



Respect in the Workplace - Preventing Violence, Harassment and Discrimination Policy

Policy Category	Health & Safety	Policy Number
Department		Effective Date
Attachments		Revised Date
Related Documents/Legislation	Human Rights Code and Occupational Health & Safety Act	

1.0 Policy Statement

The Township of East Garafraxa (the “Township”) is committed to providing a safe, healthy, and respectful workplace free from all forms of discrimination, harassment and violence in accordance with the Human Rights Code and Occupational Health & Safety Act.

The Township expects and promotes respectful interactions which show regard for the rights, dignity, and health and safety of all. Any act of workplace discrimination, harassment and/or violence will not be tolerated and may result in discipline, up to and including the termination of employment. This Policy and Procedure (the “Policy”) is consistent with the spirit and provisions of the Ontario Human Rights Code and the Occupational Health and Safety Act and should be read in conjunction with any applicable legislation and collective agreement provisions.

2.0 Purpose

This Policy is intended to:

- Create and foster a work environment free from workplace discrimination, harassment and violence;
- Provide solution based approaches when conflict arises;
- Provide definitions of workplace discrimination, harassment and violence;
- Establish and detail the responsibilities of all persons in Township workplace(s) to maintain a workplace free from discrimination, harassment and violence;
- Ensure that incidents of workplace discrimination, harassment and violence are reported to Township management, Manager of Human Resources and/or law enforcement as appropriate; and
- Ensure that complaints of discrimination, harassment and violence are handled in a timely and equitable manner by the Township and that an investigation is conducted which is appropriate in the circumstances.

3.0 Scope and Application

This Policy applies to all Township employees regardless of position, classification or union membership. It applies to any location in which employees are engaged in work-related activities, including any remote environments (see definition of “Workplace” below).

This Policy also applies to all persons who attend a Township Workplace, including but not limited to visitors, contractors, vendors and delivery persons.

4.0 Definitions

4.1 Prohibited Ground

The Ontario Human Rights Code provides for the following prohibited grounds: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, religion, gender, sexual orientation, age, record of offences, marital status, family status, gender identity, gender expression or disability the Ontario Human Rights Code also prohibits any form of harassment in the workplace.

4.2 Discrimination

The unequal treatment of a person on the basis of a prohibited ground. In general, workplace discrimination includes but is not limited to any act, rule, standard or practice that intentionally or unintentionally causes a type of disadvantage prohibited by the provisions of the Ontario Human Rights Code.

Examples of discrimination may include, but are not limited to:

- Refusal to work with, or differential treatment of a person on the basis of the prohibited grounds; and
- Decisions of recruitment, promotion, pay increases or employment practices based in whole or in part on one or more of the prohibited grounds.

4.3 Systemic (Indirect) Discrimination

The use or application of a requirement, either in policy or practice, that has a negative impact on an identified group on the basis of a prohibited ground. Systemic discrimination occurs when policies or practices by their very nature exclude, limit or restrict members of designated groups from employment or opportunities within employment.

4.4 Workplace

Any location where a Township employee is carrying out their occupational duties, including those locations that are not on primary work sites and virtual environments. This may include work-related social functions, training, and conferences, during work-related travel, at

restaurants, hotels or meeting facilities being used for business purposes, during telephone, email, or other communications.

4.5 Bullying

Bullying may include acts or verbal comments that could psychologically hurt or isolate an individual in the Workplace. Bullying usually involves repeated incidents of a pattern of behaviour which intimidates, degrades, humiliates, and ultimately undermines the self-confidence of an individual. It is generally repetitive, although a single serious incident of such behaviour may constitute bullying if it has a lasting harmful effect.

4.6 Workplace Harassment

Workplace harassment is defined under the Occupational Health and Safety Act 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 typically involves a pattern of comment or conduct that occurs over time that a reasonable person would consider to be welcome (for example, a course of comment or conduct that is humiliating, demeaning, offensive or intimidating). However, a single incident may constitute harassment, depending on the severity of the behaviour.

Examples of workplace harassment may include, but are not limited to:

- Unwelcome remarks, jokes, name-calling or insults whether made verbally or in writing that are demeaning, degrading, embarrassing, or humiliating;
- Yelling at an employee;
- Ostracizing an employee;
- Abuse of authority;
- False accusations/allegations;
- Practical jokes which insult or embarrass an individual;
- Sabotaging an employee's work;
- Belittling, condescending comments;
- Bullying, workplace pranks, vandalism, hazing;
- Gossiping or spreading malicious rumours;
- Behaviour designed to intimidate, insult or berate; and
- Inappropriate, embarrassing, humiliating comments or jokes about an individual.

