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Respect in the Workplace

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Purpose

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

Policy

This policy applies to all employees, contractors, consultants and members of Council. It applies in any location in which you are engaged in work-related activities. This includes but is not limited to:

- The workplace;
- During work-related travel;
- At restaurants, hotels or meeting facilities that are being used for business purposes;
- In company-owned or leased facilities;
- During telephone, e-mail or other communications;
- At any work-related social event, whether or not it is company sponsored.

This policy also applies to situations in which you are harassed or subjected to violence in the workplace from individuals who are not employees of the organization, such as customers and suppliers, although the available remedies may be constrained by the situation.

Definitions

Discrimination

Workplace discrimination includes any distinction, exclusion or preference based on the protected grounds in the Ontario Human Rights Code, which nullifies or impairs equality of opportunity in employment, or equality in the terms and conditions of employment.

- Race, color, ancestry, citizenship, ethnic origin or place of origin;
- Creed, religion;
- Age;
- Sex (including pregnancy and gender identity);
- Sexual orientation;
- Family, marital (including same-sex partnership) status;
- Disability or perceived disability;
- A record of offences for which a pardon has been granted under the federal Criminal Records Act and has not been revoked, or an offence in respect of any provincial enactment.

Sexual Harassment

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

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

Some examples of sexual harassment include:

- Sexual advances or demands that the recipient does not welcome or want;
- Threats, punishment or denial of a benefit for refusing a sexual advance;
- Offering a benefit in exchange for a sexual favour;
- Leering (persistent sexual staring);
- Displaying sexually offensive material, such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic Web sites or other electronic material;
- Distributing sexually explicit e-mail messages or attachments, such as pictures or video files;
- Sexually suggestive or obscene comments or gestures;
- Unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, clothing or sex;
- Persistent, unwanted attention after a consensual relationship ends;
- Physical contact of a sexual nature, such as touching or caressing;
- Sexual assault.

Discriminatory Harassment

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

Some examples of discriminatory harassment include:

- Offensive comments, jokes or behaviour that disparage or ridicule a person's membership in one of the protected grounds, such as race, religion or sexual orientation;
- Imitating a person's accent, speech or mannerisms;
- Persistent or inappropriate questions about whether a person is pregnant, has children or plans to have children;
- Inappropriate comments or jokes about an individual's age, sexual orientation, personal appearance or weight.

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.

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

- Displaying offensive or sexual materials, such as posters, pictures, calendars, websites or screen savers;
- Distributing offensive e-mail messages or attachments, such as pictures or video files;
- Practical jokes that embarrass or insult someone;
- Jokes or insults offensive, racist or discriminatory in nature.

Workplace Harassment

Workplace harassment is a health and safety issue that is covered under the Ontario Occupational Health and Safety Act.

The following definitions are taken from the Occupational Health and Safety Act:

Workplace Harassment -

1. Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known as unwelcome; or
2. Workplace sexual harassment.

Workplace Sexual Harassment -

3. 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
4. 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 incident 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;
- It results in a poisoned work environment.

In addition, behaviour that intimidates isolates or discriminates against the recipient may also be included.

Some examples of workplace harassment include:

- Verbally abusive behaviour, such as yelling, insults, ridicule and name calling, including remarks, jokes or innuendoes that demean, ridicule, intimidate or offend;
- Workplace pranks, vandalism, bullying and hazing;
- Gossiping or spreading malicious rumours;
- Excluding or ignoring someone, including persistent exclusion of a particular person from workplace-related social gatherings;
- Undermining someone else's efforts by setting impossible goals with short deadlines and deliberately withholding information that would enable a person to do his or her job;
- Providing only demeaning or trivial tasks in place of normal job duties;
- Humiliating someone;
- Sabotaging someone else's work;
- Displaying or circulating offensive pictures or materials;
- Offensive or intimidating phone calls or e-mails;
- Impeding an individual's efforts at promotions or transfers for reasons that are not legitimate;
- Making false allegations about someone in memos or other work-related documents.

Reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment:

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

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

It does not matter whether you intended to offend someone. The test of harassment is whether you know or should have known that the comments or conduct were unwelcome to the other person. For example, someone may make it clear through his or her conduct or body language that the behaviour is unwelcome, in which case you must immediately stop that behaviour.

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.

Workplace Violence and Domestic Violence

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

Workplace Violence

Workplace violence is defined under the Ontario Occupational Health and Safety Act as:

- (a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- (b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; and
- (c) 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.

It is defined broadly enough to include acts that may be considered criminal.

Workplace violence includes:

- Physically threatening behaviour, such as shaking a fist at someone, finger pointing, destroying property, throwing objects;
- Verbal or written threats to physically attack a worker;
- Leaving threatening notes or sending threatening e-mails;
- Wielding a weapon at work;
- Stalking someone;
- Physically aggressive behaviours, including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, throwing an object at someone, physically restraining someone or any other form of physical or sexual assault.

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.

Domestic Violence

If you are experiencing domestic violence that would likely expose you, or other workers, to physical injury that may occur in the workplace, we will take every precaution reasonable to protect you and your co-workers in the circumstances. This may include some or all of the following:

- Creating a safety plan;
- Contacting the police ;
- Establishing enhanced security measures, such as a panic button, code words, and door and access security measures;
- Screening calls and blocking certain e-mail addresses;
- Setting up priority parking or providing escorts to your vehicle or to public transportation
- Adjusting your working hours and location so that they are not predictable;
- Facilitating our access to counselling through the Employee Assistance Program or other community programs.

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-free 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).

The Corporation of the Town of Espanola's Commitment

The Town of Espanola 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 appropriate behaviour is and what 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 CAO / Treasurer if they receive a complaint of workplace harassment or violence, or witness or are aware of violent behaviour. Supervisors must take every reasonable precaution to protect employees from workplace violence, including evaluating a person's history of violent behaviour to determine whether and to whom this employee poses a risk. In making this evaluation supervisors should consider:

- Whether the person's history of violence was associated with the workplace or work;
- Whether the history of violence was directed at a particular employee or employees in general;
- How long ago the incidence of violence occurred.

In certain circumstances, supervisors may have a duty to provide information about a risk of workplace violence from a person with a history of violent behaviour if an employee can be expected to encounter that person during the course of his or her work and the risk of workplace violence is likely to expose the employee to physical injury. Supervisors will only release as much personal information about the person with a history of violent behaviour as is reasonable necessary to protect the employee from physical injury.

Duties of All 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.

You are also required to report to your supervisor the existence of any workplace violence or threat of workplace violence.

Duties of Supervisors

The role of the supervisor is to:

- Act as a resource and answer inquiries with respect to this policy;
- Discuss complaints on a confidential basis, unless the supervisor is required to release information by law, or where there is a risk of harm to you or another individual;
- 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;
- Engage in discussions with the respondent to see if the matter can be resolved informally.

To avoid any potential conflicts of interests, the supervisors are not involved in conducting formal investigations.

Supervisors are impartial and may provide assistance in facilitating a solution between two or more affected parties or assisting a complainant, respondent or witness during an investigation.

Supervisors are advocates for a respectful workplace – they are not advocates for a particular individual. Supervisors maintain confidentiality to the extent practicable and appropriate under the circumstances. They are not investigators under the policy, nor are they decision-makers.

In carrying out their duties under this policy, supervisors will be directly responsible to their Department Manager or in the case of a Department Manager to the CAO / Treasurer.

Procedure for Resolving and Investigating All Types of Harassment Complaints

Reporting Procedure

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 and what your response was.

If you believe that someone who is not a member of your organization; e.g., a customer, supplier, etc., has harassed or discriminated against you, please report the harassment to your

supervisor. Although the Town of Espanola has limited control over third parties, we will do our best to address the issue and prevent further problems from arising.

Reporting Complaints should be brought to your Supervisor or Department Manager who in turn will forward to the CAO / Treasurer or his/her designate for investigation.

