

Title: Workplace Harassment Policy	
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Department: Human Resources	Review Frequency: Annually

POLICY NO. 27

## 1.0 POLICY STATEMENT

The Council for the Township of Gillies is committed to providing a workplace where all individuals are treated with dignity and respect. Workplace Harassment will not be tolerated from any person in the workplace including Department Heads, Council, employees, residents and members of the public. This does not mean that every case ends in termination or significant discipline. It means that no issues will go without investigation and attempts at resolution.

## 2.0 PURPOSE

It is the purpose of this policy to educate employees on the importance of workplace harassment; focusing on the key elements of the issues involving harassment and to assist in minimizing the risk of harassment in the workplace.

This Policy is intended to:

- support and strengthen our commitment to a harassment-free workplace;
- ensure the Township of Gillies meets its obligations regarding harassment in the workplace under the *Employment Standards Act, 2000* and the *Ontario Human Rights Code*;
- be pro-active in preventing incidents of harassment by increasing employee awareness of their responsibilities and rights;
- ensure that everyone understands their obligations to take appropriate action when incidents of harassment are thought to have occurred.

This Policy also provides guidance on the appropriate process to recognize, investigate and respond to workplace harassment incidents from either Council, Township employees or the general public.

This Policy shall be consulted whenever there is a concern about workplace harassment.

### 3.0 SCOPE

This policy applies to Council, Department Heads, Township employees, employee's relatives, volunteers, members of the public, contractors and any other person that Township employees may come in contact with during the course of their duties.

To ensure employees are aware of the policy, the Workplace Harassment Policy will be posted at each Department.

#### DEFINITIONS

Subsection 1(1) of the *Occupational Health and Safety Act* states:

"Department Head" means a person who has charge of a workplace or authority over an employee

"Employee" means a person who performs work or supplies services for monetary compensation.

"Workplace" means any land, premises, location or thing at, upon, in or near which an employee works.

"Workplace harassment" means

- a) 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
- b) workplace sexual harassment

Workplace harassment can include, but is not necessarily limited to:

- Bullying - It is important to distinguish between normal employee conflict and workplace bullying. Bullying is defined as repeated, persistent, continuous and aggressive behaviour directed at an individual or individuals that is intended to cause, or ought reasonably to be known to cause fear, distress and harm to another person. Bullying does not include a department head's one time directive, discipline or punitive action relating to a worker's work performance;
- Teasing;
- Intimidating or offensive jokes or innuendos;
- Displaying or circulating offensive pictures or materials; and
- Offensive or intimidating phone calls.

"Workplace sexual harassment" means

- 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 to 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 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.

#### 4.0 WORKPLACE HARASSMENT AND WORKPLACE SEXUAL HARASSMENT

4.1 For the purpose of this Policy, Workplace Harassment means:

- a) engaging in a course of vexatious comment or conduct against a worker in the workplace that is known or ought reasonably to be known to be unwelcome; or
- b) workplace sexual harassment.

4.2 Workplace sexual harassment means

- 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 to 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 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

4.3 This Policy applies to all behaviour and activities that are in any way connected to work, including behaviour that occurs away from the usual workplace or in relation to persons who are not employees, where the situation is work-related. For example, this Policy applies to any harassment that occurs during off-site meetings, training and on business trips.

4.4 Harassment can consist of a single incident or several incidents over a period of time.

4.5 This policy covers personal harassment as outlined in the *Employment Standards Act, 2000* as well as harassment based on a prohibited ground as set out in the *Ontario Human Rights Code*. Prohibited grounds include Race, Colour, Ancestry, Creed (religion) Place of origin, Ethnic origin, Citizenship, Sex (including pregnancy, gender identity), Sexual orientation, Age, Marital status, Family status, Disability, and convictions for which a pardon has been granted or a record suspended

4.6 Workplace harassment can include, but is not necessarily limited to:

- Bullying - It is important to distinguish between normal employee conflict and workplace bullying. Bullying is defined as repeated, persistent, continuous and aggressive behaviour directed at an individual or individuals that is intended to cause, or ought reasonably to be known to cause fear, distress and harm to

another person. Bullying does not include a department head's one time directive, discipline or punitive action relating to a worker's work performance;

- Teasing;
- Intimidating or offensive jokes or innuendos;
- Displaying or circulating offensive pictures or materials; and
- Offensive or intimidating phone calls.

