

Action: Employee Management	Policy Number: B-4.2
Sub-section: Human Rights	Effective Date: January 2009
Subject: Respect in the Workplace	Revision Dates: September 27 2010, February (insert), 2018
Page 1 of 13	

Respect in the Workplace (Harassment and Violence)

Purpose:

The Township of North Huron (the “Township”) is committed to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization. It is the Township’s goal to provide a healthy and safe work environment that is free of any form of harassment, violence or discrimination. The Township is committed to preventing, identifying and correcting conduct that would result or has resulted in workplace violence, harassment or discrimination. The Township has zero tolerance for workplace violence, harassment and discrimination.

Policy:

Responsibility

This Policy applies to all workers (within the meaning of the *Occupational Health and Safety Act*) of the Township. It applies in any location in which workers are engaged in Township work-related activities. The scope of workplace include, but is not limited to:

- All Township owned and leased facilities;
- Work-related travel locations;
- Restaurants, hotels or meeting facilities that are being used for business purposes;
- During telephone, email or other communications;
- At any work-related social event, whether or not it is Township sponsored; and
- On social media

Definitions

The *Occupational Health and Safety Act* defines “worker” as any of the following, but does not include an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program:

- A person who performs work or supplies services for monetary compensation.
- A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.

Action: Employee Management	Policy Number: B-4.2
Sub-section: Human Rights	Effective Date: January 2009
Subject: Respect in the Workplace	Revision Dates: September 27 2010, February (insert), 2018
Page 2 of 13	

- A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university, private career college or other post-secondary institution.
- Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation.

1. Discrimination

Workplace discrimination includes any unequal treatment, distinction, exclusion or preference based on the protected grounds in the *Ontario Human Rights Code*, which nullifies or impairs equality of opportunity in employment or equality in the terms and conditions of employment.

The protected grounds under the Human Rights Code are:

- Race;
- Ancestry;
- Place of Origin;
- Colour;
- Citizenship;
- Creed;
- Sex;
- Sexual Orientation;
- Gender Identity;
- Gender Expression;
- Age;
- Record of Offence;
- Marital Status;
- Family Status; and
- Disability.

2. Sexual Harassment

Workers have a right to a workplace that is free from harassment because of sex, sexual orientation, gender identity or gender expression.

Workplace sexual harassment is defined in the *Occupational Health and Safety Act* and this policy as follows:

Action: Employee Management	Policy Number: B-4.2
Sub-section: Human Rights	Effective Date: January 2009
Subject: Respect in the Workplace	Revision Dates: September 27 2010, February (insert), 2018

- engaging in a course of vexatious comments or conduct against a worker in a workplace 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, or
- making 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.

Both men and women can be victims of harassment and someone of the same or opposite sex can harass someone else.

Some examples of sexual harassment are:

- Sexual advances or demands that the recipient does not welcome or want
- Threats, punishment or denial of a benefit for refusing a sexual advance
- Offering a benefit in exchange for a sexual favour
- Leering (persistent sexual staring)
- Displaying sexually offensive material such as posters, pictures, calendars, cartoons, screensavers, pornographic or erotic web sites or other electronic material
- Distributing sexually explicit e-mail messages or attachments such as pictures or video files
- Sexually suggestive or obscene comments or gestures
- Unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, clothing or sex
- Persistent, unwanted attention after a consensual relationship ends
- Physical contact of a sexual nature, such as touching or caressing; and
- Sexual assault

3. Discriminatory Harassment

Discriminatory Harassment includes vexatious comments or conduct based one or more of the protected grounds in the *Ontario Human Rights Code*, which is known or ought reasonably known to be unwelcome.

