



Workplace Violence, Harassment, and Sexual Harassment Policy – Ontario

Note: *This document complies with the Occupational Health and Safety Act, including changes made by Bills 168 and 132.*

Intent

The City of Clarence-Rockland is committed to building and preserving a safe, productive, and healthy working environment for its employees, free from violence and harassment. The City will take all reasonable measures to ensure job candidates, employees, managers, and clients are not subject to any form of violence or harassment. This commitment applies to all areas of business, including training, performance, assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.

Acts of violence or harassment against or by any employee will not be condoned or tolerated by the City of Clarence-Rockland. This policy outlines the City of Clarence-Rockland violence and harassment program, including how incidents of violence and harassment will be handled and investigated.

Definitions

Complainant: A person who has made a complaint about another individual who they believe committed an act of violence or harassment against them.

Respondent: A person whom another individual has accused of committing an act of violence or harassment.

Workplace harassment: 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 workplace sexual harassment.

Workplace sexual harassment: 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 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 violence: The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or a statement or behaviour that 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.

Guidelines

This policy has been developed in consultation with the City of Clarence-Rockland management and the certified employer health and safety representative. It will be reviewed annually, or more



frequently if necessary to ensure that it accurately represents the City of Clarence-Rockland prevention program.

The City of Clarence-Rockland will provide all employees with appropriate training and information regarding the City's violence and harassment prevention practices and procedures. Employees are responsible for adhering to this policy, and should report every incident of violence or harassment immediately to management. This includes any incidents that have been witnessed, experienced by, or reported to an employee.

For the purposes of this policy, workplace harassment or violence can occur:

- At the workplace;
- At employment-related social functions;
- In the course of work assignments outside the workplace;
- During work-related travel;
- Over the telephone, if the conversation is work-related; or
- Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship.

Reasonable day-to-day actions by a manager that help manage, guide, or direct workers or the workplace and appropriate employee performance reviews, counselling, or discipline by a manager does **not** constitute harassment.

Violence Risk Assessment

The City of Clarence-Rockland will conduct a risk assessment of the work environment to identify potential risks that could impact the organization and the health and safety of employees and will institute measures to eliminate or control any identified risks to employee safety.

The following factors will be considered during the assessment:

- Past incidents of violence;
- Violence that is known to occur in similar workplaces;
- The circumstances in which work takes place, including the type of work and conditions of work;
- The interactions that occur in the course of performing work; and
- The physical location and layout of the workplace.

The risk assessment may include reviews of records, security reports, employee incident reports, staff perception surveys, health and safety inspection reports, first aid records, or other related records. Areas that will be considered and may contribute to risk of violence include but are not limited to contact with the public, exchange of money, receiving doors, and working alone or at night.

The City will provide the workplace health and safety committee with a written copy of the assessment and advise of the results.

The City of Clarence-Rockland will disclose information to workers who are likely to encounter a known person with a history of violence in the performance of their job duties, or if there is a potential risk of workplace violence as a result of interactions with the person with a history of



violence. However, the City will only disclose personal information that is deemed reasonably necessary to protect the worker from physical harm.

Workplace Violence and Harassment Program

Control Measures and Procedures

The following measures have been implemented to eliminate or reduce the identified risks of workplace violence:

- Prepare policies on preventing workplace violence and harassment;
- Develop and maintain programs to implement the policies;
- Assess the risks of workplace violence based on the nature of the workplace and the type of work;
- Develop measures and procedures to control the risks;
- If you're aware of the potential for domestic violence, take reasonable precautions to protect workers who are at risk of physical injury;
- Alert certain workers to the risk of workplace violence from persons with a history of violent behaviour.

Reporting Incidents of Workplace Violence and Harassment

An employee who believes they have been subject to violence or harassment should submit a complaint to the Human Resources department. The complaint should be made as soon as possible following the incident and must include the following information:

- The date and time of the incident;
- The name of any persons involved in the incident;
- The name of any persons who witnessed the incident; and
- A thorough description of what occurred.

An employee who believes they have been subject to harassment may also choose to confront the harasser without filing a formal complaint. They can confront the harasser directly or through writing, detailing the unwelcome behaviour and requesting it to stop.

If the alleged harasser is the employee's manager, or in a position of power, the complainant is welcome to file a complaint with the Human Resources department or another manager or supervisor.