4.7 Decisions on what constitutes harassment will be made on a case by case basis.

## 5.0 RESPONSIBILITY

### 5.1 Department Head's Role and Responsibility

Department Heads will adhere to this policy and the supporting program. Department Heads are responsible for ensuring that measures and procedures are followed by employees and that employees have the information they need to protect themselves.

Department Heads will receive all complaints or incidents of workplace harassment in a fair, respectful and timely manner. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect employees, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

### 5.2 Employee's Role and Responsibility

Every employee must work in compliance with this policy and the supporting program. All Township employees are encouraged to raise any concerns about workplace harassment and to report any harassment. There will be no consequences to an employee for reporting workplace harassment unless complaints are vexatious or otherwise made in bad faith.

### 5.3 Council's Role and Responsibility

Council shall, in consultation with the committee or a health and safety representative, if any, develop and maintain a written program to implement the policy with respect to workplace harassment required under clause 32.0.1 (1) (b) of the OHSA.

In the event that a Council meeting does not occur within five (5) days from when the complaint is received, the Reeve will call a special meeting.

The Reeve has the authority to place the alleged harasser on indefinite, paid administrative leave pending any investigation into the alleged harassment, or for any other reason related to the alleged harassment.

Council will receive all complaints or incidents of workplace harassment in a fair, respectful and timely manner. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect employees, to

investigate the complaint or incident, to take corrective action or as otherwise required by law.

## 6.0 PROCEDURE

### 6.1 Workplace Harassment Reporting Form

A standard reporting form is available at the Municipal Office, or from a Department Head. Reports are also available in electronic format.

The Workplace Harassment Incident Report is attached to this Policy as Form A. The Investigative Report on Workplace Harassment is attached as Form B.

Employees are encouraged to report any incidents of workplace harassment.

#### 6.2.1 Procedure for employees who feel they are being harassed

1. To the point that they feel comfortable to do so, an employee who believes they are a victim of harassment should indicate clearly and firmly to the person engaging in harassing behaviour that the comment or conduct is unwelcome and must stop. The employee should keep a written record of all incidents, including dates, times, places, behaviours, witnesses, and the effects or impact on them personally.
2. All workers are encouraged to report any incidents of workplace harassment. Employees who feel that they are victims of harassment or who witness harassment have a right and responsibility to report their concerns to their Supervisor, or any Department Head. If the Department Head is the subject of the complaint, the Employee may report his or her concerns to the Reeve or Deputy Reeve (in the Reeve's absence). Supervisors and Department Heads who are aware of, or who ought reasonably to be aware of harassment taking place in their department, have an obligation to take appropriate action.
3. An employee who wishes to initiate a formal complaint shall first take the matter up with their immediate supervisor. If the situation is not resolved, the employee may file a written complaint with the Department Head. If the complaint involves the Department Head, written submission should be made to the Reeve, or in the Reeve's absence, the Deputy Reeve.
4. If a written complaint is received by the Department Head, a copy shall be provided to the Reeve (or the Deputy Reeve in the Reeve's absence) as soon as possible.
5. Upon receiving a complaint, an investigation will be ordinarily be initiated within five (5) working days following receipt of the complaint, or as soon as possible thereafter. The process will include gathering information from both the Complainant and the Respondent, interviewing any witnesses and key people, and documenting the findings in a report.

The Investigator will prepare a separate one-page Decision that will state only the following:

- the name of the Complainant and the date of the complaint;
  - the name of the person the complaint was made against;
  - that the complaint was investigated;
  - whether the evidence substantiates the complaint;
  - whether the evidence does not substantiate the complaint; or
  - the evidence is inconclusive and accordingly there is no finding of harassment.
6. The Employer will, in turn, provide both the Complainant and the Respondent with the Investigator's decision. The Employer may also provide them such detail as may be essential to implement the Decision.
  7. In the event the allegations are not substantiated, there will be no negative consequences for the Complainant, the alleged harasser, or any witnesses. Where there is reasonable evidence that harassment has occurred, corrective or remedial action will be determined by the seriousness of the policy violation found by the investigation and the need to protect the Complainant or any witnesses from reprisals. Corrective or remedial action could include apology, education, demotion, discipline (up to and including dismissal), or some combination of these actions.
  8. If in the course of an investigation, an employee is found to have falsely or frivolously accused another employee, the Complainant will be subject to disciplinary action up to and including termination.
  9. A Department Head's role is to receive the complaint only, not to investigate the complaint. All results of workplace harassment investigations shall be reported to Council in closed session or, if Council has provided otherwise, to the person appointed to receive these results.

