

**ADMINISTRATION****Policy #: HR – 036 Workplace Anti-Violence, Harassment and Sexual Harassment**

Approval Date: February 2019
Approval Authority: Senior Leadership Team
Effective Date: February 2019

Next Scheduled Review Year: 2023
Department: Human Resources
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Revision Date/s: August 2019, September 2019, January 2020, November 2022

Policy Statement:

The Town of Tillsonburg is dedicated to providing a workplace where everyone is treated with respect, dignity, fairness and sensitivity. The Town of Tillsonburg is committed to providing a safe and healthy work environment, free from violence, threats of violence, discrimination, harassment, sexual harassment, intimidation, and any other misconduct.

Workplace violence and harassment is unacceptable from any person in the workplace including customers, clients, employers, supervisors, workers, and the general public. Everyone in the workplace is responsible for preventing workplace violence and harassment. Managers, supervisors and workers are expected to uphold this policy and will be held accountable for their actions.

There is a workplace violence and harassment program within this policy. It includes measures and procedures to protect workers from workplace violence and harassment; a means of summoning immediate assistance and a process for workers to report incidents, or raise concerns.

The Town of Tillsonburg as the Employer will ensure that this policy is implemented and maintained and that all workers and supervisors have the appropriate information and instruction to protect themselves from all aspects of workplace violence and harassment.

Supervisors will adhere to this policy and are responsible for ensuring that measures and procedures are followed by workers and that workers have the information and instruction to protect themselves.

Every worker must work in compliance with this policy and all workers are encouraged to raise any concerns about workplace violence and harassment and to report any violent or harassing incidents or threats.

Management, with the assistance of Human Resources will investigate all incidents, complaints and concerns of workplace violence and harassment in a timely and fair manner while respecting the privacy of all concerned to the extent possible.

The Town of Tillsonburg will therefore make every reasonable effort to identify all potential sources of such risk to eliminate or minimize them through our workplace violence and harassment prevention program.

Signed, this 28th day of February, 2023.

A handwritten signature in black ink that reads "Kyle Pratt". The signature is written in a cursive, slightly slanted style.

Kyle Pratt
Chief Administrative Officer

Purpose:

The Town of Tillsonburg is committed to preventing workplace violence and harassment. This policy defines behaviour that constitutes workplace violence and harassment, and explains procedures for reporting and resolving incidents.

Town of Tillsonburg will not tolerate any form of harassment or discrimination against job candidates and employees on any grounds listed in the definitions for violence and harassment, whether during the hiring process or during employment. This commitment applies to such areas as training, performance assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.

Scope:

This policy applies to all individuals working for the organization, including front-line employees, temporary employees, contract service providers, contractors, all supervisory personnel, managers, officers, and directors. The organization will not tolerate violence or harassment, whether engaged in by fellow employees, managers, officers, directors, or contract service providers of the organization.

All Town of Tillsonburg employees are personally accountable and responsible for enforcing this policy and must make every effort to prevent discrimination or harassing behaviour and to intervene immediately if they observe a problem or if a problem is reported to them.

Definitions:

Workplace violence:

- 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

This may include:

- Verbally threatening to attack a worker;
- Leaving threatening notes at or sending threatening e-mails to a workplace;
- Shaking a fist in a worker's face;
- Wielding a weapon at work;
- Hitting or trying to hit a worker;
- Throwing an object at a worker;
- Sexual violence against a worker;
- Kicking an object the worker is standing on such as a ladder; or
- Trying to run down a worker using a vehicle or equipment such as a forklift

Domestic violence: a person who has a personal relationship with a worker—such as a spouse or former spouse, current or former intimate partner or a family member—may physically harm, or attempt or threaten to physically harm, that worker at work. In these situations, domestic violence is considered workplace violence.

Workplace Harassment:

- 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
- Workplace sexual harassment

This may include:

- Making remarks, jokes or innuendos that demean, ridicule, intimidate, belittle, or offend;
- Displaying or circulating offensive pictures or materials in print or electronic form;
- Bullying;
- Repeated offensive or intimidating phone calls or e-mails; or

Workplace Sexual Harassment:

- 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
- Making a sexual solicitation or advance where the person making it 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 the solicitation or advance is unwelcome

Workplace sexual harassment may include:

- Asking questions, talking, or writing about sexual activities;
- Rough or vulgar humour or language related to sexuality, sexual orientation or gender;
- Displaying or circulating pornography, sexual images, or offensive sexual jokes in print or electronic form;
- Leering or inappropriate staring;
- Invading personal space;
- Unnecessary physical contact, including inappropriate touching;
- Demanding hugs, dates, or sexual favours;
- Making gender-related comments about someone's physical characteristics, mannerisms, or conformity to sex-role stereotypes;
- Verbally abusing, threatening or taunting someone based on gender or sexual orientation; or,
- Threatening to penalize or otherwise punish a worker if they refuse a sexual advance.

