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|  | <b>Corporate Guideline</b>                   |                    |
|   | Section:<br><b>Violence &amp; Harassment</b> |                    |
|   | <b>CG # OHS-043-03</b>                       | <b>Page 1 of 9</b> |
| Revision Date: December 2022  | Issue Date: June 2019                        |                    |
| Approved by: Corporate Leadership Team  | Review Date: December 2023                   |                    |

## PURPOSE

To implement and provide guidelines on how the Township of Wilmot ensures respectful, tolerant and harassment-free relationships and workplaces. The policy includes guidance for workplace violence and harassment prevention, reporting and investigation in compliance with the Occupational Health and Safety Act.

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## SCOPE

This guideline applies to all Township of Wilmot employees, Volunteer Firefighter, volunteers, Council members, local committee members, contractors, supplied labour and visitors. It applies to any location in which you are engaged in work related activities. These include but are not limited to the workplace, during work related travel (meeting facilities used for business purposes), township owned facilities, during telephone, email, virtual meetings or at any work-related social event.

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## DEFINITIONS

### Workplace Violence

- 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,
- 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.

### Workplace Harassment

- 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

- 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.

**Bullying** – when there is an imbalance of power; where someone purposely and repeatedly says or does hurtful things to someone else. Bullying can occur one on one or in a group(s) of people.

**Cyberbullying** – Involves the use of communication technologies such as the Internet, social networking sites, websites, email, text messaging and instant messaging to repeatedly intimidate or harass others.

**Workplace** – any land, premises, location or thing, at, upon, in or near which a worker works.

**Domestic Violence** – when a person who has a personal relationship with an employee (current or former spouse, family members, etc.) may physically harm or threaten to physically harm the employee at work.

**Conflict of Interest** – may arise in a situation where an investigation is conducted by a Township employee who is alleged to have played a part in the incident being investigated. It may also arise in a situation where an employee being interviewed as part of the investigation has a personal relationship with a party accused of misconduct, and provides false/misleading information to the investigator in furtherance of their own interests or those of the person with whom they have a personal relationship.

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## STANDARDS AND PROCEDURES

1. All employees will receive training on the workplace violence and harassment guideline, as outlined in this document. The supervisor must ensure that this guideline is reviewed with any new employees or staff.
2. This guideline prohibits workplace violence, bullying and harassment on Township premises, and at off-site locations, including, but not limited to off-site meetings or training, social situations related to work and social media platforms.
3. If at any time an employee who is working off-site finds themselves in an unsafe situation due to workplace violence, the employee should immediately leave the work site and report to their Supervisor.
4. A job hazard analysis / risk assessment shall be conducted to identify potential hazards and controls related to workplace violence. The Manager of Human Resources / Health and Safety (HR/HS) in conjunction with JHSC, Supervisors, and Managers will conduct the risk assessment.
5. Employees are not to engage in or ignore violent, threatening, intimidating or other disruptive or offensive behaviour.
6. Employees who are subject to harassment, verbal or physical abuse or threats of any kind, must immediately report the incident; see reporting section.

7. All reported incidents will be thoroughly investigated and documented. Corrective action appropriate in the circumstances will be taken; see corrective action section.
8. Supervisors must be sensitive to potential conflicts and problems in the workplace that may lead to abusive behaviours. These situations must be immediately addressed to diffuse these concerns or conflicts.
9. Any suspicious packages found in the workplace should not be moved and must be immediately reported to the Supervisor. See OHS-013 Emergency Response
10. Township of Wilmot maintains a full and total ban on the possession of weapons on Township premises or on Township vehicles or equipment. This includes weapons either kept or transported in any vehicle including personal vehicles on Township premises.

