

**TOWNSHIP OF WOLLASTON
WORKPLACE HARASSMENT AND VIOLENCE PREVENTION POLICY**

PURPOSE:

The purpose of this policy is to:

- Foster a workplace of respectful behaviour and promote awareness of human rights.
- Prevent all forms of harassment and discrimination based on the prohibited grounds as identified in the Ontario *Human Rights Code*.
- Prevent all forms of personal harassment (e.g. gossip, workplace bullying, teasing, coercion, taunting).
- Prevent and promote awareness of all forms of harassment and discrimination through education, early identification and corrective discipline, where appropriate.
- Meet the Township of Wollaston's ethical and legal obligations to establish, promote and maintain a workplace free from harassment, discrimination, and personal harassment.
- Provide procedures for investigating and resolving complaints of harassment and discrimination, as well as remedying situations when instances or patterns of harassment and discrimination occur.
- Ensure all employees, elected officials, volunteers and students feel safe at work.

SCOPE:

The policy applies to all paid employees, elected officials, volunteers, and students of The Township of Wollaston.

This policy addresses the following:

- Any act of harassment or workplace sexual harassment pursuant to the *Occupational Health and Safety Act*.
- Any act of harassment and/or discrimination pursuant to the Ontario *Human Rights Code*. Thus, prohibiting such behaviour that is motivated by race, ancestry, colour, place of origin, ethnic origin, citizenship, creed, disability, gender identity, gender expression, family status, marital status (including single status), sex (including pregnancy and breastfeeding), sexual orientation, age, record of offences (in employment only) or receipt of public assistance (in housing only) which are generally referred to as the "prohibited grounds".
- Any act of personal harassment (e.g. workplace bullying, gossiping, teasing, taunting) not addressed by the *Occupational Health and Safety Act* or the Ontario *Human Rights Code*.

In compliance with the *Occupational Health and Safety Act*, this policy should be consulted whenever there are concerns of violence or a threat of violence in the workplace.

This Policy will be reviewed on an annual basis.

PROMOTING A SAFE AND RESPECTFUL WORKPLACE:

The Township of Wollaston is committed to maintaining a work environment free of harassment and violence. There is zero-tolerance for any behavior that may be considered harassment or violence, as defined in this policy and by the Ministry of Labour. Every employee, elected official, volunteer or student has the right to work in an environment that is supportive of employee productivity, dignity and self-respect. Conduct that is considered to be discriminatory or harassing will not be tolerated.

In the event of harassment or violence against any employee, elected official, volunteer or student in the workplace, the Township of Wollaston will take all measures needed to protect individuals and to ensure a safe, healthy and respectful workplace. In accordance with this Policy, where the perpetrator of such harassment or violence is an employee, appropriate corrective or disciplinary action will be taken, up to and including termination for cause, in accordance with Township policy.

Retaliation or reprisals, either direct or indirect, are prohibited against any employee, elected official, volunteer or student for exercising their rights under this policy, initiating a complaint in good faith, investigating a complaint, being a decision maker in a complaint, participating as a witness in an investigation, being a Respondent to a complaint, being associated with, or representing a Complainant, Witness or Respondent. Any retaliation or reprisal is subject to immediate corrective action, up to and including termination for employees or volunteers. For elected officials, any retaliation or reprisal may be subject to a complaint being filed with the Integrity Commissioner.

If an individual believes they have been subject to harassment and/or discrimination they should maintain a detailed record of the occurrence(s). The record should include but is not limited to the following facts in order to be able to prepare a written complaint:

- When the harassment started
- When and how often it occurred
- What happened
- Whether there were any witnesses
- What your response was

Further, if individuals covered by this policy identify that they are being harassed and/or discriminated against by non-Township employees such as members of the public, contractors, consultants, and delivery or service people, the Township is obligated to respond. Individuals shall report such incidences to their supervisor and/or the Clerk / Administrator and complete the Workplace Harassment and Discrimination Incident Report to bring forward their complaint.

At any point in an investigation, the Complainant shall have the right to file a complaint with the Ontario Human Rights Tribunal or file a grievance, if appropriate.

ROLES AND RESPONSIBILITIES:

All Township managers/supervisors and employees, elected officials, volunteers, and students share the responsibility for understanding and preventing harassment, discrimination, and sexual harassment in the workplace, as well as responsibility for participating in the investigation process, as required.

It is important to recognize that, under law, managers carry more responsibilities than employees. It is management's responsibility to ensure mechanisms are in place and supported within their departmental area of responsibility to provide a workplace that is free from all forms of harassment and discrimination.

MANAGERIAL RESPONSIBILITY:

Management employees have obligations under the Ontario *Human Rights Code* and this Council approved Harassment and Discrimination Prevention Policy. Under the Ontario *Human Rights Code*, management can be held personally liable for failing to take appropriate action.

