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WORKPLACE HARASSMENT AND DISCRIMINATION POLICY

POLICY STATEMENT

The Municipality of Dutton Dunwich's policy is that individuals will be free from harassment on the basis of age, sex, race, colour, religion, creed, national origin, citizenship, language, marital status, family status, pregnancy/childbirth, sexual orientation, disability/handicap, political belief or any other prohibited ground of discrimination. This policy also includes the right to freedom from sexual harassment.

The Municipality of Dutton Dunwich is committed to providing a work environment that is free of harassment and discrimination. The Municipality of Dutton Dunwich will not tolerate any form of harassment or discrimination and will take all steps necessary to ensure that employees are not subject to harassment or discrimination; be it from other employees, members of Municipality of Dutton Dunwich council, managers, supervisors, clients or any contacts made in the course of their duties.

OBJECTIVES

The Municipality of Dutton Dunwich's policy and resolution procedures have been developed to accomplish the following:

- create and maintain a working environment free from harassment and discrimination;
- set out the types of behaviour that may be considered offensive;
- ensure the prevention of harassment and discrimination by and against our employees; and
- establish impartial, effective and confidential procedures to resolve concerns of harassment and discrimination.

DEFINITIONS

Prohibited Conduct

The Ontario Human Rights Code guarantees employees the right to employment in a workplace free from harassment and discrimination based on race, ancestry, place of origin, ethnic origin colour, citizenship, creed, age, record of offences, marital status, family status, disability, sex and sexual orientation, gender identity and/or gender expression

What is Discrimination?

Discrimination is differential treatment in employment or denial of employment opportunities based on any of the prohibited grounds of the Code. Discrimination does not have to be intentional.

Discrimination can result from practices and policies that appear to be neutral, but in reality have a negative effect on groups or individuals because of their sex, race, religion, etc.

What is Harassment?

Objectionable conduct that may have the effect of creating an intimidating, hostile or offensive work environment, interfering with an individual's work performance, adversely

affecting an individual's employment relationship and/or denying an individual dignity and respect.

Workplace Harassment is defined as:

- a) Engaging in a course of vexatious (offensive, demeaning) 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.

It includes deliberate or intentional gestures, comments, slurs, questions, representations or other behaviours that ought reasonably to be known by the harasser to be unwelcome.

A reasonable action taken by an employer or supervisor relating to the management and direction of its workplace is not workplace harassment.

What is Sexual Harassment?

Workplace Sexual Harassment defined as:

- 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 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 of 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

Sexual harassment is any unsolicited conduct, comment or physical contact of a sexual nature that is unwelcome to the recipient. It includes any unwelcome sexual advances (verbal, written or physical), requests for sexual favours, sexual and sexist jokes, and the display of degrading or offensive material. When:

- such conduct might reasonably be expected to cause insecurity, discomfort, offence or humiliation to another person; or
- such conduct has the purpose or effect of interfering with a person's work performance or creating an intimidating, hostile or offensive work environment; or
- submission to such conduct is made either implicitly or explicitly a condition of employment; or
- submission to or rejection of such conduct is used as a basis for any employment decision (including, but not limited to, job security, promotion, change in salary and benefits).

Which can further be defined as:

- unwanted sexual advances including derogatory comments, gestures, looks, unnecessary/unwanted physical contact, jokes, slurs, derogatory or demeaning posters, cartoons, graffiti, drawings or display of sexually suggestive pictures;
- implied or expressed promises of reward or benefit for complying with a sexually oriented request;
- implied or expressed threats of reprisal in the form of either actual reprisal or denial of opportunity for refusal to comply with a sexually oriented request; or

- sexually oriented conduct which becomes or is implied to be a term or condition of employment, is used as a basis for employment, is used as a basis for employment decisions, or has the effect of interfering with work performance.

Other Forms of Harassment

Unwanted actions, derogatory comments, jokes, slurs, derogatory or demeaning posters, cartoons, graffiti, drawing, e-mails, innuendoes or taunting about or motivated by a person's race, colour, citizenship, national origin, age, religion, creed, language, marital status, family status, pregnancy/childbirth, sexual orientation, disability, political belief, gender identity or expression or any other prohibited ground of discrimination.

Poisoned or Hostile Work Environment

Furthermore, jokes, offensive literature (for example, pinups), derogatory comments or other activities based on sex or racial characteristics that intrude upon a person's dignity or that create an intimidating, hostile or offensive atmosphere constitute what is referred to as a poisoned or hostile work environment. A poisoned or hostile environment is a form of harassment and is also prohibited by law.

Harassment may occur as a single encounter or a series of incidents, persistent innuendoes or threats. Behaviour constituting harassment is often a matter of perception and interpretation. Tolerance for what is considered acceptable behaviour may vary widely among individuals. As a general rule, harassment is considered to have taken place if a person knows or ought reasonably to know that behaviour is unwelcome.

The workplace is any place where business or work-related activities are carried out. It includes, but is not limited to, the office, office-related social functions, work assignments outside of the office, work-related travel, and work-related conferences or training sessions.

RESPONSIBILITIES

All members of the workplace community share in this responsibility.

Council/Managers and Supervisors

These individuals are responsible for creating and maintaining a workplace free of harassment and discrimination and for promoting a positive work environment by:

- Understanding and upholding the principles of this policy;
- Setting a personal example of conduct consistent with this policy;
- Ensuring that employees are informed of the company's policy and procedures for dealing with concerns of harassment;
- Responding to any concern or issues of harassment that comes to their attention, treating it as a serious matter and supporting a resolution;
- Confer with CAO/Clerk or Manager with respect to the proper process for handling the situation;
- Not allowing or condoning behaviour contrary to this policy; responding or reporting to any and all conduct that comes to your attention; and
- To the extent possible, maintaining confidentiality with respect to the concerns they are involved in resolving.