**Reporting**

1. If an employee believes they are being harassed (the complainant), or bullied they should tell the person to stop the behaviour (the respondent), either verbally or in writing, as soon as any unwelcome comments or conduct is received. If the complainant is not comfortable discussing with the respondent, they must notify their supervisor / Manager of HR/HS immediately; include name of person involved, what was said or done, possible witnesses, the date, time and location.
2. If an employee believes that they are being threatened or have experienced physical violence, this must be reported immediately to their Supervisor as soon as it is safe to do so. Please see HSF-042 for additional information on how to deal with potentially violent people. If at any time employees find themselves in an unsafe situation due to workplace violence, the employee should immediately leave the area and report to the Supervisor.  
**NOTE:** If a coworker believes, an employee is a victim of violence or harassment they must inform their supervisor.
3. If an employee has a concern regarding workplace violence or harassment, please report the concern as noted below.

| Complainant                         | Respondent               | Report (phone/video call, email, text or in person) to:   |
|-------------------------------------|--------------------------|---|
| Employee                            | Employee                 | Supervisor, or Manager of HR/HS   |
| Employee                            | Supervisor / Manager     | Department Head or Manager of HR/HS   |
| Employee                            | Manager of HR/HS         | Department Head or CAO  |
| Employee                            | Department Head          | CAO or Manager of HR/HS   |
| Employee                            | CAO                      | Mayor or Manager of HR/HS   |
| Employee                            | Mayor or Council         | Director of Information & Legislative Services, CAO or Manager of HR/HS and Integrity Commissioner                          |
| Supervisor, Manager of HR/HS and DH | Non-supervisory employee | Follow HR-005 Performance Management Guideline.<br>If the complaint is sexual harassment then a 3 <sup>rd</sup> party legal |

4. Domestic violence situations can also threaten the workplace. Employees who are involved in any domestic violence situations, are required to report this situation to their Supervisor. The Supervisor will consult with the Department Head, Manager of HR/HS and/or the CAO regarding what action if any, should be taken to reduce the risk of the domestic situation affecting the workplace.
5. Within 24 hours of a reported incident, steps shall be taken by the Township to ensure any immediate risk has been mitigated; non-immediate risks will be addressed in a timely manner.
6. Manager of HR/HS will maintain frequent communications with the complainant throughout the investigation to monitor their mental health and wellbeing and ensure they are aware of support services through benefits/employee assistance.

**Notifying Police**

1. If an employee feels they are in imminent danger of life or personal security or are witnessing an active situation, remove yourself from the dangerous situation and call 911
2. If you are involved in or witness a violent incident or threat of violence, Manager of HR/HS, or Department Head will notify the police as required.

**Investigation**

1. All reported incidents, whether formal or informal, will be taken seriously and a full investigation, HSF-043 Investigation Report Form, must occur as quickly as possible; outlined below.

| Complainant                               | Respondent               | Investigation / CA Team  |
|---|--------------------------|--|
| Employee                                  | Employee                 | Supervisor, Manager, Manager of HR/HS and/or Department Head*  |
| Employee                                  | Supervisor / Manager     | Manager of HR/HS and DH*   |
| Employee                                  | Manager of HR/HS         | 3 <sup>rd</sup> party legal, Corrective Action(CA) = DH and CAO  |
| Employee                                  | Department Head          | 3 <sup>rd</sup> party legal, CA = Manager HR/HS and CAO  |
| Employee                                  | CAO                      | 3 <sup>rd</sup> party legal, CA = Manager HR/HS, Mayor and Council   |
| Employee                                  | Council                  | Integrity Commissioner   |
| Employee                                  | Mayor                    | Integrity Commissioner   |
| Supervisor, Manager, Department Head, CAO | Non-supervisory employee | Follow HR-005 Performance Management Guideline. If the complaint is sexual harassment then a 3 <sup>rd</sup> party legal |

**\*Note:** If the complainant, the respondent or any member of the investigating team raises a conflict of interest with respect to members of the investigation team, the identified individual(s) will be excluded from the conduct of the investigation. The conflict of interest

must be identified as soon as is reasonable to the Manager of HR/HS. If the Manager of HR/HS has a conflict of interest, an external body shall conduct the investigation.

2. The investigation process may include:
  - interviewing the parties involved
  - interviewing witnesses
  - reviewing any relevant documents/files
3. The Manager of HR/HS will notify both the complainant and the respondent of the results of the investigation in writing.
4. If the complainant is not satisfied with the finding of an internal investigation, they may request an external investigation be conducted; the results from a external 3<sup>rd</sup> party investigation are final.
5. False allegations of workplace violence or allegations made in bad faith are a serious offence and will not be tolerated. An employee found responsible for this conduct will be subject to disciplinary action, as per HR-005 Performance Management, up to and including dismissal.