Management employees are obligated to:

Providing a work environment that is free from harassment and violence. This responsibility includes actively promoting a positive, harassment and violence-free work environment and intervening when problems occur.

Ensuring proper medical care is provided to anyone involved in an incident and for securing the safety of employees, before investigating the incident or taking reports.

Co-operating with police, Township-appointed investigators, or other authorities, as required during any investigation related to workplace harassment or violence

Ensure mechanisms are in place and supported within their area of responsibility to provide a workplace free from harassment and discrimination.

Acknowledge all incidents of harassment or discrimination in their area of responsibility that they become aware of, even if a formal complaint has not been filed or is not in written format.

Follow-up expediently to attempt to resolve the complaint unless the situation warrants immediate referral for formal investigation (e.g. workplace violence).

Minimizing the risk of harassment or violence where reasonably possible, and for ensuring employees are aware of and trained to:

- recognize harassment and violence
- follow the procedures and policies developed to minimize risk
- respond to incidents appropriately; and

- report and document such incidents.

TOWNSHIP EMPLOYEES/ELECTED OFFICIALS, VOLUNTEERS AND STUDENT RESPONSIBILITIES TO ASSIST IN PREVENTION

All employees, elected officials and volunteers have a responsibility to help prevent all forms of harassment, discrimination and personal harassment and shall:

- Treat others with respect
- Take action to resolve problems as early as possible
- Advise an individual whose behaviour is offensive or a problem of any concern and advise them to stop such behaviour
- Inform Management of any harassment or violence they experience or witness. This includes issues in the employee's non-work life (*for example, domestic violence*) that might impact the employee's or a co-worker's safety in our workplace.
- Attend any training or information sessions provided by the employer to increase awareness and reduce the risk of harassment and violence in the workplace.
- Co-operate with the police, any Township-appointed investigators or other authorities as required during any investigation related to workplace harassment and violence
- Note: this policy applies not only during working time, but to any activities on or off Township premises which could reasonably be associated with the workplace (e.g., at a community facility or social event).

The following section outlines the rights and responsibilities of Complainants, Respondents, Witnesses, Investigators:

COMPLAINANTS:

Complainants have the right to take the following actions:

- Make a complaint
- Upon request, be accompanied by a union representative, if applicable during the complaint process.
- Be informed regarding the status and progress of the investigation.
- Be informed of the results of the investigation in writing including validation of any corrective action that has been taken or will be taken as a result of the investigation.
- Not be subject to retaliation for the reason of having made a complaint under this policy.
- Prepare a list of allegations if required.
- Withdraw a complaint at any time during the procedure; however, depending on the nature of the issue, the Clerk/Administrator or designate may determine that an investigation is required, and the process will continue notwithstanding the withdrawal.

Complainants have the following two responsibilities:

- Maintain confidentiality within the workplace.
- Sign a Confidentiality Agreement.

RESPONDENTS:

Respondents have a right to take the following actions:

- Seek advice from their manager, Clerk/Administrator, or union representative.
- Retain a record of what occurred.
- Be informed that a complaint has been filed.
- Information regarding the status and progress of the investigation.
- Review the allegations provided by the Investigator.
- Respond to the allegations.
- Upon request, be accompanied by a union representative, where applicable, during the complaint process.
- Be informed of the results of the investigation in writing and validation of corrective action that has been taken or will be taken as a result of the investigation.

Respondents have the following responsibilities:

- Follow all procedures under this policy.
- Cooperate with all those responsible for dealing with the investigation of the complaint.
- Maintain confidentiality.
- Sign a Confidentiality Agreement.

WITNESSES:

Witnesses have the right to not be subject to retaliation because they have participated as a witness.

Witnesses have the following responsibilities:

- Meet with the investigator and to cooperate with all those responsible for the investigation of the complaint.

- Maintain confidentiality with respect to the investigation (subject to their right to consult union representation, where applicable).
- Sign a Confidentiality Agreement.

INVESTIGATORS:

The Investigator has the following responsibilities:

- Ensure the Respondent is informed of the allegations.
- Ensure all parties involved have been informed of their rights and responsibilities.
- Interview the parties concerned and any relevant witnesses.
- Collect all pertinent information.
- Recommend a mediation process where appropriate.
- Prepare a report.
- Ensure the investigation is completed in a timely fashion taking into account particular circumstances.
- Maintain confidentiality.
- Sign a Confidentiality Agreement

CONFIDENTIALITY:

The Township of Wollaston recognizes that individuals may find it difficult to come forward with a complaint because of concerns regarding confidentiality. Therefore, all complaints concerning workplace harassment or violence, as well as the names of parties involved, shall be treated as confidential as much as possible.

The Township of Wollaston has an obligation to conduct an investigation into the complaint which may require limited disclosure. If there is a finding of improper conduct that results in disciplinary action, it will be reflected only in the file of the person who engaged in such conduct, in the same way as any other disciplinary action.