Management Rights:

Counselling, performance appraisal, work assignment, and the implementation of disciplinary actions are not forms of harassment, and this policy does not restrict a manager's or supervisor's responsibilities in these areas.

Implementation Procedure:

1. Reporting Discrimination or Harassment

1.1 Informal Procedure

If you believe you have been personally harassed you may:

- i. Confront the harasser personally or in writing pointing out the unwelcome behaviour and requesting that it stop; or
- ii. Discuss the situation with the harasser's supervisor, your supervisor or any other supervisor other than your own.

Any employee who feels discriminated against or harassed can and should, in all confidence and without fear of reprisal, personally report the facts directly to their supervisor or manager, another member of management (Director, CAO), the Human Resources Department or other person designated by the employer if the complaint relates to your direct supervisor or manager. Discussions of this nature need to be documented.

1.2 Formal Procedure

If you believe you have been personally harassed, you may make a written complaint. The written complaint must be delivered to the Manager of Human Resources. Your complaint should include:

- i. The approximate date and time of each incident you wish to report;
- ii. The name of the person or persons involved in each incident;
- iii. The name of any person or persons who witnessed each incident; and
- iv. A full description of what occurred in each incident.

Formal complaints shall be investigated. The investigation process shall involve interviews of the complainant, the respondent, and any witnesses named by either. Generally, within fifteen (15) business days of the incident or notice thereof, the individual responsible for the investigation shall investigate the incident and may prepare a written report of the investigation findings. The complainant and the respondent (if he or she is an employee of the Town) shall be informed in writing of the results of a harassment investigation and of corrective action that has been taken or will be taken as a result of the investigation.

2. Investigating Reports of Violence or Bullying

2.1 The Town of Tillsonburg shall:

- i. Investigate all reported acts and incidents of violence, and consult with other parties (e.g., legal counsel, health and safety consultants, JHSCs, employee assistance provider, local police services).
- ii. Take all reasonable measures to eliminate or mitigate risks identified by the incident.
- iii. Document the incident, its investigation, and corrective action taken.
- iv. Submit a report of the incident to the Workplace Safety and Insurance Board (WSIB) where an employee incurs a lost time injury as a result of violence in the workplace.
- v. Review this policy and hazard assessment annually, or as changes to job responsibilities or environments occur, and revise the assessment as needed.
- vi. Review annually, in conjunction with review of the hazard assessment, the effectiveness of actions taken to minimize or eliminate workplace violence and make improvements to procedures, as required.

2.2 The joint health and safety committees/safety representative will:

- i. Review the Workplace Risk Assessment results and provide recommendations to management to reduce or eliminate the risk of violence.
- ii. Participate in the investigation of critical injuries (e.g., incidents that place life in jeopardy or result in substantial blood loss or fracture of leg or arm.)
- iii. Recommend corrective measures for the improvement of the health and safety of workers.

In addition, JHSCs may participate in the investigation of reported incidents that result in personal injury or have the potential to result in injury.

3. Investigating Reports of Discrimination or Harassment

Once a written complaint has been received, the Town of Tillsonburg will complete a thorough investigation.

Harassment should not be ignored, as silence can and often is interpreted as acceptance. Employees will not be demoted, dismissed, disciplined, or denied a promotion, advancement, or employment opportunities because they rejected sexual advances or because they lodged a complaint when they honestly believed they were being harassed or discriminated against.

Town of Tillsonburg will ensure that all information obtained during the course of an investigation will not be disclosed, unless the disclosure is necessary for the purposes of investigating or taking corrective action, or is otherwise required by law.

3.1 The investigation will include:

- i. Informing the respondent of the complaint;
- ii. Interviewing the complainant, any person involved in the incident, and any identified witnesses; and
- iii. Interviewing any other person who may have knowledge of the incidents related to the complaint or any other similar incidents.

A copy of the complaint, detailing the complainant's allegations, is then provided to the respondent.