### **Confidentiality and Protection from Retaliation**

1. The sensitive nature of workplace violence and harassment complaints will be respected and all complaints will be kept confidential, to the extent that the employer/supervisor is able to do so. The Township of Wilmot will only release as much information as is necessary to investigate and respond to the complaint.
2. It is essential that the complainant, respondent, witnesses and anyone else involved in the investigation of a complaint maintain confidentiality through the investigation and afterwards.
3. The Occupational Health and Safety Act clearly prohibits reprisal, OHS Act s. 50(1) "because a worker has acted in compliance with the Act". The Township of Wilmot will not tolerate any form of reprisal against anyone who brings forth a complaint of harassment, sexual harassment, workplace violence, or takes part in an investigation. Any employee who violates this requirement will be subject to either last chance agreement or termination.

### **Corrective Action**

#### **Unconfirmed Allegation**

1. If the investigation does not substantiate the allegation, the Manager of HR/HS will,
  - Terminate the investigation
  - Withdraw the complaint, and
  - Advise both the complainant and the alleged offender
2. Disciplinary and corrective action may be taken in cases where the complaint is found to be malicious or part of repeated frivolous allegations as per HR-005 Performance Management Guideline.

### **Confirmed Allegation**

1. If the investigation does substantiate the allegation, the Township of Wilmot will take appropriate corrective measures regardless of the respondent's seniority or position in the Township. The Supervisor and Department Head along with Manager of HR/HS will determine and administer the corrective action(s) will be taken. Depending on the nature of the corrective action, the CAO and legal counsel may be involved in this process.  
**Note:** If the investigation is conducted by 3<sup>rd</sup> party legal, the findings will be reviewed by the investigation team; 3<sup>rd</sup> party does not make recommendations on corrective actions.
2. Corrective action(s) will depend on the nature/severity of the issue and must include one or more of the following:
  - Review of this guideline to ensure currency
  - Coaching or counseling for the complainant
  - Coaching or counseling for other affected individuals, as needed
  - A formal apology to the complainant and witnesses
  - Referral for counseling or attendance at training/education program
  - Demotion or denial of promotion
  - Reassignment for either the complainant or respondent, as feasible
  - Suspension without pay
  - Last Chance Agreement
  - Termination with or without cause
  - Police or other enforcement agency involvement
  - Any other disciplinary action deemed appropriate under the circumstances
3. Safety Plans for staff who need them due to workplace or domestic violence will be developed on a case by case basis by the Supervisor, Department Head and Manager of HR/HS.

### **Information about a Person with a History of Violent Behaviour**

1. Employers are required to provide employees with information including personal information related to a risk of workplace violence from a person with a history of violent behaviour. This applies only when the employee can be expected to encounter the violent person in the course of their work and the risk of violence is likely to expose the worker to physical injury.
2. Only personal information that is reasonably necessary to protect the employee from physical injury shall be disclosed. This might include information to allow employees to identify the person with the violent history and, if appropriate, the triggers of his/her potential aggression. This does not include disclosing medical information.
3. Supervisors and/or Department Heads shall consult with the CAO prior to disclosing personal information unless there is a serious and immediate danger to employees.

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## RESPONSIBILITIES

### **CAO / Corporate Leadership Team:**

- Champion initiatives to promote safe work environment, free of workplace violence and harassment.
- Not engage in any behaviour that would constitute workplace violence or harassment to other employees, contractors, clients or members of the public.
- Investigate all incidents of workplace violence real or perceived.
- Prohibit reprisal against anyone who brings forth a complaint of harassment, sexual harassment, workplace violence, or takes part in an investigation.
- Develop and promote a workplace guideline for violence and harassment.
- Ensure the guideline is posted in the workplace and conduct an annual review of this guideline.
- Ensure a job hazard analysis has been completed to assess the risk of workplace violence that may arise and implement controls.
- Reassess the risk of workplace violence as often as necessary to ensure the program continues to protect workers from workplace violence, bullying and harassment.
- Implement controls to reduce the risk of workplace violence in response to the job hazard analysis.
- Ensure implemented controls are effective.
- Provide information and instruction to employees regarding the workplace violence guidelines.
- Investigate all incidents of workplace violence real or perceived.
- Develop staff safety plans as needed