Harassment and discrimination are very sensitive issues. All individuals who come in contact with information pertaining to harassment and discrimination complaints, investigations and related records are expected to treat the information as confidential. Such information shall be handled in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

However, it must be recognized that in some cases, absolute confidentiality cannot be guaranteed by Management (due to conflicting legal obligations). Where required, information regarding the complaint will be shared with the appropriate senior management, or as otherwise required by law.

Failure to respect the confidentiality of the process may interfere with the investigation's findings. If it is found that someone has violated the confidentiality of the process, they will be subject to disciplinary action.

DEFINITIONS:

The following definitions should be used when reading this policy:

Allegation:

An unproven assertion or statement based on a person's perception.

Conflict:

Occurs when two or more individuals have interests to some degree that are or can be seen as being incompatible, which disrupts the cohesive relationships that are necessary for a productive and well-balanced workplace.

Complainant:

The person alleging that harassment or discrimination occurred. There can be more than one Complainant within a complaint.

Discrimination:

Unequal treatment based upon any of the prohibited grounds outlined in the *Ontario Human Rights Code*.

Gossip:

A form of personal harassment whereby the spread of personal affairs, rumours, half or unfounded truths, and/or lies about a person or organization occurs.

Harassment:

Any course of vexatious comment or conduct against a worker in a workplace relating to any of the prohibited grounds (see Prohibited Grounds below) that is known or ought reasonably to be known to be unwelcome (e.g. verbal abuse, threats, gestures, mental and physical abuse, display of racist, patronizing attitude that undermines self-respect, or written or verbal racial or cultural jokes **or any form of written correspondence including email or texts**).

Harassment **does not** include:

- Management direction, evaluation or appropriate discipline.
- Stress associated with the performance of job duties.
- Friendly teasing or bantering that is mutually acceptable.
- Friendly or romantic behaviour that is welcome and mutual.

Mediation:

A voluntary process where parties in dispute consent to meet with a mediator to determine whether the dispute can be resolved in a mutually satisfactory manner. Mediation discussions between parties are treated as private and confidential to the full extent permitted by law; however, any agreed outcomes will be shared with the Manager/Supervisor or designate in their capacity to oversee the file.

Personal Harassment:

Harassment that is not related to a prohibited ground identified in the Ontario *Human Rights Code*. Personal harassment is a course of improper comments and/or conduct, directed at and offensive to another person or persons in the workplace and that the individual knows or ought to reasonably know would offend, harm or is derogatory, demeaning or causes humiliation or embarrassment.

Examples include but are not limited to behaviour that is:

- Intimidating
- Offensive
- Degrading
- Humiliating
- Demeaning

These examples can also be in any form of written correspondence including email or texts.

Personal harassment **does not** include:

- Management direction, evaluation or appropriate discipline by a manager or supervisor.
- Stress associated with the performance of job duties.
- Friendly teasing or bantering that is mutually acceptable.

Poisoned Work Environment:

A poisoned work environment may develop when conduct or comments are not directed at a specific individual, but nonetheless generates a degrading or offensive work environment (e.g. display of offensive material, use of patronizing language, or intimidating behaviour).

Prohibited Grounds:

Harassment and/or discrimination that is motivated by race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (including pregnancy and breastfeeding), sexual orientation, age, record of offences (in employment only), gender identity, gender expression, marital status (including single status), family status, disability, or receipt of

public assistance (in housing only) or as otherwise identified under the Ontario *Human Rights Code*.

Respondent:

The person who is alleged to be responsible for the harassment or discrimination. There can be more than one Respondent within a complaint.

Sexual Harassment:

Any course of vexatious comment or conduct against a Township member 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.

Examples include, but are not limited to, the following:

- Deliberate and unsolicited sexual comment, suggestion or physical contact that creates an uncomfortable working environment for the recipient.
- Unwelcome remarks, jokes, sexual innuendoes, or taunting about a person's body, attire, sex, personal or social life.
- Practical jokes of a sexual nature, which cause awkwardness or embarrassment.
- Displaying and/or distributing pornographic pictures or other offensive material of a sexual nature, either through printed copy (e.g. poster, pamphlet, brochure) or personal computer or any electronic means.
- Leering (suggestive staring) or other gestures.
- Unnecessary physical contact such as touching, patting or pinching.
- Expressions of gender bias, which may include remarks that are discriminatory, degrading or derogatory and create or contribute to a poisoned work environment.
- Requests for sexual favors.
- Calling people sex-specific derogatory names.
- Making sexual comments about appearance, clothing, or body parts.
- Sending suggestive letters, notes, or e-mails.
- Sexual assault.

These examples can also be in any form of written correspondence including email or texts.

Vexatious:

Causing or tending to cause annoyance, frustration or worry.

Workplace:

All Township facilities, work sites, vehicles and any other location where Township business is conducted. Harassment which occurs outside the workplace or hours of work, in person, via e mail or internet activity/social media, but is related to the work environment may also be considered as workplace harassment.

