

**CORPORATION OF THE VILLAGE OF SUNDRIDGE**

**BY-LAW NO. 2019-003**

Being a By-law to Establish a Workplace Violence, Harassment,  
and Sexual Harassment Policy

**WHEREAS** Section 32.0.1 of the *Occupational Health and Safety Act*, requires Employers to prepare a Policy respecting workplace violence and a Policy respecting workplace harassment; and

**WHEREAS** the Village of Sundridge has prepared a Workplace Violence Policy and a Workplace Harassment Policy; and

**WHEREAS** Council deems it necessary to update existing Policies with respect to Workplace Violence, Harassment and Sexual Harassment in order to be compliant with current statute;


**NOW THEREFORE** the Council of the Corporation of the Village of Sundridge hereby enacts as follows:

1. That the Council of the Corporation of the Village of Sundridge approves the "Workplace Violence, Harassment, and Sexual Harassment Policy", attached hereto as Schedule "A";
2. That this By-law shall take effect on the date of its passage;
3. That By-law 2015-014, being a By-law to adopt a Workplace Violence Policy for the Corporation of the Village of Sundridge, be rescinded; and
4. That By-law 2015-015, being a By-law to adopt a Workplace Harassment Policy for the Corporation of the Village of Sundridge, be rescinded.

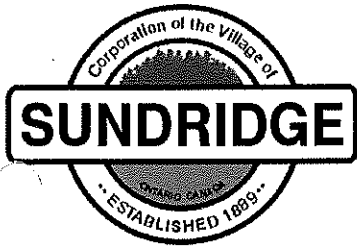
PASSED THIS 23 DAY OF JANUARY, 2019



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Lyle Hall, Mayor



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Nancy Austin, Deputy Clerk



# Village of Sundridge Corporate Policy

Schedule "A" to By-law No. 2019-003

<b>POLICY:</b> Workplace Violence, Harassment, and Sexual Harassment Policy	<b>COUNCIL APPROVAL DATE:</b> January 23, 2019
<b>POLICY NUMBER:</b> HR-2019-002	<b>RESOLUTION NUMBER:</b> #2019-029.06
<b>SUPERCEDES POLICY NUMBER:</b>	<b>REVISION DATE:</b>

## 1. POLICY STATEMENT:

The Corporation of the Village of Sundridge is vitally interested in health and safety of its employees. Protection of employees from injury is a continuing objective. The Corporation of the Village of Sundridge will make every effort to provide a safe and healthy work environment. All workers and officials must be committed to the ongoing objective of reducing or eliminating risk of injury.

## 2. PURPOSE:

This Policy serves to establish prohibitions against workplace harassment, workplace violence, and workplace sexual harassment and to create a violence and harassment-free environment through involvement and inclusion. It is essential that an environment of trust and respect be established and that a mechanism for reporting any contrary behaviour be created for prompt resolution.

## 3. SCOPE:

This policy applies to workers, officials, and to a limited extent to members of the public. Each of these stakeholders is expected to participate in creating a respectful workplace that is free of discrimination, violence, and harassment.

## 4. DEFINITIONS:

- a) **"Official"** means a person who holds public office or participates as a member on a Council Committee, whether elected or appointed to that committee.
- b) **"Worker"** means any of the following;
  - i) a person who performs work or supplies services for monetary compensation for the Municipality.

- ii) a secondary school student who performs work or supplies services to the Municipality for no monetary compensation under a work experience programs authorized by the school board that operates the school in which the student is enrolled.
  - iii) a person who performs work or supplies services to the Municipality for no monetary compensation under a program approved by a college of applied arts and technology, university or other post-secondary institution.
  - iv) a person who receives training from the Municipality, but who, under the *Employment Standards Act, 2000*, is not a worker for the purposes of the Act because the conditions set out in subsection 1(2) of that Act have been met.
  - v) any other persons who perform work or supply services to the Municipality for no monetary compensation.
- c) **“Workplace”** means any land, premises, location or thing in, at, upon or near which a worker works including the site where the worker is customarily employed and all other places which;
- i) result from employment responsibilities or employment relationships, locations at work-related social functions, off-site work assignments, work-related conferences or training sessions, and work-related travel; or
  - ii) affect relationships in the workplace such as the Internet, including, but not limited to chat rooms, social networking sites, blogs, and gaming sites.
- d) **“Workplace harassment”** means;
- i) 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
  - ii) workplace sexual harassment.
- Workplace harassment includes, but is not limited to, any inappropriate conduct, comments, action, display or gesture which is made on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, nationality, religion, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, disability, physical size or weight and constitutes a threat to the physical or psychological health or safety of an individual.
- e) **“Workplace sexual harassment”** means;
- i) 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
  - ii) 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 sexual harassment may include:

