

Violence and Harassment in the Workplace Policy

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Violence and Harassment in the Workplace Policy

Specifications

Related Policies: This Policy is supported by the Human Rights Policy

Related Laws: This Policy is supported by the following laws : *Criminal Records Act (Canada)* and the *Occupational Health and Safety Act (OHSA)*

Scope

This Policy applies to all employees of the Town of Hawkesbury, as well as volunteers, visitors and subcontractors who are on the Town's property during working hours, or as part of official or other activities, including social activities.

The Town of Hawkesbury is committed to:

1. Promote a workplace free of violence and harassment.
2. To investigate objectively and promptly all incidents of workplace violence or harassment reported;
3. Take the necessary measures to respond to such incidents;
4. Offer support to complainants.

Policy Statement

The Town of Hawkesbury believes in the prevention of violence and harassment in the workplace and seeks to create a work environment free of violence and harassment,

where everyone respects each other and work collaboratively to achieve common goals. Threats, acts of violence or harassment by or directed at employees or members of the public are unacceptable behaviours that will not be tolerated. The Town of Hawkesbury will take all reasonable and possible measures to avoid acts of violence or harassment and to protect employees from such acts. The Town of Hawkesbury will conduct an ongoing assessment of workplace violence and harassment and identify factors that contribute to violence or harassment.

This Policy is not to be construed as discouraging the informal resolution of disputes that normally arise in the workplace with the support of the immediate supervisor or senior management, as appropriate. It is understood that such informal dispute resolution should be undertaken, wherever possible, prior to recourse to the complaint process set out in this Policy.

The purpose of this Policy is, for the Town of Hawkesbury (or “the Employer”), to ensure a physically and psychologically safe and healthy workplace and outlines the processes that guide the Town in providing fair and equitable means of access to the reporting of workplace violence and harassment, reporting all incidents of workplace violence and harassment and defining the responsibilities to be fulfilled.

Policy Communication

The Policy will be posted on the Town’s website. Staff will be informed of the new Policy through distribution of the Town’s management team.

Definitions

Complainant: a person who makes a formal written complaint under this Policy.

Employee: a person with an employment relationship with the Town of Hawkesbury

Respondent: a person against whom allegations of acts that may constitute a violation of this Policy have been made.

Workplace: any place where professional or work-related activities take place, whether in person or virtually. This includes, but is not limited to, the Workplace, off-site assignments away from the Town of Hawkesbury premises, work-related travel, and work-related conferences or training sessions.

Workplace Violence: threatening to use or attempt to use force against a worker in a Workplace in a manner that causes risks of causing bodily harm to the worker. The following is a non-exhaustive list of examples of workplace violence:

- Threatening behaviors such as punching, destroying property, or throwing objects;
- Verbal or written threats that express the intention to cause harm;
- Assault; or
- Any other action that would cause a reasonable person to feel fear in the same circumstances.

Workplace Harassment : person's course of vexatious comment or conduct against a worker in the workplace that the person knows or ought reasonably to know is unwelcome. Harassment in the Workplace includes **Sexual Harassment** and **Psychological Harassment**.

Harassment in the workplace may also be based on one of the prohibited grounds listed in the Ontario Human Rights Code, as amended, although this is not necessary for the application of this Policy.

The prohibited grounds are: race, ancestry, place of origin, color, ethnic origin, citizenship, creed (religion), sex (including pregnancy), sexual orientation, gender identity, gender expression, age, the existence of a criminal record (either for which a pardon has been granted under the Criminal Records Act (Canada) and which has not been revoked and/or an offence under a provincial statute).

The Respondent who should have recognized that their behaviour was inappropriate will be considered responsible even if the Harassment in the workplace was involuntary.

The following is a non-exhaustive list of cases of harassment in the workplace:

- Making remarks, jokes or insinuations intended to belittle;
- Behaviour or conduct that the person knows or ought reasonably to know is causing harm, discomfort, offence or humiliation;
- Inappropriate body language or disrespectful gestures;
- Inappropriate communication by means of e-mail and/or acquisition, exhibition and distribution of inappropriate information from the Internet;
- Sexual touching, advances or solicitations;
- Posting offensive sexual material.

However, Harassment in the workplace does not include:

- Performance management, such as coaching, fair and equitable performance appraisals, performance improvement programs, justified and appropriate disciplinary measures;
- Fair and reasonable evaluation of the work performed by a colleague or subordinate;
- Assignment of additional work;
- Minor differences of opinion and/or occasional conflicts that do not escalate;
- Occasional displays of frustration or annoyance, when such behavior is justified and respectful, without threat of violence, intimidation or other reprisal;

- Reasonable measures taken by the Employer or managers in the course of managing and directing Employees or the Workplace.