Workplace Bullying:

Occurs when there is a hostile or abusive conduct that reasonably causes someone to fear for their safety. This may occur in the workplace, in a location related to the workplace or through internet activity. Bullying that occurs through internet activity may include websites, chat rooms, social media, electronic pictures, blogging or email. Any such activity that is related to the workplace may be considered workplace bullying.

Workplace Harassment:

Engaging in a course of vexatious comment or conduct in a workplace that is known or ought reasonably to be known to be unwelcome.

Examples of Harassment in the Workplace include:

- Sexual harassment
- Threatening behaviour such as shaking fists, destroying property or throwing objects.
- Verbal or written threats - any expression of intent to inflict harm.
- Any behaviour that demeans, embarrasses, humiliates, annoys, or alarms a person and that is known or would be expected to be unwelcome. This includes words, gestures, intimidation, bullying, or other inappropriate activities.
- Verbal abuse - swearing, insults or condescending language.
- Spreading malicious rumours or gossip.

These examples can also be in any form of written correspondence including email or texts.

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 expressed, 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.

Examples can also be in any form of written correspondence including email or texts.

Workplace Violence:

- The exercise of physical force by a person against another individual (or an attempt to do so), in a workplace, that causes or could cause physical injury to the worker.
- A statement or behaviour that it is reasonable for a Township member to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Examples of Violence in the Workplace include, but are not limited to:

- Initiating a physical attack (hitting, shoving, pushing or kicking)
- Sexual assault
- Inflicting property damage, vandalism, or sabotage
- Domestic violence that comes into the workplace

Properly Exercised Supervision & Performance Management:

Properly exercised supervisory and instructional responsibilities by management do not constitute harassment, discrimination, bullying or disrespectful behaviour. Performance appraisals, counseling, corrective action, and/or discipline, and the proper enforcement of high standards, provided that such standards are not arbitrary and are applied in a non-discriminatory manner, are not contrary to this Policy.

TOWNSHIP OF WOLLASTON PROCESSES FOR REPORTING AN INCIDENT:

Reporting an Incident:

Each and every incident of harassment and/or violence in the workplace shall be reported immediately to management.

Management shall investigate the incident immediately with the assistance of the appropriate parties (this includes any employees who were present at the time, their reporting managers, the Clerk and law enforcement personnel if appropriate).

The Manager/Supervisor receiving such a report, shall immediately make the appropriate inquiries of the victim and/or witnesses to determine the process to proceed. This may include an Informal Resolution process, or if not appropriate, determine the plans for a formal investigation into the complaint

Informal Resolution Process:

Prompt resolution of a complaint may prevent an escalation in the level of harassing and/or discriminating behaviour. It is recommended that all individuals who believe that they have experienced harassment and/or discrimination maintain detailed notes regarding the issue(s).

Where appropriate, every effort will be made to resolve issues relating to harassment and discrimination expediently therefore negating the need for a formal complaint.

Employees are encouraged to inform their manager of their complaint. If the complaint involves the employee's manager, the employee may consult with that person's manager.

Four Options to Resolve Harassment and Discrimination:

Four options to resolve harassment and discrimination concerns are available. An informal approach may foster prompt resolution, without a formal investigation.

Option 1: Communicate concerns to the Respondent

If a Complainant feels that they are being harassed or discriminated against, they should talk to the individual about their conduct (if the situation permits, and the Complainant feels comfortable) – Tell the individual to **stop** the unwelcome and offensive behaviour. A simple discussion may resolve the problem. The Complainant may directly, in writing, or with help from the Clerk/Administrator or a union representative, if appropriate approach the Respondent and tell them to stop the unwelcome/offensive behaviour. **If the Complainant is unable to approach the Respondent, due to intimidation factors (e.g. severe workplace bullying, threats, senior management involvement) they may proceed to another option or file a Formal Complaint.**

Option 2: Obtain counsel, guidance, and advice

The Complainant may wish to obtain information and expert guidance prior to deciding to proceed with a harassment and/or discrimination complaint. The employee may consult the Clerk/Administrator to obtain advice. Complainants may also consult a union representative. All consultations will remain confidential as much as is possible, or as legally required (e.g. where violence and/or any other form of potential harm exists involving individual(s) during the complaint process).

Option 3: Escalation to management

If an employee is unable to resolve the issue themselves or the harassing and/or discriminating behaviour continues after asking the individual to stop, the employee may

require management to intervene and to facilitate resolution. Note: most complaints are resolved at this stage without formal investigation.

Three methods to facilitate resolution may include:

- The Clerk/Administrator or Manager/Supervisor addressing the concerns with the Respondent.
- The Clerk/Administrator or Manager / Supervisor facilitating a discussion between the two parties.
- Providing an option for individuals to participate in mediation or to have a facilitated negotiation/discussion to resolve the issue(s) with the Clerk/Administrator or outside third party (refer to Option 4 Mediation below).

