



Human Resources Policy Manual	HR-06
Policy Replace the previous version	Respect in the Workplace: Preventing Violence, Harassment and Discrimination
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PURPOSE

The Township of Amaranth is committed to providing a safe, healthy and professional workplace free from all forms of violence, harassment, discrimination and disrespectful behaviour. The Township recognizes that workplace violence and harassment is both a health and safety and a human resources issue, and will take reasonable precautions to prevent workplace violence and harassment and to protect its employees.

The Township expects and promotes respectful interactions which show regard for the rights, dignity, and health and safety of all.

This policy is consistent with the spirit and provisions of the *Ontario Human Rights Code* and the *Occupational Health and Safety Act* and should be read in conjunction with any applicable legislation and collective agreement provisions. This policy supports the requirements of [Section 32.0](#) (Part III Violence and Harassment) of the *Occupational Health & Safety Act*.

This policy is intended to:

- Create and foster a work environment free from workplace violence, harassment and discrimination
- Provide solution-based approaches when conflict arises
- Provide definitions of workplace violence, harassment, and discrimination
- Establish and detail the responsibilities of all persons in Township workplace(s) to maintain a workplace free from violence, harassment and discrimination
- Ensure that incidents of workplace violence, harassment and discrimination are reported to Township Management and/or law enforcement as appropriate
- Ensure that complaints of violence, harassment, and discrimination are handled in a timely and equitable manner by the Township and that an investigation is conducted which is appropriate in the circumstances

POLICY

General

The Township of Amaranth does not tolerate, ignore or condone violence, harassment, or discrimination in the workplace. All reported threats or incidents will be investigated promptly, with appropriate action taken. The Township will take every reasonable precaution to protect employees from domestic violence at work where the manager/supervisor has been made aware that an employee is at risk of physical harm in the workplace.

Workplace violence, or the threat of workplace violence, undermines an employee's ability to work effectively. In the Municipal Sector, it is recognized that the potential for staff to encounter violence, harassment and discrimination in their workplace is high, especially in jobs involving the following:

- Dealing with the public
- Working with unstable or volatile people
- Working Alone
- Transporting people and goods
- Handling cash
- Have a mobile workplace
- Securing/protecting valuables
- Transporting people

Scope and Application

This policy applies to all Township employees regardless of position or classification. It applies in any location in which employees are engaged in work-related activities (see definition of workplace below).

This policy also applies to all persons who attend a Township workplace, including but not limited to council members, committee appointees, visitors, contractors, volunteers, vendors and delivery persons.

Members of the general public, visitors to Municipal facilities, or individuals conducting business with the Township, are expected to refrain from any form of violence, harassment, and discrimination. The Township will take any necessary steps to ensure a workplace free from violence, harassment and discrimination.

DEFINITIONS

Workplace Violence

Workplace violence is defined under the *Occupational Health and Safety Act* as:

- a) The exercise of physical force by a person against a worker in a workplace, that causes or could cause physical injury to the worker.
- b) An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- c) 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.

Workplace violence includes:

Assault:

Any intent to inflict injury on another, coupled with an apparent ability to do so; any intentional display of force that causes the victim to fear immediate bodily harm, physically aggressive behaviours including hitting, shoving, standing excessively close to

someone in an aggressive manner, pushing, kicking, physically restraining someone or any other form of physical or sexual assault.

Threats:

A communicated intent (verbal, written or body language) to inflict physical or other harm on any person or to property by some unlawful act. A direct threat is a clear and explicit communication distinctly indicating that the potential offender intends to do harm, for example, “I am going to make you pay for what you did to me.” A conditional threat involves a condition, for example, “If you don’t leave me alone you will regret it.” Veiled threats usually involve body language or behaviours that leave little doubt in the mind of the victim that the perpetrator intends to do harm.

- Physical threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, throwing objects.
- Stalking someone

Domestic Violence

A pattern of coercive behaviour by intimate partners that is used by one person to gain power or control over another, which may include physical violence, threats of violence, sexual, emotional and psychological intimidations, verbal abuse, stalking and economic control. It is a crime that represents a danger to the victim and the workplace.

Signs of “at risk” workers:

Trusted colleagues are often the first people in the workplace to become aware that an employee may be facing Domestic Violence.