If a Supervisor or Department Manager is the person engaging in the workplace harassment, contact the CAO/Treasurer or his/her designate. If the CAO/Treasurer or his/her designate is the person engaging in the workplace harassment, contact the Mayor and he/she will contact the Town's third party Human Resource Consultant to investigate.

If the complainant is the CAO/Treasurer, complaints should be brought to Council's attention in the form of a closed meeting of council under Section 239 of the Municipal Act. Council will determine whether to proceed with an internal or external investigation.

If you bring forward a complaint, provide as much information as possible, including the name of the person who you believe is harassing you, the place, date and time of the incident(s), and the names of any possible witnesses. A copy of the Workplace Respect Complaint Form is available from your supervisor or on the server at 'Common on toe':\Departmental Files\Forms and Templates\H99 Human Resources\H99-01614.

It is important that your complaint is received as soon as possible so that the problem does not escalate or happen again. Once a complaint is received, a formal investigation will be initiated if it is necessary and appropriate to do so.

Discrimination and harassment are serious matters. Therefore, if you decide not to make a complaint, the matter may still require an investigation. Steps may have to be taken to prevent further harassment. For example, an investigation may need to be continued if the allegations are serious or if there have been previous complaints or incidents involving the respondent.

All incidents or complaints of workplace harassment shall be kept confidential except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

Investigation Procedure

An internal or external investigator may be chosen, depending on the nature of the incident.

The investigation will include:

- Conducting interviews of relevant individuals to ascertain all of the facts and circumstances relevant to the complaint, including dates and location;
- Reviewing any related documentation; and/or
- Making detailed notes of the investigation and maintaining them in a confidential file.

It is our goal where possible; to complete any investigation and communicate the results to the complainant and respondent within 30 days after a complaint is received.

Corrective Action

The CAO / Treasurer or his designate will determine what action should be taken as a result of the investigation. The current Employee Discipline Policy H05-01374 will be applied to determine proper disciplinary measures. The complainant and respondent (if s/he is a worker of the employer) will be informed of the results of the investigation and of any corrective action that has been, or will be taken.

If a finding of harassment is made, the Corporation will take appropriate corrective measures, regardless of the respondent's seniority or position within the organization.

- Discipline, such as a verbal warning, written warning or suspension without pay;
 - Termination with cause;
 - Referral for counselling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect;
 - A demotion or denial of a promotion;
 - Reassignment or transfer; and/or
 - Financial penalties, such as the denial of a bonus or performance related salary increase
- Any other disciplinary action deemed appropriate under the circumstances.

If a finding of harassment is made against a member of Council, the member shall be suspended without pay for a minimum period of three months or any other more severe action that Council may choose to impose by resolution.

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 Espanola will, however, discipline or terminate anyone who brings a malicious complaint forward.

Recommendations will be provided with each investigation.

Procedure for Resolving and Investigating 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. You will be moved to a safe place as near as reasonably possible to your normal workstation and will need to be available for the purposes of investigating the incident. In some circumstances, subject to the provisions of the collective agreement you may be provided with reasonable alternative work during normal working hours.

In appropriate circumstances, we may contact the police, or other emergency responders as appropriate, to assist, intervene or investigate workplace violence. Details about the measures and procedures for summoning immediate assistance will be provided and may include:

- Equipment to summon assistance, such as fixed or personal alarms, locator or tracking systems, phones, cell phones, etc.;
- Emergency telephone number and/or e-mail addresses; and/or
- Emergency procedures

Provided the situation is dealt with quickly and the danger to workers is removed, the necessity of work refusal may be alleviated.

Investigation Procedure

You are required to report the existence of any workplace violence or threat of workplace violence to your supervisor, in a situation where a supervisor is involved, the report should be made to the Department Manager or directly to the CAO / Treasurer. If the CAO/Treasurer or his/her designate is the person engaging in the workplace harassment, contact the Mayor and he/she will contact the Town's third party Human Resource Consultant to investigate. An investigation will commence as quickly as possible. We may choose to use either an internal or an external investigator, depending on the nature of the incident.