Option 4: Mediation

Where it has been determined to be feasible and where the Complainant and Respondent concur, a mediated solution to the dispute will be attempted. If acceptable to the Complainant and the Respondent, the Clerk / Administrator or outside source will mediate the dispute.

Mediation may be attempted at any point in the process of addressing the complaint where it is considered to be appropriate and there is a reasonable chance of resolving the complaint.

Note: Prior to mediation, both parties must agree to the terms of mediation and may sign an Agreement to mediate. It must be understood that if a settlement* is reached, that it would have to be satisfactory to both parties, and the mediation settlement is binding by both parties. All mediation discussions will be held on a confidential, “without prejudice” basis.

***Such settlement must not violate or interfere with any collective agreement, this policy or the operation of the relevant department.**

If the informal resolution process has not been successful or is considered to be inappropriate, the Complainant may proceed by filing a Formal Complaint.

Management reserves the right to investigate instances that are not submitted via formal complaint.

FORMAL COMPLAINT PROCESS:

If the Informal Resolution Process as outlined above is not effective or appropriate to resolve a complaint, the Complainant may file a formal complaint to the Clerk/Administrator or designate. Each step in the Formal Complaint Process shall be taken, unless deemed otherwise, by the Clerk/Administrator or designate.

It is strongly encouraged that the complainant reports the incident to their manager/supervisor (if they have not done so already) prior to submitting a formal complaint to the Clerk/Administrator. Where the employee's immediate manager/supervisor is alleged to have committed the act of harassment and/or discrimination, the employee should report the incident to the next level of management.

Information obtained about an 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 the law.

The six steps taken when filing a complaint are:

Step 1: File a complaint

The Complainant submits a clear and concise complaint in writing (using the Wollaston Township **Workplace Harassment and Discrimination Incident Report**) to the Clerk/Administrator or if this person is the subject of the complaint, to the Deputy Clerk.

The formal **Workplace Harassment and Discrimination Incident Report** shall be completed in full, signed, dated and submitted as soon as possible, but within six months of the last alleged incident.

Step 2: Screening and acknowledgement of complaint

Upon receipt of the **Workplace Harassment and Discrimination Incident Report**, the Clerk/Administrator will acknowledge the complaint through written communication in a timely manner. The Clerk / Administrator or outside representative will commence an impartial investigation of the complaint. The Clerk/Administrator will use the Harassment / Violence in the Workplace Investigation Planning form to guide the investigation process.

If upon review of a Complaint, or at any time during an investigation, the Clerk/Administrator or designate is of the opinion that the Complaint is frivolous, vexatious or not made in good faith, or that there are no or insufficient grounds for an investigation, the Clerk/Administrator or designate shall not conduct an investigation or shall discontinue the investigation and shall communicate this position in writing to the Complainant and the member identified in the Complaint.

The Clerk/Administrator or designate is under no obligation to prepare a report for any matters that they summarily dismiss or determine not to investigate or after an investigation is discontinued. If the Clerk/Administrator or designate decides not to investigate, they will provide the reasons to the Complainant.

The Clerk/Administrator or designate will advise the Respondent of the complaint, and other applicable parties where determined appropriate.

Step 3: Investigation

Where an investigation is required, the Clerk/Administrator will first ensure the safety of employees and him/herself; Ensure proper medical treatment is provided or sent for (where appropriate); Contact the authorities as soon as possible (police or Ministry of Labour, where appropriate), to report the incident.

Investigations will be initiated in confidence as soon as possible and completed within ninety (90) days of being reported. Every effort will be made to conduct an expedient investigation. However, due to extenuating circumstances that may arise, the process may be delayed beyond the control of the investigator. All participants will be asked to maintain confidentiality and sign off on a Confidentiality Agreement

The Clerk/Administrator or designate will oversee a thorough investigation, keeping detailed notes of facts, times, witnesses, and witness accounts. If appropriate, the Clerk/Administrator will retain an independent Investigator to review and inquire into the matter. An independent investigator will always be retained in instances where the alleged assailant/harasser would otherwise be appointed as investigator, or where the internal investigator reports to the alleged assailant/harasser.

Step 4: Documentation

Once the investigation is complete, the investigator will prepare a written report for the Clerk/Administrator that will determine the next appropriate, potentially corrective, measures.

The outcome of the investigation will be reported to the complainant in summary form within ten (10) days of the investigation being completed. This will include a summary of the investigation's findings, and certain details of any corrective action taken. If the alleged assailant/harasser is also an employee, similar information will be provided to that employee also.

Step 5: Mediation

Where it has been determined to be feasible and where the Complainant and Respondent concur, a mediated solution to the dispute will be attempted. If acceptable to the Complainant, the Clerk/Administrator or outside source will mediate the dispute.

Mediation may be attempted at any point in the process addressing the complaint where it is considered to be appropriate and have a reasonable chance of resolving the complaint.

