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

1. Policy

University Health Network (UHN) is committed to an environment where everyone is treated with respect, dignity, and equitable treatment in alignment with UHN's Purpose, Values, and Principles (PVP). This policy provides a dispute resolution process (see section 1.4 Conflict and Dispute Resolution and Complaint Process) which applies to any conduct described as incivility, bullying, harassment, sexual harassment, or discrimination as described in UHN's equity policies:

- Anti-Racism and Anti-Black Racism policy 1.20.019
- Accessibility for Ontarians with Disabilities Act – Integrated Accessibility Standards Regulation policy 1.20.007
- Accessibility for People with Disabilities – Customer Services policy 1.20.011
- Gender Identity policy 2.50.009

In the case of violence, refer to Violence & Domestic Violence in the Workplace policy 6.30.004.

This policy applies to all employees, physicians, learners, volunteers, and contractors, who are required to uphold this policy and will be held accountable by UHN. Any person or organization conducting business with UHN found to have engaged in behaviour constituting discrimination and/or harassment in UHN environments will be subject to disciplinary action, up to and including dismissal. (See section 1.5 Disciplinary Action.)

1.1 General Principles

All persons have a right to an environment free from discrimination and harassment.

All persons have a right to safely engage in UHN's resolution processes under this policy without reprisal or threat of reprisal. Disciplinary action may result where participants in resolution processes experience any form of retaliation. (See section 1.5 Disciplinary Action.)

All persons have a right to seek remedies under applicable collective agreements, the Ontario Human Rights Code (Code), Employment Standards Act (ESA), Workplace Safety and Insurance Act (WSIA), or Occupational Health and Safety Act (OHSA). 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 paused.

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Each case will be considered on its own merits.

If there is evidence that a complaint was made in bad faith or found to be vexatious, the person who submitted the complaint may face disciplinary measures.

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

The investigation report and statements of investigation parties are confidential and will not be distributed to any party, unless required by law or applicable regulatory body.

UHN's Health Services department will be alerted in the event that an employee loses time from work as a result of an incident that breaches this policy or UHN's equity policies, and where follow-up may be required.

A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace incivility, discrimination, bullying, or harassment when conducted professionally, respectfully, and in good faith.

Note: To manage one's well-being during the process, individuals are encouraged to visit the This is Wellness@UHN intranet site.

1.2 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 leaders or People & Culture (P&C) any inappropriate conduct that they witness or otherwise become aware of.

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

- establishing and maintaining a respectful work environment which is free of incivility, bullying, discrimination, and harassment;
- addressing incidents of incivility, bullying, discrimination. and harassment;
- actively working to eliminate any incivility, bullying, discrimination, or harassment, and promptly informing P&C of any incident or situation;
- reporting any matter that breaches this policy or the Code to P&C; **and**
- adhering, communicating, and enforcing 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. People & Culture is also responsible for reviewing incidents and complaints under this policy to identify any preventative measures. Lastly, People & Culture is responsible for annually reviewing and revising this policy and program, as appropriate.

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1.3 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 person involved, will be disclosed for the purposes of investigating or taking corrective action, or as required by law or applicable regulatory body.

1.4 Conflict and Dispute Resolution and Complaint Process

The conflict and dispute resolution and complaint process may be initiated by any employee, physician, learner, volunteer, or contractor working within the UHN environment. Any concern and/or complaint raised by patients alleging inappropriate conduct by UHN staff, physician, or volunteers will be dealt with under separate proceedings.

Note: Any concerns or suspicions of fraud, theft, embezzlement, conflict of interest, harm to UHN equipment, or data falsification or manipulation (including information relating to financial accounting or procurement processes) are covered under Whistleblower policy 2.50.010.

In the event that an incident of incivility, bullying, harassment, or discrimination occurs, persons 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 per step 4 of the Conflict Resolution Process).

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).

Refer to the Negative Behaviour Continuum Chart and Appendix: Conflict Resolution & Complaint Process Flowchart.