In addition to contravening this Policy, workplace harassment may violate the Ontario Human Rights Code, where the course of comment or conduct is linked with a of the prohibited ground under the Human Rights Code.

Examples of discriminatory harassment may include, but are not limited to:

- Unwelcome remarks, jokes, innuendos, or taunting that disparage or ridicule a person's membership in one of the protected grounds;
- Practical jokes of a racial or religious nature which cause awkwardness or embarrassment;
- Displaying or electronically transmitting racist pictures, jokes or other offensive material;
- Condescending or paternalistic behaviour which undermines self-respect based on a person's membership in one of the protected grounds;
- Offensive gestures based on a person's membership in one of the protected grounds;
- Refusing to converse or work with an employee because of their race or ethnic background, or for any other protected ground under the Ontario Human Rights Code; and
- Imitating a person's accent, speech or mannerisms.

4.7 Sexual Harassment

The Occupational Health and Safety Act defines sexual harassment 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.

Examples may include, but are not limited to:

- Continuous conversation of a sexual nature;
- Persistent and offensive jokes of a sexual or gender-specific nature;
- Suggestive or insulting sounds (example, whistling or cat-calls);
- Lewd gestures;
- Advances that are unwelcome or ought reasonably to be known to be unwelcome, including unwanted touching, flirtation, propositions, requests for sexual favour or other verbal or physical conduct of a sexual nature;
- Sexual comments about body shape, clothes or weight;
- Comments about a person's sex life or relationship with partner;
- Posting or electronically transmitting pornographic or sexually explicit pictures and jokes;
- Sexual exposure;
- Unnecessary physical contact (example pinching, touching or patting);
- Sexual assault;
- Sexual innuendoes or taunting;
- Vulgar humour or language;
- Leering (persistent sexual staring)
- Sexual advances or demands that are unwelcome;
- Threats, punishment or denial of a benefit for refusing a sexual advance; and

- Offering a benefit in exchange for a sexual favour.

Workplace harassment does not include:

- Appropriate direction, delegation or discipline administered under the course of supervision;
- Measures to correct performance deficiencies such as placing someone on a performance improvement plan;
- Requesting medical documents in support of an absence from work or accommodation;
- Stressful events encountered in the performance of legitimate job duties;
- A relationship of mutual consent or flirtation;
- Friendly teasing or bantering that is mutually acceptable and not offensive to others; and
- Normal workplace conflict that may occur between individuals or difference of opinion or minor disagreements between co-workers.

4.8 Workplace Violence

Workplace violence includes but is not limited to the following:

- a) The use of physical force against or by a worker that causes or could cause physical injury, including but not limited to, physical acts such as punching, hitting, kicking, pushing, damaging property or throwing objects;
- b) The attempted use of physical force against or by a worker that could have caused physical injury; and
- c) An action or statement (or series of actions or statements) reasonably believed to be a threat of physical harm or as a threat to safety or security in the workplace.

Examples of workplace violence can include, but is not limited to:

- Physically threatening behavior such as shaking a fist at someone, 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;
- Engaging in stalking behaviour of any employee; 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.

4.9 Domestic Violence

Domestic violence is defined as behaviour used by one person to gain power and control over another with whom he/she has an intimate relationship. This behaviour may include physical violence or threats of violence, sexual, emotional, and psychological intimidation, and stalking.

Any employee experiencing violence outside of the workplace (i.e., domestic violence) that may create a risk of danger to themselves or others in the workplace is encouraged to report such violence as set out in the procedure below so that the Township can take reasonable precautions in the circumstances.

4.10 Poisoned Work Environment

An environment in which workplace harassment or discrimination create a hostile, negative, intolerable Workplace as assessed by a reasonable, objective observer.

4.11 Complainant

A person who brings a complaint forward under this Policy because the person was the target of or a witness to harassment or discrimination.

4.12 Respondent

A person named in the complaint who is alleged to have engaged in harassment or discrimination under this Policy.

4.13 Investigator

The CAO or designate or any third-party investigator who may be retained to conduct investigations under this Policy. The Township of East Garafraxa reserves the right to retain an external third party to investigate allegations against Senior Management, or other staff members depending upon the situation.

4.14 Abuse of Authority

An individual using undue authority or power related to their position with the intention of compromising an employee's job performance and adversely affecting their career.

4.15 Trivial, Frivolous or Malicious Complaints

Trivial or frivolous complaints are those with no merit. Malicious complaints are those which are made in bad faith with the intent to harm the Respondent.