### **Managers/Supervisors:**

- Ensure the reporting, investigation and any corrective actions are complied with.
- Prohibit reprisal against anyone who brings forth a complaint of harassment, sexual harassment, workplace violence, or takes part in an investigation.
- Not engage in any behaviour that would constitute workplace violence or harassment to other employees, contractors, clients or members of the public.
- Participate in investigations as needed
- Conduct job hazard analysis, see OHS-023 Job Hazard Analysis and facilitate ongoing discussion on workplace violence/harassment issues with employees.
- Implement controls to reduce the risk of workplace violence in response to the job hazard analysis.
- Ensure implemented controls are effective
- Implement workplace safe operating process (SOP) including, but not limited to working alone, handling cash.
- Develop staff safety plans as needed

### **Manager of Human Resources / Health and Safety:**

- Not engage in any behaviour that would constitute workplace violence or harassment to other employees, contractors, clients or members of the public.

- Lead all investigations regarding workplace violence, harassment, unless it is determined that there is a conflict of interest, requiring the investigation to be conducted by external body.
- Provide guidance and resources for workplace violence or harassment corrective actions and ensure consistency in determination and administration.
- Prohibit reprisal against anyone who brings forth a complaint of harassment, sexual harassment, workplace violence, or takes part in an investigation.
- Review job hazard analysis on an annual basis
- Ensure all new hires receive Workplace Violence and Harassment training.
- Ensure annual Senior Management review of violence and harassment guideline
- Ensure annual employee training of violence and harassment guideline
- Ensure annual renewal of staff to Workplace Violence and Harassment commitment
- Develop staff safety plans as needed

#### **JHSC:**

- Not engage in any behaviour that would constitute workplace violence or harassment to other employees, contractors, clients or members of the public.
- Participate in job hazard analysis and training programs.
- Review workplace violence incident reports that result in personal injury or threat of personal injury, or property damage.
- Respond to employee concerns related to workplace violence and communicate these to management.
- Participate, when necessary, in the investigation of reported incidents that result in personal injury or have the potential to result in injury.

#### **Employees:**

- Not engage in any behaviour that would constitute workplace violence or harassment to other employees, contractors, clients or members of the public.
- Participate in training programs.
- Follow established guidelines and worksite practices for the prevention of violence, bullying and harassment.
- Report incidents of violence or threats of violence to the supervisor, including domestic violence that is likely to expose a worker to physical injury in the workplace.
- Inform supervisors of any concerns of potential for violence in the workplace.
- Cooperate and assist during the investigation of workplace violence incidents when requested.

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## **COMMUNICATION**

This guideline is communicated to all employees through:

- New employees – new hire training
- Annual employee training
- Post guideline on HS Board
- Coaching of employees found to have contravened this guideline
- Posted on Township website

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## **EVALUATION**

Printed copies are NOT CONTROLLED



- Compliance regarding this guideline is monitored regularly as part of the overall responsibilities of Supervisory staff.
- This guideline will be reviewed annually.

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## REFERENCES

Definitions for bullying and cyberbullying

<http://www.rcmp-grc.gc.ca/cycp-cpcj/bull-inti/index-eng.htm>

Job hazard analysis and controls – CCOHS Violence in the Workplace Prevention Guide

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## REVISION LOG

| Revision Date | Description   |
|---------------|---|
| June 2019     | Initial release   |
| March 2021    | Updated purpose, scope, existing definitions<br>Added:<br>Risk assessment conduct,<br>If the complainant is not comfortable discussing with the respondent, they must notify their supervisor and Manager of Human Resources / Health and Safety immediately.<br>Guidelines related to conflict of interest<br>Reference to 3 <sup>rd</sup> party legal<br>What to do if complainant not satisfied with internal investigation.<br>Determination and administration of corrective actions.<br>Staff Safety Plan<br>Reprisal statement<br>Responsibilities for CAO, Senior Management, Managers, supervisors, Manager of Human Resources / Health and Safety, JHSC<br>Communication on Township website<br>Removed Appendix; created new document and referenced above HSF-042 |
| June 2021     | Added conflict of interest definition<br>Include information surrounding timelines for communication after complaint identified/received<br>Identify who determines corrective actions when investigation completed by 3 <sup>rd</sup> party  |
| December 2022 | Change Senior Management Team to Corporate Leadership Team  |