

Operations Division Occupational Health and Safety

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OHS Case ID: 00588NVHQ471

Field Visit no: 00588NVHR472

Visit Date: 2019-NOV-21

Field Visit Type: INITIAL

Workplace Identification: FLEMING COLLEGE: SUTHERLAND CAMPUS

Notice ID:

599 BREALEY DRIVE, PETERBOROUGH, ON, CANADA K9J 7B1

Telephone:
(705) 749-5530

JHSC Status:
Active

Work Force #:
1000

Completed %:

Persons Contacted: KIM ENGLISH, MANAGER, HEALTH & SAFETY, SHAUNA ELLIOTT, HUMAN RIGHTS AND INCLUSION SPECIALIST

Visit Purpose: TO DETERMINE COMPLIANCE WITH THE OCCUPATIONAL HEALTH AND SAFETY ACT AND APPLICABLE REGULATIONS

Visit Location: OFFICE

Visit Summary: NO ORDERS ISSUED.

Detailed Narrative:

Items Discussed:

WORKPLACE HARASSMENT

BACKGROUND INFORMATION

A report was filed with the Ministry of Labour call centre with a concern of harassment in the workplace.

CURRENT OBSERVATIONS

Discussion on the complaint and the issues as reported took place. It must be first noted that the role of the Ministry of Labour is not to investigate individual acts of workplace harassment but rather to enforce the Occupational Health and Safety Act. The employer is currently investigating the worker's concern and will have the investigation completed by Dec 20/19. Section 32.0.6(2)(e) - sets out a worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, will be informed of the results of the investigation and of any corrective action that has been taken or that will be taken as result of the investigation.

The role of the Ministry of Labour where a complainant alleges workplace harassment is to audit the employer for compliance with the Occupational Health and Safety Act as it pertains to the provisions of workplace harassment. It is not the role of the ministry inspectors to resolve or mediate specific allegations of harassment in the workplace.

The Ministry's occupational health and safety mandate is to set, communicate and enforce occupational health and safety legislation (the Occupational Health and Safety Act), and regulations in respect to Ontario workplaces.

What is workplace harassment?

Recipient	Inspector Data	Worker Representative
Name <u>Kim English</u>	TRACY KELLY OCCUPATIONAL HEALTH & SAFETY INSPECTOR PROVINCIAL OFFENCES OFFICER	Name <u>Elane Kalavrias</u>
Title <u>Mgr. H&S.</u>	300 Water St 3rd Flr, Peterborough ON K9J 8M5 HSPeterboroughDistrict@ontario.ca Tel: (705) 760-6117 Fax: (705) 755-4724	Title <u>Worker co chair</u>
Signature 	Signature 	Signature 

You are required under the Occupational Health and Safety Act to post a copy of this report in a conspicuous place at the workplace and provide a copy to the health and safety representative or the joint health and safety committee if any. Failure to comply with an order, decision or requirement of an inspector is an offence under Section 66 of the Occupational Health and Safety Act. You have the right to appeal any order or decision within 30 days of the date of the order issued and to request suspension of the order or decision by filing your appeal and request in writing on the appropriate forms with the Ontario Labour Relations Board, 505 University Ave., 2nd Floor, Toronto, Ontario M5G 2P1. You may also contact the Board by phone at (416) 326-7500 or 1-877-339-3335 (toll free), mail or by website at <http://www.oarb.gov.on.ca/english/homepage.htm> for more information.

Do you have a comment or feedback about your inspection? Call the Ministry of Labour Contact Centre 1-877-202-0008



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Workplace harassment can involve unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers, in a workplace. It can also include behaviour that intimidates, isolates or even discriminates against the targeted individual(s). This may include: making remarks, jokes or innuendos that demean, ridicule, intimidate, or offend; displaying or circulating offensive pictures or materials in print or electronic form; bullying; repeated offensive or intimidating phone calls or e-mails; or workplace sexual harassment.

What isn't workplace harassment?

A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace. Reasonable management actions would be part of a manager's or supervisor's normal work function, and could include changes in work assignments, scheduling, job assessment and evaluation, workplace inspections, implementation of health and safety measures, and disciplinary action.

If these actions are not exercised reasonably and fairly they may constitute workplace harassment. For example, if a worker was not scheduled for shifts solely because of his or her sexual orientation, this would likely be workplace harassment. Differences of opinion or minor disagreements between co-workers would also not generally be considered workplace harassment.

CURRENT FINDINGS REGARDING WORKPLACE HARASSMENT

The employer has a Harassment and Discrimination Prevention policy/program (Policy ID #3-311 & #3-31 IOP). This policy/program is currently being updated. Training of workers on workplace harassment is also in progress with the employer developing an on-line training program. However until this is approved, classroom training will be conducted with workers.

WORKPLACE HARASSMENT RESOURCES

Resources to help workplace parties understand and comply with requirements set out in the Act are available at the MOL Violence and Harassment web page which includes:

MOL Guideline – Workplace Violence and Harassment: Understanding the Law and Code of Practice to Address Workplace Harassment
<https://www.labour.gov.on.ca/english/hs/topics/workplaceviolence.php>

- copy of harassment program template left with employer

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Signature <u>[Signature]</u>	Signature <u>Tracy Kelly</u>	Signature <u>[Signature]</u>

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