If an employee who has made the complaint will be required to work with the employee who is the subject of the complaint, before the investigation can begin, the employee may refuse to work. The *Occupational Health and Safety Act* has extended the "Right to Refuse Work" to cover workplace harassment. Department Heads must protect the employees at all times.

#### 6.2.2 When the complaint involves a Supervisor, Department Head or a Councillor

When a complaint involves a Supervisor, Department Head or a councillor, the complaint shall be submitted directly to the Reeve, or to the Deputy Reeve in the Reeve's absence. The Reeve, working with Council, may determine how best to proceed with the investigation outlined above.

#### 6.2.3 When the complaint involves the Reeve

When a complaint involves a Reeve, the complaint shall be provided to the Deputy Reeve. The Deputy Reeve, working with Council, may determine how best to proceed with the investigation outlined above.

#### 6.2.4 When the complaint involves a member of the Public

When a complaint involves a member of the Public, the investigation shall be submitted to the Department Head. The Department Head will bring the complaint to Council for review. Council may determine how best to proceed with the investigation outlined above.

#### 6.3 Recommendations and Disciplinary Action

Council, or the person appointed by Council, will review the results of the investigation and make recommendations and/or take disciplinary action if required.

When appropriate, legal advice shall be obtained.

A Recommendation could include, but is not limited to:

- referral to an outside employee assistance program;
- training programs; and
- health and safety programs
- formal apology

Disciplinary action could include, but is not limited to:

- verbal warning;
- written warning;
- 3 day suspension without pay;
- 7 day suspension without pay; and
- Termination

Harassers may also be obliged to attend an anti-harassment training session.

#### 6.3.1 Employees

Corrective action for harassers may include any of the following, depending on the nature and severity of the harassment:

- a written reprimand;
- a fine;
- a suspension, with or without pay;
- a demotion; or
- a dismissal.

#### 6.3.2 Members of Council

Corrective action for members of Council may include any of the following, depending on the nature and severity of the harassment:

- a fine;
- a public censure recorded in the minutes of a Council meeting
- a transfer of portfolios
- other recourse as prescribed by the Municipal Act for improper behaviour or misconduct.

### 6.3.3 Members of Public

If the harasser is a member of the public, the Reeve shall send them a letter to advise them of the Harassment Policy. Corrective action may involve the member of the public being asked to submit a letter of apology.

Escalation and continuation will be reviewed on a case by case basis and could result in a response from the Municipal By-Law Enforcement Officer or the OPP.

### 6.3.4 Contractors/Suppliers

If the harasser is a contractor or supplier for The Township of Gillies, the Reeve shall advise the owner or manager of the company of the harassment policy and that if the behaviour continues, they may be suspended as a supplier to the municipality.

### 6.4 Unsubstantiated complaints

If there is not enough evidence to support an allegation of harassment, the investigator shall not recommend any penalties or remedies.

### 6.5 Complaints made in bad faith

In the rare event that the complaint was made in bad faith, that is deliberately and maliciously filed knowing it had absolutely no basis, the complainant shall be subject to the same penalties as a harasser. The person unjustly accused of harassment shall have their reputation restored, and shall be given the benefit of any necessary remedies that would be given in a case of harassment.

### 6.6 Notification

The employee who has allegedly experienced workplace harassment and the alleged harasser, if they are an employee of the employer, will be informed of the results of the investigation as per the procedure set out in section 6.2.1.

## 7.0 Training

### 7.1 Employee Training

The Council for the Township of Gillies is committed to ensuring that this Policy and related information is provided to all employees, including information on how to make a complaint. All employees will be required to attend training and information sessions as determined by Council, in order to comply with the *Occupational Health and Safety Act* and any Regulations passed under that Act.

The workplace harassment employee training program has been combined with the workplace violence employee training program, as workplace violence is often preceded by workplace harassment.



## 8.0 RECORDS

All complaints, investigative results, and any other relevant information regarding a workplace harassment complaint, shall be maintained on file. Such files are subject to the Township's Record Retention Policy, but shall not be destroyed while the employee(s) who are subjects of the complaint remain as employees of the Township of Gillies. Previous complaints against the same employee(s) will be reviewed in subsequent complaints.

Records of completion of all required training under the provisions of the *Occupational Health and Safety Act* shall be maintained in all employees' personnel files.

## 9.0 REVIEW

This Policy shall be reviewed annually.

