

Administrative Procedure Name	Workplace Harassment and Discrimination Prevention	Administrative Procedure Number	HSA003-04
Effective Date	September 26, 2016	Revision Date, Approved by CAO	January 4, 2024
Related Administrative Procedure or Policy	Workplace Violence Prevention, Refuse Unsafe Work, Respectful Workplace, Code of Conduct, Discipline, Rzone		

Intent:

Workplace harassment and discrimination undermines our values of mutual respect, tolerance, and goodwill. For this reason, the Township’s commitment is to create a workplace that is free from harassment and discrimination within the meaning of the *Ontario Human Rights Code* and the *Occupational Health and Safety Act*.

Procedure:

A. Scope

This administrative procedure applies to all Township of Centre Wellington employees, elected officials, volunteers, students, contractors, clients of Township services, any person engaged in business with the Township, and visitors to Township properties.

For purposes of this administrative procedure the workplace includes all places where the Township of Centre Wellington does business, including:

- Any land, premises, location or thing at, upon, in or near which a worker works
- Township-sponsored functions and recreational or social events, whether taking place on Township grounds or elsewhere, and
- Travel for Township business.

The Township’s *Workplace Violence Prevention Administrative Procedure* should be consulted regarding issues of workplace violence.

B. Definition

Workplace Harassment

Workplace harassment includes but is not limited to mean:

- 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
- Includes sexual harassment, as well as solicitation and advances by superiors where the superior ought to reasonably know that the advance is unwelcome
- Conduct that may include teasing, intimidating or offensive jokes or innuendos, displaying or circulating offensive pictures or materials, or offensive or intimidating phone call or emails, and

- Bullying which is defined as the misuse of power or position to persistently criticize and condemn, and
- To openly humiliate, undermine and embarrass an individual's ability.

Some examples of behaviours that constitute harassment include:

- Making remarks, jokes or innuendos that demean, ridicule, intimidate, or offend
- Displaying or circulating offensive pictures or materials in print or electronic form
- Bullying
- Repeated offensive or intimidating phone calls, emails or texts, and
- Workplace sexual harassment.

Workplace Sexual Harassment

Workplace sexual harassment is a form of discrimination. It is also one of the most prevalent forms of harassment.

Workplace sexual harassment includes but is not limited to mean:

- 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, and
- 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.

Some examples of behaviours that constitute sexual harassment include:

- Sexual advances or demands that are not welcome or wanted
- Threats, punishment, or denial of a benefit for refusing a sexual advance
- Offering a benefit in exchange for a sexual favour
- Leering or inappropriate gestures
- Displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic websites or other electronic material
- Distributing sexually explicit email messages, or attachments, such as pictures or video files
- Sexually suggestive or obscene comments or gestures
- Unwelcome remarks, jokes, innuendos, 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, and
- Sexual assault.

The test of whether harassment has taken place is whether the harasser knew or should have known that the comments or conduct were not welcome.

Where the conduct or behaviour includes inappropriate sexual touching, this may also constitute a criminal offence such as sexual assault. In such cases notify the police.

Discrimination Harassment

Discriminatory harassment includes, but is not limited to, comments or conduct based on the protected grounds in the *Ontario Human Rights Code* (“protected grounds”), which you do not welcome or that offend you. These protected grounds include:

- Age
- Ancestry, colour, race
- Citizenship
- Ethnic origin
- Place of origin
- Creed, religion
- Disability
- Family status
- Marital status
- Gender identity, gender expression
- Record of offences
- Sex (including pregnancy and breastfeeding)
- Sexual orientation

Some examples of discriminatory harassment include:

- Offensive comments, jokes or behavior that disparage or ridicule a person's membership in one of the protected grounds, such as race or religion
- 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, and
- Inappropriate comments or jokes about an individual's age, sexual orientation, personal appearance or weight (whether they are under or overweight).

The test of whether harassment has taken place is whether the harasser knew or should have known that the comments or conduct were not welcome.

C. Zero Tolerance

The Township of Centre Wellington values the health and safety of its employees, volunteers and students and expects that its workplaces will be free of workplace harassment and discrimination.

The Township will not tolerate incidents of workplace harassment or discrimination perpetrated against or by any employee, volunteer, student, customer, vendor, contractor, visitor or any other person at a Township workplace or involved in Township business.

D. Responsibilities and Obligations

It is the responsibility of the Township of Centre Wellington:

- To take reasonable preventative measures to protect employees and others in Township workplaces from harassment and discrimination
- To ensure that all employees are trained in this administrative procedure
- To post this administrative procedure in a conspicuous place in the workplace
- To ensure that this administrative procedure is communicated to volunteers, contractors and other persons who regularly attend Township workplaces, and
- To establish a process for reporting and responding to incidents of workplace harassment and discrimination and the process is communicated, maintained and followed.

