

**THE CORPORATION OF THE
TOWNSHIP OF MATACHEWAN**

Harassment Policy

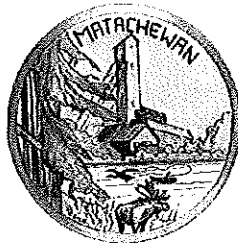
POLICY STATEMENT:

The Corporation of the Township of Matachewan recognizes the right of all employees to work in an environment free from discrimination and harassment based on any of the prohibited grounds in the *Ontario Human Rights Code*. It is the policy of the Township of Matachewan to prevent, identify and resolve any employment-related incidents of harassment (direct and indirect), inappropriate behavior or violent conduct, thereby ensuring a safe, supportive and respectful work environment. This policy shall be compatible with all legislative and regulatory requirements and complement the Code of Conduct Policy.

Every reasonable effort shall be made to ensure that no employee is subjected to any form of harassment or other offensive behavior that interferes with an employee's ability to achieve the stated goal of this policy.

All employees have a responsibility for their behavior and conduct within the workplace while performing their assigned duties and are expected to contribute to a workplace free from harassment. Accordingly, this policy applies to all full-time, part-time, temporary, casual and contract employees, as well as, elected officials, appointees, or agents of the Corporation of the Township of Matachewan, volunteers, contactors/vendors, customers, and non-employees engaged in off-site interaction with Matachewan employees for work-related reasons.

All employees have a duty to report any act of harassment, discrimination, inappropriate behaviour, or other offensive misconduct. Such reported act shall be promptly investigated, co-ordinated and/or adjudicated by an impartial individual who will be responsible to issue a report on the findings of the investigation and make recommendations to resolve the issue. All incidents investigated will be deemed serious and confidential, and may result in disciplinary action, up to and including termination. Similarly, any threat or act of reprisal or retaliation against any person who has made a good faith complaint or against a witness who participates in an investigation violates this



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policy and the *Ontario Human Rights Code* will be subject to the appropriate disciplinary action.

The *Ontario Human Rights Code* states that it is Public Policy in Ontario to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination or unequal treatment based upon any of the prohibited grounds outlined in the code. The prohibited grounds are described as discrimination and harassment with respect to race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (including pregnancy), sexual orientation, age, record of offences, marital status, same-sex partnership status, family status or handicap (disability).

DEFINITIONS

1. HARASSMENT

Harassment is defined under the *Ontario Human Rights Code* as “engaging in a course of vexatious comment or conduct that is known or ought to be reasonably be known to be unwelcome.” “Vexatious” is understood to generally mean annoying, irritating or distressing, without a legitimate, work-related purpose. Harassment has many forms including, but not limited to:

- (a) Unwanted or unwelcome acts of coercion, intimidation and/or psychological harassment or misuse of power;
- (b) Annoying or distressing behaviour through repeated and hostile or unwanted conduct;
- (c) Verbal comments, e-mail, threats, actions, malicious gestures or actions that adversely effects a person’s dignity or psychological or physical integrity resulting in a harmful workplace environment;
- (d) Behaviour, whether overt or subtle, that is directed to any person and is considered by that employee to be offensive and may be related to any of the grounds of harassment and discrimination prohibited by the *Canadian Human Rights Act, Ontario Human Rights Code* or other applicable statutes;
- (e) Damaging or interfering with a person’s property or equipment;
- (f) Constant criticism, insults, verbal assaults, taunting or ostracizing;
- (g) Threats of violence or acts of violence.



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Single acts of harassing behaviour may be sufficient to be defined as harassment under this policy. Properly discharged supervisory responsibilities are not considered to be acts of harassment.

The term harassment is often used incorrectly and does not include:

- Appropriate direction, evaluation or discipline by a manager or supervisor
- Stressful events associated with the performance of legitimate job duties
- Good-natured jesting or bantering which is not contradictory to the *Ontario Human Rights Code*
- Feedback or counselling on performance.