This policy is reviewed as often as necessary, but at least annually, to ensure that it adequately implements the policy with respect to workplace harassment required under clause 32.0.1 (1) (b) of the OHSA.

Incidents of workplace harassment may require review of the Policy more often. If, during the investigation of a complaint, it is found that this Policy should be modified, Council shall make it a priority to change the Policy and communicate that change to the employees.

## 10.0 REFERENCES

### 11.1 GOVERNING RULES AND REGULATIONS

This policy is governed by the following statutes of the Province of Ontario or the Government of Canada:

- Occupational Health and Safety Act RSO 1990, C.0.1
- Canadian Human Rights Act
- Criminal Code
- Municipal Freedom of Information and Protection of Privacy Act
- Ontario Human Rights Code
- Workplace Safety and Insurance Act

**FORM A: WORKPLACE HARASSMENT REPORT FORM**  
Use Separate Sheet if More Space is Required for Your Answers

**PERSONAL INFORMATION:**

*(Separate forms to be completed by each person experiencing or witnessing harassment in the workplace).*

Name:	Position:
Department (if applicable):	Department Head (if applicable):
Contact Number:	

**INCIDENT INFORMATION:**

*Please describe in as much detail as possible the bullying and/or harassment incident(s) including: a) the name of parties involved; b) any witnesses to the incident(s); c) the location d) details about the incident(s) (behaviour and/or words used); e) any additional details. Additional pages are provided for further details.*

Alleged Harasser(s):

Contact Information (if available):

Relationship to alleged harasser(s):

Does the alleged harasser(s) involved have a history of previous incidents?

Yes    No    Don't know

**INCIDENT DETAILS:**

Date and time of incident:

Date and time incident reported:

Location of Incident:

Describe the incident in detail:

Is this an ongoing issue? If so, please provide further details.

Were other individuals involved? (e.g., staff, general public, Council, residents, volunteers etc.)

**List Witness(es) with contact information**

Name

Contact information

1.

2.

3.

4.

Is there any physical or documentary evidence to support the complaint? (emails, handwritten notes, photographs, etc.) If yes, please provide.

Please provide any other information you think may be relevant, including any recommendations that you think would be helpful. Additional paper is provided to elaborate on details.

## REPORTING

Has the complaint been reported to the Department Head?  
(or Reeve or Deputy Reeve, as appropriate. If yes, please  
provide name)

Yes  No

Date of when reported:

Has the incident been reported to WSIB? If yes, by whom?

Yes  No

WSIB Number, if applicable

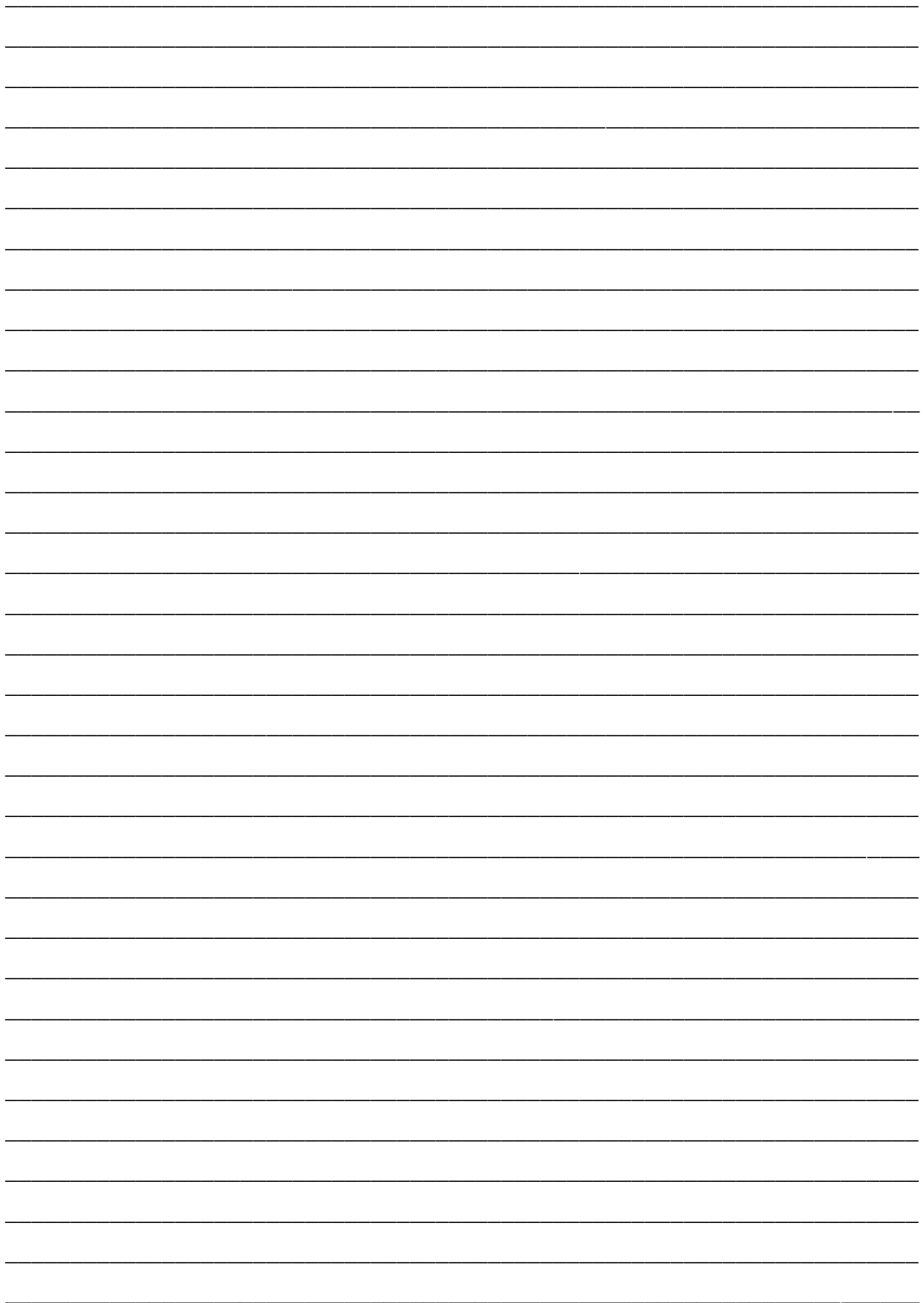
Date of when WSIB was reported:

