



Policy Manual

Section:	Corporate
Subject:	Respectful Workplace Policy
Policy Number:	016
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1.00 Objective

The Town of Essex is committed to providing and maintaining a work environment that is inclusive, free from any forms of harassment or violence and respects the dignity, self-worth and human rights of every individual.

The Ontario's *Human Rights Code*, R.S.O. 1990 provides the basis for an employee's rights in the workplace with respect to discrimination or harassment based on the protected grounds of discrimination.

The *Occupational Health and Safety Act*, R.S.O. 1990 (OHSA) as amended further protects an employee's rights with respect to harassment in the workplace by expanding the definition of harassment such that workplace harassment is not limited to the protected grounds of discrimination and includes personal harassment and sexual harassment. The OHSA also provides for the protection of workers from hazards in the workplace, including hazards involving the workplace violence, domestic violence, and sexual violence.

Harassment and violence affect the workplace and individual well-being and will not be tolerated by the Town of Essex. This policy has been established to prevent harassment and violence by promoting increased awareness, early problem resolution and the use of mediation.

Behaviours that create and support a respectful workplace include:

- integrity and trust;
- positive communication and collaborative working relationships;
- courteous and respectful treatment of others;
- treating everyone equitably and fairly;
- listening to what others have to say;
- recognizing, embracing and valuing diversity in the workplace; and
- willingly apologizing to people when you say something or do something to offend another individual.

The Town of Essex will ensure that this policy is maintained and that all workers and supervisors have the appropriate information and instruction to protect them from harassment and violence in the workplace.

2.00 Scope

This policy applies to the following:

- a) All Council Members of the Town of Essex in their capacity as members of Council and in their capacity as Council representatives on committees and local boards of the Town;
- b) All Town of Essex employees, including any union or non-union, regular, full-time, part-time, temporary, casual, seasonal or student employee;

- c) Contract employees;
- d) Volunteers, including volunteer firefighters; and
- e) Member of a Town of Essex Committee of Council, including but not limited to Accessibility Advisory Committee, Arts, Culture and Tourism Committee, Co-An Park Committee, Communities in Bloom Committee, Essex Fun Fest Committee, Heritage Committee, Committee of Adjustment, Property Standards Committee and any other ad hoc committee established by Council.

This policy also applies to customers, suppliers, contractors and consultants in their dealings with Council Members, employees, contract employees and volunteers while providing supplies and services to the Town of Essex or accessing services provided by the Town.

3.00 Workplace

For purposes of this policy, the workplace includes any location in which work is carried out on behalf of the Town of Essex and is also applicable to any methods used to conduct work-related activities on behalf of the Town, including but not limited to—

- a) All work locations owned, rented or leased by the Town of Essex, including buildings, roads, etc.;
- b) Transportation used to conduct business on behalf of the Town of Essex, including vehicles, equipment, airlines, trains, buses, etc, regardless of whether they are owned, rented or leased by the Town of Essex;
- c) Restaurants, hotels or meeting facilities used for business-related purposes;
- d) Communication devices used to conduct Town of Essex business including telephones, cell phones, smart phones, email or any other method of communication; and

- e) Work-related social events regardless of whether the event is sponsored by the municipality.

4.00 Definitions

In this policy:

“Chief Administrative Officer” means the Chief Administrative Officer (CAO) of the Town of Essex.

“Complainant” means the person making a formal or informal complaint of harassment, violence or discrimination.

“Disability” is defined in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005* as—

- a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;
- b) a condition of mental impairment or developmental disability;
- c) learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- d) a mental disorder; or
- e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997.

“Discrimination” in the workplace includes any distinction, exclusion or preference based on the protected grounds in the *Human Rights Code*, R.S.O. 1990, which nullifies or impairs equality of opportunity in employment, equality in the terms and conditions of employment or equality of treatment in employment. The protected grounds of discrimination include—

- race, colour, creed, ancestry, citizenship, ethnic origin or place of origin;
- age;
- sex, pregnancy;
- gender identity, gender expression, sexual orientation;
- family status, marital status;
- disability;
- a record of offences for which a pardon has been granted under the *Criminal Records Act*, R.S.C., 1985 and has not been revoked, or an offence in respect of any provincial enactment.

Discrimination in the workplace includes subtle discrimination and systemic discrimination.

