a mean, insulting or abusive way. Bullying can be initiated deliberately or unconsciously. The affected person may feel upset, afraid, isolated, or humiliated. The bully sometimes acts alone and sometimes as part of a group of people. Examples include:

- insulting a person's skills, looks, or habits
- spreading false or malicious rumours, gossip, or innuendo
- berating/belittling an individual
- unwarranted criticizing or ridiculing, especially in the presence of others
- giving insulting nicknames
- engaging in practical jokes that humiliate
- undermining or deliberately impeding a person's work
- physical gesturing that intimidates, offends, degrades, or humiliates
- refusing to work or converse with a person or group of persons
- mocking a person's accent, abilities or mannerisms
- yelling or shouting which intimidates, coerces, or belittles

Complainant: A person (or persons) making a verbal or written complaint of wrongful discrimination and/or harassment under this policy. The complainant does not need to be the target of the alleged behaviour.

Discrimination: Differential treatment based on a personal characteristic which has an adverse impact on an individual or group. Examples of personal characteristics include: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability, [gender identity](#), and [gender expression](#).

Gender expression: An individual's characteristics and behaviors (such as appearance, dress, mannerisms, speech patterns, and social interactions) that may be perceived as masculine or feminine.

Gender identity: A person's internal, deeply-felt sense of being male, female, or something other or in-between, regardless of the sex they were assigned at birth. Everyone has a gender identity.

Harassment: Any objectionable course of behaviour, comment, display, or communication that is known or ought reasonably to be known to be unwelcome, intimidating or offensive. Harassment may also include discrimination as set out in the Ontario Human Rights Code and prohibited grounds. Examples include:

- yelling or shouting which intimidates, coerces or belittles another person
- unwanted actions based on a person's characteristics, such as race, ethnicity,

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- sexual orientation, disability, gender or religion
- unwelcome remarks, jokes, innuendoes or taunting
- unwelcome initiations, requests, or remarks

A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

Homophobia: The aversion to, fear, or hatred of gay, lesbian or bisexual people and communities, or of behaviours stereotyped as “homosexual.”

Immediate family: Grandparents, uncles, aunts, cousins, parents, brothers, sisters, spouse, father-in-law, mother-in-law, brother-in-law, sister-in-law, nephews, nieces, children, and grandchildren.

Incivility: Behaviours that are rude, disrespectful, inconsiderate or insensitive. There may not be an intention to harm, but the end result of such behaviour makes for an unpleasant work environment, decreased performance and commitment to the organization, co-workers and patients. Examples include:

- skipping basic courtesies such as hello, thank you, and please (in person or in e-mail)
- sarcasm
- cliques, gossip, and social exclusion
- intruding on personal or physical boundaries
- arriving late when relied on by others for coming on time
- body language that conveys dismissiveness or negative judgment
- use of profanity
- speaking loudly to disturb others

Mediation: A voluntary resolution process in which a neutral, third party facilitates a discussion between the people in dispute. The mediator ensures that communication is clear, that all parties are given full and equal voice, and that a final resolution is determined by the disputants themselves. Whatever takes place within the mediation session may not be revealed if the disputants seek another forum for resolution.

Respondent: A person (or persons) alleged by a complainant to have committed an act in breach of this policy.

Transphobia: The fear of, discrimination against, or hatred of trans people, the trans community, or gender ambiguity. Transphobia can be seen within the queer community, as well as in general society.

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Violence: The use, threat, or attempt of physical force against another person that causes, or could cause, physical injury. Examples include:

- pushing or shoving
- hitting, or trying to hit, a worker
- jabs or punches
- throwing objects
- verbal threats of physical harm
- gestures that simulate or threaten physical harm, such as fist waving or punching an open palm
- blocking an exit or path in order to keep someone from leaving the area
- wielding a weapon
- sexual violence

Workplace: Includes the campus, offices and buildings of UHN, the cafeterias, washrooms, locker rooms, work sites, as well as work assignments outside of UHN property, off-site work-related social events and functions, work-related seminars, conferences and training, work-related travel, telephone communications, faxes, e-mail, social networking sites (e.g. Facebook, YouTube, Twitter), or elsewhere if the person is harassed or discriminated against as a result of work-related responsibilities, which may include a work-related relationship.