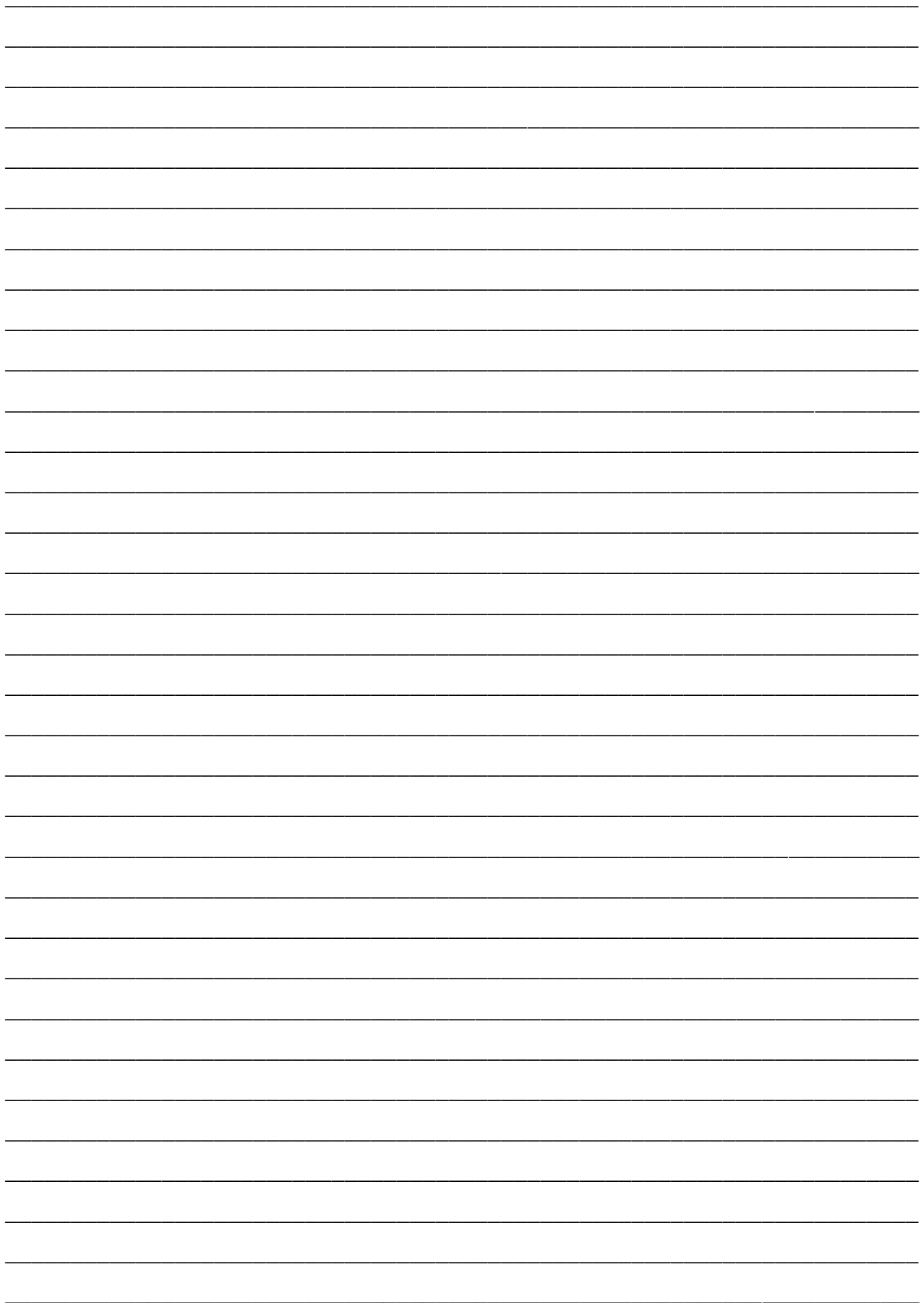
Signature of employee:

