



TOWNSHIP OF NORTH HURON

REPORT

Item No.

REPORT TO: Reeve Vincent and Members of Council
PREPARED BY: Dwayne Evans
DATE: 12/03/2018
SUBJECT: Respect in the Workplace (Harassment and Violence) Policy Updates
ATTACHMENTS: Harassment and Violence Policy

RECOMMENDATION:

THAT the Council of the Township of North Huron hereby receive the March 12, 2018 Report of the CAO regarding Respect in the Workplace Policy Updates for information purposes;

AND FURTHER, that the Council of the Township of North Huron hereby approves the attached amendments to Respect in the Workplace Policy Number B-4.2.

EXECUTIVE SUMMARY

Bill 132 received Royal Assent on March 8, 2016 and came into full effect on September 8, 2016. As a result of recent incidents, it has been brought to my attention that revisions to the Township's Respect in the Workplace Policy are needed to be in full compliance with Bill 132. This report provides information on Bill 132 and summarizes proposed changes to the Township's Respect in the Workplace Policy.

DISCUSSION

As noted above, Bill 132 received Royal Assent on March 8, 2016 and came into full effect on September 8, 2016. This legislation amended various other pieces of legislation regarding sexual violence, sexual harassment, domestic violence and followed upon changes brought in by Bill 168 which set out how harassment is to be dealt with in the workplace. Sexual violence, sexual harassment and domestic violence are to be addressed in the workplace as a health and safety issue. The legislation also outlines new responsibilities on employers to make sure that:

- an investigation, appropriate in the circumstances, is conducted into incidents and complaints of workplace harassment;
- a worker who alleges workplace harassment and the alleged harasser, if a worker of the employer, are informed in writing of the results of the investigation and of any corrective action taken or to be taken as a result of the investigation.

Section 32.06(2) of Occupational Health and Safety Act, as amended by Bill 132, also broadened the requirements on employers to implement a workplace harassment policy, which addressed the following:

- inclusion of measures and procedures for workers to report workplace harassment to a person other than the employer or supervisor if the employer or supervisor is the alleged harasser;

- set out how information obtained during an investigation, including identifying information about any individuals involved, will not be disclosed unless necessary for the purpose of investigating or taking corrective action or otherwise as required by law;
- set out how a worker who has allegedly experienced workplace harassment and the alleged harasser, if a worker of the employer, will be informed in writing of the results of investigation and any action taken or to be taken as a result of the investigation. Bill 132 explicitly states that the outcome of an investigation and any report produced for an investigation is not a report that must, pursuant to Section 25(2) of the Occupational Health and Safety Act, be supplied to a joint health and safety committee, a worker health and safety representative or other workers.

Bill 132 also amends the Occupational Health and Safety Act to empower health and safety inspectors to require an employer to conduct an investigation, at the employer's expense, by an unbiased party and to obtain, also at the employer's cost, a report from that unbiased person. The amendments to the Occupational Health and Safety Act also place an obligation on employers to have workplace harassment policies and procedures in place as part of their duty to provide employees with a safe workplace. The policies and procedures must address sexual harassment.

Below is a summary of the amendments to the Township's Respect in the Workplace Policy in order to be in full compliance with Bill 132:

1. To clearly state the Township has zero tolerance for workplace violence, harassment and discrimination;
2. To clarify that the Respect in the Workplace Policy applies to 'workers' as defined by the Occupational Health and Safety Act. This term 'worker', as defined, includes students and coop placements;
3. The scope of workplace has been broadened to include social media as well as both inside and outside Township owned and leased facilities;
4. The workplace discrimination policy section has been revised to accurately reflect the Human Rights Code;
5. Workplace sexual harassment is now defined in accordance with the Occupational Health and Safety Act;
6. The definition for discriminatory harassment has been refined to include vexatious comments and conduct based on one or more grounds contained in the Human Rights Code; and
7. The revised policy clarifies what is not harassment.

FINANCIAL IMPACT

No short term or long term financial impacts are expected by the revisions to this policy. Financial costs do incur when a complaint is received.

FUTURE CONSIDERATIONS

N/A

RELATIONSHIP TO STRATEGIC PLAN

Goal #3 Our Community is healthy and safe

Goal #4 Our administration is fiscally responsible and strives for operational excellence.



Dwayne Evans, CAO