Some examples of discriminatory harassment include:

- Offensive comments, jokes or behavior that disparage or ridicule a person's membership in one of the protected grounds, such as race, religion or sexual orientation
- Imitating a person's accent, speech or mannerisms

Action: Employee Management	Policy Number: B-4.2
Sub-section: Human Rights	Effective Date: January 2009
Subject: Respect in the Workplace	Revision Dates: September 27 2010, February (insert), 2018
Page 4 of 13	

- Persistent or inappropriate questions about whether a person is pregnant, has children or plans to have children; or
- Inappropriate comments or jokes about an individual's age, sexual orientation, personal appearance or weight

4. Workplace Harassment and Bullying

Workplace harassment is a health and safety issue that is covered under the *Occupational Health and Safety Act*.

The *Occupational Health and Safety Act* defines **workplace harassment** as:

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
- b) workplace sexual harassment.

Workplace harassment may have some or all of the following components:

- It is generally repetitive, although a single serious incident may constitute workplace harassment if it undermines the recipient's psychological or physical integrity and has a lasting harmful effect
- It is hostile, abusive or inappropriate
- It affects the person's dignity or psychological integrity; and
- It results in a poisoned work environment

In addition, behaviour that intimidates, isolates or discriminates against the recipient may also be included.

Some examples of workplace harassment are:

- Verbally abusive behaviour such as yelling, insults, ridicule and name calling including remarks, jokes or innuendos that demean, ridicule, intimidate or offend
- Workplace pranks, vandalism, bullying and hazing
- Gossiping or spreading malicious rumors
- Excluding or ignoring someone, including persistent exclusion of a particular person from workplace-related social gatherings
- Undermining someone else's efforts by setting impossible goals, with short deadlines and deliberately withholding information that would enable a person to do their job
- Providing only demeaning or trivial tasks in place of normal job duties
- Humiliating someone

Action: Employee Management	Policy Number: B-4.2
Sub-section: Human Rights	Effective Date: January 2009
Subject: Respect in the Workplace	Revision Dates: September 27 2010, February (insert), 2018
Page 5 of 13	

- Sabotaging someone else's work
- Displaying or circulating offensive picture or materials
- Offensive or intimidating phone calls or emails
- Impeding an individual's efforts at promotions or transfers for reasons that are not legitimate; and
- Making false allegations about someone in memos or other work related documents

What Is Not Harassment

The OHSA provides that a reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

Workplace harassment should not be confused with legitimate, reasonable management actions that are part of the normal work function, including:

- Measures to correct performance deficiencies, such as someone on a performance improvement plan,
- Imposing discipline for workplace infractions; or
- Requesting medical documents in support of an absence from work

It also does not include normal workplace conflict that may occur between individuals or differences of opinion between co-workers.

The Test of Harassment

It does not matter whether you intended to offend someone. The test of harassment is whether you knew or should have known that the comments or conduct were unwelcome to the other person.

For example, someone may make it clear through their conduct or body language that the behaviour is unwelcome, in which case you must immediately stop that behaviour.

Although it is commonly the case, the harasser does not necessarily have to have power or authority over the victim. Harassment can occur from co-worker to co-worker, supervisor to employee and employee to supervisor.

Action: Employee Management	Policy Number: B-4.2
Sub-section: Human Rights	Effective Date: January 2009
Subject: Respect in the Workplace	Revision Dates: September 27 2010, February (insert), 2018
Page 6 of 13	

5. Workplace and Domestic Violence

Workplace and domestic violence that may occur in the workplace are health and safety issues, which are covered under the *Occupational Health and Safety Act*.

Workplace Violence

“Workplace violence” is defined under the *Occupational Health and Safety Act* as:

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.
- 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.

It is defined broadly enough to include acts that may be considered criminal. Workplace violence includes:

- Physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, throwing objects
- Verbal or written threats to physically attack a worker
- Leaving threatening notes or sending threatening emails
- Wielding a weapon at work
- Stalking someone; and
- Physically aggressive behaviours including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, throwing an object at someone, physically restraining someone or any other form of physical or sexual assault

Violence that occurs outside the normal workplace but which has an impact on the working environment, including working relationships, may also be considered violence in the workplace.