“Discriminatory Harassment” includes vexatious comments or conduct based on the protected grounds in the *Ontario Human Rights Code*, R.S.O. 1990, which the recipient does not welcome or that offends him or her. Some examples of discriminatory harassment are:

- offensive comments, jokes or behaviour that disparage or ridicule a person’s membership in one of the protected grounds, such as race, religion or sexual orientation;

- distributing email messages or attachments such as pictures or video files that ridicule;
- 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; or
- inappropriate comments or jokes about an individual's age, sexual orientation, personal appearance or weight (whether they are under or overweight), etcetera.

“Domestic Violence” is violence that typically occurs outside the normal workplace between spouses or former spouses, which may have an impact on the working environment, including working relationships.

“Harassment” means a course of vexatious comment or conduct that is known or ought to be known to be unwelcome. It comprises any objectionable act, comment or display that demeans, belittles, or causes personal humiliation or embarrassment, and any act of intimidation, bullying or threat. For purposes of this policy, it includes but is not limited to discriminatory harassment, psychological harassment, sexual harassment and personal harassment.

“Personal Harassment” means any unwanted physical or verbal behaviour that offends, humiliates, intimidates, excludes and/or isolates an individual or group.

“Poisoned Work Environment” means a work environment that has become so hostile or an uncomfortable place to work as a result of harassing comments or conduct, even if no one is being directly targeted. A Poisoned Work Environment may have the effect of making competent work performance impossible or continued employment intolerable. Some examples of actions that can create a poisoned work environment include:

- displaying offensive or sexual materials such as posters, pictures, calendars, web sites or screen savers;

- distributing offensive e-mail messages, or attachments such as pictures or video files;
- practical jokes that embarrass or insult someone; or
- jokes or insults that are offensive, racist or discriminatory in nature.

“Psychological Harassment and Violence” is bullying or humiliating behaviour that has the following components—

- it is generally repetitive, although a single serious incidence of such behaviour may constitute psychological harassment if it undermines the recipient’s psychological or physical integrity and has a lasting harmful effect;
- it is hostile, abusive or inappropriate;
- it affects the person’s dignity or psychological integrity; and
- it results in a poisoned work environment.

Psychological harassment should not be confused with legitimate management actions, including measures to correct performance deficiencies or impose discipline for workplace infractions.

Some examples of psychological harassment are:

- a) verbally abusive behaviour such as yelling, insults and name calling;
- b) persistent, excessive and unjustified criticism and constant scrutiny;
- c) spreading constant rumour or innuendo that perpetuates and fosters a strong feeling of negativity;
- d) excluding or ignoring someone;

- e) undermining someone else's efforts by setting impossible goals and deadlines;
- f) sabotaging someone else's work;
- g) impeding an individual's efforts at promotions or transfers; and
- h) making false allegations about someone in memos or other work related documents.

"Respondent" means the person against whom a formal or informal complaint of harassment, discrimination or violence is made by a complainant.

"Sexual Harassment" includes conduct or comments of a sexual nature that the recipient does not welcome or that offend him or her. It also includes negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are directed at an individual because of his or her gender identity, gender expression, sex or sexual orientation. Sexual harassment also includes 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 and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. Both men and women can be victims of harassment, and someone of the same or opposite sex can harass someone else.

Some examples of sexual harassment are:

- using rude or insulting language or making comments toward women or men, depending on the circumstances;
- leering or inappropriate staring;
- displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic web sites or other electronic material;

- distributing sexually explicit e-mail messages or attachments such as pictures or video files;
- sexually suggestive or obscene comments or gestures;
- unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, clothing or sex; or
- persistent, unwanted attention after a consensual relationship ends.

“Sexual Violence” means any sexual act completed or attempted, against a person without that person's freely given consent and includes:

- unwanted sexual experiences, regardless of whether there is contact;
- unwanted sexual comments, advances or contact;
- a sexual act which occurs after a person is pressured verbally, or through intimidation or misuse of authority; or
- acts of violence directed against an individual because of their sexuality, regardless of the relationship to the victim.