Date:

Signature of person who received complaint:

Date:





FORM B: INVESTIGATION REPORT ON WORKPLACE HARASSMENT  
*This template is based on the Code of Practice to address Workplace Harassment publication  
from the Ministry of Labour.*

[https://files.ontario.ca/workplace\\_harassment\\_en.pdf](https://files.ontario.ca/workplace_harassment_en.pdf)

<b>Investigation Report:</b>	
Name of investigator:	Position:
Date of investigation:	
Police contacted?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, by whom?	
WSIB reports completed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, by whom?	

<b>Background Information:</b>
Name of individual who reported workplace harassment:
If not same person as above, name of person who allegedly experienced workplace harassment:
Date of complaint/concern raised:
Name of respondent(s) (alleged harasser). List their position/department. If not an employee, provide details:
Name of employee(s) (complaining or possibly exposed to workplace harassment) List their position/department: 1. 2. 3. 4.



**Investigation Plan:***Plan and conduct the investigation*

1. Obtain the complaint and witnesses statements in writing.
2. An investigator needs to interview the individual who allegedly experienced workplace harassment and the alleged harasser.
3. Make a list of possible relevant witnesses. The individual who allegedly experienced workplace harassment and the alleged harasser should be asked for names of any relevant witnesses
4. Interview relevant witnesses. Ask specific questions about what they have observed, are aware of or having personally experienced.
5. Collect and review relevant documents from the individual who allegedly experienced workplace harassment, the alleged harasser, witnesses and the employer.
6. Take detailed notes
7. Keep the investigation confidential. Instruct individual who allegedly experienced workplace harassment, the alleged harasser, and witnesses not to talk to others about the investigation unless it is necessary, for instance to obtain advice or counselling.

**Workplace Harassment Allegations:**

Date of first incident:

Date of last incident:

Date of other incident(s):

*List any subsequent behaviours or conduct*

**Alleged Harasser(s) Response:**

The alleged harasser(s) must have an opportunity to respond to the details of the allegation of harassment.

**Interview Relevant Witnesses:**

List witnesses. Interview relevant witnesses and make detailed notes.

**Collection of Documentation:**

List the documents collected for the investigation and how or from whom they were obtained.

**Investigation Result(s):**

The Council for the Township of Gillies must ensure that the results of the investigation and any correction action are provided to the individual who allegedly experienced workplace harassment and the alleged harasser in writing. The investigators summary report should set out who was interviewed, what evidence was obtained and an analysis of the evidence to determine whether workplace harassment occurred. The results of the investigation are a summary of the findings of the investigation. The results must be communicated in writing within ten (10) calendar days of the investigation being concluded to the individual who has experiences the alleged harassment.

Summary of Key Evidence:

Recommended Next Steps:

Please include all supporting documentation. Additional paper is provided to elaborate on details.

\_\_\_\_\_  
Signature of Department Head or  
Councillor Who Completed Report

\_\_\_\_\_  
Date Report Completed

\_\_\_\_\_  
Signature of Reeve

\_\_\_\_\_  
Date Reviewed by Council