Sexual Workplace Harassment: the fact that a person adopts, for reasons based on sex, sexual orientation, gender identity or gender expression, a course of conduct characterized by vexatious remarks or gestures against a worker in a Workplace when the person knows or ought reasonably to know that such remarks or gestures are unwelcome.

Sexual Harassment is also defined as the making of sexual solicitations or advances when a person is in a position to grant or deny a worker an advantage or promotion and knows or ought reasonably to know that such solicitations or advances are unwelcome.

Some examples of Sexual Harassment include, but are not limited to:

- any unwanted attention of a sexual or gender-related nature paid to a person or group by another person or group of the same or opposite sex who knows, or reasonably should know, that such attention is unwanted and unwelcome;
- any implied or expressed promise of reward for complying with a request or advance of a sexual nature;
- any implied or expressed threat or retaliation for refusing to comply with an implied or expressed request of a sexual nature;
- any behavior, verbal or physical, of a sexual or gender-related nature by a person that disrupts an individual's or group's work environment or creates an intimidating, hostile or offensive atmosphere.

Psychological Harassment: any vexatious behaviour that manifests itself in repeated

and hostile or unwanted conduct, words, acts or gestures that have an effect on the dignity, psychological or physical integrity of a person and that render his or her Workplace harmful.

This definition includes intimidation or “bullying”, which is persistent, aggressive, abusive, intimidating or insulting behaviour, abuse of power and unjust disciplinary sanctions that make a person feel threatened, humiliated and vulnerable, and that undermine their self-confidence or diminish their self-esteem and may cause them stress.

Psychological harassment need not be based on one of the prohibited grounds listed in the Ontario Human Rights Code.

Some examples of Psychological Harassment include, but are not limited to:

- discrediting a person, spreading rumors about them, ridiculing them, humiliating them, questioning their beliefs or private life;
- preventing a person from expressing themselves; by constantly interrupting them, preventing them from speaking to others;
- ceasing to speak to them altogether, denying their presence, distancing them from others;
- destabilizing a person by mocking their beliefs, tastes or political opinions;
- deliberately undermining or hindering a person’s work by withholding necessary information or consciously giving wrong information;
- aggressive behaviour, such as pointing, standing near a person in an aggressive manner, hitting the desk or a wall with a fist;
- verbally abusive behaviour, such as shouting, insults, threats or name-calling;

- spreading malicious rumours or lies;
- unreasonably criticizing someone's performance;
- messages, including telephone, e-mail, chat, and comments posted on websites that are threatening, derisive or defamatory.

Guidelines

Measures to Eliminate or Minimize Risks

Safe work procedures have been designed to make Employees aware of the risk of Workplace Violence, and to minimize the risk. Recorded procedures to this end include:

- Working alone or away from the office;
- Working in unfamiliar premises;
- How to deal with angry customers or colleagues;
- Parking lot safety;
- Safe travel practices.

Reporting Workplace Violence

1. An Employee who believes that they are a victim of workplace violence, who has witnessed it, who has knowledge of it or who has reason to believe that violent acts in the workplace may occur, must immediately forward the information to their supervisor/director.
2. Emergency situations requiring immediate intervention must be reported to the Employee's immediate supervisor/manager. In the event of serious or immediate threats, employees will receive information and instructions from management and, depending on the nature of the violent act, the appropriate law enforcement agency may be called upon to intervene.

3. Non-emergency situations such as threats or threatening behavior must also be reported promptly to the Employee's immediate supervisor/manager.
4. The Health and Safety Committee will be informed of cases of workplace violence within four (4) days of the incident; the Committee will review them and develop recommendations to eliminate potential risks and hazards.

If an allegation of workplace violence is made against a person who is not an Employee of the Town of Hawkesbury, the Chief Administrative Officer will take all reasonable measures in the circumstances, including, if appropriate, contact the appropriate authorized representatives, inform them of the allegations made against their Employee and request that they take appropriate action to ensure that Employees of the Town of Hawkesbury are not subjected to further acts of violence.

Reporting Workplace Harassment

Employees who feel they have been the victim of workplace harassment are encouraged to follow the procedures below:

1. Before filing a formal report of an incident, a person subjected to harassment in the workplace (the Complainant) should directly or with a third party inform the alleged offender (the Respondent) of their objections to the latter's behaviour.
2. A Complainant may request the support of a manager or human resources management to express their objections following the incident and/or complete and submit a formal complaint if they so desire.
3. The Complainant should take careful note of the details of the incident including the date and time of the incident, the nature of the incident and the names of those who may have witnessed it.
4. If the behavior does not cease after the Employee has spoken with that person, or at any time thereafter, the Complainant may choose to file a formal complaint

outlining the details of the charges with a director or the Human Resources manager.

