

Policy: Workplace Violence, Harassment, Sexual Harassment & Discrimination

Main Contact: Clerk

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Policy Statement

The objective of this Town of Renfrew policy is to provide a safe work environment that is free of fear, violence, threats, bullying and workplace harassment, including workplace sexual harassment. Every employee of the Town of Renfrew has the right to work in an environment where they are treated with civility, decency, dignity and respect. A positive work environment is built upon mutual respect, inclusion, and a culture committed to health and safety.

Every employee of the Town of Renfrew has the right to employment, which is free of harassment or violence in the workplace. Within the Town of Renfrew, each person has direct responsibility for health and safety as an essential part of his or her job and this ongoing responsibility is a condition for continued employment.

Each person is required to take initiative on health and safety issues and work to solve problems and make improvements on an on-going basis. They do this both singly and co-operatively with others.

It is also one of the *personal* responsibilities of the management of the Town of Renfrew to ensure that the entire system of direct responsibility for health and safety within the workplace is established, promoted and improved over time.

The Town of Renfrew prohibits any verbal, non-verbal or physical behaviour that is threatening to self, others or property, or physical behaviour that actually did harm to self, others, or property by any client, customer, member of the public or employee.

The Town of Renfrew will not tolerate reprisals or retaliation towards any person for complying with this policy. This includes those who report witnessed conduct, those who co-operate in an investigation and those who report concerns to their supervisor. Any such behaviour will be dealt with quite severely, up to and including dismissal from employment.

At the Town of Renfrew everyone has *direct* responsibility for health and safety as an essential part of his or her job. It does not matter who or where the person is in the organization, he or she is required to take initiative on health and safety issues and work to solve problems and make improvements on an on-going basis. Violence, threats of violence, verbally threatening conduct, bullying and all forms of harassment are all health and safety issues.

The Corporation of the Town of Renfrew fully supports and adheres to the principles and practices set out in the Ontario Human Rights Code and the Occupational Health and Safety Act, and is committed to the prevention of all forms of harassment and inappropriate behaviour in the workplace and promotes a harassment free workplace in

which all people respect one another and work together to achieve common goals. Any act of harassment, including sexual harassment, committed by or against any member of our workplace or member of the public, is unacceptable conduct that will not be tolerated.

Scope

This policy applies to all Municipal employees and all activities that occur while on Municipal premises or while engaging in Municipal business, activities, or social events.

Purpose

The purpose of the policy is to ensure that:

- a) all employees are aware of and understand that acts of harassment and inappropriate behavior are considered a serious offence for which necessary action will be taken; and
- b) those subjected to acts of harassment are encouraged to access any assistance they may require in order to pursue a complaint; and
- c) individuals are advised of available recourse if they are subjected to, or become aware of, situations involving harassment.

Definitions

“Discrimination”

Workplace discrimination includes any distinction, exclusion or preference based on the protected grounds in the Ontario Human Rights Code (hereinafter referred to as the “Code”), which nullifies or impairs equality of opportunity in employment, or equality in the terms and conditions of employment. Any action or behaviour which negatively affect the employment status of an employee, or the right of an individual to equal treatment with respect to services, goods and facilities, that is based on one or more of the categories of prohibited grounds stated under the Code.

The protected grounds of discrimination are:

- Race, colour, ancestry, citizenship, ethnic origin or place of origin;
- Creed, religion;
- Age;

- Sex (including pregnancy and gender identity);
- Sexual orientation;
- Family, marital (including same-sex partnership) status;
- Disability or perceived disability;
- A record of offences for which a pardon has been granted under the Criminal Records Act (Canada) and has not been revoked, or an offence in respect of any provincial enactment.

Discrimination does not have to be intentional to be unlawful.

“Workplace Harassment”

Is defined by the *Occupational Health & Safety Act* as:

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

“Municipal Employees”

Means and includes all Elected Officials and Senior Staff, full-time, part-time, casual, contract, on call personnel as well as students, summer students, volunteers, contractors employed or engaged by the Municipality and their employees, as well as any other person acting on behalf of the Municipality.

“Workplace Sexual Harassment”

Is defined by the *Occupational Health & Safety Act* as:

- a) engaging in a course of vexatious comment 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
- b) 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.

Prohibited Conduct

No employee or any other individual affiliated with the Municipality shall subject any other person to workplace harassment or workplace sexual harassment or allow or create any conditions that may promote inappropriate behaviours from occurring. Any

employee of the Municipality that subjects another employee or member of the public to any form of harassment may be subject to disciplinary action up to and including dismissal.

No person shall subject any municipal employee to any act of harassment or inappropriate behaviours at any time. Any person engaging in harassment or acting inappropriately towards any employee or other person affiliated with the municipality shall be subject to whatever recourse is available under the Criminal Code.

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.

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 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 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;
- contacting the police;
- establishing enhanced security measures such as a panic button, code words, and door and access security measures;
- screening/redirecting calls and blocking certain email addresses;
- setting up priority parking or providing escorts to your vehicle or to public transportation;
- adjusting your working hours and location so that they are not predictable;
- facilitating your access to counseling through an employee assistance program or other community programs; and
- ensuring IT capabilities for historical retrieval of documents.