2. SEXUAL HARASSMENT

Sexual harassment can be directed at persons of either gender. Sexual harassment may be direct, as in the exploitation of a power position to gain sexual favours, or indirect – as in the negative stereotypes directed towards persons of a particular gender, it has many forms including, but not limited to:

(i) UNWELCOME BEHAVIOUR

- (a) Intermittent or persistent unwanted sexual attention by a person who knows or who ought to know that such attention is unwanted, including suggestive staring or other offensive gestures;
- (b) Being made the brunt of sexual innuendo, jokes, comments or taunting with respect to one's body, dress or sexual orientation;
- (c) Sexual or gender-oriented commentary that has the effect of creating an intimidating, hostile, offensive work or learning environment;
- (d) Unwelcome physical contact such as touching, kissing, patting, or brushing up against a person;
- (e) Display of sexually explicit materials, including graffiti;



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(f) Enquiries or comments about a persons' sex life, sexual preferences etc.

(ii) SEXUAL SOLICITATION OR ADVANCEMENT

This type of sexual harassment occurs when a person, who may or may not be in a position of power or authority makes unwanted sexual advances or requests for sexual relations.

(iii) REPRISAL

Sexual harassment also happens when a person of power or authority threatens to retaliate against an employee who has rejected sexual advances or requests for sexual relations

3. RACIAL/ETHNIC/RELIGIOUS HARASSMENT

Racially based slurs and/or harassment, and racial, ethnic or religious jokes are a form of discrimination that violates the *Ontario Human Rights Code* and its prohibited grounds which includes race related grounds such as race, ancestry, place of origin, colour, ethnic origin, citizenship and creed. Examples of this form of harassment are, but not limited to:

- (a) Unwelcome remarks, jokes, practical jokes, innuendos or taunting about a person's racial, ethnic or religious backgrounds, colour, place of birth, citizenship or ancestry;
- (b) Racist, ethnic, or religious graffiti or the display of racist material
- (c) Practical jokes based on racial, ethnic, or religious grounds which cause awkwardness or embarrassment;
- (d) Refusal to work or converse with an employee because of his or her racial, ethnic or religious background; and
- (e) Use of derogatory nicknames.

4. RETALIATION

Retaliation is defined as any action taken against an employee who reported or witnessed an incident that is intended or perceived as a form of intimidation towards the employee or



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witness as an attempt to pressure the employee to withdraw his or her complaint, or statement about the incident. Acts of retaliation will be treated as independent acts dealt with under this policy.

False, vexatious or malicious complaints are defined as those complaints made under this Policy which were known to be unfounded at the time they were made. Making a false, vexatious or malicious complaint may result in disciplinary action, up to and including termination.

5. WORKPLACE

Harassment can occur in any of the Corporation of the Township of Matachewan's locations, not just inside buildings. The workplace may include meeting rooms, vehicles, washrooms, locker rooms, cafeterias, or any other location where the Matachewan's business is conducted. Harassment defined by this Policy which occurs outside the workplace during business travel or at work-related social gathering, and which negatively affects working relationships, may also be subject to investigation.

ROLES AND RESPONSIBILITY

1. EMPLOYEE RESPONSIBILITY

All employees shall:

- (a) Ensure they respect the right of all employees in the workplace to be free from harassment and discrimination, and refrain from behaviours that should be known or ought to be known as offensive to others
- (b) Protect themselves against workplace harassment by immediately reporting all incidents by following established procedures

- (c) Co-operate with any investigation of workplace harassment, as required and maintain confidentially;
- (d) Participate in any training provided, and apply the knowledge learned to the workplace



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- (e) Read, understand and apply the Corporation's specific policies and programs for workplace harassment and respectful conduct;
- (f) Maintain confidentiality of personal information, ensure no disclosure of any information related to a complaint or the investigation of a complaint occurs, or breach of confidentiality compromising the investigation of a complaint.