Possible indicators are, but not limited to:

- chronic absenteeism
- excessive layering of inappropriate clothing (to hide bruising etc.)
- repeated physical injuries
- chronic health problems
- isolation
- emotional distress
- excessive number of personal telephone calls

Workplace Harassment

Harassment is defined under the *Occupational Health and Safety Act* as:

- (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.

Harassment is a pattern of inappropriate actions that are not in keeping with the Township of Amaranths’ expectation of respectful interactions. Harassment is ongoing behaviour that a reasonable person would consider to be humiliating, demeaning, offensive or intimidating and is unwelcome. A single incident may constitute harassment, depending on the severity of the behaviour. Harassment results in a poisoned work environment.

Examples of harassment may include, but are not limited to:

- Yelling at an employee
- Taking credit for another's work
- Ostracizing an employee

- Abuse of authority
- False accusations/allegations
- Practical jokes which insult or embarrass an individual
- Sabotaging an employee's work
- Withholding information from an employee required for them to do their job
- Belittling, condescending comments
- Bullying, workplace pranks, vandalism, hazing
- Gossiping or spreading malicious rumours
- Inappropriate, embarrassing, humiliating comments or jokes about an individual.

Harassment is not:

- Appropriate direction, delegation or discipline administered under the course of supervision
- Measures to correct performance deficiencies such as placing someone on a performance improvement plan
- Imposing discipline for workplace infractions
- Requesting medical documents in support of an absence from work
- Stressful events encountered in the performance of legitimate job duties
- A relationship of mutual consent or flirtation
- Friendly teasing or bantering that is mutually acceptable and not offensive to others
- Normal workplace conflict that may occur between individuals or difference of opinion between co-workers.

The Test of Harassment

It does not matter whether an individual intended to offend someone. The test of harassment is whether the individual knew, or should have known, that the comments or conduct were unwelcome to the other person. For example, someone may make it clear through their conduct or body language that the behaviour is unwelcome, in which case, the person committing the harassing behaviour must immediately stop that behaviour.

Bullying

A type of workplace harassment, bullying is behaviour which intimidates, degrades, humiliates and ultimately undermines the self-confidence of an individual. It is generally repetitive, although a single serious incident of such behaviour may constitute bullying if it has a lasting harmful effect. Bullying behaviour is specifically used to devalue the worth of others.

Cyber Bullying

Internet harassment, also referred to as “cyberbullying”, is the term used to describe the use of the Internet to bully, harass, threaten, or maliciously embarrass.

- Sending unsolicited and/or threatening e-mail.
- Encouraging others to send the victim unsolicited and/or threatening e-mail or to overwhelm the victim with e-mail messages.
- Sending viruses by e-mail (electronic sabotage).
- Spreading rumours.
- Making defamatory comments about the victim online.
- Sending negative messages directly to the victim.

- Impersonating the victim online by sending an inflammatory, controversial or enticing message which causes others to respond negatively to the victim.
- Harassing the victim during a live chat.
- Leaving abusive messages online, including social media sites.
- Sending the victim pornography or other graphic material that is knowingly offensive.
- Creating online content that depicts the victim in negative ways.

Sexual Harassment

The *Occupational Health and Safety Act* defines sexual harassment 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 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.

Examples may include, but are not limited to:

- Continuous conversation of a sexual nature
- Persistent and offensive jokes of a sexual or gender-specific nature
- Suggestive or insulting sounds (example, whistling or cat-calls)
- Lewd gestures
- Sexual comments about body shape, clothes or weight
- Comments about a person's sex life or relationship with partner
- Posting or electronically transmitting pornographic or sexually explicit pictures and jokes
- Sexual exposure
- Unnecessary physical contact (example pinching, touching or patting)
- Sexual assault
- Sexual innuendoes or taunting
- Vulgar humour or language
- Leering (persistent sexual staring)
- Sexual advances or demands that are unwelcome
- Threats, punishment or denial of a benefit for refusing a sexual advance
- Offering a benefit in exchange for a sexual favour

Workplace Discrimination

Discrimination is the unequal treatment of a person on the basis of prohibited grounds. In general, discrimination is an act or practice that intentionally or unintentionally causes a type of disadvantage prohibited by the provisions of the Ontario Human Rights Code.