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

1. Discuss 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, ask a member of leadership or P&C for advice.

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3. If the behaviour continues, ask a member of leadership or P&C to facilitate or mediate a resolution with the person.

4. If the behaviour continues, or is of a serious nature, submit a complaint under the Formal Resolution Process. Speak to leadership or a member of P&C for further advice.

Notes:

- Unionized employees must seek advice from their union representative.
- If the source of the behaviour is a patient or someone associated with a patient, employees, learners, or volunteers should inform their supervisor. Patient Relations may also be contacted for advice.
- In the event where the behaviour of persons not named in the complaint are believed to be in breach of this or other UHN equity policies, the matter may be referred for further review.

1.4.1 Formal Resolution Process

A person (the complainant) who wishes to engage in the Formal Resolution Process must first approach a member of leadership or P&C (People Consultants), to discuss the complaint.

A member of leadership 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).

The individual must submit the complaint in writing (see section 1.4.2 Writing a Complaint). Complaints should be submitted as soon as possible after the alleged behaviour has occurred, and must be submitted no later than one year since the last incident to be considered.

Within 10 working days of receipt of the complaint, a member of P&C will meet with the complainant to determine the merit and scope of the complaint and provide the complainant with the necessary supports and advice. If appropriate, mediation or other dispute resolution processes may be offered to resolve the complaint.

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-in-Chief or the Surgeon-in-Chief (as applicable), the executive vice-president (EVP) & Chief Medical Officer (CMO), and the EVP, People & Culture will be alerted and briefed on the allegations. If the complaint involves a learner, the EVP Education will be alerted and briefed on the allegations.

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Note: If a complaint of discrimination or harassment involves a University of Toronto (UofT) learner or faculty member, the UofT Office of Human Rights will be notified as per the UofT and affiliated hospitals agreement. If a learner from another educational institution is involved, that school will be engaged per academic affiliation agreement.

After the respondent has provided their version of events, the P&C representative reviewing the case will conduct a preliminary assessment, and a determination will be made as to whether an investigation is appropriate or required. If appropriate, mediation or other dispute resolution processes may be offered to resolve the complaint.

Where an investigation is warranted, the P&C representative reviewing the case will determine 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 using the incident reporting tool. For clarity, the investigation process commences after the respondent has provided their version of events and a decision has been made to investigate. In the absence of a response, the investigator may use their discretion to proceed with the investigation where an investigation is warranted, based on available information.

All reasonable efforts will be made to complete the investigation within 60 working days after the response is received. In the event the investigation exceeds 60 days, the parties to the complaint will be notified with reasons for the delay and expected timeline for the conclusion of the investigation. At the end of an investigation, the complainant(s) and respondent(s) will be advised of the findings in writing, as confidentiality allows.

During investigations, the complainant and respondent may be physically separated to allow for a safe working environment.

In the event that the outcome is unsatisfactory to the complainant or respondent, either party may submit a written appeal to the EVP, People & Culture (or designate). (Refer to section 1.4.3 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. (Refer to section 1.5 Disciplinary Action.)

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

The EVP, People & Culture (or designate) will determine the most appropriate course of action in the event that the Ministry of Labour, Immigration, Training and Skills Development (MLITSD) requires a third-party investigation, or if the complaint involves an executive 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.

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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 People & Culture and kept for at least two years following the date of the last incident.

1.4.2 Writing a Complaint

A complaint must be in writing and should be made as soon as possible after the alleged behaviour has occurred, and no more than within one year of the most recent incident, in order to be considered

In order for a complaint to be properly addressed on a timely basis, the complaint must provide a description of the behaviour experienced, as well as all relevant dates, times, places, and persons involved. The Workplace Complaint Form can be used for filing a complaint, and the complainant can contact P&C (People Consultants) for technical support. If the complainant prepares a paper copy in their own format, 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 and provide any relevant evidence they may have.

1.4.3 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 for review. For the appeal process to proceed, 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.

