

Thompson Rivers University

Annual Report of the Human Rights Officer

2013-14 in Review

H. MacInnes



2013-14

THOMPSON RIVERS UNIVERSITY

October 30, 2014

Brian Ross Q.C.,
Chair, Board of Governors
Thompson Rivers University

Dr. Alan Shaver
President and Vice-Chancellor
Thompson Rivers University

John Sparks
General Counsel and Corporate Secretary
Thompson Rivers University

Dear Mr. Ross, Dr. Shaver, and Mr. Sparks:

In accordance with article 14 of the Thompson Rivers University Policy on *Respectful Workplace and Harassment Prevention* I am pleased to attach my Annual Report for the academic year 2013-2014.

The reporting period of my report aligns with the University's academic year and runs from July 1, 2013 to June 30, 2014.

Sincerely,

Hugh MacInnes
Human Rights Officer

Introduction

This report is made pursuant to the Thompson Rivers University's Policy on Respectful Workplace and Harassment Prevention (the "**Policy**" – a copy is attached as Appendix "A").¹ This is my fourth annual report.

I have a number of specific duties under the Policy including: (i) receiving complaints from members of the University community who believe they have been harassed or subjected to discrimination at the University, (ii) facilitating the implementation of the Policy and (iii) coordinating a training and education strategy. These activities take place under the supervision of the University's General Counsel.

Section 14 of the Regulations under the Policy requires the Human Rights Officer to prepare and distribute an annual report. The Annual Report is to: (i) summarize the activities of the Human Rights Officer in administering the Policy; (ii) provide information on the number of complaints and number of resolutions through informal procedures, mediation and investigations; and, (iii) report on the progress made in providing education to employees and students in regard to preventing harassment and discrimination.

Protecting the identity and confidentiality of the personal information of both those who report harassment or discrimination and those against whom the allegations are made remains a paramount consideration when administering the Policy and carrying out its purposes. In recognition of this need for confidentiality, the information in this Annual Report is provided in summary form as contemplated by the Policy.

Complaints in 2013-2014

As required by the Policy, this Annual Report provides in Table 1 (below) the number of complaints, and resolutions whether through informal procedures, mediation activities or investigations involving my office. Table 1 sets out this information along with comparative information for 2010, 2011 calendar years and 2012-13. (In 2010 and 2011, the reporting period of the Annual Report was the preceding calendar year. To align the Annual Report with the academic year at the University, the most recent Annual Report reported on the activities in both the calendar year of 2012 and the University's Spring Term in 2013.)

¹ The Policy was adopted on May 28, 2009 after a review of the prior policy led by the University's then Associate Vice-President Human Relations and Planning. The new Policy was heavily influenced by Simon Fraser University's policy and SFU's experience and expertise in dealing with harassment and human rights matters. TRU's Policy acknowledges the use, with permission, of Simon Fraser University's work. Implementation of the policy began in the summer of 2009. I was appointed Acting Human Rights Officer in August 2009 and appointed Human Rights Officer in January 2011.

NOTE: Complaints involving members of the Thompson Rivers University Faculty Association, whether as complainant or respondent, are governed by the collective agreement between the University and TRUFA. Pursuant to the collective agreement, persons who consult me about complaints involving TRUFA members are referred to the University’s human resources department. Starting with the 2012-13 Annual Report, the numbers of these referrals to the University’s human resources department are also reported in Table 1.

The Policy recognizes that all members of the University Community are responsible to ensure that the University’s working and learning environments are free from discrimination and that Chairs, Directors, and Deans “bear the primary responsibility for maintaining a working and learning environment free from discrimination”. Complaints brought to Chairs, Directors and Deans or other members of the University Community and which are addressed without involving me are not reflected in this Report.