Examples of discrimination may include, but are not limited to:

- Refusal to work with, or differential treatment of a person on the basis of the prohibited grounds

- Decisions of recruitment, promotion, pay increases or employment practices based in whole or in part on one or more of the prohibited grounds

Prohibited Grounds

The Ontario Human Rights Code prohibits actions that discriminate against people based on a protected ground in a protected social area.

Protected Grounds are:

- Age
- Ancestry, colour, race
- Citizenship
- Ethnic origin
- Place of origin
- Creed (religion or belief system)
- Disability
- Family status
- Marital status (including single status)
- Gender identity, gender expression
- Receipt of public assistance (in housing only)
- Record of offences (in employment only)
- Sex (including pregnancy and breastfeeding)
- Sexual orientation

Protected Social Areas are:

- Accommodation (housing)
- Contracts
- Employment
- Goods, services and facilities
- Membership in unions, trade or professional associations

Discriminatory Harassment

Includes comment or conduct based on the protected grounds in the *Ontario Human Rights Code*, which the recipient does not welcome or that offends them.

Examples of discriminatory harassment may include, but are not limited to:

- Unwelcome remarks, jokes, innuendos, or taunting that disparage or ridicule a person's membership in one of the protected grounds
- Practical jokes of a racial or religious nature which causes awkwardness or embarrassment
- Displaying or electronically transmitting racist pictures, jokes or other offensive material
- Condescending or paternalistic behaviour which undermines self-respect based on a person's membership in one of the protected grounds
- Offensive gestures based on a person's membership in one of the protected grounds
- Refusing to converse or work with an employee because of their race or ethnic background
- 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

Systemic (Indirect) Discrimination

Patterns of behaviour, either in policy or practice, which appear neutral, but which have a negative impact or perpetuate a position of relative disadvantage on an identified group on the basis of a prohibited ground. Systemic discrimination occurs when policies or practices exclude, limit or restrict members of designated groups from employment or opportunities within employment.

Reprisal

Any negative action, threat, or act of retaliation that occurs because an employee followed health and safety laws or workplace policies.

Examples of reprisal include, but are not limited to:

- Any threat or act of retaliation that occurs because a person has complained of or provided information about an incident of workplace discrimination or harassment
- Intentionally pressuring a person to ignore or not report an incident of workplace discrimination or harassment
- Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of workplace discrimination or harassment

Workplace

Any location where a Township of Amaranth employee is carrying out their occupational duties, including those locations that are not on primary work sites. This may include work-related social functions, training and conferences, during work-related travel, at restaurants, hotels or meeting facilities being used for business purposes, during telephone, e-mail or other communications.

Poisoned Work Environment

Workplace harassment may also include behaviour, conduct, comments or activities which are not directed specifically at an individual but which nonetheless create a degrading or offensive poisoned work environment.

Abuse of Authority

An individual using undue authority or power related to their position with the intention of compromising an employee's job performance and adversely affecting their career.

Complainant

A person who brings a complaint forward under this policy because the person was the target of or a witness to harassment or discrimination.

Respondent

A person alleged to have engaged in behaviour of harassment or discrimination under this policy.

Investigator

The CAO/Clerk or designate will conduct investigations under this policy. The Township of Amaranth reserves the right to retain an external third party to investigate allegations against Senior Management or other staff members depending upon the situation.

Trivial, Frivolous or Malicious Complaints

Trivial or frivolous complaints are those with no merit. Malicious complaints are those which are made in bad faith with the intent to harm the Respondent.

RESPONSIBILITIES

All employees have the right to work in an environment free from violence, harassment and discrimination. Everyone is responsible for creating and maintaining a safe workplace to the extent of each person's authority and ability to do so. It is the responsibility of every employee to assist and cooperate in making the workplace as safe and secure as possible.