Employees

- Each employee is responsible for ensuring adherence to the spirit and intent of this policy;

- Employees are responsible for understanding and avoiding any offensive, unwelcome comments or conduct that would constitute harassment, sexual harassment or discrimination under this policy;
- Employees are encouraged to communicate to co-workers when they are exposed to conduct or comments that are unwanted and objectionable harassment as defined by this policy;
- All employees are requested to discourage their co-workers from persisting with comments, discussions and conduct that are inconsistent with the spirit of this policy.

PROCEDURES FOR RESOLVING HARASSMENT & DISCRIMINATION CONCERNS

Resolution of harassment means the conduct doesn't occur in the work environment, or in the alternative, ceases immediately. Prompt and clear communication of the fact that the conduct is objectionable and must stop supports the most effective resolution. Any employee who believes they have been subjected to harassment should promptly pursue any of the following steps and strategies to resolve the issues:

Members of Council should refer to the Code of Conduct for Members of Council Policy and appendices for direction on resolution procedures where a Member of Council believes they have been subjected to harassment.

Self-Help

- you are encouraged to communicate your disapproval to the individual whose conduct or comments are offensive - ask them to stop;
- persons who are advised that their comments or conduct are unwanted and offensive are expected to cease such behaviour immediately;
- if the conduct doesn't stop, seek the assistance of manager, supervisor, or human resources.
- if the conduct doesn't stop, keep a written record of the date, times and details of the conduct and your efforts to stop it.

Informal Resolution Supports: Third Party Intervention by Supervisors

Not all people will be comfortable with using self-help to resolve harassment concerns. Persons are encouraged to seek the assistance of supervisors, managers or human resources to assist them in informally resolving harassment concerns and stopping the objectionable conduct. Managers, supervisors, and human resources staff have been trained to and are committed to supporting you in confidentially and informally resolving such concerns. At any time you may contact your manager or supervisor or human resources to receive assistance in reviewing the concern and the options available to resolve the problem.

In the event that the person engaging in workplace harassment is the employer (your direct supervisor, manager) seek the assistance of human resources. If your direct supervisor or manager is human resources, the employer will refer the investigation to an external investigator to conduct an impartial investigation.

Complaint Procedure

Where a harassment concern is not successfully resolved through self-help, or the informal support of your supervisor or human resources or where you are comfortable only with a formal complaint process, you are encouraged to fill out a complaint form and submit it to human resources.

Should an employee decide to file a formal complaint, they should:

- Set it down in writing (with the assistance of a manager supervisor or human resources, if requested);
- Sign and file the complaint with the manager, supervisor or human resources;
- Co-operate with those responsible for investigating the complaint.

Complaint Investigation Procedure

Where a formal complaint is filed the following steps will occur:

- an investigation will be initiated by human resources and completed promptly; usually within 30 days;
- individuals who are believed to have relevant information with respect to the alleged complaint will be interviewed – notes of the interview will be taken;
- all records of the investigation will be kept confidential and information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the investigation or corrective action, or is required by law.
- a written report of findings will be prepared at the conclusion of the investigation;
- the findings of the investigation, including any corrective actions recommended will be provided in writing and reviewed with the complainant(s);
- appropriate remedial action will be determined and implemented where there is a finding of harassment, discrimination or reprisal in violation of this policy.

Remedial Action

If the investigation substantiates acts of harassment, discrimination or reprisal, corrective action will be taken.

The objective of the remedial and corrective action is to change behaviour, eliminate harassment, discrimination or reprisal, and remedy the effects of such policy violations on either the individual or work environment. Such action may include educational initiatives, counselling or disciplinary action, including transfers, demotions, suspensions or terminations. Any disciplinary action will be noted on the offender's personnel file.

PROHIBITION OF REPRISAL

Any retaliation or reprisal against a person pursuing the resolution of a concern under this policy, whether informally or through the complaint procedure, or against any individual for co-operating in the investigation of a complaint is strictly prohibited both at law and under this policy. Any such conduct will be subject to immediate corrective action.

CONFIDENTIALITY

It is recognized that the parties to a concern or complaint raised under this policy have a significant interest in confidentiality. To the extent possible, in both informal resolution processes and formal complaint processes, all available steps will be taken to ensure confidentiality.

Information obtained about an incident or complaint, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for investigating, taking corrective action, or by law.

No record of the complaint will be maintained on the employee file of the complainant. If there is a finding of harassment that results in disciplinary action, it will be reflected on the employee file of the harasser, in the same way as any other discipline.

POLICY REIVEW

This policy will be reviewed on an annual basis by all Health and Safety Committee members, Management and the Chief Administrative Officer. A copy of an updated policy will be posted in all workplaces.

RECORD OF POLICY REVIEW

- (Occupational Health and Safety Act, in respect to Violence and Harassment: Section 32.0.1 (1))
- December 8, 2015 – No Changes
- October 12, 2016 – Updated (Bill 132 – amendments to the Occupational Health and Safety Act)

Complaint Form

Please complete fully and return to Human Resources or Supervisor

Name of Complainant: _____

Date of Submission: _____

Summary of Allegations: (please feel free to attach additional pages if required)

Remedy Sought: (please feel free to attach additional pages if required)