2. MANAGEMENT/SUPERVISORY RESPONSIBILITY

Supervisors & Managers shall:

- (a) Make all reasonable efforts to ensure the workplace is free from harassment and discrimination, and that employees refrain from behaviours that should be known or ought to be known to be offensive to others is respected, acting immediately on observations or allegations of harassment or discrimination
- (b) Participate in any training provided, or required, and apply the knowledge learned to the workplace;
- (c) Read, understand and apply the Corporation's specific policies and programs for workplace harassment and respectful conduct;
- (d) Ensure employees are fully aware of the policy and what constitutes harassment and discrimination, and what procedures are in place to deal with allegations/complaints
- (e) Investigate promptly and take the appropriate corrective action should they become aware of such behaviour;
- (f) Co-operate in the investigation and in the implementation of any remedial action undertaken by the employer;
- (g) All supervisors and managers must ensure that their own acts adhere to this policy;
- (h) Maintain confidentiality of personal information, ensure no disclosure of any information related to a complaint or the investigation of a complaint occurs, or breach of confidentiality compromising the investigation of a complaint.



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3. COMPLAINANT RESPONSIBILITY

Complainants shall:

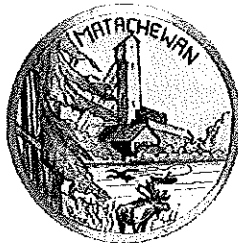
- (a) Notify offender the behaviour is considered offensive, will not be tolerated, and must stop, unless not comfortable in doing so. If you are not comfortable, please report this behaviour to your supervisor immediately.
- (b) Keep a written record of:
 - i. Dates;
 - ii. Times;
 - iii. Places;
 - iv. Nature of behaviour; and
 - v. Witnesses, if any
- (c) If the offensive behaviour continues, notify your supervisor or other person for assistance in addressing the issue, as appropriate. (i.e - Union representative, Association Representative.)
- (d) Contact the appropriate employer representative if the offensive action continues despite the intervention of your immediate non-union servisor
- (e) If covered by a collective agreement, assistance may be sought from a union representative and collecting agreement rights;
- (f) A complaint may also be lodged with the Ontario Human Rights Commission at any time subject to the provisions in the *Ontario Human Rights Code*.

4. UNION/ASSOCIATION RESPONSIBILITY

Union/Association officials are available for confidential consultation and to provide separate and independent representation to both the complainant(s) and respondent(s), if they are union/association members. Such representation will not hinder or interfere with the investigation.

EMPLOYEE COMPLAINT MANAGEMENT

PREAMBLE



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It is the primary responsibility of all employees to report workplace harassment issues. Complaint(s) shall be deemed serious and conscientiously investigated in a confidential manner. The name of a complainant and the circumstances related to the complaint will not be disclosed except where disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures. Every effort will be made to keep the identities, details of the incident and circumstances confidential, however, there cannot be a guarantee of anonymity in association with a complaint.

The immediate supervisor or manager is responsible to prevent, investigate and resolve complaints of harassment. The *Ontario Human Rights Code* provides that a person who has authority to prevent or discourage harassment has a particular duty to deal with such incidents when they become aware that they are happening. Action should be taken by the immediate supervisor or manager even if a formal complaint has not been filed.

If an employee feels they are the target of harassment, they have a number of options available to address the concerns. The Employee may choose the option offering the greatest degree of comfort, security and belief that the matter will be resolved based on the circumstances.

OPTIONAL INDEPENDENT RESOLUTION OF HARASSMENT (INFORMAL EARLY RESOLUTION)

The employee who feels they are the target of harassment may feel the most effective way to end the harassment is to deal with the matter promptly and directly with the person committing the offensive behaviour without having to resort to the formal complaint process. As this person may not be aware that the conduct or behaviour is unwelcome or distasteful, the person needs to be advised clearly, politely and firmly to stop the identified offensive behaviour to ensure it does not continue. It may be beneficial to have a witness present in the event the behaviour does not stop following the request to stop the offensive behaviour. It is important that a written record of the incident(s), including dates, times, the nature of the behaviour, and witnesses, if any, are documented if the behaviour is not resolved following the conversation where the person is requested to stop the offensive behaviour and a complaint becomes necessary.