Organization

It is the responsibility of the Township:

- To assess the risk of workplace violence, harassment and discrimination for the employees and take every reasonable measure to prevent it from happening or recurring
- To take reasonable, preventative measures to protect employees and others in Township workplaces from workplace violence, harassment and discrimination
- To ensure all employees have received workplace violence, harassment and discrimination prevention training
- To identify and ensure employees working in positions identified as being more susceptible to workplace violence receive training in being able to recognize and respond to violence and harassment appropriately and safely
- To post this policy in a conspicuous place in the workplace. The policy is available in an electronic format upon request. Hard copies of this policy must be posted on the health and safety board
- To ensure that this policy is communicated to contractors and other persons who attend Township workplaces
- To establish a process for reporting and responding to incidents of workplace discrimination and harassment
- To ensure the process for reporting and responding to incidents of workplace violence, harassment and discrimination is communicated, maintained and followed
- To ensure that this policy is reviewed at least annually

Managers and Supervisors

It is the responsibility of managers and supervisors:

- To understand and abide by the requirements of this policy
- To actively promote a workplace free from violence, harassment and discrimination
- To communicate and review this policy with the employees they supervise or manage
- To provide workers with information, including personal information, related to a risk of workplace violence from a person with a history of violent behavior, without disclosing more personal information than is necessary to protect the worker, as required by the *Occupational Health & Safety Act*
- To verify that all contractors and others who attend Township workplaces are aware of this policy
- To adequately train employees in Township procedures that address the workplace violence, harassment, and discrimination risk(s) applicable to the employee

- To encourage employees to report complaints or incidents of workplace violence, harassment, and discrimination
- To instruct workers in the procedure for reporting, investigation and documentation of incidents involving violence, harassment and discrimination departmentally
- To take immediate action and treat all reports of violence, or threats of violence in the workplace seriously, by conducting an initial investigation
- To respond to all complaints or incidents of workplace violence, harassment and discrimination in a professional manner appropriate
- To promptly report all complaints or incidents of workplace violence, harassment and discrimination they receive or witness to the CAO/Clerk or designate
- To report incidents or workplace violence causing injury as per Section 52(1) to the committee, the health and safety representative and the CAO/Clerk within 4 days
- To develop Department-Specific Guidelines relating to the prevention of violence in the workplace as appropriate, with the Health & Safety Advisor

Employees (including Managers and Supervisors)

It is the responsibility of employees:

- To comply with this policy at all times to protect themselves and others in the workplace from workplace violence, harassment or discrimination
- To immediately notify either their Supervisor, Senior Management or other designated person of any incident of workplace violence (or threat of violence), harassment or discrimination whether the notifying employee is the victim or not. In the case of an extreme or imminent threat of physical harm to themselves or any person, the employee should contact the police
- To report all incidents involving violence (or threats of violence), including domestic violence outside the workplace that could enter the workplace, to their Supervisor/Manager immediately
- To immediately notify the CAO/Clerk or Senior Management if the incident of workplace discrimination or harassment involves the employee's supervisor or manager
- To participate in training regarding this policy and Township procedures directed at workplace violence and harassment risks in the workplace
- To fully cooperate in any investigation of complaints or incidents of workplace violence and harassment or breaches of this policy

Health and Safety Advisor

It is the responsibility of the Health and Safety Advisor:

- To assist departments in auditing the hazard of workplace violence, harassment and discrimination to identify potential high-risk jobs
- To assist in the development of department-specific guidelines
- To facilitate training sessions for staff in recognizing and responding to workplace violence
- To actively monitor industry standards and available information on violence in the workplace prevention and provide information to, and consult with management to allow for the most effective implementation of violence in the workplace prevention programs
- To participate in the investigation of reported violence-related incidents in the workplace, as requested, and assist department managers and Joint Health and

Safety Committee (JHSC) members and Health and Safety Representatives in implementing proper programs/controls in response to such incidents

CAO/Clerk

The CAO/Clerk is an advocate for a respectful workplace – not an advocate for a particular individual. The CAO/Clerk maintains confidentiality to the extent practicable and appropriate under the circumstances. The CAO/Clerk may be required to investigate a complaint (with another senior manager) if an internal investigation is deemed appropriate. The CAO/Clerk assists all parties in understanding their rights and obligations under this policy, specifically:

- To act as a resource and answer inquiries with respect to this policy
- To discuss complaints on a confidential basis, unless it is required to release information by law, or where there is a risk of harm to the victim or another individual
- To assist individuals who may be experiencing domestic violence that may expose them to risk of physical injury in the workplace
- To assist in the informal resolution of complaints through counselling
- To engage in discussions with the respondent to see if the matter can be resolved informally

PROGRAM

Procedures for Workplace Violence

Anyone in a Township of Amaranth workplace who believes they are being threatened or who experiences or witnesses any workplace violence as defined in this policy must first protect themselves and then report the incident immediately. No report of workplace violence or risks of violence can be the basis of reprisal against the reporting employee.