5.0 Responsibility

5.1 Organization

It is the responsibility of the Township of East Garafraxa:

- To take reasonable, preventative measures to protect employees and others in the Workplace from workplace discrimination, harassment and violence;
- To ensure that all employees are trained in this Policy;
- To post this Policy in a conspicuous place in the workplace;
- To ensure that this Policy is communicated to contractors and other persons who attend Workplaces;
- To establish a process for reporting and responding to incidents of workplace discrimination, harassment and violence;
- To ensure the process for reporting and responding to incidents of workplace discrimination, harassment and violence is communicated, maintained and followed; and
- To ensure that this policy is reviewed annually.

5.2 Managers and Supervisors

It is the responsibility of managers and supervisors:

- To understand and abide by the requirements of this Policy and refrain from engaging in any behaviour that constitutes discrimination, harassment or violence;
- To establish and maintain a Workplace free of all forms of discrimination, harassment or violence for each individual;
- To communicate and review this Policy with the employees they supervise or manage;
- To verify that all contractors and others who attend the Workplace are aware of this Policy;
- To adequately train employees on the Policy, ensuring they are familiar with their roles and responsibilities in preventing discrimination, harassment and violence, and the process for reporting concerns, as well as the procedures for investigating and following up on such incidents;
- To encourage employees to report complaints or incidents of workplace discrimination, harassment and violence;
- To communicate and reinforce this Policy to new staff and ensuring that all staff are aware of the Complaint procedure, including their role in these procedures;
- To respond to all Complaints or incidents of workplace discrimination, harassment and violence in a professional manner appropriate in the circumstances; and
- To promptly report all Complaints or incidents of workplace discrimination, harassment or violence they receive or witness to the Human Resources Manager or designate.

5.3 Employees (including Managers and Supervisors)

It is the responsibility of employees:

- To comply with this Policy at all times and refrain from engaging in any behaviour that constitutes workplace discrimination, harassment or violence;
- To immediately notify their supervisor or other designated person of any incident of workplace discrimination, harassment or violence whether the notifying employee is the victim or not. In the case of an extreme or imminent threat of physical harm to themselves or any person, the employee should contact the police;
- To understand and be familiar with all corporate policies in place for protection against all forms of harassment, discrimination and violence;
- To participate in training regarding this policy and Township procedures directed at workplace harassment and violence risks in the workplace; and
- To fully cooperate in any investigation of complaints or incidents of workplace harassment, discrimination and violence, or breaches of this Policy.

6.0 Procedure

The CAO or designate as assigned is responsible for providing support and subject matter expertise related to this Policy.

Any individual may seek confidential advice or assistance from the CAO or designate on how to deal with a situation of discrimination or harassment and how to make a complaint if necessary.

6.1 Risk Assessment

The Township shall be responsible for assessing the risk of violence in the Workplace that may arise from the nature of the Workplace, type of work and conditions of work, taking into account circumstances that would be common to similar workplaces as well as circumstances specific to the Workplace. The assessments will be reviewed at least annually to determine if a reassessment is required.

Where a risk is identified, the nature and extent of the risk, as well as any precautions and procedures to eliminate or minimize the risk, will be conveyed to all impacted workers. In addition, the Township will take all reasonable steps to eliminate or minimize the risk to the extent possible. Reasonable steps to eliminate or minimize the risk may include such things as training, reviewing and/or revising this Policy, conducting additional assessments or safety reviews, implementing additional policies and/or procedures and/or implementing safety plans.

6.2 Informal Resolution Approaches

If an employee is either directly affected by, or has witnessed harassment or discrimination in the workplace, he/she is encouraged to speak to the person directly, and let them know that their behaviour is unwelcome, and ask for it to stop.

The CAO or designate will assist the employees to discuss the incident and their concerns and come to an agreed upon outcome.

As an alternative, informal mediation can be arranged with both employees. Participation in mediation is voluntary and either party can withdraw at any time.

Should the above approaches be ineffective, and/or the behaviour continues, it should be reported.

6.3 Reporting Incidents of Workplace Discrimination, Harassment and Violence

Where an employee requires immediate assistance because workplace violence is occurring or is likely to occur, employees should call their direct supervisor and/or where necessary, 911.

All employees are expected to raise any concerns about or report incidents of workplace discrimination, harassment or violence to the department Director, direct supervisor or to the CAO or designate.