Investigation Procedures

Once a complaint has been received, the City of Clarence-Rockland will complete a thorough investigation. The City will ensure that, where practicable, the investigation is completed within 60 days of the complaint being filed.

The investigation will include:

- Informing the respondent of the complaint;
- Interviewing the complainant and any persons involved in the incident;
- Identifying and interviewing any witnesses; and
- Obtaining statements from all parties involved.



All of the above information will be documented and used to determine whether an incident of violence or harassment occurred. If necessary, the City of Clarence-Rockland may employ outside assistance or request the use of legal counsel. The workplace health and safety committee or worker health and safety representative will not be involved in investigations and will not be provided with any identifying information of the parties involved.

A copy of the complaint, detailing the complainant's allegations will be provided to the respondent, who will be invited to reply in writing to the complainant's allegations. The reply will be made known to the complainant before the case proceeds.

The City will take all measures to prevent any disclosure of the incident and the identities of the parties involved, unless the disclosure is necessary for the investigation, for taking corrective action or required by law.

Results of Investigation

Upon completion of the investigation, the City of Clarence-Rockland will inform both the complainant and respondent in writing of the findings of the investigation and any corrective action that has been or will be taken as a result of the investigation. This written notification will be provided within 30 days of the investigation being completed.

Control Measures

Where it is determined that violence or harassment has occurred, control measures will be implemented to eliminate or control the risk of violence or harassment to a worker as a result of the investigation. These control measures will be determined on a case-by-case basis, depending on the situation investigated. Any control measure enacted will be communicated to the complainant and respondent, as well as any other employees the measure affects.

Disciplinary Measures

Any disciplinary action will be determined by the Department Head in consultation with the Human Resources department and will be proportional to the seriousness of the behaviour or action involved in the incident.

If it is determined by the City of Clarence-Rockland that an employee has been involved in an incident of violence or harassment towards another employee, immediate disciplinary action will be taken, up to and including immediate dismissal.

Domestic Violence

If the City of Clarence-Rockland becomes aware that domestic violence is likely to expose an employee to physical injury in the workplace, the City will take every precaution reasonable in the circumstances for the protection of the worker.

Recommendations to Victims

The City of Clarence-Rockland will provide appropriate assistance to any employee who is a victim of violence or harassment. The City recommends that a worker who has been harmed as a result



of an incident of violence at the workplace is advised to consult the worker's health care provider for treatment or referral for post-incident counselling, if appropriate.

The Right to Refuse Unsafe Work

Employees have the right to refuse work if they have a reason to believe that workplace violence is likely to endanger them. Upon refusing to work, the employee must report the circumstance of the refusal to their manager or supervisor. An investigation will follow in the presence of the workplace health and safety committee and a worker representative.

Fraudulent or Malicious Complaints

It is a violation of this policy for anyone to knowingly make a false complaint, or to provide false information about a complaint. Unfounded or frivolous allegations may cause both the accused person and the City significant damage. Any employee who knowingly makes a false allegation related to violence or harassment will be subject to immediate disciplinary action, up to and including termination of employment.

Record Keeping

The City of Clarence-Rockland will ensure that appropriate records of complaints and investigations relating to incidents of violence and workplace harassment are kept, including:

- A copy of the complaint or details about the incident;
- Any records related to the investigation, including notes;
- A copy of the investigation report (if applicable);
- A summary of the investigation results, including the reports provided to the complainant and respondent; and
- A copy of any corrective action taken to address the complaint or incident.

Confidentiality

The City of Clarence-Rockland will not disclose the name of a complainant or a respondent or the circumstances related to the complaint to any person except where disclosure is necessary to investigate the complaint or take corrective action with respect to the complaint, or required by law. The City will only disclose the minimum amount of personal information or details necessary for these purposes.

All records of harassment, and subsequent investigations, are considered confidential and will not be disclosed to anyone except to the extent required by law. The City will do everything reasonably possible to protect the privacy of any individuals involved and to ensure that complainants and respondents are treated fairly and respectfully.

Policy Review

In accordance with the *Occupational Health and Safety Act*, this policy will be posted in a conspicuous place in the workplace and reviewed annually.

Acknowledgement and Agreement



I, (Employee Name), acknowledge that I have read and understand the (Name of Policy) of the City of Clarence-Rockland. I agree to adhere to this policy and will ensure that employees working under my direction 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: _____