

Policy	Harassment, Bullying, and Discrimination		
Owner:	VP People, Communications & External Affairs		
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PURPOSE

The purpose of this policy is to establish expectations at London Health Sciences Centre (LHSC) to provide a respectful and inclusive work environment that is free from all forms of harassment, bullying, and discrimination as per the [Occupational Health and Safety Act](#) and [Ontario Human Rights Code](#).

This policy is not intended to cover workplace violence which falls under the [Workplace Violence Prevention](#) policy.

AUDIENCE

This policy applies to all LHSC staff, including individuals working at LHSC funded through an external source, credentialed professional staff, clinical fellows, residents, students, volunteers, and contract workers. It applies to work being conducted both onsite at LHSC owned and rented properties and remotely.

This policy does not apply to patients, essential caregivers, and visitors, however LHSC recognizes that time in the hospital can create enormous stress. Refer to the [Patient Rights and Responsibilities](#) for LHSC's expectations on a mutually respectful partnership between patients and health care providers and highlights the expectations of patients, care partners/visitors and staff during interactions at LHSC.

POLICY

LHSC is committed to providing a safe work environment that is free from all forms of harassment and bullying. It is committed to investigating and dealing with all incidents and complaints of harassment, bullying and discrimination in a fair and timely manner, respecting the privacy of all concerned as much as possible.

This policy affirms LHSC's responsibility under the [Occupational Health and Safety Act](#), the [Ontario Human Rights Code](#), and other statutory and contractual requirements, and includes the following:

- Definitions for workplace harassment, bullying and discrimination, as well as examples of behaviours commonly attributed.
- Organizational, leader, staff/affiliate and human resources responsibilities and accountabilities and expected behaviours in order to prevent workplace harassment, bullying, and discrimination and how to respond if allegations are made.
- Commitment to a process for handling complaints in an expeditious, thorough, and confidential manner.

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- Remedial action including discipline up to and including termination of employment, contract, or privileges to practice for violations of this policy; and
- Protection for those making complaints under this policy from reprisal, except in those circumstances where the complaint is found to be vexatious in nature.

ROLES AND RESPONSIBILITIES

1. Employer will:

- 1.1. Ensure compliance of LHSC with all legislative requirements, including the [Occupational Health and Safety Act](#) and [Ontario Human Rights Code](#).
- 1.2. Ensure that policies, procedures, and programs related to the prevention of harassment, bullying, and discrimination in the workplace are developed, maintained, and reviewed annually.
- 1.3. Ensure that all staff and affiliates have access to the knowledge and tools to raise concerns about harassment, bullying, and discrimination without fear of repercussion, and that all concerns are handled in a timely, thorough, and confidential manner.
- 1.4. Take all reasonable precautions to protect the safety and well-being of anyone at risk or harm from harassment, bullying, and discrimination in the workplace.

2. Area Leader will:

- 2.1. Take every reasonable precaution to establish and maintain a work environment that is free from all forms of harassment, bullying, and discrimination, where individuals feel safe to bring their concerns forward without fear of reprisal.
- 2.2. Ensure all staff and affiliates are educated about this policy, including behavioural expectations and reporting obligations and options.
- 2.3. Notify Human Resources and/or Medical Affairs immediately upon receipt of a concern or complaint (verbally or in writing) of harassment, bullying or discrimination from an individual, and lead, participate and/or cooperate fully in any investigation required.
- 2.4. If harassment, bullying, or discrimination is confirmed to have taken place, take appropriate corrective action, including disciplinary action, guided by Human Resources and/or Medical Affairs.
- 2.5. Maintain confidentiality of the information obtained about the complaint.

3. Staff and Affiliates will:

- 3.1. Complete all required education and training.
- 3.2. Avoid any conduct which might be considered harassment, bullying, or discriminatory.
- 3.3. When faced with a situation of possible harassment, bullying or discrimination:
 - 3.3.1. Where comfortable and appropriate, inform the offender that their behaviour is viewed as harassing, bullying or discriminatory, and that their behavior is unwelcome and should stop.
 - 3.3.2. Where not comfortable or appropriate, inform your leader in a timely manner, directly or by submitting an incident report through the online reporting system. If your leader is not available (for example, after hours), inform the person in charge or covering.
 - 3.3.3. Where not comfortable or appropriate (for example if the complaint involves a leader) or for

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affiliates that do not have access to the online reporting system, send an email to [Staff Confidential Complaint](#) which is monitored by Human Resources.

3.3.4. Document the perceived harassment, bullying and/or discrimination and any efforts to resolve it for their own record.

3.3.5. Participate fully in any investigation required.

4. Human Resources will:

4.1. Provide information and education to leaders, staff, and affiliates on workplace harassment, bullying and discrimination, including interpretation and application of this policy.