1.5 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, bullying, 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)
- counselling
- education or training
- written reprimand or warning
- job or program transfer

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- 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 incivility, bullying, 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

If a complaint under this policy is made in good faith and there is no evidence of incivility, bullying, 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.

2. Definitions

Bullying/cyberbullying: 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, and includes conduct which is virtual through the use of information and communications technology (cyberbullying). 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 incivility, bullying, 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. (Adverse impact is the denial of employment-related benefits and/or injury to dignity, feelings, and respect arising from an offensive

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comment, question, or request that is linked to a Code ground.) 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
- gender expression

Environment: Includes:

- campus, offices, and buildings of UHN
- cafeterias
- lunch rooms
- washrooms
- locker rooms
- work sites
- 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
- email
- social networking sites and virtual spaces (e.g. Facebook, YouTube, Twitter, Microsoft Teams, Zoom)
- elsewhere if the person is feeling incivility, bullying, harassment, or discrimination against them as a result of work-related responsibilities, which may include a work-related relationship

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

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Gender identity: A person's internal and individual experience of gender. It is a person's sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person's gender identity may be the same as, or different from, their birth assigned sex. A person's gender identity is fundamentally different from and not related to their sexual orientation.

Good faith actions: Actions taken with honest intent, belief, or purpose, without malice or dishonesty, or a desire to cause harm.

Harassment: Any objectionable course of behaviour, comment, display, or communication, including conduct which is virtual through the use of information and communications technology 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, sexual orientation, disability, gender, or religion
- unwelcome remarks, jokes, innuendoes, or taunting
- unwelcome initiations, requests, or remarks

Stalking is also a form of harassment, defined as repeatedly following the other person or anyone known to them from place to place; repeatedly communicating with, either directly or indirectly, the other person or anyone known to them; besetting or watching the other person's dwelling/house, or place where the other person or anyone known to them, resides, works, carries on business or happens to be; or engaging in threatening conduct directed at the other person or any member of their family.

A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment when conducted professionally, respectfully, and in good faith.

Homophobia: Negative attitudes, feelings, or irrational aversion to, fear, or hatred of gay, lesbian, bisexual, or asexual people and communities, or of behaviours stereotyped as "homosexual." It is used to signify a hostile psychological state leading to discrimination, harassment, or violence against gay, lesbian, bisexual, or asexual people.

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, learners, and patients. Examples include:

- skipping basic courtesies such as hello, thank you, and please (in person, in email, or virtually)
- sarcasm
- cliques, gossip, and social exclusion

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- 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.

Reprisal: Any form of retaliation against an individual who has or has been believed to have had engaged with the conflict resolution process under this policy. This includes, submitting a complaint, participating in interviews or any facilitated discussions. Activities that are considered reprisal in this context may include any form of reprimand, intimidation, and/or exclusion.

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

Sexual harassment:

- Engaging in a course of vexatious comment or conduct against a worker in the UHN environment, including UHN's virtual environment through the use of information and communications technology, because of sex, sexual orientation, identity, or gender expression, where the course of comment or conduct is known, or ought reasonably to be known, to be unwelcome. Examples include:

  a. unwelcome sexual advances (oral, written or physical)
  b. requests for sexual favours
  c. sexual and sexist jokes
  d. racial, homophobic, sexist, or ethnic slurs
  e. written or verbal abuse or threats
  f. leering
  g. unwelcome remarks, jokes, taunts, or suggestions about a person's body, a person's physical or mental disabilities, attire, or on other prohibited grounds of discrimination
  h. unnecessary physical contact such as patting, touching, massaging, pinching, or hitting
  i. patronizing or condescending behaviour
  j. displays of pornographic, degrading, offensive, or derogatory material such as graffiti or pictures
  k. physical or sexual assault

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- 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.

Notes:

- 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, learner, 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 P&C 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.

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.