FORMAL COMPLAINTS

If a complainant has attempted to deal with a matter directly with the alleged offender and this has been unsuccessful or if the Complainant is uncomfortable in dealing with the matter directly with the alleged offender, the Complainant should report the incident to their immediate supervisor or manager. Where the immediate supervisor or manager is alleged to have committed the act of harassment, the employee shall report the incident to



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the next level of management. Complainant(s) may also be facilitated through a union representative, who will assist the employee in making their complaint of harassment known to the appropriate Corporation of the Township of Matachewan representative.

EMPLOYEE COMPLAINT MANAGEMENT PROCEDURES

COMPLAINT INVESTIGATION AND REPORTING PROCESS

Steps in the investigation by the Lead Investigator of a complaint shall include the following procedure:

- (a) Determine if interim measures are required (ie, - paid leave or transfer during investigation);
- (b) Interview the complainant and confirm allegations;
- (c) Interview the alleged offender and explain allegations;
- (d) Interview any witnesses;
- (e) Re-interview the complainant and/or the alleged offender if necessary as a result of new information or new allegations
- (f) Document the situation accurately and completely;
- (g) Analyze findings; prepare written report including recommendations and corrective measures upon completion of the investigation;
- (h) Review report with accountable manager(s).

Steps in implementing recommendations and/or corrective action by the accountable Manager shall include the following procedures following the investigation, analysis of the findings, and reporting of the recommendations of the investigator(s):

- (a) Accountable manager responsible for:
 - i. Determining recommendations and/or corrective measures to be implemented as reported by the Lead Investigator
 - ii. Advising Complainant of findings and corrective measures to be taken
 - iii. Advising Respondant of findings and corrective measures to be taken
 - iv. Implementation of the recommendations and corrective actions determined necessary to resolve the matter
 - v. Responsible for follow up on implementation of recommendations and/or corrective measures



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CONFIDENTIALITY

The Township of Matachewan will attempt to ensure all complaints, investigations and related records are managed in a confidential manner and involve only those persons necessary to investigate and resolve complaints. It is recognized, however, that in some cases absolute confidentiality cannot be guaranteed.

All documentation related to complaints made under this policy shall be retained in the Township office to ensure confidentiality. Records will be destroyed in accordance with the record retention requirement of the *Municipal Freedom of Information and Protection of Privacy Act*.

RIGHT TO DISCIPLINE

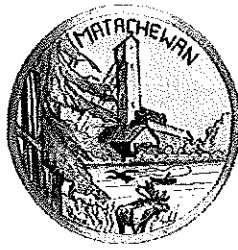
Nothing in this policy shall be deemed to limit or in any other way affect the right to the Township of Matachewan to discipline employees for violations under this policy, or other breaches, whether or not the action was part of the violation under this policy

FORMAL COMPLAINTS - RESPONSIBILITY FOR EMPLOYEE COMPLAINT MANAGEMENT

Respondent to the Complaint	Party Responsible to Receive Complaint	Lead Investigator
Elected Official	The CAO would receive the complaint	Depending on the severity, would look to external sources
CAO	The Reeve would receive the Complaint	External investigator
Employees	The CAO would receive the complaint	Depending on the severity, would look to external sources
Customers/Vendor/Public/Others	The CAO would receive the complaint	Depending on the severity, would look to external sources

* In the event a complaint is to be filed by an employee alleging harassment by the employees's immediate Supervisor or Manager, the complaint is to be submitted to the next level of management

Complaints submitted by an employee alleging harassment or discrimination under the *Ontario Human Rights Code* against a contractor or vendor will be investigated by the immediate non-union supervisor who will then advise the owner/operator of the business on the findings, concerns and future expectations as applicable.



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GOVERNING REGULATIONS

This policy is governed by the following statutes of the Province of Ontario or the Government of Canada, or as may be amended from time to time:

Occupational Health and Safety Act RSO 1990, C 0.1

Ontario Human Rights Code RSO 1990 H.19

Workplace Safety & Insurance Act S.)1997, c. 16

Municipal Freedom of Information and Protection of Privacy Act, RSO 1990 c. M-56

Bill 113-2004, An Act to amend the Occupational Health and Safety Act with Respect to Acts of Violence and Workplace Harassment (as enacted)

Criminal Code RS 1985, c. C-46, ss. 217 1, 265

Bill 168