Note: Prior to mediation, both parties must agree to the terms of mediation and may sign an Agreement to mediate. It must be understood that if a settlement* is reached, that it would

have to be satisfactory to both parties, and the mediation settlement is binding to both parties. All mediation discussions will be held on a confidential, “without prejudice” basis.

***Such settlement must not violate or interfere with any collective agreement, this policy or the Township operations.**

Step 6: Remedies

The Clerk/Administrator or designate will review the report to determine if the investigation reveals evidence to support the allegation(s) within the complaint. The Clerk/Administrator or designate will then inform the Complainant and Respondent, in writing, of the findings and, if warranted, validation of corrective action that has been or will be taken and any other action(s) (e.g. training, education, facilitated discussion).

Where the findings of the investigation do not support the allegations, no reference to the incident will be placed on the Respondents Corporate File.

Corrective action for violations of this policy will take into consideration the nature and impact of the violations, and may include a verbal or written reprimand, suspension (with or without pay) or termination (with or without notice) or other legal action required to protect individuals covered by this policy.

Similarly, deliberately false accusations are of an equally serious nature and will also result in disciplinary action up to and including termination without notice for just cause or other legal action.

Note, however, that an unproven allegation does not mean that harassment did not occur or that there was a deliberate false allegation. It simply means that there is an insufficient evidentiary basis to proceed or that while the complainant may have genuinely had reason to believe that there was harassment, investigation has not borne out the complaint.

FRAUDULENT AND/OR MALICIOUS COMPLAINTS:

Complaints that are found to have been made with fraudulent and/or malicious intent may also result in disciplinary action.

Process For Filing a Complaint with the Ministry of Labour if Employer fails to comply with its duties under the OHSA (Information taken from the Ministry of Labour website)

Ministry of Labour (MOL) inspectors enforce the OHSA requirements. If the employer fails to comply with its duties under the OHSA, the MOL may investigate to determine compliance. For example, if you reported to your employer that you were being harassed at work and your employer did not ensure an investigation appropriate in the

circumstances was conducted into your complaint, the MOL may investigate to decide if your employer met their obligations under the OHSA. It is important to note that MOL inspectors do not investigate into specific allegations or the behaviour of any individuals involved to determine if workplace harassment occurred or not. Inspectors cannot order compensation or other individual remedies.

If you are disciplined, suspended or threatened for exercising your rights under the OHSA, you may file a complaint with the Ontario Labour Relations Board or, if you are unionized, you may contact your union. If you do not have a union, you may wish to get advice from the Office of the Worker Advisor (see below).

WHERE TO GO FOR HELP:

Call police:

If you have been a victim of a criminal offence such as assault, sexual assault or criminal harassment (stalking), you should call the police.

Employee programs:

Incidents or complaints of workplace harassment should be reported to your employer. Also check to see if there is a person at your workplace who you can contact for confidential support (i.e. employee assistance program).

Human rights:

To talk about your rights under Ontario's Human Rights Code (which prohibits discrimination and harassment based on a protected ground such as race, colour, creed, place of origin, sex, ethnic origin, citizenship, sexual orientation, gender expression, gender identity, record of offences, age, disability, religion, ancestry, marital status and family status), contact the Human Rights Legal Support Centre Tel: (416) 597-4900 or Toll Free: 1-866-625-5179 To file a human rights application, contact the Human Rights Tribunal of Ontario, 416-326-1312 Toll-free: 1-866-598-0322 (HRTO). For more information about human rights, visit the Ontario Human Rights Commission's website www.ohrc.on.ca/. **Note:** The time limit for filing an application at the HRTO is one (1) year from the date of the last incident of discrimination or harassment.

Law Society Referral Service:

Visit the Law Society of Upper Canada referral service www.lsrslso.ca to request the name of a lawyer or paralegal who will provide up to 30 minutes of free consultation to explore your options. A [crisis line](#) Telephone: [416-947-3300](tel:416-947-3300) Toll-free: [1-800-668-7380](tel:1-800-668-7380) is available for people who would like a referral to a legal representative but are unable to use the online service. You can also ask to be referred to a lawyer or paralegal who

speaks languages other than English or French, or a lawyer who accepts legal aid certificates.

Ontario Ministry of Labour:

If your employer does not have a workplace harassment policy or program and/or did not provide information and instruction on the employer's policy and program, you may contact the Ministry of Labour Toll-free: 1-877-202-0008 TTY: 1-855-653-9260 As of September 8, 2016, you may contact the Ministry of Labour about a workplace harassment complaint if your employer fails to conduct an investigation that is appropriate in the circumstances.

Ontario Labour Relations Board:

A worker who believes that the employer has reprisal against him or her may file a complaint with the Ontario Labour Relations Board (416)326-7500

Toll-free: 1-877-339-3335 OLRB). For more information see the OLRB's Information Bulletin No. 14 on reprisals.

