



FORTFRANCES

BOUNDLESS

WORKPLACE HARASSMENT

HEALTH AND SAFETY 5.34.1

POLICY

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Superseded:

1. INTENT

- (1) At the Corporation of the Town of Fort Frances (“the Corporation”), the physical and mental health, safety, security, and well-being of all our employees is critical.
- (2) Employees, and those who are present in our workplace, have a right to a safe workplace. The workplace should be free of harassment. Under no circumstance should employees fear reprisal for voicing a legitimate concern about unacceptable workplace behaviors.
- (3) It is the responsibility of the Corporation, including all managers and employees to foster a healthy workplace environment, where dignity and respect are the foundation of all communication and interactions. Simply put, we must treat each other in the way that we would want to be treated.
- (4) Harassment, intimidation, and bullying are unacceptable in the workplace, and any such acts may result in disciplinary action, up to and including termination of employment for just cause.
- (5) The Corporation has an obligation to support and assist individuals who are experiencing harassment in the workplace. The Corporation will promptly investigate complaints and take appropriate action if harassment has occurred, and will not discriminate or retaliate against an employee because they voice concerns about workplace harassment.
- (6) This policy does not limit the reasonable exercise of management functions in the workplace, such as: providing direction or raising performance concerns.
- (7) Harassment differs from normal, mutually acceptable interactions to the extent that it can be offensive, insulting, intimidating, hurtful, and malicious. Everyone in the workplace must be dedicated to preventing workplace harassment, as it can create an uncomfortable work environment, which affects the well being of our employees, and the performance of the organization as a whole. Given its impacts, harassment will not be tolerated.

2. SCOPE

- (1) All employees have the right to be treated with dignity and respect. Protection from negative, aggressive, and inappropriate behaviours extends to management, colleagues, subordinates, clients, customers, and other business contacts, and expands beyond the place of work to off-site and work-related social events.
- (2) As such, this policy applies to all employees, management, elected officials, and members of boards and committees, referred to as “staff” and/or “employees”.

- (3) The workplace is not confined to the offices and buildings of the Corporation. It also includes washrooms, locker rooms, worksites, vehicles and equipment, and any other location where the business of the Corporation is conducted.
- (4) Bullying and/or harassment that occurs outside the workplace but which relates to the workplace may be included in the scope of workplace harassment.

3. DEFINITIONS

The terms defined below are referred to in the policy as “unacceptable workplace behavior”.

(1) Workplace Harassment

Workplace Harassment is defined as a course of vexatious comments or conduct against a worker in a workplace, that is known or ought reasonably to be known as unwelcome.

(2) Discrimination

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

The protected grounds of discrimination are:

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

(3) 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 them. 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.
- 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.

(4) Sexual Harassment:

Any unsolicited, unwelcome, disrespectful, or offensive behaviour that has an underlying sexual connotation and can be typified as:

- Behaviour that is hostile in nature or intends to degrade an individual based on personal attributes, including: gender, sexual orientation, gender identity, gender expression, or any other relevant protected ground under human rights legislation.
- Sexual solicitation or advance made by a person in a position to confer, grant, or deny a benefit or advancement to the person, where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome.
- Reprisal or a threat of reprisal for the rejection of sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant, or deny a benefit or advancement to the person.
- Unwelcome remarks, jokes, innuendos, propositions, or taunting about a person's body, attire, sex or sexual orientation, gender expression, or gender identity, or religion.
- Suggestive or offensive remarks.
- Bragging about sexual prowess.
- Offensive jokes or comments of a sexual nature about an employee.
- Unwelcome language related to gender.
- Displaying of pornographic or sexist pictures or material.
- Leering (suggestive persistent staring).
- Physical contact such as touching, patting, or pinching, with an underlying sexual connotation.
- Sexual Assault.
- Any actions that create a hostile, intimidating, or offensive workplace, which may include physical, verbal, written, graphic, or electronic means.