5. Complaints should be made, as far as possible, within a reasonable period of time following the incident(s) complained of.
6. The Respondent shall be advised that the above procedures have been initiated and both parties should refrain from discussing the complaint with anyone other than those involved in the investigation.

Reporting or Complaint Procedure if the Immediate Superior is the Respondent

Report an incident or forward a complaint to the person responsible for human resources.

If the person responsible for human resources is the Respondent, submit the complaint to the Chief Administrative Officer.

If the Chief Administrative Officer is the Respondent, submit the complaint to Council.

If the Complainant is the Chief Administrative Officer, submit the complaint to a member of Council.

Confidentiality

Only those concerned, those involved in the various stages of the process or those who can shed light on the situation are informed of the complaint.

Strict confidentiality is a prerequisite for the investigation of incidents and the provision of appropriate support to all parties involved. Anyone who is informed of a case of violence or harassment must not divulge the details to a third party, unless disclosure is necessary to protect Employees, investigate the complaint or incident or take corrective action, or is required by law.

During the investigation, the Complainant, Respondent and potential witnesses shall not discuss the incident, complaint or investigation with each other or with other representatives or witnesses or anyone else, except as necessary to obtain advice on their rights.

The person in charge of the investigation may only discuss the investigation and reveal information relating to the complaint that is necessary for the purpose of the investigation.

Since gossip about an incident greatly threatens the right to privacy of all parties involved, it will not be tolerated. Anyone with questions or concerns about an incident should speak to a supervisor/director or the Human Resources Manager.

Investigating Complaints

Preliminary Examination of the Complaint

All reports of violence or harassment in the workplace will be seriously considered and documented. Allegations of Workplace Violence or Harassment will be subject to a preliminary review to confirm that the acts, behaviours or statements alleged in the complaint correspond to acts, behaviours or statements of Workplace Violence or Harassment, as defined in this Policy. If so, the complaint will be deemed admissible. If the complaint is admissible, it will be investigated. In such a case, the person designated by the Town will contact the Complainant in writing to inform him or her that the complaint is admissible and that it will be investigated confidentially. The Town's designee will then notify the Respondent in writing of the complaint against him, of the confidential investigation to which he will be subject, and of any other administrative measures adopted for the duration of the investigation, if applicable.

The appropriate type of investigation will vary according to circumstances and may involve the intervention of a competent law enforcement agency or other suitably

qualified person, depending on the needs assessment established by the Town of Hawkesbury which will take into account the nature of the act of workplace violence or harassment and the concerns of the employee(s) who experienced the situation.

If the acts, behaviours or comments alleged in the complaint clearly do not correspond to acts, behaviours or comments of Harassment or Violence in the workplace, as defined in the present Policy, the complaint will then be deemed inadmissible. In such a case, the person designated by the Town, as the case may be, will notify the Complainant in writing, thereby terminating the complaint process.

Inquiry Procedure

1. Upon receipt of an admissible complaint or report of workplace Violence or Harassment, the Chief Administrative Officer assigns the investigation to an internal or external person. The investigator ensures the confidentiality and impartiality of the investigation process.
2. The investigation may include the following :
 - a. Interviewing the Complainant and Respondent as soon as possible.
 - b. Interviewing witnesses.
 - c. Obtain written and signed statements from Complainant, Respondent and witnesses.
 - d. Ask all interviewees to avoid discussing the complaint or even its possible repercussions.
3. The investigator can draw one of the following conclusions ;
 - a. Sufficient evidence to conclude that a violation of this Policy has occurred.
 - b. Insufficient evidence to conclude that there has been a violation of this Policy.
 - c. No Policy violation.
4. The investigator prepares a report on their findings and forwards it to the Chief Administrator Officer.

5. The Chief Administrative Officer or designate informs the Complainant and Respondent in writing of the outcome of the investigation.

Record Keeping

Records relating to an investigation will be kept under lock and key by either the Chief Administrative Officer or the Human Resources Manager of the Town of Hawkesbury, as applicable, for two (2) years after the end of the employment relationship with the Employees concerned by the investigation, so that they can be inspected, if necessary, by any person directly affected by the incident or an Occupational Health and Safety Officer.

Documentation of any corrective action that may be taken will be placed in the affected employee's personnel file.

No information is recorded in the file of an employee who, in good faith, alleges that he or she is a victim of workplace violence or harassment.

Employee Responsibilities

Employees have the following obligations:

- Act respectfully toward others at work and in all work-related activities.
- Ensure their own immediate safety in the event of workplace violence, then report the incident to the police or a supervisor/manager, depending on the nature of the situation.
- Report any cases of workplace violence or harassment of which they become aware.
- Understand and comply with this Policy and all related procedures.
- Cooperate in any investigation and problem-solving activities related to this Policy.