We appreciate sensitivity of these issues and will do our best to assist those affected persons as discreetly as possible while maintaining their privacy.

Workplace Violence Work Assessment Program

The risks of behaviour that may instigate or promote violent behaviour:

Harassment/ Discrimination

- Sexual harassment
- Unwelcome sexual advances
- Requests for sexual favors
- Conduct of a sexual nature
- Psychological harassment
- Bullying
- Isolation
- Condescending
- Verbal abuse
- Ridiculing
- Unwelcome teasing
- Harmful or malicious gossip.

& Verbal or Written Threats

- Cyber threats
- Direct threats
- Conditional threats
- Veiled threats.

Threatening Behaviour

- Destroying property
- Throwing objects
- Yelling/ Shouting
- Swearing
- Staring
- Shaking fists
- Finger in the face
- Intimidation
- Gestures

As well as;

Verbal Attacks

- Put downs
- Belittling
- Insults
- Humiliation
- Embarrassment
- Demeaning
- Degrading
- Inappropriate personal comments

Physical Abuse/ Attacks

- Physical Assault
- Spitting
- Shoving
- Pushing
- Hair pulling
- Slapping
- Eye gouging
- Biting
- Hitting
- Sexual assault
- Rape
- Groping
- Touching
- Kissing
- Fondling
- Homicide

Management Responsibilities

It is the duty of all Supervisors to:

- a) act respectfully towards other individuals while at work and participating in any work-related activity;
- b) promote a professional workplace;
- c) ensure that this policy is followed by all employees that are supervised or managed;
- d) ensure that employees understand who to contact regarding concerns about the policy or when reporting an incident.

Employee Responsibilities

Employees are responsible to:

- a) act respectfully towards other individuals while at work and participating in any work-related activity;
- b) co-operate with any efforts to investigate and resolve matters arising under this policy.
- c) All employees of the Town of Renfrew are required to report any acts of Workplace violence, harassment and discrimination immediately, if:
 - they have witnessed an act of bullying, harassment or violence;
 - they have reason to believe an act of bullying, harassment or violence has taken place;
 - they experienced an act of bullying, harassment or violence.

Complaint Procedure

1. If you believe you are being harassed, inform the person that the behaviour is unwelcome by verbal or written communication. An individual may or may not realize that the behaviour is offensive. It may be that this action is sufficient to end the behaviour and no further action will be required. If he or she refuses to cooperate, remind him/her that such behaviour is against company policy. On occasion, this may not be possible and the employee may not feel comfortable with this option. In such cases, the employee should contact their respective Supervisor directly, and is encouraged to do so promptly.

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

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

If you believe that someone who is not a member of the company, e.g., a member of the public, supplier or other individual, etc., has harassed or discriminated against you, please report the harassment to your respective Supervisor. Although the Town has limited control over third parties, we will do our best to address the issue and prevent further problems from arising.

2. Document what happened, where and when, whether there were any witnesses, threats of reprisal, how you felt, etc... If the behaviour has been expressed in writing or on voice mail, save the paper or message.
3. If the complaint cannot be resolved informally or if it is too serious to handle on an informal basis, your respective Supervisor should be notified immediately. The Clerk will act as the workplace coordinator with respect to this harassment and violence in the workplace policy.
4. Interim measures may be taken depending on the complaint and if safety is a concern individuals will be protected from any reprisal or retaliation for participating in the investigation process. This policy in no way restricts an individual's right to have the complaint resolved through the procedures provided under the Code.
5. The Complainant will be required to set out his or her complaint in writing and sign the statement report (Appendix "A"). The complaint ought to include all relevant detail. An additional interview by the respective Supervisor and/or Clerk may be required to obtain further details. The Clerk will gather all relevant information, providing both the Complainant and the person complained about with a full opportunity to respond to all of the allegations.

It is important that complaints are received as soon as possible so that the problem does not escalate or happen again. Once received by the Clerk, the complaint will initiate a formal investigation, if it is necessary and appropriate to do so.

6. The Complainant has a right to have someone assist, represent and/or accompany them, including the Union if applicable. Only the Complainant can formalize the Complaint. The investigation process will remain confidential and disclosures will only be made to the extent necessary to obtain the necessary information to determine whether a breach of this policy and/or the Code has occurred.
7. The Clerk will obtain signed witness statements from all individuals providing information regarding the Complaint. The Clerk will also complete a report regarding his or her findings (Appendix "B"). This report may be presented to the Mayor and/or the Human Resource Committee if deemed necessary and appropriate in the circumstances. The report will be kept strictly confidential. The contents of the report will be reviewed with the Complainant and the person about whom the Complainant is complaining.

8. An employee engaged in conduct constituting workplace discrimination or harassment will be subject to progressive discipline up to and including termination of employment. If a complaint cannot be substantiated, it will be dismissed without penalty to the complainant.