Office of the Worker Adviser:

If you think your employer has threatened or punished you for exercising your rights under the OHS Act and you are not a member of a union, contact the Office of the Worker Adviser 1-800-435-8980 for advice.

Assaulted Women's Helpline:

The Assaulted Women's Helpline offers a 24-hour telephone service to provide counselling, emotional support, information and referrals to women who have experienced abuse.

416.863.0511

TOLL-FREE 1.866.863.0511

References:

Occupational Health and Safety Act & Regulations

Ontario Human Rights Code

Canada Labour Code

Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990

Ministry of Labour, Training and Skills Development website

_____ ***(signature)*** Clerk

_____ ***(to be reviewed annually)***

Date

Appendix A: Harassment / Violence in the Workplace Investigation Planning Report forms

Appendix B: Workplace Harassment and Discrimination Incident Report forms

Appendix C: Program to Address Discrimination and Workplace Harassment

APPENDIX A

HARASSMENT / VIOLENCE IN THE WORKPLACE INVESTIGATION PLANNING REPORT

Name of investigator:

Date of investigation:

A. Background Information

Who are the people involved? Who reported and when?

1. Name of person who reported workplace harassment
2. If not the same person as above, name of person who allegedly experienced workplace harassment
3. Date complaint/concern raised and how
4. Name of worker(s) (complaining or possibly exposed to workplace harassment):
Position/Department
5. Name of respondent(s) (alleged harasser); Position/ Department If not a worker – provide details

B. Investigation Plan

Plan and conduct the investigation:

1. Obtain the worker(s) concerns of harassment in writing, if possible. Assistance should be provided in completing the form where necessary.
2. An investigator needs to interview the worker who allegedly experienced workplace harassment and the alleged harasser (if a worker of the employer). If the alleged harasser is not a worker of the employer, the investigator should make reasonable efforts interview him or her.
3. Make a list of possible relevant witnesses. The worker who allegedly experienced workplace harassment and the alleged harasser should be asked for names of any relevant witnesses.
4. Interview relevant witnesses. Ask specific questions about what they have observed, are aware of or have personally experienced. If the witnesses are not workers of the employer, the investigator should make reasonable efforts to interview those witnesses.
5. Collect and review relevant documents from the worker, alleged harasser, witnesses and the employer.

6. Take detailed notes.
7. Keep the investigation confidential. Instruct the worker who allegedly experienced workplace harassment, the alleged harasser, and witnesses not to talk to others about the investigation unless it is necessary, for instance, to obtain advice or counseling. Each person involved in the investigation must sign a confidentiality agreement.

C. Worker(s) Concerns/Workplace Harassment Allegations

When did the incident(s) occur? Confirm date of first incident and any subsequent behaviours or conduct. Note that recalling events of harassment can be stressful for the complainant.

Date of first incident:

Date of last incident:

Date of other incident(s):

D. Alleged Harasser(s) Response

The alleged harasser(s) will likely need details of the allegation of harassment to be able to respond.

E. Interview Relevant Witnesses

List witnesses. Interview relevant witnesses and make notes.

F. Collected documentation

List the documents collected for the investigation and how or from whom they were obtained.

G. Investigation Result(s)

The investigator's summary report should set out who was interviewed, what evidence was obtained and an analysis of the evidence to determine whether workplace harassment occurred.

Summary of key evidence:

Recommended next steps:

Report provided to:

APPENDIX B

TOWNSHIP OF WOLLASTON
Workplace Harassment and Discrimination Incident Report

This report must be submitted in a sealed envelope marked **Personal & Confidential** and addressed to the Clerk/Administrator. Questions regarding the collection of information should be also be directed to Clerk.

A) Complaint

Please select the appropriate box below that best describes the nature of your complaint:

1. Harassment and/or Discrimination

Harassment and/or Discrimination pursuant to the Ontario Human Rights Code as per the following Prohibited Grounds:

- | | |
|--|--|
| <input type="checkbox"/> Race, Ancestry, Colour | <input type="checkbox"/> Age |
| <input type="checkbox"/> Place of origin | <input type="checkbox"/> Gender identity, gender expression |
| <input type="checkbox"/> Ethnic origin | <input type="checkbox"/> Marital status (including single status) |
| <input type="checkbox"/> Citizenship | <input type="checkbox"/> Family status |
| <input type="checkbox"/> Cree | <input type="checkbox"/> Disability |
| <input type="checkbox"/> Sex (including pregnancy & breastfeeding) | <input type="checkbox"/> Record of offences (in employment only) |
| <input type="checkbox"/> Sexual orientation | <input type="checkbox"/> Or as otherwise identified under the Ontario Human Rights Code. |

2. Behaviour

Behaviour that is not covered under the Ontario Human Rights Code

3. Complainant's Information:

Complainant's Name: _____

Township position: _____

Phone: _____ Ext: _____

Township email address: _____

Personal email address: _____

Name of Supervisor: _____

4. Respondent(s) Name(s):

Name:

Name:

Name:

5. Name(s) of Witness(s), if any:

Name:

Name:

Name:

B) Incident

1. Incident(s) have been reported to:

Name: _____ Date: _____

Title: _____

Name: _____ Date: _____

Title: _____

Name: _____ Date: _____

Title: _____

Description of the Incident:

Description of alleged offence(s) (provide a thorough description of, who, what, where, when, names of witnesses and dates and times of the incident. Use additional pages, and/or appropriate attachments (e.g. email), if necessary):

C) Complainant's Signature:

Signature: _____

Date: _____

Personal information in this form is collected and will be used for the purpose of the investigation and any outcome resulting from the investigation.

