

SECTION: Human Resources	POLICY #: HR-004
Date Approved: June 21, 2010	Respect in the Workplace (Harassment & Violence)
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PURPOSE

The Town of Hanover 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 Town of Hanover's goal to provide a healthy, safe work environment that is free of any form of harassment or violence.

SCOPE

This policy applies to all employees, council members, committee members, contractors and consultants. 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.

DEFINITIONS

1. 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; and
- a record of offences for which a pardon has been granted under the *Criminal Records Act* and has not been revoked, or an offence in respect of any provincial enactment.

2. 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.

3. Poisoned Work Environment

Harassing comments or conduct can poison someone's working environment, making it a hostile or uncomfortable place to work, even if the person is not being directly targeted. This is commonly referred to as a poisoned working environment and it is also a form of harassment.

4. Workplace Harassment and Bullying

Workplace harassment is a health and safety issue that is covered under the *Occupational Health and Safety Act*. The *Occupational Health and Safety Act* defines workplace harassment 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 sexual harassment is defined 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;

Workplace harassment may have some or all of the following components:

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

WHAT ISN'T HARASSMENT

Workplace harassment should not be confused with legitimate management actions, including:

- Measures to correct performance deficiencies, such as placing someone on a performance improvement plan;
- Imposing discipline for workplace infractions; or
- Requesting medical documents in support of an absence from work.

It also does not include normal workplace conflict that may occur between individuals or differences of opinion between co-workers.

The Test of Harassment

It does not matter whether you intended to offend someone. The test of harassment is whether you knew or should have known that the comments or conduct were unwelcome to the other person. For example, someone may make it clear through their conduct or body language that the behavior is unwelcome, in which case you must immediately stop that behavior. Although it is commonly the case, the harasser does not necessarily have to have power or authority over the victim. Harassment can occur from co-worker to co-worker, supervisor to employee and employee to supervisor.

RESOLVING AND INVESTIGATING HARASSMENT COMPLAINTS

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 behavior.

If the harassment continues after you have confronted the individual, you may want to provide him or her with a written statement of the situation. Include specific details of the behavior(s) you consider to be harassing, your request to the harasser to stop and your expectations that he or she will stop. Provide details of the next steps you plan to take if the harassment does not stop e.g., filing a formal complaint. Make sure you keep a copy of this statement for yourself. It helps to keep a record of any incident(s) that you experience. This includes when the harassment started, what happened, whether there were any witnesses of what was your response.

If you believe that someone who is not a member of our organization, e.g., a customer, supplier, etc., has harassed or discriminated against you, please report the harassment to your supervisor or a member of the Workplace Respect Committee. Although the Town of Hanover has limited control over third parties, we will do our best to address the issue and prevent further problems from arising.

Formal Procedure

If the complaint cannot be resolved informally or if it is too serious to handle on an informal basis, you may bring a formal complaint to the Director of Corporate Services/Treasurer, who will forward, if necessary, to the Workplace Respect Committee. The Workplace Respect Committee acts as our workplace coordinators with respect to harassment and violence in the workplace. The Workplace Respect Committee for the Town of Hanover is the Town of Hanover Health & Safety Committee. It is important that the Corporate Services Department receives your complaint as soon as possible so that the problem doesn't escalate or happen again. 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 Town of Hanover's policy not to investigate anonymous complaints unless there are extenuating circumstances.

Investigation Procedure

The Workplace Respect Committee will commence an investigation as quickly as possible. We may choose to use either an internal or external investigator, depending on the nature of the complaint. Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings to the CAO/Clerk.

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.

Corrective Action

The CAO/Clerk will determine what action should be taken as a result of the investigation. If a finding of harassment is made, the Town of Hanover will take appropriate corrective measures, regardless of the respondent's seniority or position in the Town's organization. The Workplace Respect Committee 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.