It is the responsibility of managers and supervisors:

- To understand, abide and uphold the requirements of this administrative procedure
- To communicate and review this administrative procedure with the employees they supervise or manage
- To verify that all volunteers, contractors and others who regularly attend Township workplaces are aware of this administrative procedure
- To encourage employees to report complaints or incidents of workplace harassment or discrimination
- To promptly report all complaints or incidents of workplace harassment or discrimination they receive or witness to their Managing Director and/or the Chief Human Resources Officer
- To ensure that every reported incident of workplace harassment or discrimination is investigated
- To take all reasonable and practical measures to protect workers who report workplace harassment or discrimination or act as witnesses, from reprisal or further harassment or discrimination, and
- To maintain confidentiality wherever possible.

It is the responsibility of employees:

- To comply with this administrative procedure at all times
- To treat everyone in the workplace with dignity and in a manner that is respectful
- To immediately notify their supervisor or other designated person of an incident where the employee is subjected to, witnesses, or has knowledge of workplace harassment or discrimination
- To participate in training regarding this administrative procedure, and
- To fully cooperate in any investigation of complaints or incidents of workplace harassment or discrimination.

E. Complaint Procedure

Should an employee feel they have been harassed or discriminated against, the following options are available:

1. Informal Process

A person may choose to communicate their concerns directly to the person that certain behaviours, remarks, or communications are unwelcome and/or treating them differently on the basis of one of the grounds (as listed in this administrative procedure).

If the person is not an employee, e.g., a customer, supplier, etc., report the incident to a supervisor. Although there is limited control over third parties, the employer will take every measure reasonable in the circumstances to address the issue.

2. Formal Process

Where the matter is not resolved through the informal stage, or where the process is bypassed, a person may file a formal complaint.

The complainant is encouraged to provide a written complaint to their supervisor wherever possible in which they explain the incidents giving rise to the allegations of harassment or discrimination.

Where the alleged harasser is the direct supervisor, the person should speak directly to the Chief Human Resources Officer (CHRO) or the Chief Administrative Officer.

In the case the supervisor has resolved the issue, they will advise the CHRO about the complaint and its resolution. This will enable Human Resources to be aware of and respond to any pattern of harassment by a particular individual.

In the case the supervisor cannot resolve the complaint, or if it is too serious to handle at that level, the complainant will be referred to the CHRO.

The CHRO will explore options with the complainant. These options may include counselling on how to resolve the problem with the individual, educating the person with whom you are having difficulty, or assisting the complainant in making a formal complaint.

If a formal complaint is initiated, as much written information as possible is needed including the name of the alleged harasser, the place, date and time of the harassment and the name of any possible witnesses.

It is important to receive a complaint as soon as possible so that the problem doesn't escalate or happen again. Once the complaint is received, a formal investigation, if it is necessary and appropriate to do so, will be undertaken.

Harassment is a serious matter. If a formal complaint is not received, Human Resources may still investigate, especially if the allegations are particularly serious or there have been previous complaints or incidents involving the alleged harasser.

F. Investigating Workplace Harassment or Discrimination

All complaints or incidents of workplace harassment or discrimination or reprisal will be promptly investigated by management and/or the CHRO. Depending on the nature of the complaint, an external investigator may be utilized.

The management or Human Resources investigation will include:

- A documented interview with the complainant and/or respondent
- A documented interview with the alleged perpetrator(s)
- A documented interview with any witnesses with relevant information to provide, and
- Any other step the investigator(s) deems necessary to fully and fairly investigate the complaint or incident.

At the conclusion of the investigation into an incident or complaint, management and/or the CHRO will prepare a written report of the findings of fact. The results of the investigation and any disciplinary or corrective action will be provided in writing to the complainant and the respondent.

Where the perpetrator is a Township employee, the supervisor of the perpetrator, in consultation with management and/or the CHRO, will take any necessary disciplinary action. The severity of the disciplinary action, which may include dismissal from employment, will be consistent with the seriousness of the conduct at issue such that more significant discipline will follow more serious conduct or repeated violations of this administrative procedure.

The Township's goal is to complete an investigation within thirty (30) days after receipt of the complaint.

G. Confidentiality

The Township recognizes the importance of confidentiality for all parties involved in a complaint of harassment or discrimination. The Township will make every reasonable effort to balance confidentiality with its legal responsibility to provide a workplace that is free from harassment and discrimination.

All information is kept confidential except as outlined in the above procedures, e.g., where specified individuals must be notified of any formal complaint, where the need to interview witnesses, etc. Complainants, respondents and witnesses to an incident or complaint are advised that information pertaining to the investigation must be held in strict confidence.

H. No Reprisal

This administrative procedure prohibits reprisals against employees, acting in good faith, who report incidents of workplace harassment or discrimination or participate in the investigation process. Employees who engage in reprisal or threaten reprisal may be disciplined up to and including dismissal from employment.

Reprisal includes:

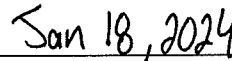
- Any act of retaliation that occurs because a person has complained of or provided information about an incident of workplace harassment or discrimination
- Intentionally pressuring a person to ignore or not report an incident of workplace harassment or discrimination, and
- Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of workplace harassment or discrimination.

I. Administrative Procedure Review

This administrative procedure will be reviewed as often as is necessary, but at least annually.



Dan Wilson
Chief Administrative Officer



Date

Authority

Occupational Health and Safety Act, R.S.O. 1990, c. O.1

Human Rights Code, R.S.O. 1990, c. H-19