Recognizing Behaviours of Concern:

- Fidgety/anxious
- Raised voice
- Minimal eye contact
- Foul language
- Heavy rate of breathing
- Clenched jaw

People exhibiting any behavior that cause staff to be concerned about that person becoming violent should be dealt with according to methodologies learned during training. If at any time staff become uncomfortable dealing with a person exhibiting any behaviours of concern, they should contact their Supervisor immediately for assistance, or provide the person contact information for their Supervisor (i.e. business card) so that they can deal with them directly.

Reporting Incidents of Violence: Emergencies

(Immediate danger; weapons; physical injury or the threat of physical injury)

If a situation is escalating or an employee feels there is a potential for violence, and attempts to de-escalate the situation are ineffective – GET HELP. The worker, if possible, or a staff member in the immediate area should notify Police (9-1-1) or immediate Supervisor in all emergency situations.

Once all employees are safe, a Municipal Incident/Injury Report form must be filled out, noting 'violence' as the incident type. Witness statements should be included from all employees and supervisors present.

Reporting Incidents of Violence: Non-Emergencies

(Verbal threats that could lead to physical harm)

- Report threatening statements or behavior that causes a worker to believe that there is a threat of workplace violence to their Supervisor immediately
- All incidents reported must be tracked as an incident on the Municipal Incident/Injury Report form or other internal incident report forms as appropriate noting 'violence' as the incident type, along with all other pertinent information, and given the same consideration as any other type of incident
- If the Complainant is uncomfortable completing a written report, they may provide a verbal report to their Supervisor, member of Senior Management or designate
- Incidents involving harassment must be forwarded to the CAO/Clerk or designate
- All matters relating to workplace violence shall be dealt with in a sensitive, fair, and impartial manner. Privacy and confidentiality will be maintained unless the disclosure of personal information is necessary for the purposes of investigating or taking corrective action with respect to the incident, or is otherwise required by law

Investigating Incidents of Violence

All incidents involving physical violence in the workplace shall be investigated by a team comprised of: the Department Manager, CAO/Clerk or designate, and Health & Safety Advisor in the following manner:

- Conduct separate interviews with the Complainant, the Respondent (where possible), the Supervisor and any individuals who may be able to provide relevant information
- Document the interview, and have the notes from each discussion read and signed by the interviewee to confirm accuracy
- Prepare a written report summarizing the investigation findings so that appropriate corrective measures can be taken to facilitate the worker returning to a safe work environment. A copy of this report will be submitted to the CAO as deemed necessary
- The employee/person displaying violent conduct will be subject to a range of corrective action up to and including termination or expulsion from Township programs
- The managers or supervisors will inform the reporting employee of the outcome of the investigation enough to minimize the chance of similar incidents
- The managers or supervisors who investigate the reported incident make all staff (that might be affected) aware of dangerous situations or potentially violent persons in the workplace. This will be a judgement call based on the information available at that time.

In keeping with due diligence, the Township may elect to conduct an investigation regardless of whether the complaint is formalized or not. The employer reserves the right to act in accordance with all legislative responsibilities.

Procedure for Addressing Domestic Violence

Staff are required to notify their manager, supervisor or the CAO/Clerk of any potential threat of domestic violence that could enter the workplace. The Township of Amaranth

will make every effort to prevent the risk of injury specific to the threat of any domestic violence situation. This may include some or all of the following:

- Creating a safety plan
- Contacting the police
- Establishing enhanced door and access security measures
- Screening calls and blocking certain e-mail addresses
- Setting up priority parking or providing escorts to employee's vehicle or to public transportation
- Adjusting the employee's working hours and location so that they are not predictable
- Facilitating employee's access to counseling programs through the EAP or other community programs

Clarification of disclosure of domestic violence:

Disclosures of domestic violence must be clarified by the person hearing the information. Is the person disclosing because:

- they want support in the form of listening?
- they want assistance in bringing this to the attention of police or someone who can help counsel in these matters?
- they are fearful for their personal safety?