(5) Bullying

Bullying includes unwelcome behaviours such as malicious actions and/or omissions toward one or more individuals, which a reasonable person would perceive as unwelcome. These can negatively impact our emotional wellbeing and may cause an individual to feel hurt, embarrassed, incompetent, disrespected, and/or devalued. This can lead to damaging consequences for the victim, the observers, our clients, and the organization.

Unwelcome behaviors may include subtle and/or overt acts of hostility or aggression and may include instances of both omission and/or commission. Unwelcome behaviours may include:

- Gossiping or spreading rumours.
- Talking down to others.
- Verbally berating others.
- Using a harsh tone of voice.
- Acting in a way that seems “out to get” others.
- Blaming others for things out of their control.
- Making or implying threats regarding one’s job security.
- Excessive shouting.
- Repeated emotional outbursts.
- Using overt or subtle intimidation tactics.
- Using degrading remarks or tone of voice.
- Criticizing or talking down to others in front of a group.
- Using condescending and/or demeaning body language.
- Social exclusion or ostracism.
- Ignoring others or giving “silent treatment”.
- Intentionally excluding others from conversations and/or work activities.
- Differential treatment (treating some less favorably than others).
- Undermining another’s work by assigning impossible deadlines or workloads.
- Excessive monitoring of work or unnecessary micromanagement.
- Withholding pertinent work-related information.
- Undermining the work of a co-worker or subordinate in an undue manner.
- Not providing sufficient information to discharge one’s duties effectively.

4. GENERAL GUIDELINES

- (1) The Corporation does not tolerate harassment in the workplace and will make ongoing efforts to identify such hazards and take appropriate action through policies and procedures.

- (2) Our goal is to foster a friendly, professional, and satisfying working environment for all employees, as per our legal obligations to prevent workplace harassment.
- (3) Properly discharged supervisory duties, including disciplinary action, are not harassment. Conduct by a supervisor which does not interfere with the respect for the dignity of employees is not considered harassment.
- (4) All employees are encouraged to contact their supervisor, division manager, or human resources with any concerns about workplace harassment. Any concerns will be handled with strict confidentiality.

5. RESPONSIBILITIES

- (1) It is a mutual responsibility of all employees to ensure that the Town creates and maintains a harassment-free workplace.
- (2) The Town will do its part by not tolerating or condoning discrimination or harassment in the workplace. This includes making everyone in the organization aware of what behavior is and is not appropriate, investigating complaints, and imposing suitable corrective measures.

5.1. MANAGEMENT RESPONSIBILITY

- (1) Management and others in positions of authority are held to a higher standard in ensuring that healthy and appropriate behaviors are being modelled, and that concerns are addressed effectively and in a timely manner. In addition to expectations of employees listed in this policy, management must:
 - (a) Treat everyone in the workplace with dignity and respect.
 - (b) Maintain a workplace free from and harassment.
 - (c) Be familiar with the requirements of this policy and relevant procedures.
 - (d) Take complaints seriously and follow-up appropriately.
 - (e) Maintain confidentiality to the greatest extent possible.
 - (f) Be aware of the signs of workplace bullying and/or harassment.
 - (g) Intervene on behalf of others in the workplace.
 - (h) Refer victims of harassment to appropriate resources, as required.
 - (i) Comply and cooperate with the requirements of an investigation.
 - (j) Provide good examples by treating all employees with courtesy and respect.
 - (k) Promote awareness of the policy and complaint procedures.
 - (l) Be aware and observant of the signs of unacceptable behaviors.
 - (m) Act to resolve inappropriate behaviors before they escalate.
 - (n) Deal sensitively with employees involved in a complaint.

- (o) Explain the procedures to be followed if a complaint of inappropriate behaviour is made.
- (p) Ensure that an employee making a complaint is not reprimanded for doing so.
- (q) Monitor and follow up the situation after a complaint is made to prevent recurrence.