Workplace sexual harassment: Engaging in a course of vexatious comment or conduct against a worker in a workplace 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. Examples include: making sexual remarks, leering, touching, massaging, or displaying pornographic material.

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 that the solicitation or advance is unwelcome.

An individual who rejects a solicitation or sexual advance should not subsequently experience reprisal as a result. Reprisal is subject to [disciplinary action](#).

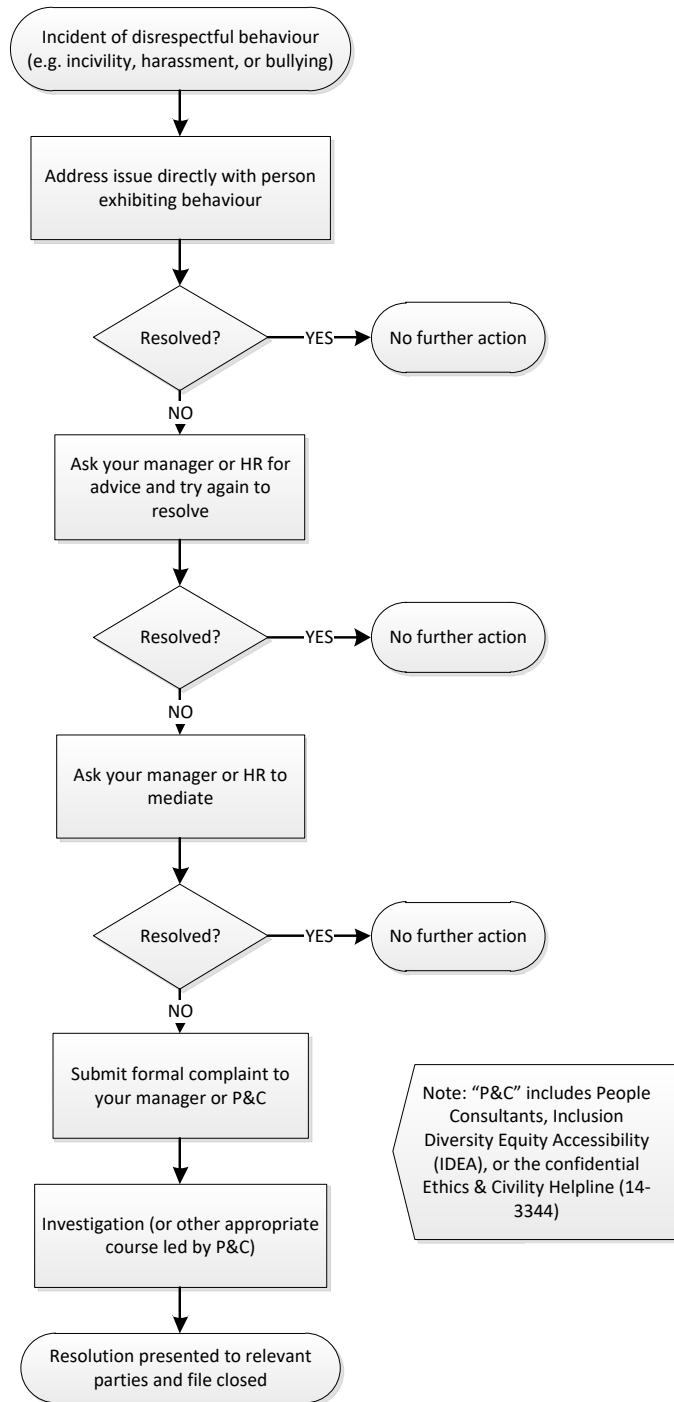
Romantic or sexual relationships between a supervisor and an employee, physician, Researcher, student, intern, or volunteer whom the individual supervises, are prohibited because of the influence, authority or power imbalance in the relationship. Individuals in this situation should immediately disclose the relationship to their manager or Human Resources representative so that appropriate measures can be taken. Measures will include reassigning reporting responsibilities to others. Failure to disclose the relationship will be subject to disciplinary action. Refer to [Conflict of Interest](#) policy 2.50.002 for more information.

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Appendix

Conflict Resolution & Complaint Process Flowchart



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