Domestic Violence

If you are experiencing domestic violence that would likely expose you or other workers to physical injury that may occur in the workplace, we will take every precaution reasonable to protect you and your co-workers in the circumstances. This may include some or all of the following:

- Creating a safety plan

Action: Employee Management	Policy Number: B-4.2
Sub-section: Human Rights	Effective Date: January 2009
Subject: Respect in the Workplace	Revision Dates: September 27 2010, February (insert), 2018
Page 7 of 13	

- Contacting the police
- Establishing enhanced security measures such as a panic button, code words and door and access security measures
- Screening calls and blocking certain email addresses
- Setting up priority parking or providing escorts to your vehicle or to public transportation; and
- Adjusting your working hours and location so that they are not predictable

We appreciate the sensitivity of these issues and will do our best to assist you as discreetly as possible while maintaining your privacy.

Procedure

Preventing Harassment and Violence

It is our mutual responsibility to ensure that we create and maintain a harassment and violence-free workplace and address violence and/or threat or violence from all possible sources (including customers, clients, employers, supervisors, workers, strangers and domestic/intimate partners).

The Township of North Huron's Commitment

The Township of North Huron will do its part by not tolerating or condoning discrimination, harassment or violence in the workplace. This includes making everyone in our organization aware of what behaviour is and is not appropriate, assessing the risk of workplace violence, investigating complaints and imposing suitable corrective measures.

Duties of the Supervisors

Supervisors are expected to assist in creating a harassment-free workplace and to immediately contact the Director of Human Resources and/or Health and Safety Coordinator if they receive a complaint of workplace harassment or violence or witness or are aware of harassing or violent behaviour.

Supervisors must also take every reasonable precaution to protect employees from workplace violence, including evaluating a person's history of violent behaviour to determine whether and to whom this employee poses a risk. In making this evaluation supervisors should consider:

- Whether the person's history of violence was associated with the workplace or work;

Action: Employee Management	Policy Number: B-4.2
Sub-section: Human Rights	Effective Date: January 2009
Subject: Respect in the Workplace	Revision Dates: September 27 2010, February (insert), 2018

Page 8 of 13

- Whether the history of violence was directed at a particular employee or employees in general;
- How long ago the incidence of violence occurred

In certain circumstances, supervisors may have a duty to provide information about a risk of workplace violence from a person with a history of violent behaviour if an employee can be expected to encounter that person during the course of his or her work and the risk of workplace violence is likely to expose the employee to physical injury. Supervisors will only release as much personal information about the person with a history of violent behaviour as is reasonably necessary to protect the employee from physical injury.

Duties of All Employees

You must do your part by ensuring that your behaviour does not violate this policy and by fostering a work environment that is based on respect and is free from harassment.

You are also required to report to your supervisor or the Director of Human Resources and/or Health and Safety Coordinator, the existence of any workplace violence or threat of workplace violence.

Procedure for Resolving and Investigating Harassment Complaints:

1. Informal Procedure

If you believe that you are being harassed, the first thing to do is to tell the person to stop. Do so as soon as you receive any unwelcome comments or conduct. Although this may be difficult to do, telling the person you don't like their actions is often enough to stop the behaviour.

Some of the things you can say that might stop the behaviour include:

- I don't want you to do that
- Please stop doing or saying
- It makes me uncomfortable when you
- I don't find it funny when you

If the harassment continues after you have confronted the individual, you may want to provide him or her with a written statement of the situation. Include specific details of the behaviours you consider to be harassing, your request to the harasser to stop and your expectations that he or she will stop. Provide details of the next steps you plan to take if the harassment does not stop e.g., filing a formal complaint. Make sure you keep a copy of this statement for yourself.

Action: Employee Management	Policy Number: B-4.2
Sub-section: Human Rights	Effective Date: January 2009
Subject: Respect in the Workplace	Revision Dates: September 27 2010, February (insert), 2018
Page 9 of 13	

It helps to keep a record of any incident(s) that you experience. This includes when the harassment started, what happened, whether there were any witnesses and what was your response.