5.2. EMPLOYEE RESPONSIBILITY

- (1) Employees are expected to participate in achieving a work environment that is free of bullying, harassment, incivility, and hostility. Employees are often aware of issues that management may not be, and along with complying with our policy requirements they must:
 - (a) Treat everyone in the workplace with dignity and respect.
 - (b) Support and contribute to a workplace free of unacceptable behaviours.
 - (c) Report in a timely manner unacceptable behaviours upon witnessing them.
 - (d) Modify their own behaviour upon becoming aware that it may be unacceptable.
 - (e) Comply with the requirements of the investigation of unacceptable behaviours
 - (f) Understand that unacceptable behaviours will be dealt with through appropriate disciplinary action.

6. INVESTIGATION PROCEDURES

6.1. INFORMAL PROCEDURE

- (1) The first step in establishing that an individual's behaviour in the workplace is unacceptable, is to advise them that their behaviour is unwelcome. This may be enough to resolve the issues, but in any case, documenting these interactions is critical; even if the problem appears to have been resolved.
- (2) Incident(s) can also be reported to an employee's supervisor, divisions manager, or to Human Resources. Where appropriate, the Corporation will assist the employee with implementing appropriate de-escalation techniques and can provide advice, assistance, coaching, and referrals to assist employees in addressing harassment or discrimination themselves.
- (3) If Human Resources is contacted by an employee or management, Human Resources will determine, in consultation with management and/or the CAO, whether the concern(s) would best be addressed by management or Human Resources.
- (4) Issues that remain unresolved after informing the individual that the behaviour is unwelcome must be reported to the employee's supervisor, division manager, or to Human Resources in a timely manner.

6.2. FILING A COMPLAINT

- (1) If the harassment continues, or is severe in nature, first report the issue to your supervisor. Where the respondent is your immediate supervisor, you may report the issue to their supervisor and/or the Human Resources Manager. Under no circumstances shall anyone identified as a respondent in a complaint participate in conducting the investigation.
- (1) At law, there is no longer a need for an employee to complete and submit a written complaint to trigger an employer's duty to enquire. Simply becoming aware of conduct that a reasonable person would perceive as unwelcome may trigger the duty to enquire or investigate.

6.3. FORMAL INVESTIGATION

- (1) The Supervisor of each department is responsible for ensuring a workplace free of bullying and harassment.
- (2) Upon becoming aware of such issues, the supervisor and/or division manager will inform the Human Resources Manager promptly and investigate the matter with their support.
- (3) Any employee or manager seeking to file a formal complaint should take care to ensure the complaint is confined to and consists of precise details of each incident of such behaviours, including:
 - (a) Dates
 - (b) Times
 - (c) Locations
 - (d) Witnesses
 - (e) Frequency of occurrence
- (4) Within this procedure, the term "complainant" refers to the victim of the alleged unacceptable behaviour, who has raised their concerns with management. A complainant can also refer to another individual, such as a witness or a concerned colleague, who raises a concern on behalf of the victim. In this context, the "Respondent" refers to the person who has been alleged of committing and/or enabling unacceptable behaviours in the workplace.
- (5) Unacceptable workplace behaviour must be brought to the attention of management and will be documented accordingly. The respondent of such complaints will be notified in writing by the Corporation that an allegation has been made against them, and of the steps which will follow. Respondents are presumed to be innocent at this stage.
- (6) The investigation process will include:

- (a) Interviewing the complainant and respondent to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations.
 - (b) Interviewing witnesses, if any.
 - (c) Reviewing any related documentation. The investigator shall have access to all relevant documents requested in the course of the investigation.
 - (d) Making detailed notes of the investigation and maintaining them in a confidential file.
- (7) The Corporation has the discretion to use either an internal or external investigator to conduct an investigation, depending on the nature of the incident.
- (8) When the investigation is complete, the investigator will prepare and submit a detailed report of the findings to the Chief Administrative Officer.
- (9) It is the Town's goal to complete any investigation and communicate the results to the complainant within ninety (90) days after the receipt of the complaint, where possible. In some cases an investigation may take longer. For example, if there are more than five witnesses or one of the key witnesses is unavailable (such as on a leave of absence).
- (10) Resolution of a concern or complaint may include a variety of outcomes, depending upon the findings of an investigation of a complaint. If there is evidence of bullying or harassment on a balance of probabilities, it will result in disciplinary action and steps will be taken to prevent any further issues in the workplace. Corrective measures may include, but are not limited to one of the following:
- (a) Discipline, such as a verbal warning, written warning, or suspension without pay.
 - (b) Termination with or without cause.
 - (c) Referral for counselling, coaching, training, supervisory skills training, or attendance at educational programs.
 - (d) Reassignment or transfer.
 - (e) Financial penalties, such as the denial of a bonus or performance-related salary increase.
 - (f) Any other disciplinary action deemed appropriate under the circumstances.
- (11) In the interest of privacy, any disciplinary action resulting from a complaint will not be communicated to the complainant.
- (12) If there is no evidence of bullying or harassment on a balance of probabilities, it will not result in disciplinary action.
- (13) When there is evidence of a false allegation being made against a respondent, disciplinary action may be taken against the complainant.

(14) Obligations of Complainant

- (a) To clearly inform the respondent that their behaviour is unwelcome.
- (b) Where appropriate, to inform their supervisor, division manager, or Human Resources of their concerns.
- (c) To document dates, times and the names of any witnesses, as well as any attempt to resolve the situation.
- (d) To preserve anything which could be used as evidence to substantiate a complaint or concern.
- (e) To comply with the requirements of the investigation.

(15) Obligations of Respondent

- (a) To preserve anything which could be used as evidence to substantiate a complaint or concern.
- (b) To comply with the requirements of the investigation.
- (c) To not react with hostility or reprisal toward a complainant.

(16) Obligations of Human Resources

- (a) To educate employees and supervisors on unacceptable workplace behaviours.
- (b) To assist, participate in, and lead investigations involving such allegations.
- (c) To inform employees and managers of their legal rights and responsibilities, including the right to representation.
- (d) Assess the merits of a complaint/incident and determine appropriate investigation and resolution options, including whether concern(s) can be referred to division management to address.

(17) Obligations of Investigator

- (a) To investigate a complaint of unacceptable workplace behaviour, which typically begins with the supervisor or the division manager, along with the assistance of Human Resources.
- (b) To carry out an impartial investigation, to gather evidence and draw conclusions.
- (c) To provide the respondent a fair opportunity to provide a defense to the allegations.
- (d) To conclude the investigations in a timely manner.

(18) Obligations of Health and Safety Representative/Joint Health and Safety Committee

- (a) To respond to concerns related to unacceptable workplace behaviours.

- (b) To make recommendations regarding policies and procedures to prevent unacceptable workplace behaviours.

7. CONFIDENTIALITY OF COMPLAINTS AND INVESTIGATIONS

- (1) The Town recognizes its duty to protect confidentiality as legislated in the Occupational Health and Safety Act. The Town also recognizes the sensitive nature of harassment complaints and will keep all complaints confidential, to the extent that it is able to do so. The Town will only release as much information as necessary to investigate and respond to the complaint or situation or if required to do so by law.
- (2) 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.

8. PROTECTION FROM RETALITATION

- (1) The Town will not tolerate retaliations, taunts, or threats against anyone who complains about harassment or takes part in an investigation. Any person who taunts, retaliates, or threatens any worker in relation to a harassment complaint may be disciplined or terminated, including but not limited to the respondent of the complaint. Breaches of confidentiality during the investigation are considered reprisals.
- (2) Any reprisal, or expressed or implied threat of reprisal, for making and pursuing a complaint under this Policy is itself considered a breach of this Policy.

9. CONSEQUENCES OF NON-COMPLIANCE

- (1) Failure to abide by this policy may result in progressive discipline, up to and including termination of employment, termination of purchases agreements and/or any means which the Town feels are appropriate to prevent further harassing and bullying behaviour in the workplace.

10. REVIEW CYCLE

- (1) The Workplace Harassment Policy will be reviewed on an annual basis or more frequently, as required.