Workplace and Domestic Violence

Violence includes acts of aggression, physical assaults or threats. Workplace violence is defined under the *Occupational Health and Safety Act* as:

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or

- A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Workplace and domestic violence that may occur in the workplace are health and safety issues, which are covered under the *Occupational Health and Safety Act*. 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.

Resolving and Investigating Workplace Violence

Workplace Violence

You have the right to refuse work if workplace violence is likely to endanger you. In that instance, please immediately contact your supervisor at which point appropriate measures will be taken to protect you and investigate the situation. Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings.

Domestic Violence

If you are experiencing domestic violence that would likely expose you, or other workers, to physical injury in the workplace, you may seek immediate assistance by contacting your supervisor or any member of the Workplace Respect Committee. We will take every precaution reasonable to protect you and your co-workers in the circumstances and assist in preventing and responding to the situation. We appreciate the sensitivity of these issues and will do our best to assist you as discreetly as possible while maintaining your privacy.

PREVENTING HARASSMENT AND VIOLENCE

It is our mutual responsibility to ensure that we create and maintain a harassment and violence-free workplace and address violence and/or the threat of violence from all possible sources (including customers, clients, employers, supervisors, workers, strangers and domestic/intimate partners).

Commitment

The Town of Hanover will do its part by not tolerating or condoning discrimination, harassment or violence in the workplace. This includes making everyone in our organization aware of what behaviour is and is not appropriate, assessing the risk of workplace violence, investigating complaints and imposing suitable corrective measures.

Duties of Supervisors

Supervisors are expected to assist in creating a harassment-free workplace and to immediately contact the Workplace Respect Committee if they receive a complaint of workplace harassment or violence or witness or are aware of harassing or violent behaviour.

Duties of Employees

You must do your part by ensuring that your behaviour does not violate this policy and by fostering a work environment that is based on respect and is free of harassment. You are also required to report to your supervisor or the Workplace Respect Committee, the existence of any workplace violence or threat of workplace violence.

Understanding Rights and Obligations

To assist you in understanding your rights and obligations under this policy, the Director of Corporate Services/Treasurer will:

- act as a resource and answer inquiries with respect to this policy;

- discuss complaints on a confidential basis, unless is required to release information by law, or where there is a risk of harm to you or other individuals;
- assist individuals who may be experiencing domestic violence that may expose them to a risk of physical injury in the workplace;
- 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.

To avoid any potential conflicts of interest, the Director of Corporate Services/Treasurer is not involved in conducting formal investigations.

Confidentiality of Complaints and Investigations

We recognize the sensitive nature of harassment and violence 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 or situation or if required to do so by law.

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.

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 Town of Hanover will, however, discipline or terminate anyone who brings a false and malicious complaint.

Protection from Retaliation

The Town of Hanover will not tolerate retaliations, taunts or threats against anyone who complains about harassment 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.

Respect in the Workplace (Harassment & Violence) Complaint Form

Employee Name: _____ Position: _____

Supervisor: _____ Date: _____

Name(s) of individual(s) about whom you are filing this complaint:

Description of Complaint

Please provide as much information about the complaint as possible. This includes:

- dates and times of the harassment/bullying
- where it occurred
- what happened
- whether the individual threatened to punish you or deny you a benefit
- whether you are aware of anyone else who has been subjected to the same actions by this individual

You may attach additional sheets if necessary.

Potential Witnesses

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

Your Response

Employee's Signature: _____ Date: _____

STEP-BY-STEP COMPLAINT PROCESS – Prior to completing Complaint Form

Informal Procedure

- Did you approach the offending person and ask him/her to stop the harassing behavior Yes No
- After confronting him/her, did you put anything in writing to the person(s) and keep a copy for your records Yes No
- Did you advise your immediate supervisor Yes No
- Did you contact the town advisor and/or a Workplace Respect Committee Member Yes No

If you have followed all the above noted Informal Procedures and have not reached a satisfactory result, or the complaint is too serious to resolve by informal procedures, please complete a Formal Complaint Process by filling in the reverse side of this form and forwarding to the Workplace Respect Committee through Corporate Services.