- i. The respondent is invited to reply in writing to the complainant's allegations, and the reply will be made known to the complainant before the investigation proceeds further.
- ii. The Corporation will protect from unnecessary disclosure the details of the incident being investigated and the identities of the complainant and the respondent.
- iii. During the investigation, the complainant and the respondent will be interviewed, as will any possible witnesses. Statements from all parties involved will be taken and documented, and a decision will be made.
- iv. If necessary, the Corporation may employ outside assistance or request the use of legal counsel.
- v. Upon completion of the investigation, Town of Tillsonburg will inform both the complainant and respondent in writing of the findings of the investigation and any corrective action that has been or will be taken as a result of the investigation.
- vi. Where practical, the complainant and respondent will receive notification of the results of the investigation within 15 days of the investigation being completed.

If the complainant decides not to lay a formal complaint, senior management and/or Human Resources may decide that a formal complaint is required

(based on the investigation of the incident) and will file such documents with the person against whom the complaint is laid (the respondent).

If it is determined that harassment in any form has occurred, appropriate disciplinary measures will be taken as soon as possible.

4. Seeking Immediate Assistance

Canada's *Criminal Code* addresses violent acts, threats, and behaviours, such as stalking. The police should be contacted immediately when an act of violence has occurred in the workplace or when someone in the workplace is threatened with violence.

5. The Right to Refuse Unsafe Work

- i. The right to refuse unsafe work is a legal right of every worker provided by the *Occupational Health and Safety Act*. Town of Tillsonburg is committed to ensuring a safe workplace.
- ii. If you wish to pursue this right, please refer to the Work Refusal Policy.

6. Special Circumstances

Should an employee have a legal court order (e.g., a restraining order, or "no-contact" order) against another individual, the employee is encouraged to notify his or her supervisor, and to supply a copy of that order to the Human Resources department. This will be required in instances where the employee strongly feels that the aggressor may attempt to contact that employee at the Town of Tillsonburg, in direct violation of the court order, so that the Town of Tillsonburg may take all reasonable actions to protect the employee. Such information shall be kept confidential and protected in accordance with all applicable legislation.

If any visitor to the Town of Tillsonburg workplace is seen with a weapon (or is known to possess one), or makes a verbal threat or assault against an employee or another individual, employee witnesses are required to immediately contact the police, emergency response services, their immediate supervisor, and the Human Resources department.

All records of harassment and subsequent investigations are considered confidential and will not be disclosed to anyone except to the extent required by law.

In cases where criminal proceedings are forthcoming, Town of Tillsonburg will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

7. Fraudulent or Malicious Complaints

This Anti-violence, Harassment, and Sexual Harassment Policy must never be used to bring fraudulent or malicious complaints against employees. It is important to realize that unfounded or frivolous allegations of personal harassment may cause both the accused person and the Corporation significant damage. If it is determined by the Corporation that any employee has knowingly made false statements regarding an allegation of personal harassment, immediate disciplinary action will be taken.

8. Disciplinary Measures

If it is determined by the Corporation that any employee has been involved in violent behaviour, unacceptable conduct, or harassment of another employee, immediate disciplinary action will be taken. Such disciplinary action may involve counselling, a formal warning, or dismissal.

9. Record Keeping

Town of Tillsonburg will ensure that appropriate records of complaints and investigations relating to workplace harassment and sexual harassment are kept, including:

- A copy of the complaint or details about the incident;
- A record of the investigation including notes;
- A copy of the investigation report (if any);
- A summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace harassment and the alleged harasser, if the alleged harasser is a worker of the employer; and
- A copy of any corrective action taken to address the complaint or incident of workplace harassment.

10. Confidentiality

The Town of Tillsonburg will do everything it can to protect the privacy of the individuals involved and to ensure that complainants and respondents are treated fairly and respectfully. The Town of Tillsonburg will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law. Neither the name of the person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever, unless such disclosure is necessary for an investigation or disciplinary action. Any disciplinary action will be determined by the Corporation and will be proportional to the seriousness of the behaviour concerned.

Town of Tillsonburg will also provide appropriate assistance to any employee who is the victim of violence, discrimination, or harassment.

11. References

Occupational Health and Safety Act Section 32.0.

REVISION HISTORY

DATE	REVISION #	CHANGES MADE	Approval
Jan 2019	0	Policy Introduced Jan 2019	SLT
Aug 2019	1	Revision to reporting of discrimination and harassment	AA
Sept 2019	2	Updated CAO information	AA
Jan 2020	3	Updated CAO information	AA
June 2021	4	Updated CAO information, updated terminology	
Nov 2022	5	None; Reviewed and signed.	