4.2. Advocate for, and support leadership in, creating, sustaining, and promoting a working environment that is built on respectful behaviour and is free from all forms of harassment, bullying, and discrimination.

4.3. Receive and triage complaints that come in through various channels, ensuring that the right departments (i.e., Medical Affairs, Student Affairs, Nursing Practice Excellence, and Innovation, etc.) and Union partners (if applicable) are advised and engaged depending on the situation and the individuals involved.

4.4. Lead and/or support the leader with the investigation and resolution of complaints in a timely, thorough, and confidential manner.

4.5. If harassment, bullying, or discrimination is confirmed to have taken place, assist leaders in taking appropriate corrective action, including disciplinary action.

4.6. Retain records of all investigations conducted in a secure and confidential manner, separate from the employee file. The employee file will only contain the disciplinary consequence of any complaint if substantiated through investigation.

DEFINITIONS

Affiliates – Individuals who are not employed by the organization but perform specific tasks at or for the organization, including:

- Credentialed Professional Staff means those Physicians, Dentists, Midwives and Registered Nurses in the Extended Class who are appointed by the Board and who are granted specific privileges to practice medicine, dentistry, midwifery, or nursing respectively,
- Students,
- Volunteers
- Contractors or contracted workers who may be members of a third-party contract or under direct contract with the organization, and
- Individuals working at the organization but funded through an external source.

Bullying – Bullying is a form of **harassment**. According to the Canadian Centre for Occupational Health and Safety, bullying is usually seen as acts or verbal comments that could psychologically or 'mentally' hurt or isolate a person in the workplace. Sometimes, bullying can involve negative physical contact as well. Bullying usually involves repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade, or humiliate a particular person or group of people. It has also been described as the assertion of power through aggression.

Complainant – The person who initiates a complaint of harassment, bullying, or discrimination.

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Discrimination – In accordance with the [Ontario Human Rights Code](#) means the less favourable treatment of persons in any aspect of employment because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

Harassment – Consistent with both the [Occupational Health and Safety Act](#) and the [Ontario Human Rights Code](#), means engaging in a course of vexatious comment or conduct against a person that is known or ought reasonably to be known to be unwelcome. Harassment may or may not be connected to a Prohibited Ground or Grounds under the Ontario Human Rights Code. Harassment normally requires a course of conduct or behavior that persists over time; however, a severe one-time egregious incident can also constitute harassment. Harassment may include verbal/psychological abuse, bullying/cyber bullying, intimidation, offensive or discriminatory comments, jokes or innuendos, displaying or circulating offensive pictures or materials, offensive or intimidating communication, intruding on a person's privacy by pestering, spying or stalking, undermining or deliberately impeding a person's work, or withholding necessary information or purposefully giving the wrong information.

Harassment does not include the normal exercise of management's right to manage such as the day-to-day management of operations, performance at work or absenteeism, the assignment of tasks and the application of progressive discipline up to and including termination.

Respondent – The person against whom a complaint of harassment, bullying or discrimination has been made.

Sexual Harassment – Consistent with both the [Occupational Health and Safety Act](#) and the [Ontario Human Rights Code](#), means engaging in a course of vexatious comment or conduct against a person 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. It also includes making a sexual solicitation or advance, or a reprisal or threat of reprisal for the refusal of 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.

Sexual Violence – Sexual violence is a broad term that describes any violence, physical or psychological, that is carried out through sexual means or by targeting sexuality.

Workplace – Means any land, premises, location, or thing at, upon, in or near which a worker works. In general, if a worker is being directed and paid by LHSC to be or near a specified location to carry out a work-related function, then it is a workplace. In addition to LHSC sites, a workplace may include off-site facilities, vehicles, LHSC sponsored conferences or training, LHSC sponsored social functions or fundraisers.

Workplace Violence – Refers to:

- The exercise of physical force by a person against a worker, in a workplace, which causes or could cause physical injury to the worker,
- An attempt to exercise physical force against a worker, in a workplace, which could cause physical injury to the worker, or
- A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

REFERENCES

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Legislation

[Ontario Human Rights Code](#)

[Occupational Health and Safety Act](#)

Corporate

[Flagging and Management of Patient, Care Partner, and Visitor Risk for Violent Behaviour](#)

[Privacy](#)

[Confidentiality](#)

[Staff Safety Event and Hazard Reporting](#)

[Incident Reporting and Management](#)

[LHSC Employee Assistance Program](#)

[Workplace Violence Prevention](#)

[Guidelines for Physician Performance Management](#)

[Patient Rights and Responsibilities](#)

Other Resources

[Ontario Human Rights Commission](#)

[CPSO - Physician Behaviour in the Professional Environment](#)

[CCHL Code of Ethics](#)

[CNO Code of Conduct](#)

APPENDIX

Appendix A – [Organizational Response to a Complaint](#)

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