In most situations, the person disclosing the information will be a capable adult who is able to make choices about disclosure to others, including legal authorities. Their autonomy should be respected and weighed against other principles such as imminent harm "unless" the person is believed to be in imminent danger; the issue of disclosure to others should be left to the person, with appropriate offers of support and assistance. If a situation of imminent harm in the workplace is apparent, the person should be advised of their ethical and/or legal obligation to report the issue and encourage them to take steps in reporting the issue to police independently. In cases where the immediate safety of any staff member is endangered, the police will be contacted.

Procedures for Workplace Harassment and Discrimination

Reporting Incidents of Workplace Harassment

Employees can at any time report incidents of workplace harassment or reprisal to their supervisor, the CAO/Clerk, Senior Management or other designate. Incidents can be reported by individuals directly involved in the incident of workplace harassment, or by any witness to the incident.

In all cases, staff are encouraged to report their concerns internally to the direct supervisor, provided they are not the alleged Respondent or reporting to the alleged Respondent, in which case concerns should be reported to the CAO/Clerk or any other member of Senior Management.

If a complaint is regarding the conduct of senior management, or staff are uncomfortable or unable to report it internally, the complaint may be reported to an outside party such as the Ministry of Labour, Training and Skills Development. Nothing in this policy prevents or discourages an employee from filing an application with the Human Rights Tribunal of Ontario on a matter related to the Ontario Human Rights Code. An employee also retains the right to exercise any other legal avenues that may be available, including filing a grievance if the employee is a member of the bargaining unit.

All complaints and incidents are to be recorded in writing by the reporting person/employee, and/or the supervisor or manager receiving the report. The date, time, location, names of Complainant, Respondent, and potential witnesses, and nature of the incident should be documented in the Municipal Respect in the Workplace Complaint Form.

If the employee reporting the incident does not feel comfortable making a written report, they may make a verbal report to a supervisor, CAO/Clerk, or Senior Management who will complete a written report to document what they were told.

If an incident of workplace harassment involves a person who is not an employee of the Township, a member of the Senior Management team will report the incident to that person's employer and/or such other person as the Township determines is appropriate in the circumstances.

In keeping with due diligence, the Township may elect to conduct an investigation regardless of whether the complaint is formalized or not. The employer reserves the right to act in accordance with all legislative responsibilities.

Informal Resolution Approaches

If an employee is either directly affected by, or has witnessed harassment or discrimination in the workplace, they are encouraged to speak to the person perpetuating the harassment or discrimination directly, to let them know that their behaviour is unwelcome, and ask for it to stop.

Although it is a difficult conversation, some ways to verbally address and stop the behaviour include:

- "I don't want you to do that."
- "Please stop doing or saying..."
- "It makes me uncomfortable when you..."
- "I don't find it funny when you..."

As an alternative, an informal mediation can be arranged with both employees. The CAO/Clerk, Senior Management or designate will assist the employees to discuss the incident and their concerns and come to an agreed upon outcome. Participation in informal mediation is voluntary and either party can withdraw at any time.

Should the above approaches be ineffective, and/or the behaviour continues, the formal resolution approach should be initiated.

Formal Resolution Approach

If the offending person does not stop the offensive behaviour then a formal complaint can be made to the Department Manager or CAO/Clerk.

All complaints of workplace harassment and discrimination must be submitted on the prescribed Municipal Respect in the Workplace Complaint Form.

Once the formal complaint is received, a formal investigation will be initiated if it is necessary and appropriate to do so.

Anonymous complaints will not be investigated unless there are extenuating circumstances.

Investigation Procedure

All complaints or incidents of workplace harassment or reprisal will be promptly investigated by the CAO/Clerk, supervisor or designate, whether submitted verbally, through written report, or witnessed. The investigation will be completed within 90 days or less, unless there are extenuating circumstances warranting a longer investigation.

Where the Respondent is a Township employee, the investigation will be conducted as quickly and confidentially as possible in the circumstances. Every effort will be made to protect the privacy of the individuals involved in an investigation and to ensure that Complainants and Respondents are treated fairly and respectfully. Information about the alleged incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.

If the Complainant decides not to lay a formal complaint, the Township of Amaranth has a legal obligation to conduct an investigation which is reasonable in the circumstances and will file such documents with the person against whom the complaint is laid (the Respondent).

At the discretion of the CAO/Clerk, the Township may obtain outside assistance and/or legal counsel.