All complaints must be submitted in writing by the Complainant to their supervisor or designate as soon as possible from the date when the incident is alleged to have occurred. A complaint should include, but not be limited to the following information:

1. Name(s) of the Complainant(s) and contact information.
2. Name of the alleged Respondent(s), position and contact information (if known).
3. Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known).
4. Details of what happened including date(s), time(s), frequency and location(s) of the alleged incident(s)
 - a) Any supporting documents the worker who complains of harassment may have in his/her possession that are relevant to the complaint.
 - b) List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.

If the alleged Respondent is the manager or supervisor of the individual, the incident or complaint may be reported directly to the CAO or designate. However, if a complaint is regarding the conduct of senior management, or staff are uncomfortable or unable to report it internally, the complaint may be reported to an outside party such as the Ministry of Labour.

If an incident of workplace harassment or violence involves a Respondent who is not an employee of the Township, a member of the Senior Management team will report the incident to that person's employer and/or such other person as the Township determines is appropriate in the circumstances.

Nothing in this Policy prevents or discourages an employee from filing an application with the Human Rights Tribunal of Ontario on a matter related to the Ontario Human Rights Code. An employee also retains the right to exercise any other legal avenues that may be available, including filing a grievance if the employee is a member of the bargaining unit.

6.4 Investigation

All Complaints or incidents of workplace harassment, discrimination and/or violence will be promptly and fairly investigated as reasonable in the circumstances. The CAO or designate may appoint a person or persons, including external third party investigators where necessary, to investigate a Complaint under this procedure (the "Investigator").

Every effort will be made to protect the privacy of the individuals involved in an investigation and to ensure that the Complainant(s) and Respondent(s) are treated fairly and respectfully. Information about the alleged incident or complaint of workplace harassment or discrimination, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.

The Township may commence an investigation into any circumstances which it believes may constitute a violation of this Policy, notwithstanding that a Complaint has not been made by an employee or other person. Workers must fully cooperate with any investigation.

The Investigator will review the written complaint, gather information, and contact the alleged Respondent(s)/witness(es) to investigate accordingly. The investigation will include:

- A documented interview with the Complainant and/or victim;
- A documented interview with the alleged Respondent(s);
- A documented interview with any witnesses with relevant information;
- Any other step the Investigator(s) deems necessary to fully and fairly investigate the Complaint or incident;
- At the conclusion of the investigation into an incident or complaint, the Investigator will prepare a written report of the factual findings;
- Where the Respondent is a Township employee, their supervisor and/or, in consultation with management, will take any necessary corrective action warranted in the circumstances;
- Where the Complainant is a Township employee and is found to have brought forward a complaint in bad faith, their supervisor, in consultation with management, will take any necessary disciplinary action;
- The severity of any disciplinary action, which may include dismissal from employment, will be consistent with the seriousness of the conduct at issue, such that more significant discipline will follow more serious conduct or repeated violations of this Policy; and
- Upon completion of the investigation, the Township of East Garafraxa will advise in writing the Complainant and Respondent, if the Respondent is a Township employee, of the findings of the investigation and any corrective action that has been or will be taken as a result of the investigation.

6.5 No Reprisal

This Policy prohibits reprisals against employees, acting in good faith, who report or provide information regarding a complaint or incident of workplace discrimination, harassment or violence.

Employees who engage in reprisals or threats of reprisals may be disciplined up to and including dismissal from employment.

Reprisal includes:

- Any act of retaliation that occurs because a person has complained of or provided information about an incident of workplace discrimination, harassment or violence;
- Intentionally pressuring a person to ignore or not report an incident of workplace discrimination, harassment or violence; and
- Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of workplace discrimination, harassment or violence.

6.6 False Complaints

An employee who makes a false complaint or otherwise abuses this Policy may be disciplined up to and including dismissal from employment. Such discipline is not a reprisal or breach of this Policy.

6.7 Other Recourse

The provisions of this Policy in no way affect the right of any person to exercise his or her rights under the Occupational Health and Safety Act or the Ontario Human Rights Code, within the time limits specified by the applicable legislation.

6.8 Training

All employees will be provided with information and instruction on the application of this Policy.

6.9 Record Keeping

The CAO will keep records of the investigation including:

1. A copy of the complaint or details about the incident;
2. A record of the investigation including notes;
3. A copy of the investigation report (if any);
4. A summary of the results of the investigation that was provided to the Complainant; and
5. A copy of any corrective action taken to address the complaint or incident.
6. ss the complaint or incident.

All records of the investigation will be kept confidential. The investigation documents shall not be disclosed unless it is necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law.

7.0 Approval

As required by the Occupational Health and Safety Act, the Township of East Garafraxa will review this Policy annually and will post the policy in a conspicuous place in the workplace.

Harassment and Respectful Workplace
6/5/2024 3:30 PM

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