If you believe that someone who is not a member of our organization, e.g., a customer, supplier, etc., has harassed or discriminated against you, please report the harassment to your supervisor or the Director of Human Resources and/or Health and Safety Coordinator. Although the Township of North Huron has limited control over third parties, we will do our best to address the issue and prevent further problems from arising.

2. Formal Procedure

If the complaint cannot be resolved informally or if it is too serious to handle on an informal basis, you may bring a formal complaint to the Director of Human Resources and/or Health and Safety Coordinator. They will act as our workplace coordinators with respect to harassment and violence in the workplace.

If you bring a formal complaint we will need as much written information as possible, including the name of the person you believe is harassing you, the place, date and time of the incident(s), and the names of any possible witnesses. A copy of the Workplace Respect Complaint form is available from the Director of Human Resources or the Health and Safety Coordinator.

It is important that we receive your complaint as soon as possible so that the problem doesn't escalate or happen again. Once we receive your complaint, we will initiate a formal investigation, if it is necessary and appropriate to do so.

Discrimination and harassment are serious matters. Therefore, if you decide not to make a formal complaint, we may still need to investigate the matter and take steps to prevent further harassment. For example, we may need to continue with an investigation if the allegations are serious or if there have been previous complaints or incidents involving the respondent.

Additionally, even where an incident of harassment occurs and no complaint is raised, the Township may investigate and address the issue where necessary to ensure that the rights of employees are properly protected.

Action: Employee Management	Policy Number: B-4.2
Sub-section: Human Rights	Effective Date: January 2009
Subject: Respect in the Workplace	Revision Dates: September 27 2010, February (insert), 2018
Page 10 of 13	

Investigation Procedure

The Director of Human Resources and/or Health and Safety Coordinator will commence an investigation as quickly as possible. We may choose to use either an internal or external investigator, depending on the nature of the complaint.

The investigation will include:

- Interviewing the complainant and the respondent to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations
- Interviewing witnesses, if any
- Reviewing any related documentation (email, phone records, etc.); and
- Making detailed notes of the investigation and maintaining them in a confidential file, separate from the personnel files of the respondent and the complainant

Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings to the Director of Human Resources and/or CAO/Clerk. A written summary of the findings will also be provided to the complainant and respondent. A copy of the report will be kept in a confidential file, separate from the personnel files of the respondent and the complainant.

It is our goal to complete any investigations and communicate the results to the complainant and respondent within thirty days after we receive a complaint, where possible. Although this is the Township's goal, the nature and seriousness of the complaint may result in a longer investigation.

Corrective Action

The Director of Human Resources and/or CAO/Clerk will determine what action, if any, should be taken as a result of the investigation.

The Director of Human Resources or Health and Safety Coordinator will inform the complainant and respondent in writing of the results of the investigation and whether (but not necessarily what) corrective measures were taken, if any were necessary.

If a finding of harassment is made, the Township of North Huron will take appropriate corrective measures, regardless of the respondent's seniority or position in the organization.

Corrective measure may include one or more of the following:

- Discipline, such as verbal warning, written warning or suspension without pay

Action: Employee Management	Policy Number: B-4.2
Sub-section: Human Rights	Effective Date: January 2009
Subject: Respect in the Workplace	Revision Dates: September 27 2010, February (insert), 2018
Page 11 of 13	

- Termination with or without cause
- Referral for counseling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect
- A demotion or denial of a promotion
- Reassignment or transfer
- Financial penalties such as the denial of a bonus or performance related salary increase; and
- Any other disciplinary action deemed appropriate under the circumstances

If there is not enough evidence to substantiate the complaint, corrective measures will not be taken.

If you make a complaint in good faith and without malice, regardless of the outcome of the investigation, you will not be subject to any form of discipline. The Township of North Huron will, however, discipline or terminate anyone who knowingly brings a false, frivolous, vexatious or malicious complaint.

Procedure for Resolving and Investigating Workplace Violence:

Workplace Violence

You have the right to refuse work if workplace violence is likely to endanger you. In that instance, please immediately contact your supervisor at which point appropriate measures will be taken to protect you and investigate the situation. You will be moved to a safe place as near as reasonably possible to your normal work station and will need to be available for the purposes of investigating the incident. In some circumstances, you may be provided with reasonable alternative work during normal working hours.