“Subtle Discrimination” means discrimination that is subtle or covert where the intent or motive to discriminate is not a necessary element for a finding of discrimination. Detection of subtle discrimination requires the need to investigate and analyze the total context of the alleged behaviour, comment or conduct. Examples of subtle discrimination include:

- being excluded from formal or informal networks, such as after-hours get-togethers or office parties;
- being denied mentoring or development opportunities such as secondments and training that are available to other people;
- differences in management practices, such as excessive monitoring and

documentation or deviating from written policies or standard practices;

- being assigned less desirable jobs or duties; or
- disproportionate blame for an incident.

“Systemic Discrimination” refers to policies or practices that appear neutral on the surface, but may have discriminatory effects on individuals based on the protected grounds in the *Human Rights Code*, R.S.O. 1990. The definition of systemic discrimination includes the following three elements:

1. patterns of behaviour, policies or practices;
2. part of social or administrative structures of an organization; and
3. position of relative disadvantage created for persons identified by the *Human Rights Code*, R.S.O. 1990.

An example of systemic discrimination is a requirement for employees to attend gender specific sporting events (for example, football and wrestling) with their spouses on evenings and weekends in places that are not fully accessible. Employees who are female, single, gay or lesbian or people may not feel welcome at these events and persons with disabilities may not be able to attend the events.

“Workplace Bullying” is any behaviour that intimidates, humiliates or demeans a person. Sometimes it is directed at one employee in particular and, at other times, it is part of a hostile or poisoned work environment.

“Workplace Violence” is defined under the *Occupational Health and Safety Act* as—

- 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 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.

It is defined broadly enough to include acts that may be considered criminal including—

- physical threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, throwing objects;
- verbal or written threats to physically attack a worker;
- leaving threatening notes or sending threatening emails;
- wielding a weapon at work;
- stalking someone; or
- physically aggressive behaviours including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, throwing an object at someone, physically restraining someone or any other form of physical or sexual violence.

5.00 Responsibilities

5.01 Shared Responsibilities

All employees have a right to work in an environment free from harassment, violence and discrimination. All employees share the responsibility to support human rights and equality.

It is the mutual responsibility of the employer and employees to create and maintain a workplace free from harassment, violence and discrimination, and to address violence and/or a threat of violence from all possible sources (including customers, clients, employees,

supervisors, managers, workers, strangers and domestic/intimate partners).

5.02 Employer Responsibilities

The Town, as an employer, is responsible for—

- Providing a workplace free from all forms of harassment, violence and discrimination;
- Preparing policies on workplace violence and harassment and, in consultation with a representative from the Joint Health and Safety Committee, maintaining a written program to implement them;
- Assessing the risks of workplace violence based on the nature of the workplace and type or conditions of work and developing measures and procedures to control them;
- Taking reasonable precautions to protect workers who are at risk of physical injury when the employer is aware of the potential for domestic violence in the workplace;
- Alerting certain workers of the risk of workplace violence from persons with a history of violent behaviour;
- Notifying the Joint Health & Safety Committee and others if a worker is disabled or needs medical attention due to workplace violence as required under Bill 168 and Bill 132;
- Ensuring corporate policies and procedures comply with the *Human Rights Code*, R.S.O. 1990 and the Occupational Health & Safety Act;
- Providing awareness education to all employees ;

- Creating an environment that encourages the reporting of all incidents of harassment, discrimination and violence;
- Providing a process to handle and investigate harassment, violence and discrimination complaints, effectively, fairly and expeditiously; and
- Reviewing policies on workplace violence and harassment on an annual basis.

5.03 Management Responsibilities

Management staff is responsible for providing a workplace free of harassment, violence and discrimination and for intervening if harassment, violence or discrimination occurs. Management must ensure that harassment, violence and discrimination is not tolerated, ignored or condoned.

Management staff is responsible for not only their own actions, but also for dealing with the actions of staff under their supervision. The following are actions which management staff will undertake to prevent harassment, violence and discrimination and to address perceived harassment, violence and discrimination, or complaints by employees that they are being discriminated against or harassed:

- Set a good example by never engaging in, tolerating or condoning harassment, violence or discrimination;
- Make all possible efforts to protect employees from harassment, violence and discrimination;
- If harassment, violence or discrimination is suspected, or if an employee complains that he or she is being subjected to harassment, violence or discrimination, action must be taken in

accordance with this policy and any associated policies;

- Management staff must approach an employee if a violation of the policy is suspected, as some employees may be embarrassed and/or reluctant to complain;
- Respond to any complaints immediately;
- Ensure the availability of an unbiased third party to conduct investigations when required; and,
- Discipline employees who violate this policy.