- a) a direct or implied threat of reprisal for refusing to comply with a sexually-oriented request;
  - b) unwelcome remarks, jokes, innuendos, propositions or taunting about a person's body, attire, sex or sexual orientation;
  - c) displaying pornographic or sexually explicit pictures or materials;
  - d) unwelcome physical contact;
  - e) unwelcome invitations or requests, direct or indirect, to engage in behavior of a sexual nature; or
  - f) refusing to work with or have contact with individuals because of their sex, gender or sexual orientation.
- f) **"Workplace violence"** means;
- 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.

## 5. POLICY DETAILS:

### 5.1 Policy Exclusions

This Policy does not extend or apply to:

- a) Reasonable action or conduct that is part of the normal work function, even if in the course of carrying out that function a worker suffers unpleasant consequences. This might include changes in work assignments, job assessment, changes in scheduling, performance management and evaluation, policy implementation and discipline.
- b) Harassment that arises out of circumstances unrelated to a worker's employment not reasonably expected to affect relationships in the workplace.
- c) Physical contact necessary for the performance of the work using accepted industry practices.
- d) Conduct which all parties agree is inoffensive or welcome.

## 5.2 Reporting Policy Violations

Violations of this Policy must be reported in order to uphold the integrity and reputation of the organization and to protect victims or potential victims. Reporting is required when you experience or witness a violation or any situation which raises concerns about risks to the Municipality. Reporting provides an opportunity to correct specific problems and identify areas which require improvement.

If you believe that a violation has occurred, report the situation immediately to the Municipality's highest-ranking officer (CAO, Clerk, Clerk/Administrator, etc.). Where the complaint is against the Municipality's highest-ranking officer, all of Council or a member of Council, you may report the situation to the Municipality's Integrity Commissioner.

Where possible, the complaint should be made in writing and include the following details:

- The incident – a description of the events or situation
- When the incident happened including dates and times
- Where the incident happened
- Names of any witnesses

If warranted, the recipient of the report will notify police or emergency responders for immediate assistance where incidents of workplace violence are reported. If the incident results in worker injury with lost time, the recipient of the report will submit a report to the Ministry of Labour.

## 5.3 No Derogation of Rights

This Policy does not affect any individual's rights to:

- a) contact the police or other law enforcement agency on their own initiative;
- b) exercise their rights(s) under any legislation including their right to refuse unsafe work as provided by the Ontario *Occupational Health and Safety Act*; or
- c) take any other available legal action.

## 5.4 No Reprisal

Any report of a violation of this Policy shall be made without reprisal. The Municipality does not permit or support reprisal against any individual who makes a report or participates in an investigation of an alleged violation of this Policy if made in good faith. Reports made in a genuine and honest attempt to provide information, even if mistaken, shall be without reprisal.

## 5.5 Malicious Reports

A report made by any individual where the circumstances are knowingly false will result in appropriate action for the individual making the report including disciplinary measures up to and

including termination of employment with the Municipality. The onus shall be on the employer to prove that a report has been falsely filed.

## **5.6 Investigations**

All reports of violation of this Policy will be promptly investigated in a manner appropriate in the circumstances. For the purposes of this section, the following definitions apply:

“complainant” means the person who has made a report about another individual whom is believed to have violated the Policy.

“respondent” means the person whom another individual has alleged to have violated this Policy.

If necessary, the Municipality may employ outside assistance or consult with the Municipality’s legal counsel. When the Municipality’s legal counsel is assisting the Municipality’s highest-ranking officer or another worker, their role is to assist the Municipality and not any particular individual.

In the event of a complaint against an official, the rules concerning breach of the Municipality’s Code of Conduct or other applicable codes or procedures and relevant legislation will apply to any investigation and or disciplinary measure under this Policy.

## **5.7 Investigation Components**

The Municipality’s investigation of reported violation of this Policy will include:

- An initial review of the complaint to ensure it correctly alleges a breach of this Policy;
- Informing the respondent of the complaint;
- Interviews with the complainant or any person(s) involved in the incident including any witnesses;
- Interviews with any other person(s) who may have knowledge of the incident(s) related to the report or any similar incidents; and
- Review of any relevant documents.