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 waving fist or punching an open palm
- blocking an exit or path in order to keep someone from leaving the area
- wielding a weapon
- sexual violence

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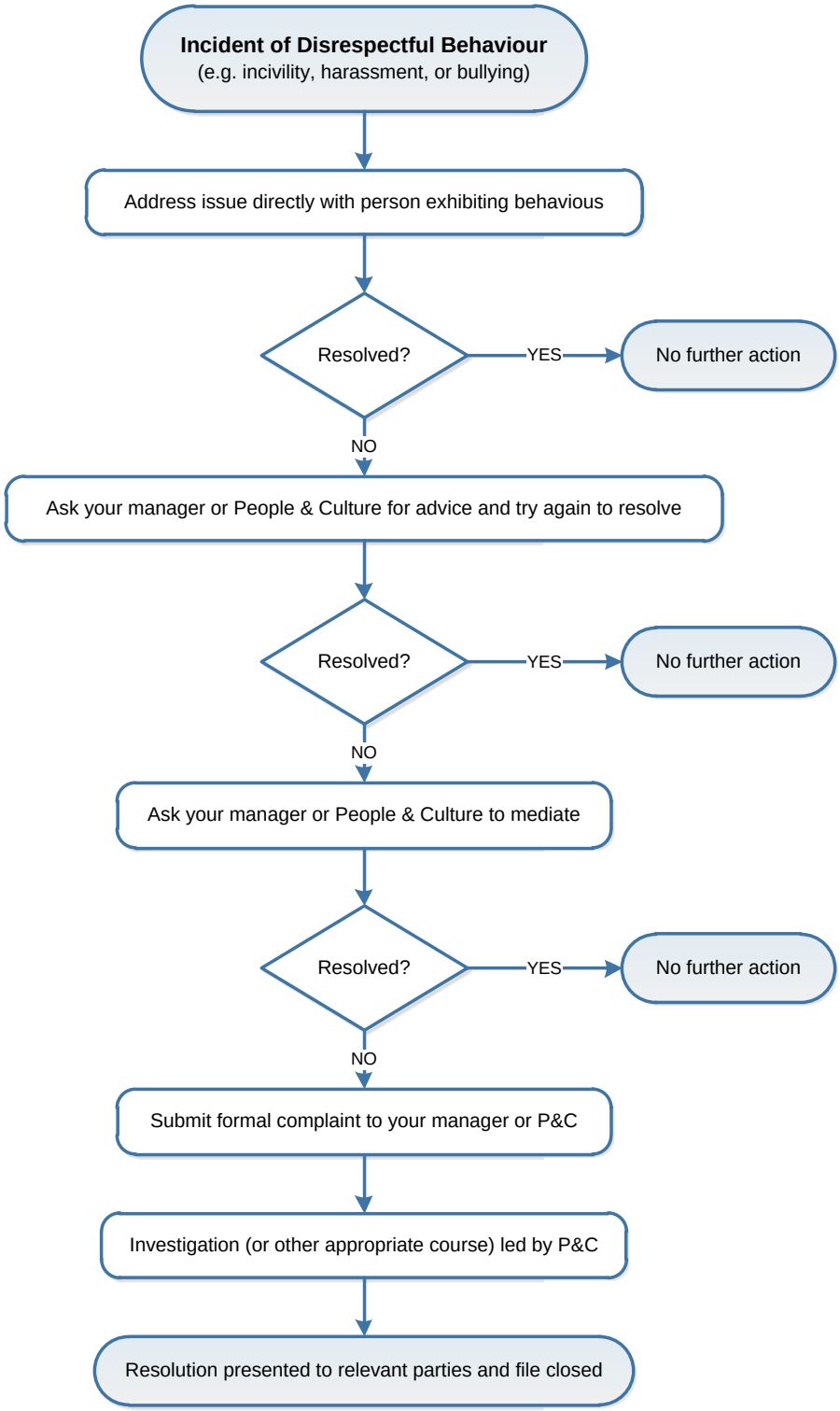
Appendix: Conflict Resolution & Complaint Process Flowchart



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