APPENDIX C

TOWNSHIP OF WOLLASTON Program to Address Discrimination and Workplace Harassment

1) Awareness of the Township of Wollaston Harassment Discrimination Prevention Policy

A copy of this policy will be posted in all Township staffed work areas on the Health and Safety Board and a copy will be available the Corporate Policy files and Health and Safety binder.

2) Training on Discrimination and Workplace Harassment Policy and Program

All new employees, elected officials, volunteers, and students will review this policy as part of their initial orientation and training process and it will be reviewed on an annual basis. Each person will sign off annually that they have received this training and this information will be recorded on a training record, kept in their corporate file.

3) Maintaining Security in Work Areas

Designated Health & Safety staff will conduct a worksite assessment on an annual basis to ensure measures for violence prevention are effective.

This assessment report will:

- a) Identify jobs or locations with the greatest risk
- b) Identify high risk factors
- c) Include a physical workplace security audit
- d) Evaluate the effectiveness of existing security measures

The Clerk/Administrator or designate will review annually the history of past incidents to identify patterns or trends.

The Clerk/Administrator or designate will review annually any previously recognized areas of higher risk to the Township including:

- a) Ongoing contact with the public
- b) Working alone or in small numbers
- c) The areas where money is kept
- d) The closing procedures of building areas
- e) Security systems in place
- f) Monitoring of secondary entrances to buildings

g) Parking areas

The results of this assessment will be report and any recommendations for changed processes reported to Township Council.

4) Measures for Reducing the Risk of Workplace Violence

- a) Training for staff to recognize the signs of violence
- b) Promoting early identification and prevention of violence in the workplace.
- c) Potential threats of violence that should be reported include, but are not limited to the following:
 - Threatening statements to do harm to self or others
 - Reference to other incidents of violence
 - Confrontational behaviour
 - Major change in personality, mood or behaviour
 - Substance abuse
- d) Institute general measures to reduce risk, including but not limited to:
 - Keep all secondary entrance doors locked
 - Ensure that a telephone, is always available and in good working order
 - Ensure that exterior lights around the building are in good working order
 - Ensure staff are not working alone without prior consent of Administrator
- e) To increase personal safety, individuals need to:
 - Notice their surroundings and report any unsafe or dangerous situations to senior staff. Do not hesitate to call for police or others nearby to help as necessary.
 - Remember, if you feel uncomfortable about a person who has entered the workplace, trust your instincts and if feeling threatened call police or others nearby to help.
 - If you are receiving harassing phone calls or correspondence in any form, report this immediately to the Clerk/Administrator and document the incident
 - If you are feeling that you are being discriminated against, immediately report this to the Clerk/ Administrator and document the incident
- f) Dealing with threatening behaviour:
 - Do not argue with a threatening person. Remain calm and keep your voice low and firm. Look at the person while speaking and let the person talk to clarify the problem, in order to offer solutions.
 - If necessary, seek assistance from another staff person.

- Do not put yourself or others in danger. Keep as great a distance between yourself and the threat as possible.
- Advise him or her, that you will not tolerate abusive language or behaviour and that the police will be called if the person does not stop.
- If the behaviour does not stop call 911.
- Notify your supervisor and document the incident.

g) Dealing with violence / assault:

- If you witness violence or an assault call 911 and describe the situation.
- If you hear raised voices or sounds of a scuffle, call the authorities or investigate if you believe that you can do so safely and without putting yourself or others in danger.
- Recruit other staff to move others out of the way to a safer location
- Do not block exits to prevent a threatening / violent person from leaving the building
- Do not invade the personal space of a threatening person
- Do not get between two people fighting
- Notice details so you can describe the situation to the police and to help you document the incident.
- Notify your supervisor.

h) Domestic Violence: Steps to Increase Your Personal Safety

- Tell someone at work about your situation if there is any possible issue regarding your personal safety, and develop a safety plan to follow
- Make up a code word for co-workers so they know when to call for help
- Ask you co-workers to screen your calls and visitors
- Advise your manager of any incidents outside of work that might increase the risk to you in the workplace.
- Ask a co-worker to call 911 if your abuser is bothering you.
- Document and report any instances where the person is contacting you while in the workplace.