- Participate in education and training programs and be able to respond appropriately to any case of harassment in the workplace.

Management Responsibility

Members of the management team have the following obligations ;

- Ensure the training and education of all employees in relation to this Policy.
- Foster a work environment free of violence and harassment.
- Designate an employee to act as workplace coordinator for workplace harassment issues and to ensure compliance with this Policy.
- Conduct a workplace risk assessment to identify the potential for violent incidents. The assessment must take into account situations found in similar workplaces, as well as those unique to the Town of Hawkesbury's work environment. The Health and Safety committee must be informed of the results of the assessment.
- Review all reports of workplace violence or harassment promptly, objectively and tactfully.
- Provide certain employees with information, including personal information, about a person with a history of violent behaviour if it is foreseeable that the employees will encounter this person in the course of their work and the risk of violence in the workplace is likely to expose them to bodily harm.
- To take all precautions reasonable in the circumstances for the protection of the employee if the Town of Hawkesbury becomes aware of a domestic violence situation that is likely to expose the employee to bodily harm in the workplace.
- To facilitate medical care and appropriate support for all persons directly or indirectly involved in a workplace incident.

Management Interventions

Reasonable interventions by managers in the supervision of the Town of Hawkesbury employees do not constitute forms of workplace harassment, for example:

- Reviews and constructive criticism of employee performance by supervisors and managers.
- Work assignments
- Differences of opinion expressed in a respectful and appropriate manner
- Implementation of health and safety measures
- Application of work instructions
- Performance management or improvement plans
- Performance appraisal and evaluation
- Disciplinary measures
- All other cases in which management functions are exercised to a reasonable extent and in accordance with the law.

Repercussions

No employee or other person connected with the Town of Hawkesbury will subject another person to Workplace Violence or Harassment or establish or allow conditions to exist that promote workplace violence or harassment. An employee of the Town of Hawkesbury who subjects another employee, customer or associate of the Town of Hawkesbury to workplace violence or harassment may be subject to disciplinary action, including immediate dismissal with cause.

In addition, disciplinary action that may include immediate dismissal with cause may be imposed on the following in the circumstances described below:

- Employees who make complaints in bad faith or in a vexatious manner.

- Employees who have knowingly or maliciously made an unfounded accusation under this Policy.
- Employees who breach their confidentiality obligations under this Policy.
- Employees who retaliate against anyone who reports an incident of Harassment or Violence in the workplace, files a complaint or participates in the investigation of a complaint under the Policy.
- Directors or managers who have knowledge of Harassment or Violence in the workplace and have tolerated it.

Reprisals

The Town of Hawkesbury will not tolerate retaliation against any employee who, in good faith, makes a complaint of workplace violence or harassment as defined in this Policy. These protections apply to any person who assists in the investigation of a complaint.

Employee Assistance

Employees who have experienced Violence or Harassment in the workplace will be referred to counselling services, or to the Employee Assistance Program. The employee is free to choose whether or not to use these services.

Alternative Format Support

The Town shall, on request, provide this document, or the information contained in this document, to any person in an accessible format or with communication support ;

- in a timely manner that considers the person's accessibility needs due to disability; and
- at a cost that is no more than the regular cost charged to other persons.

The Town shall consult with the person making the request to determine the suitability of an accessible format or communication support.

The time required to transfer the information depends on the chosen medium, size, complexity, quality of source material and the number of documents to be converted. Information will be provided as soon as possible taking into consideration the factors noted above.

Requests for alternative formats or supports may be submitted to the Town verbally (in person or by telephone) or in writing (handwritten, delivered, website, or e-mail) as follows:

- Communicating with the department Director responsible for providing the goods and services about which they require an alternative format
 - by mail posted to 600 Higginson Street, Hawkesbury ON K6A 1H1
 - by e-mail, addressed directly to the department Director
 - by completing a request for information specific to the department in question, via the Town's website's contact page, or the Town's mobile application's request module
 - by telephone, 613 632-0106
 - by making an appointment to meet in-person with the department Director
- Communicating with the Town Clerk
 - by mail posted to 600 Higginson Street, Hawkesbury ON K6A 1H1
 - by e-mail, addressed to infogreffe@hawkesbury.ca
 - by completing a request for information to the Clerk's Office, via the Town's website's contact page, or the Town's mobile application's request module
 - by telephone, 613 632-0106
 - by making an appointment to meet in-person with the Clerk at Town Hall



Policy N°: SST-P-2025-01
Service: HR
Object: Violence and Harassment
in the Workplace Policy

Compliance

In the event of a Policy violation, the Town can investigate and determine the appropriate corrective measures. The Town is committed to reviewing its policies in compliance with legislative requirements.