



CORPORATE POLICY

POLICY NO. 01-05-01	DEPARTMENT Administration
SUBJECT Workplace Harassment Policy	EFFECTIVE DATE June 14, 2010
APPROVED BY Resolution No. 190-2010	PAGES 1 of 4
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POLICY STATEMENT

It is the policy of The Corporation of the Municipality of Oliver Paipoonge to provide a work environment in which all individuals are treated with respect and dignity. The Municipality of Oliver Paipoonge will not tolerate, ignore or condone any form of discrimination or harassment/bullying and is committed to promoting appropriate standards of conduct at all times. All employees are responsible for respecting the dignity and rights of their co-workers and public they serve. The employer is responsible for the prevention and elimination of harassment in the workplace. Discrimination and harassment are serious forms of employee misconduct which constitutes a disciplinary infraction and shall be dealt with appropriately.

APPLICATION

The Workplace Harassment Policy applies to all employees of the Corporation, as well as to volunteers, co-op placement personnel, students, agents of the Corporation, consultants, contractors, members of Council, visitors to Municipality facilities and individuals conducting business with the Corporation. Everyone is expected to uphold this policy and to work together to prevent workplace harassment.

PURPOSE

The purpose of this Corporate Policy is to meet the legislative requirements of the amendments to *The Occupational Health and Safety Act* enacted under *Ontario Bill 168 (Chapter 23 Statutes of Ontario, 2009)*.

To establish procedures for employees of the Corporation who believe that they are being harassed by an agent of the Corporation or by another employee.

DEFINITIONS

Workplace harassment means engaging in a course of vexatious comment or conduct against a worker in a workplace – a comment or conduct that is known or ought reasonably to be known to be unwelcome.

Examples of harassment include but are not limited to:

- (a) Racial or ethnic slurs
- (b) Unwelcome remarks, jokes, taunts, insults or suggestions, about a person's ethnic or racial origin, sexual orientation, or any characteristics on the grounds of which discrimination or harassment is prohibited
- (c) Displays of pictures or materials that are offensive, derogatory or discriminatory with respect to any prohibited grounds
- (d) Unwelcome or unnecessary physical contact
- (e) Physical assault
- (f) Reprisals based on political or labour group affiliations

Note: A series of seemingly minor offences can constitute harassment even though each offence in and of itself does not seem serious. Frequency of occurrence, repeated offences or a pattern of offensive behaviours are considerations in determining whether or not a person's behaviour constitutes harassment.

Sexual harassment in addition to the foregoing includes sexual comments or conduct, or a solicitation or advance, or reprisal or threat or reprisal for the rejection or a sexual solicitation or advance, where the person engaging in the behaviour knows or ought reasonably to know that the solicitation or advance is unwelcome.

Psychological harassment is bullying or humiliating behaviour that is generally repetitive in nature; is hostile, abusive or inappropriate; affects the person's dignity or psychological integrity and results in a poisoned work environment.

This policy is not intended to limit or constrain the reasonable exercise of management functions in the workplace. Harassment does not include the reasonable conduct or actions of Supervisors or Managers intended to provide employee discipline, such as deficiency notices, performance evaluations, verbal warnings, reprimands or other supervisory actions intended to improve performance.

RESPONSIBILITIES

Supervisory personnel are responsible to ensure that the guidelines set out in this policy are implemented and adhered to. They will take all reasonable measures to prevent discrimination and harassment/bullying from happening and to provide a workplace that is free from discrimination and harassment. Furthermore, supervisory personnel will set a good example ensuring that his/her own actions respect the rights and dignity of his/her subordinates and co-workers and cannot be misconstrued as discrimination and harassment/bullying. Finally, supervisors will ensure that employees in his/her department are aware of and familiar with this program and act immediately on observations or allegations of discrimination or harassment/bullying.

All employees must comply with this Program and should discourage and report, either informally or formally any instances of workplace discrimination or harassment/bullying that they have either witnessed or been the subject of. All employees have a right to make a harassment complaint and a right to a review of a complaint without fear of retaliation.

Once a complaint has been initiated, all parties involved must ensure that the matter remains confidential and that the rights, dignity and privacy of all parties are respected.

AVENUES OF COMPLAINT

Depending on the circumstances, an employee may choose any of the following avenues of complaint:

(a) Informal Action

The employee may wish to attempt to resolve the problem him/herself without filing a formal complaint. This can include advising the harasser verbally or in writing that the conduct or comment is not welcome and will be reported unless it is stopped immediately. The employee is also advised to keep a record about the incidents including when and where it happened and who was present. Clearly stating the objection in a letter or memo to the alleged harasser can be a good record of events. If an employee is not comfortable addressing the harasser on his/her own they should then tell the supervisor. A plan of action can then be agreed upon and a follow up meeting scheduled.

(b) Formal Action

If the employee is not satisfied or cannot affect a resolution from their immediate supervisor, the employee may request a formal review and investigation by the CAO. The Complainant must provide the CAO with a written statement giving details of the incident and authorization to proceed with a formal review. The complaint must be filed within a period of thirty (30) working days from the time of the alleged incident(s) – unless exceptional circumstances justify a delay. However, it is recommended that the

complaint be filed as quickly as possible. When the written statement is received, the CAO, where appropriate, will inform the alleged offender of the complaint, and provide him/her with a written copy within five (5) working days of its submission.

INVESTIGATION

The Corporation has the responsibility to respond within five (5) days upon a receipt of a formal complaint of harassment. The manager and/or CAO will coordinate the Corporation's response. Depending on the nature of the allegations, the Corporation may choose to retain an outside investigator. If the investigation is completed by the CAO, the parties will be interviewed separately at the first available opportunity. The employee against whom the complaint is directed or who is enquiring as to the appropriateness of his/her conduct shall have the opportunity to submit a written response within five (5) working days of the notification of the investigation. All appropriate witnesses identified by the parties, and any appropriate individuals who may have knowledge about the complaint will be interviewed. All parties interviewed shall be advised that any information obtained with respect to the complaint shall be kept confidential, except where disclosure is necessary for investigation or disciplinary action, or as required by law. A report of the investigation shall be submitted within thirty (30) working days after the investigation has been completed for review and decision by the CAO or the appropriate Committee of Council, as necessary. In the event the complaint is against the CAO, that individual would be excluded from the process and the investigation would be made directly by council and another supervisor.

EMPLOYEE PROTECTION MEASURES

Nothing in this policy prevents or discourages a worker from filing an application with the Human Rights Tribunal of Ontario on a matter related to Ontario's Human Rights Code within one year of the last alleged incident. A worker also retains the right to exercise any other legal avenues that may be available. An employee may contact the Tribunal through one of the following methods:

- (a) Human Rights Tribunal of Ontario
Toronto Office – 416-326-1312 (TTY: 416-326-2027)
Toll Free at 866-598-0322
Email: www.hrto.ca
- (b) Canadian Human Rights Tribunal
Ottawa Office – 613-995-1701 (TTY: 613-947-1070)
Email: registrar@chrt-tcdplgc.ca