Discrimination and harassment are serious matters. A complainant has a right to withdraw his or her complaint at any step of the complaint procedure however, the Town retains the absolute right to pursue the complaint and have the complaint investigated and impose discipline if appropriate. Despite any withdrawal of the complaint, the Town continues to have an obligation to ensure it has met its obligations under the Code regarding a harassment and discrimination-free environment. To this end, the Town may be required to continue any investigations until it is satisfied that its obligations have been met.

Please note that it is the Town's policy not to investigate anonymous complaints unless there are extenuating circumstances.

9. Should a complaint be directed against a Member of the Senior Management Team the procedure is as follows:

- You may present your complaint in an oral and written presentation (utilizing Appendix A) to the Mayor. The Mayor will investigate the complaint and then present it to the Human Resources Committee as appropriate.

Confidentiality

Strict confidentiality is required to properly investigate an incident and to offer appropriate support to all parties involved. Any individual who becomes a victim or is aware of an incident of harassment should not disclose the details of the incident to any person except those involved in the investigation of the incident. Gossiping about an incident seriously undermines the privacy of all parties involved and as such will not be tolerated.

Non-Retaliation

All persons involved in the processing of a complaint will ensure that the Complainant is neither penalized nor subjected to any prejudicial treatment as a result of making the complaint. Disciplinary action will be taken against any person who takes any reprisal against a person who reports workplace harassment.

Investigation

Upon receipt of a formal complaint of workplace harassment or inappropriate behaviour the Clerk shall decide who will conduct the investigation into the complaint.

The Investigator once named shall immediately:

- a) advise the Complainant of the investigation;
- b) advise the respondent verbally and in writing that an investigation has been initiated;
- c) advise all parties to the investigation that they may have representation by legal counsel or union representative;
- d) conduct the investigation in accordance with the principles of natural justice; and
- e) explore all allegations by interviewing the Complainant, the Respondent, and others who may have knowledge of the incident(s) or circumstances that led to the complaint, or are responsible for the workplace.

The investigator shall prepare a written report of the investigation's finding, and forward that report to the Clerk within fourteen (14) working days from the date of the complaint. This report shall show that there is:

- a) sufficient evidence to support a finding of violation of this policy, or
- b) insufficient evidence to support a finding of violation of this policy

Corrective Action and Discipline

If the Clerk decides to act on the report from the investigator the following conditions should be considered when determining corrective action:

- a) the impact of the incident on the Complainant;
- b) the nature of the incident;
- c) the degree of aggressiveness or physical contact;
- d) the period of time and frequency of the incidents;
- e) the vulnerability of the Complainant.

The following corrective actions may be considered depending on the particular incident and the factors in the previous paragraph:

- a) Apology;
- b) Training;
- c) Suspension;
- d) Discharge; and/or
- e) Legal action.

Record Keeping

The documents corresponding to the investigation will be kept on file in a secured location, separate from the Complainant and Respondent's personal files, for two years from the date of the incident.

False Accusations

If an investigation results in a finding that the Complainant falsely accused the Respondent of workplace harassment knowingly or in a malicious manner, the Complainant will be subject to appropriate sanctions, including the possibility of termination. Such action is considered a violation of the policy, and the investigation results and any sanctions will be recorded in the Municipality's personnel records relating to the Complainant.

Complaint Resolution Alternatives

Nothing in this policy prevents an individual from pursuing other remedies to an incident of workplace harassment such as a criminal or civil action.

Assistance

Any Municipal Employee with questions, concerns or a complaint regarding workplace harassment may contact their respective Supervisor or the Clerk for help and advice.

Evaluation

This policy will be posted in each workplace and reviewed on an annual basis to ensure that it conforms with any changes to the Occupational Health and Safety Act, Ontario Human Rights Code and Regulations and that it continues to address the needs of the Municipality regarding workplace violence.

Contact

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Change History

Policy Name	Effective Date	Significant Changes	By-law/ Resolution No.
Violence in the Workplace Program	December 9, 2013		2031 - 12 - 7
Workplace Violence, Harassment, Sexual Harassment & Discrimination	April 25, 2017		2017 - 4 - 33

APPENDIX "A"

Employee Harassment or Act of Violence Report

Employee information	
Your name:	Position:
Work location:	Supervisors name:
Details of the incident	
Date of incident:	Location of the incident;
Names of those involved:	Their position:
Perpetrator-	
Witness's	
Please describe what happened;	
Were you injured during this incident? Yes No	

If yes, describe the injury.

Was there property damage? If yes, please describe.

Do you believe there will be a reoccurrence of a similar nature in the future?

Is this the first time this kind of thing has happened to you or others in the past from this same person?

What would you like to see done to resolve this situation?

Your signature

Date of this report

Name of your supervisor

Are they aware of this situation?

APPENDIX "B"

Violence/ Harassment in the Workplace

Supervisor's/Clerk's follow up Report

Name of the victim:	Position with the company:
Name of the accused:	Position with the company:
Date of the incident:	Location of incident:
Others involved in this incident	Position with the company
Have you interview both parties in this situation. Please describe your findings:	
Describe any injuries;	

First Follow up interview:

Who conducted the interview:	When:	Notes:
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Second Follow up interview

Who conducted the interview:	When:	Notes:
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Additional Notes:
