



## Township of East Zorra-Tavistock

### Human Resources Manual

<b>Title: Respect in the Workplace</b>	
Section: Personnel Policies	Number: 2.02
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Application: Current employees and Council, contractors, volunteers	
Notes: 2016/08/12 amended to include Bill 132 Requirements. 2020/03/04 amendments to include change in application coverage, removal of investigation committee, addition of time period for reporting.	

#### ***Purpose:***

The Township of East Zorra-Tavistock 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, safe work environment that is free of any form of harassment or violence.

#### ***Policy:***

##### **1. Scope**

This policy applies to all employees, contractors, consultants, volunteers and Councillors that perform services for the Township of East Zorra-Tavistock.

It applies in any location in which you are engaged in work-related activities. This includes, but is not limited to:

- the workplace
- during travel
- at restaurants, hotels or meeting facilities that are being used for business purposes
- in company owned or leased facilities
- during telephone, email or other communications; and
- at any social event, whether or not it is company sponsored

## **2. Definitions**

### ***Discrimination***

Workplace discrimination includes any 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 of discrimination are:

- race, colour, ancestry, citizenship, ethnic origin or place of origin
- creed, religion
- age
- sexual orientation
- family, marital or 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- a record of offences for which a pardon has been granted under the *Criminal Records Act (Canada)* and has not been revoked, or an offence in respect of any provincial enactment

### ***Sexual Harassment***

Sexual harassment includes conduct or comments of a sexual nature that the recipient does not welcome or that offend him or her. It also includes negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are directed at an individual because of his or her gender. These conducts or comments should be known or ought reasonably to be known to be unwelcome.

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

As well, this form of harassment can be coercive, in which a person in a position to confer, grant or deny a benefit or advancement uses their power to attempt to elicit sexual exchanges.

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
- displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, 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

### ***Discriminatory Harassment***

Discriminatory harassment includes comments or conduct based on the protected grounds in the *Ontario Human Rights Code*, which the recipient does not welcome or that offends him or her.

Some examples of discriminatory harassment are:

- offensive comments, jokes or behaviour 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
- 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 (whether they are under or overweight).

### ***Psychological Harassment***

Psychological harassment is bullying or humiliating behaviour that has the following components:

- it is generally repetitive, although a single serious incidence of such behaviour may constitute psychological 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.

Psychological harassment should not be confused with legitimate management actions, including measures to correct performance deficiencies or to imposing discipline for workplace infractions.

Some examples of psychological harassment are:

- verbally abusive behaviour such as yelling, insults and name calling
- persistent, excessive and unjustified criticism and constant scrutiny

- spreading malicious rumours
- excluding or ignoring someone
- undermining someone else's efforts by setting impossible goals and deadlines
- sabotaging someone else's work
- impeding an individual's efforts at promotions or transfers
- making false allegations about someone in memos or other work related documents

### ***Violence in the Workplace***

Violence includes attempted or actual acts of aggression, physical assaults or threats which would give a worker reasonable grounds to believe he or she is at risk of physical injury. Violence in the workplace may transpire in the following manners:

- Employee on employee
- Public on an employee(s) (clients, taxpayers, customers, "people off the street")
- Personal Relationships (Domestic situations)
- Employee on Employer (repeated and persistent negative acts towards one or more individuals which could create a toxic or unhealthy work environment (see poisoned work environment following))

Some examples of workplace violence are:

- physically abusive or aggressive behaviour such as pushing, hitting, biting, finger pointing or standing close to someone in an aggressive manner
- using or threatening to use a weapon
- hostage taking, kidnapping, robbery
- Violence may also come from external sources such as;
  - a. Public – criminal intent, theft, hostage, physical, irate customers
  - b. Personal relationship matters – domestic matters

### ***Poisoned Work Environment***

Even if no one is being directly targeted, harassing comments or conduct can poison the work environment, making it a hostile or uncomfortable place in which to work. This is also a form of harassment.

Some examples of actions that can create a poisoned work environment include:

- displaying offensive or sexual materials such as posters, pictures, calendars, web sites or screen savers
- distributing offensive e-mail messages, or attachments such as pictures or video files

- practical jokes that embarrass or insult someone; or
- jokes or insults that are offensive, racist or discriminatory in nature.

### ***What isn't 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 placing someone on a performance improvement plan;
- imposing discipline for workplace infractions;
- requesting medical documents in support of an absence from work

### ***The Test of Harassment***

It does not matter whether the harasser intended to offend the recipient. The test is whether the harasser knew or should have known that the comments or conduct were unwelcome.

Although it is commonly the case, the harasser does not necessarily have to have power or authority over the victim.

## **3. Preventing Harassment and Violence in the Workplace**

It is our mutual responsibility to ensure that we create and maintain a harassment and violence-free workplace.

The Township of East Zorra-Tavistock will assist employees in locating appropriate information, support services or assistance programs covering violence and/or harassment if required.

The Township of East Zorra-Tavistock will do its part by not tolerating or condoning discrimination, harassment or violence. This includes making everyone in the company aware of what behaviour is and is not appropriate, investigating complaints and imposing suitable corrective measures.

Managers and supervisors are expected to assist in creating a harassment-free workplace and to immediately contact the Human Resources Coordinator if they receive a complaint of workplace harassment or witness harassing behaviour. Similarly, managers and supervisors are expected to assist in maintaining a workplace free of any types of violence and assist as required with Incident Reporting and Investigation.

Employees must ensure their behaviour does not violate this policy and by fostering a work environment that is based on respect and is free of harassment and violence.

Employees must have regard to H & S Guideline 40.15 Threatening Situations. This guideline provides information on handling threatening situations from external sources.

Employees should also advise their Manager / Supervisor if they believe there are external or domestic matters that could lead to violence in the workplace. Depending on the circumstances, the Township will consider reasonable precautions that could be implemented.

The Township is committed to warning employees when there is a potential risk of workplace violence and subsequent exposure to a physical injury from an individual with a history of violent behaviour. Information such as the identity and personal details of an individual will be shared as required with affected employees.

#### 4. Complaint / Reporting Procedure

##### ***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 you believe that someone who is not a member of the company, e.g., a customer, supplier, etc., has harassed or discriminated against you, please report the harassment to your supervisor or the Human Resources Coordinator. Although the Township of East Zorra-Tavistock has limited control over third parties, we will do our best to address the issue and prevent further problems from arising.

##### ***Informal Procedure Involving Your Supervisor***

If the Informal Procedure is not effective or yielding results, employees should discuss the matter with their Manager/Supervisor.

The Manager/Supervisor may be able to act as an Advisor, and:

- act as a resource and answer inquiries with respect to this policy
- discuss complaints on a confidential basis

- assist in the informal resolution of complaints through counselling; and
- engage in discussions with the respondent to see if the matter can be resolved informally

Advisors are impartial and may provide assistance in resolving issues of harassment and discrimination to any employee, contractor or consultant. That can include facilitating a solution between two or more affected parties or assisting a complainant through an investigation.

Advisors are advocates for a respectful workplace – they are not advocates for a particular individual. Advisors maintain confidentiality to the extent practicable and appropriate under the circumstances.

They are not investigators under the policy nor are they decision-makers.

In carrying out their duties under this policy, advisors will be directly responsible to the external investigators.

### ***External Sources of Harassment, Discrimination or Violence***

If the harassment, discrimination or violence is coming from an external source such as customers or the public, employees are required to advise their supervisor immediately. If the source of harassment or violence is related to a domestic or family issue, employees are encouraged to discuss the matter confidentially with their supervisor so that appropriate precautions can be put in place for the employee and other workers.

### ***Formal Harassment Procedure***

If the complaint cannot be resolved informally or if it is too serious to handle on an informal basis, you may file a formal complaint with the Human Resources Coordinator.

If you initiate 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 harassment, and the names of any possible witnesses. A copy of the *Workplace Respect Complaint* form is available from the Human Resources Coordinator.

It is important that we receive your complaint as soon as possible so that the problem doesn't escalate or happen again. Complaints shall be signed, dated and submitted no later than one (1) year after the last incident of harassment, unless there are compelling reasons why it was not practicable to bring it forward sooner. 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.

Please note that it is the Township of East Zorra-Tavistock's policy not to investigate anonymous complaints unless there are extenuating circumstances.

Depending on the situation, it may be necessary to also complete other forms and provide additional information, such as that required under the Health & Safety Injury, Illness, Incident & Accident Reporting and Investigation Policy (H & S Policy 4.2.a). The Human Resources Coordinator will assist with completing the necessary documents.

### ***Formal Violence Procedure***

In the event of workplace violence there are notification/reporting and investigation guidelines that are to be followed as outlined in the Township's Injury, Illness & Incident Reporting and Investigation Policy. Depending on the nature and severity of Workplace Violence and/or Harassment, proper authorities may need to be involved including the police.

The Occupational Health and Safety Act includes provisions for a worker to refuse work where there is reason to believe they may be harmed by workplace violence. The work refusal procedure is outlined in the Township's Refusal to Work Policy.

### ***Human Rights***

Workers who feel they have been subject to harassment on one or more of the prohibited grounds of discrimination under Human Rights Code have a right to file a complaint with the Human Rights Commission / Tribunal. The Township is committed to maintaining a workplace that is free of harassment and resolving any complaints through the informal and formal procedures.

## **5. Harassment Investigation Procedure**

Upon receipt of the complaint, the Human Resources Coordinator will acknowledge the complaint in writing to both the complainant and the respondent within five (5) working days, and an investigation will commence as quickly as possible. The Township of East Zorra-Tavistock will use an external investigator for these matters.

The investigation will include:

- interviewing the complainant and respondent to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations
- interviewing witnesses, if any

- interviewing any Managers/Supervisors that may have been involved in the informal procedure;
- reviewing any related documentation; and
- making detailed notes of the investigation and maintaining them in a confidential file

Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings to the CAO and Human Resources Coordinator. A summary of the findings will also be provided to the complainant and respondent. The external investigator only investigates and reports on the matter, they are not involved in any disciplinary action that may be taken.

In regards to Township employees that are considered minors (i.e. student employees), a parent or guardian must be present throughout the investigation process, and must act as an overseer of any investigation procedure requirement or documentation.

It is our goal to complete any investigation and communicate the results to the complainant and respondent within thirty days after we receive a complaint, where possible.

## 6. Confidentiality

We recognize the sensitive nature of harassment 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.

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.

Information will not be disclosed unless the disclosure is necessary for the investigation or corrective action or is required by law.

Information about any of the individuals involved should be investigated and included in the investigation report.

Interviews will be held separate between the respondent, complainant and any involved witnesses, and these interviews will remain confidential.

## **7. Corrective Action**

The Chief Administrative Officer, in consultation with the Human Resources Coordinator, will determine what action should be taken as a result of the investigation. If required, consultation with the Department Manager and Council may also be required.

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

### ***If the Evidence Supports the Complaint***

If a finding of harassment is made, the Township of East Zorra-Tavistock 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, as determined appropriate and lawful:

- discipline, such as a verbal warning, written warning or suspension without pay
- termination with or without cause
- referral for counselling ("sensitivity 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 Insufficient Evidence to Support the Complaint***

If there is not enough evidence to support 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 East Zorra-Tavistock will, however, discipline or terminate anyone who brings forward a false and malicious complaint.

***Corrective Action re: External and/or Domestic Issues***

The employer is required to take necessary steps to provide a safe workplace. This may require assistance from the Police, limiting access to certain people, ensuring appropriate staffing levels. Each situation will be evaluated individually and appropriate precautions put in place.

**8. Protection from Retaliation**

The Township of East Zorra-Tavistock will not tolerate retaliations, taunts or threats against anyone who complains about harassment, violence or takes part in an investigation. Any person who taunts, retaliates against or threatens anyone in relation to a harassment or violence complaint may be disciplined or terminated.

Detailed notes will be taken on the investigation and each side will be required to read and sign the investigation notes. This includes all witnesses and any information that they may provide. This is to maintain protection in the case that the investigation process, discipline or termination decision is challenged.

**9. Training and Communication**

The Human Resources Coordinator will develop a program for training and communicating this policy to all affected parties. Employees will receive training during their Employee Orientation and refresher training from time to time. Contractors will receive information about the Policy and instruction to communicate it their employees. Council will receive training at the start of its term. Any updates and changes will be communicated in an appropriate manner depending on the nature of the change. Ex. Minor revision may be a memo or during refresher training, major changes may require complete retraining for all employees.

**Attachments:**

Complaint Form

**HR Program and Training Notes:**

Include in H & S Orientation Policy – List of items to cover

Include in Council Orientation Session

Review contractor requirements with Managers and Supervisors

Contractors such as Facility Managers (Arena, ICC, others) – provide the policy and obtain sign off

LRC / Volunteers – Provide information annually and/or when new members start.



**Potential Witnesses**

List any individuals who may have information about the above matters, or who have observed the conduct in question.

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**Your Response**

Outline what you have done in response to this problem to date if anything, including speaking to the person you are complaining about or raising your concerns with anyone else. Please be as specific as possible.

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**Employees Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Parent/Guardian Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
*(If applicable)*