In appropriate circumstances, we may contact the police or other emergency responders as appropriate, to assist, intervene, or investigate workplace violence. Details about the measures and procedures for summoning immediate assistance will be provided and may include:

- Equipment to summon assistance such as phones, cell phones, etc.;
- Emergence telephone numbers and/or email addresses;
- Emergency procedures

Provided the situation is dealt with quickly and the danger to workers is removed, the necessity of work refusal may be alleviated.

Action: Employee Management	Policy Number: B-4.2
Sub-section: Human Rights	Effective Date: January 2009
Subject: Respect in the Workplace	Revision Dates: September 27 2010, February (insert), 2018
Page 12 of 13	

Investigation Procedure

You are required to report the existence of any workplace violence or threat of workplace violence to your supervisor or the Director of Human Resources and/or Health and Safety Coordinator. The Director of Human Resources and/or Health and Safety Coordinator will commence an investigation as quickly as possible. We may choose to use either an internal or external investigator, depending on the nature of the incident.

The investigation will include:

- Conducting interview of relevant individuals to ascertain all the facts and circumstances relevant to the complaint, including dates and locations
- Reviewing and related documentation (email, phone records, etc.); and
- Making detailed notes of the investigation and maintaining them in a confidential file, separate from any employee's personnel file

Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings. A copy of the report will be provided to the Joint Health and Safety Committee.

Corrective Action

The Director of Human Resources and/or CAO/Clerk will determine what action, if any, should be taken as a result of the investigation.

If a finding of workplace violence is made, the Township of North Huron will take appropriate corrective measures, regardless of the respondent's seniority or position in the organization.

Corrective measures may include one or more of the following:

- Discipline, such as verbal warning, written warning or suspension without pay
- Termination with or without cause
- Referral for counseling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect
- A demotion or denial of a promotion
- Reassignment or transfer
- Financial penalties such as the denial of a bonus or performance related salary increase; and
- Any other disciplinary action deemed appropriate under the circumstances

If you make a complaint in good faith and without malice, regardless of the outcome of the investigation, you will not be subject to any form of discipline. The Township of North Huron

Action: Employee Management	Policy Number: B-4.2
Sub-section: Human Rights	Effective Date: January 2009
Subject: Respect in the Workplace	Revision Dates: September 27 2010, February (insert), 2018
Page 13 of 13	

will, however, discipline or terminate anyone who knowingly brings a false, frivolous, vexatious or malicious complaint. Such discipline is not a reprisal or breach of this policy.

Procedures for Addressing Domestic Violence

If you are experiencing domestic violence that would expose you to physical injury in the workplace or you are experiencing workplace violence or believe that workplace violence is likely to occur, you may seek immediate assistance by contacting the Director of Human Resources or the Health and Safety Coordinator. They will assist in preventing and responding to the situation.

Confidentiality of Complaints and Investigations

We recognize the sensitive nature of harassment and violence complaints and we will keep all complaints confidential, to the extent that we are able to do so. We will only release as much information as is necessary to investigate and respond to the complaint or situation or if required to do so by law.

Out of respect for the relevant individuals, it is essential that the complainant, respondent, witnesses and anyone else involved in the formal investigation of a complaint maintain confidentiality throughout the investigation and afterwards.

Breaches of confidentiality may result in discipline, up to and including termination of employment.

Protection from Retaliation

Every employee has a right to claim and enforce their rights under the policy, to provide evidence, to participate in investigations and to refuse to act in violation of this policy. The Township of North Huron will not tolerate retaliations, taunts or threats against anyone who complaints about harassment or takes part in an investigation. Any person who taunts, retaliates or threatens anyone in relation to a harassment or violence complaint may be disciplined or terminated.

Annual Review

This Policy will be reviewed annually.

See Form 14 – Violence, Harassment or Discrimination Complaint Form