If warranted, the respondent’s employment with the Municipality may be suspended with pay during all or part of the Municipality’s investigation.

Once the investigation is complete, the Municipality will inform in both the complainant and respondent of the findings of the investigation, in writing, along with any corrective action that has been or will be taken as a result of the investigation.

## **5.8 Corrective Action**

If it is determined that any form of harassment has occurred, appropriate corrective measures will be taken as soon as possible. Such measures may include:

- a letter of apology or performance agreement, subject to agreement by the parties;
- referral for counselling;
- attendance at training or education sessions;
- a reprimand, either written or verbal;
- suspension with or without pay;
- dismissal;

## **5.9 Confidentiality**

The Municipality understands that harassment complaints are sensitive in nature and will keep all information related to such complaints and their investigations confidential to the extent possible. The Municipality will only release as much information as is necessary to investigate and respond to the complaint or if required by law.

Maintaining confidentiality to the fullest extent possible serves to protect and respect the relevant individuals throughout the investigation and afterwards.

## **5.10 Investigation Records**

All records related to meetings, interview or any part of the investigation will be treated as confidential and shall not be disclosed except as required by law. Records may be subject to release under the *Municipal Freedom of Information and Protection of Privacy Act* or other legal proceedings.

## **5.11 Policy Information and Training**

The Municipality will ensure that all workers and officials read and sign this Policy. Evidence of same shall be provided using the acknowledgement form attached to this Policy. Review of the Policy and subsequent training will be conducted by the Municipality at least once each year to ensure understanding and relevance of the Policy.

## **5.12 Assessment of Risk**

The Municipality will conduct a risk assessment of the work environment to identify any issues related to potential violence that may affect the operation. Measures to control any identified risks to worker safety will be undertaken. An assessment will consider:

- circumstances which are common to similar workplaces;
- circumstances which are specific to a particular workplace;
- any elements that may be prescribed by applicable legislation.

The Municipality will re-assess the workplace risks as often as is necessary, but at least annually to ensure this Policy continues to protect workers from workplace violence.

### **5.13 Communicating the Assessment's Findings**

Upon completion of the assessment, the Municipality will advise the workers and officials of the results and provide a copy of the assessment in writing or advise them how to obtain copies.

## **6. DOMESTIC VIOLENCE**

If the Municipality becomes aware, or ought reasonably to be aware, that domestic violence which would likely expose a worker to physical injury may occur in the workplace, the Municipality shall take every precaution reasonable in the circumstance for the protection of the worker.

## **7. VIOLATIONS OF THIS POLICY BY THIRD PARTIES**

This Policy covers workplace violence and harassment. Customers, clients, contractors or their workers and other members of the public attending the workplace could engage in workplace violence or harassment against a worker.

The Municipality may have limited ability to investigate or control the conduct of these third parties. However, the Municipality will take reasonable action to stop or reduce the risk to its workers of violation of this Policy by third parties.

Such action may include:

- posting this Policy in a location visible to third parties;
- removing third party violators;
- restricting access to third party violators
- contacting law enforcement;
- taking legal action against third party violators;

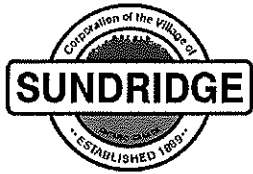
Where a third party engaged in workplace harassment has been asked to stop and does not, workers are authorized to:

- end the conversation;
- decline the service;
- ask the individual to leave the workplace;
- seek assistance from a supervisor or law enforcement.

## **8. POLICY REVIEW**

As required by the Occupational Health and Safety Act, the Municipality will review this Policy as often as necessary, but at least annually. The Municipality will post the most current version of this Policy in a conspicuous place in the workplace and/or on its website.





**ACKNOWLEDGEMENT FORM**

**WORKPLACE VIOLENCE, HARASSMENT AND  
SEXUAL HARASSMENT POLICY**

By signing below, I hereby certify that:

- I have received a copy of this Policy
- I have read and will comply with this Policy in its entirety
- I agree to ensure that workers working under my direction will adhere to this Policy
- I understand that if I violate the rules set forth by this Policy, I may face disciplinary action up to and including termination of employment.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

This form is to be signed and returned to the Municipality no later than 30 days from the date of receipt of the Policy.

\_\_\_\_\_

**Office use only**

Date Issued: \_\_\_\_\_

Date Returned: \_\_\_\_\_

Received by: \_\_\_\_\_