The investigation will include:

- A documented interview with the Complainant and/or victim
- A documented interview with the alleged Respondent(s)
- A documented interview with any witnesses with relevant information
- Collect and review any relevant documents
- Any other step the investigator(s) deems necessary to fully and fairly investigate the complaint or incident
- At the conclusion of the investigation into an incident or complaint, the CAO/Clerk will prepare a written report of the findings
- Where the Respondent is a Township employee, their supervisor, in consultation with management and/or the CAO/Clerk, will take any necessary corrective action warranted in the circumstances
- Where the Complainant is a Township employee and is found to have brought forward a complaint in bad faith, their supervisor, in consultation with management and/or the CAO/Clerk, will take any necessary disciplinary action
- The severity of any disciplinary action, which may include dismissal from employment, will be consistent with the seriousness of the conduct at issue, such that more significant discipline will follow more serious conduct or repeated violations of this policy
- Within 10 days of completion of the investigation, the Township of Amaranth will advise in writing the Complainant and Respondent, if the Respondent is a Township employee, of the findings of the investigation and any corrective action that has been or will be taken as a result of the investigation

Corrective Action

The CAO/Clerk will determine what corrective action should be taken as a result of the investigation.

If the investigation finds evidence that violence, harassment or discrimination as defined above has indeed taken place, the Township of Amaranth will take appropriate corrective measures, regardless of the respondent's seniority or position. Corrective action will consider both progressive discipline and the seriousness of the offense.

Corrective measures may include any of the following:

- Education and training
- Review and modification of policies, procedures and practices
- Mandatory referral to counselling (sensitivity training, anger management)
- Verbal or written warning with mandatory referral for counseling (sensitivity training, anger management), supervisory skills training or attendance at educational programs on workplace respect.
- Suspension without pay with mandatory referral for counseling (sensitivity training, anger management), supervisory skills training or attendance at educational programs on workplace respect.
- Termination of employment, with or without cause

Supervisors who condone such conduct or fail to investigate and report such conduct will also be subject to corrective measures.

No Reprisal

This policy prohibits reprisals against employees who have made complaints in good faith and without malice or provided information regarding a complaint or incident of workplace violence, harassment and discrimination.

Employees who engage in reprisals or threats of reprisals may be disciplined up to and including dismissal from employment.

An employee who makes a false complaint or otherwise abuses this policy may be disciplined up to and including dismissal from employment. Such discipline is not a reprisal or breach of this policy.

False Complaints

An employee who makes a false complaint or otherwise abuses this Policy may be disciplined up to and including dismissal from employment. Such discipline is not a reprisal or breach of this Policy.

Other Recourse

The provisions of this Policy in no way affect the right of any person to exercise his or her rights under the Occupational Health and Safety Act or the Ontario Human Rights Code, within the time limits specified by the applicable legislation.

Training

All employees will be provided with information and instruction on the application of this Policy.

Record Keeping

The Township of Amaranth will keep a record of all complaints or incidents of workplace violence, harassment and discrimination including:

- A copy of the complaint or details about the incident
- A record of the investigation, including notes
- A copy of witness statements, if taken
- A copy of the investigation report, if any
- A copy of the results of the investigation that were provided to the worker who reported the incident and the Respondent
- A copy of any corrective action taken to address the complaint or incident

The documents associated with a workplace incident or complaint of violence, harassment and discrimination, and/or investigation will not be disclosed unless necessary to investigate the incident or complaint, take corrective action, or otherwise required by law.

Records will be kept in accordance with the Township of Amaranth Records Retention Schedule.

Confidentiality

The Township of Amaranth recognizes the sensitive nature of harassment and violence complaints and will keep all complaints confidential, to the extent that it is able to do so. The Township will only release as much information as is necessary to investigate and respond to the complaint or situation, or if required to do so by law.

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 maintains confidentiality throughout the investigation process and beyond.

Where the Complainant chooses to obtain advice about their rights by making comments or initiating proceedings outside the Township's policy, confidentiality cannot be guaranteed.

Timeline for Review

As required by the *Occupational Health and Safety Act*, the Township of Amaranth will review this policy annually and will post the policy in a conspicuous place in the workplace. The Joint Health and Safety Committee members will also review this policy and provide recommendations.