QUFA Staff Must Report Any Disclosure of Sexual Violence
The Occupational Health and Safety Act requires employees to report known incidents of sexual violence or harassment in the workplace

By Peggy Smith Grievance Officer, QUFA

The statutory obligation to report
The Occupational Health and Safety Act (OHSA) sets out the obligations and rights of employees and employers with respect to maintaining a safe and healthy workplace. As an employee of Queen’s University, you have the statutory duty to report health and safety hazards to your supervisors. In 2016, Bill 132 incorporated and defined sexual harassment and violence in the workplace as an occupational health and safety hazard. As a result, employees became responsible for reporting known incidents of sexual harassment and violence in the workplace.

The statutory requirements of Queens’s Policy on Sexual Violence Involving Queen’s students
Regulation 131.16 of the OHSA requires all colleges and universities to have a sexual violence policy, and sets out the required content, as well as the roles and responsibilities of parties. In May 2019, The Queen’s Board of Trustees approved revisions to the Policy on Sexual Violence Involving Queen’s University Students. The document now requires that all employees (including QUFA Members) who receive a disclosure of sexual violence report the disclosure to the sexual violence prevention and response coordinator (SVPRC). This requirement is consistent with the duty to disclose a workplace hazard set out in the OHSA. As a result of the disclosure, the policy states that the sexual violence prevention and response coordinator will, “if deemed to be appropriate” [emphasis added], contact the student to offer support and information, and to provide options tailored to the needs, wishes, and circumstances of the student. Again, this action is consistent with the requirements of the OHSA and Regulation 131.16.

Concerns arising from the implementation of the policy
While QUFA recognizes the statutory obligation of its Members and supports the aims of the policy, it has some specific concerns about its implementation. In a memo dated “Summer 2019,” Sexual Violence Prevention and Response Coordinator Barb Lotan sets out the reporting method and follow-up flowing from the receipt of a report from staff. Staff are required to use a secure online notification system, identifying only the name, e-mail address, and student number of the student. The memo then advises that The SVPRC will follow up with the student by email to offer supports and services, with no expectation of a response or that the student follow up with a formal report. QUFA is concerned about this procedure. This apparently blanket response is contrary to the policy, which states that action by the SVPRC will be discretionary and used only when “deemed appropriate.” This caveat is important because there are circumstances where contacting the student might aggravate their situation, as for instance where an abusive partner monitors their messages.

Going forward
QUFA is actively pursuing this matter, as we believe it is the responsibility of the university to clearly identify and communicate the full consequences of reporting an incident of sexual violence to a QUFA Member. QUFA believes the university has an obligation to clearly inform students (1) that faculty members are required to report any disclosure a student may make to a faculty member to the SVPRC, and (2) that this disclosure will give rise to an automatic e-mail from that office. In the interim, students should be referred to the AVPRC directly or directed to the following link: https://www.queensu.ca/sexualviolencesupport/support-and-services.

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