The investigation will include:

- Conducting interviews of relevant individuals to ascertain all of the facts and circumstances relevant to the complaint, including dates and location;
- Reviewing any related documentation; and/or
- Making detailed notes of the investigation and maintaining them in a confidential file.

Once the investigation is complete, the investigator(s) will prepare a detailed report of the finding. A copy of the report will be provided to the Joint Health and Safety Committee.

Corrective Action

The CAO / Treasurer will determine what action should be taken as a result of the investigation, in the case where the CAO / Treasurer is involved a recommendation to Council by the Town's Human Resource Consultant will be made.

If a finding of workplace violence is made, The Town of Espanola will take appropriate corrective measures, regardless of the respondent's seniority or position in the organization.

Corrective measures may include one or more of the following:

- Discipline, such as a verbal warning, written warning or suspension without pay;
- Termination with or without cause;
- Referral for counselling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect;
- A demotion or denial of a promotion;
- Reassignment or transfer;
- Financial penalties, such as the denial of a bonus or performance related salary increase; and/or
- Any other disciplinary action deemed appropriate under the circumstances.

If a finding of workplace violence is made against a member of Council, the member shall be suspended without pay for a minimum period of three months or any other more severe action that Council may choose to impose by resolution.

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 Espanola will, however, discipline or terminate anyone who brings a false and malicious complaint.

Procedure for Addressing Domestic Violence

If you are experiencing domestic violence that would expose you to physical injury in the workplace, or if you are experiencing workplace violence or believe that workplace violence is likely to occur, you may seek immediate assistance by contacting your Supervisor. Your Supervisor will assist in preventing and responding to the situation.

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.

Protection from Retaliation

The Town of Espanola 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.



WORKPLACE VIOLENCE HAZARD ASSESSMENT FORM

This form is designed to help managers and employees conduct an assessment of the potential risk of violence associated with the activities carried out in their departments or areas, and to respond to any identified risks.

Part 1: Work Department/Area

Please describe your department/area and the types of activities/functions performed by employees in the department.

Part 2: History

1. Have there been incidents when employees in your department have experienced or been threatened with physical violence? NO, YES, please describe incidents.

2. Have there been incidents when employees in your department have experienced verbal abuse i.e. shouted at, obscene language, threats, or obscene phone calls? NO, YES, please describe incidents.

Part 3: Activities Which Might Expose Employees to Risk of Violence

3. Do employees in your department work with money or other valuables?
 NO, YES

4. Do employees in your department deliver or collect items of value? NO, YES, please describe

5. Do employees in your department deal with people who may be under the influence of drugs or alcohol? NO, YES

6. Do employees in your department deal with people who are deeply troubled or distressed?
 NO, YES

7. Do employees in your department monitor or regulate the activity of others or carry out procedures or make decisions which adversely affect others? NO, YES, please describe

8. Are employees in your department involved with activities that may elicit a negative or confrontational response? NO, YES, please describe

9. Are there other aspects of the work in your department that might spark a violent response? NO, YES, please describe

Part 4: Factors Which Increase the Risk of Violence

Definition: A person works alone when they work in a situation where they are out of sight and out of hearing of other employees.

10. Do any of your employees work alone during normal working hours? NO, YES, please describe

11. Do any of your employees work alone after normal working hours? NO, YES, please describe

12. Please describe any precautions already taken to safeguard employees of your department who work alone.

13. Please describe other factors which you feel might increase the risk of violence.

Part 5: Reducing the Risk of Violence

14. Please describe policies or procedures already in place to reduce the risk of violence in your department.



RESPECT IN THE WORKPLACE COMPLAINT FORM

Employee Name: _____

Position: _____

Department: _____

Supervisor: _____

Who initiated the incident:

Where and when did the incident take place *(provide specific details)*:

Description of incident *(provide specific details)*:

Did anyone witness the incident *(provide names/details)*:

Date: _____

Employee's Signature: _____

Date: _____

Supervisor's Signature: _____

CAO / Treasurer