Table 1

	2010	2011	2012-13	2013-14
Complaints	11	7	21	25
Informal Resolutions	10	4	8	7
Complaints which were not harassment	1	2	4	4
Mediations	0	0	1	0
Investigations	0	0	0	0
Taken to the Human Rights Tribunal	0	1	2	1
TRUFA matters ref. to human resources	NR	NR	6	10

Section 17 of the Policy recognizes that, if a complaint brought under the Policy is also an alleged violation of the BC *Human Rights Code*, the complainant may at any time make a complain to the Human Rights Tribunal. The Policy provides that if a complainant complains to the Tribunal, the University will, at the request of the respondent, cease the processes under the Policy. While the practice of my office is to seek to deal with complaints under the Policy, at the same time, I do not actively seek to dissuade complainants from going to the Human Rights Tribunal.

Education

Under the Policy, the Human Rights Officer is responsible for coordinating a training and education strategy for students and employees on harassment and discrimination prevention.

In 2012-13 the amount of education provided at TRU was elevated over past years. In 2013-14, the amount of education was further elevated. Education became a major focus in 2011 and received increased attention in 2012-13, with a broader and more comprehensive program of education. In 2013-14, a comprehensive program of education was carried out with the presentation of 25 seminars by Ms. Corinn Bell. Ms. Bell's seminars included a webinar for Open Learning Faculty Members.

Corinn Bell is a leading expert in human rights law and human rights training and her educational program was developed with input from the University's General Counsel and me. Development of the program was initially carried out in 2012. Presentations of the program began in the fall semester of 2012. Education sessions were presented by Ms. Bell, the University's General Counsel and me. The increased number of education sessions is shown in Table 2.

In addition, an online training package for members of the University's community through the University's internal website was prepared by the office of the University's General Counsel and Secretariat, with input from Ms. Bell and me. The online training package was launched in May 2014.

In 2013-14, I presented information and education seminars to the Labour Relations Advisory Committee (LRAC), new employees as part of their orientation sessions, to students in the Health Care Assistant program and I joined Corinn Bell in presenting a seminar to the Finance, Admin, AVP's and Directors Committee (FAAD). The presentations to the LRAC and FAAD included considerable discussion about the then-new WorksafeBC policies. In addition, I was interviewed by the University's student newspaper, *The Omega* and a reporter from the University's radio station CFBX for articles about harassment and the WorksafeBC policies and I received 2 inquiries from students in the University's journalism and business classes seeking information about the number of harassment matters at the University as part of their classwork.

Table 2 sets out the education provided in 2013-14 along with comparative information for 2012 calendar year and the Spring Semester of 2013, 2011 and 2010. The table does not reflect the interview with *The Omega* or the inquiries from students for classwork.

Table 2

	2010	2011	2012-13	2013-14
Seminars presented	3	4	14	29
Private discussions and counseling	6	12	10	6

WorkSafeBC Rules

In March, 2013, WorkSafeBC (also known as the Workers Compensation Board) approved 3 new policies aimed at preventing or minimizing harassment in the workplace. These policies took effect on November 1, 2013. The University is largely compliant with the new policies. To ensure the University is fully compliant, the University’s General Counsel retained an employment lawyer from a leading employment law firm in British Columbia to conduct a gap analysis to identify any gaps in the University’s compliance with the new policies. That analysis found the University to be in compliance with the new policies. The analysis also yielded a recommendation to modify the Policy to reflect more comprehensive investigation processes in instances of personal harassment.

Review of Policy

The Policy became eligible for review on May 28, 2014. During my time as the HRO, I have been collecting comments and suggestions to consider in the review of the Policy. In addition, the review will consider the comments of the employment law specialist who conducted the gap analysis on the Policy in conjunction with WorksafeBC’s policies. The review of the Policy is underway. It is expected that the outcome of the review will be presented to the Board of Directors in the spring of 2015.

Conclusion

2013-14 was a stable year in terms of the number of complaints brought to me when compared with previous years. Considerable progress made in educating and training the University community about harassment and harassment prevention.

A properly functioning policy with regard to harassment and discrimination is a key requirement at a university in order to facilitate the maintenance of a respectful workplace. From my perspective as Human Rights Officer, I believe there is now much greater familiarity by members of the University community with the Policy and how it operates through the implementation of the more comprehensive educational training

program and the online training along with the increased number of training sessions which I expect to considerably enhance the experience of those working and studying at Thompson Rivers University.

Appendix "A" Policy