Managers must also take every reasonable precaution to protect employees from workplace violence, including evaluating a person's previous history of violence to determine whether it poses a current risk and to whom. In making this evaluation supervisors should consider:

- Whether the person's history of violence was associated with the workplace;
- Whether the history of violence was directed at a particular employee or employees in general; and
- How long ago the incidence of violence occurred.

In certain circumstances, supervisors may have a duty to provide information about a risk of workplace violence as a result of a person with a history of violent behaviour if an employee or employees can be expected to encounter that person during the course of their work, and the risk of workplace violence is likely to expose the employee to physical injury. Supervisors will only release as much personal information about the person with a history of violent behaviour as is reasonably necessary to protect employee(s) from physical injury.

5.04 Employee Responsibilities

Employees share in the responsibility to ensure that their work environment is free from harassment, violence and discrimination. Each employee must do their share by ensuring that their behaviour does not violate this policy and by fostering a work environment that is based on respect and is free of harassment, violence and discrimination.

Workplace violence will be governed by the work refusal procedures in the OHSA, whereby employees could refuse to perform work when there is a risk of workplace violence that creates a risk of physical injury. Employees will be required to notify their supervisor when they believe there is a risk of workplace violence that is likely to endanger them.

Employees will contact 911 or emergency services if there is an immediate threat of violence or an act of violence has occurred.

The right to refuse unsafe work does not apply to situations in which employees believe that they are experiencing workplace harassment.

Employees shall not engage in any behaviour that is or may be perceived as harassment, violence or discrimination. Employees are required to report incidents of harassment, violence and discrimination, threat of workplace violence or retaliation to their supervisor or department head.

It is the responsibility of every employee to cooperate fully in any attempts to resolve a complaint and to cooperate fully in the investigation of any complaint.

6.00 Complaint Investigation Protocol

The complaint investigation protocol provides the framework for the individual(s) responsible for initiating an investigation process with respect to a complaint of

harassment, violence or discrimination, including the acquisition of an independent third party when necessary.

6.01 Complaint against the CAO

The Manager, Human Resources shall have the authority to acquire the services of an independent third party to conduct the complaint investigation process when a complaint is made against the CAO. In the event that the allegation is made against the CAO by the Manager, HR, the Manager, HR shall report the incident to Dunk & Associates by email to professionalsupport@systems24-7.com or by phone 1-866-754-8839, who shall in turn on behalf of the Town of Essex contract a third party who is qualified because of knowledge, training and experience to conduct the investigation.

6.02 Complaint against the CAO and Manager, HR

If both the CAO and the Manager, HR are the alleged harassers, the employee shall report the incident to Dunk and Associates by email to: professionalsupport@systems24-7.com or by phone 1-866-754-8839, who shall in turn on behalf of the Town of Essex contract a third party who is qualified because of knowledge, training and experience to conduct the investigation.

6.03 Complaint against a Council Member

The Integrity Commissioner shall conduct the complaint investigation process when a complaint is made against a Council Member for violations to this policy. At the discretion of the CAO, in consultation with the Manager, Human Resources, a third party may be retained for violations applicable to legislation or codes (i.e. Criminal Code) that fall outside the scope of the Integrity Commissioner.

6.04 Complaint against any other Individual

The CAO shall have the authority to conduct the complaint investigation process when a complaint is made against an individual other than the CAO or a Council Member. The CAO shall also have the authority to delegate the role of complaint investigation to another management employee of the Town of Essex, or to acquire the services of an independent third party to perform the investigation, should the CAO determine that the complaint would be better investigated by an independent third party or when the nature of the complaint requires it by law.

7.00 Complainant, Respondent and Witness(s) Responsibilities

Complainants, respondents and witnesses are responsible for providing information in conjunction with the complaint process. Expectations of the complainant, respondent and witness(s) are as follows—

- a) To cooperate fully in the complaint process when called upon to do so;
- b) To provide only factual and accurate information relative to the complaint;
- c) To limit the discussion of the complaint to those who need to know; and
- d) To review their statement as recorded by the individual(s) investigating the complaint, to confirm the accuracy of their statement.
- e) To maintain confidentiality of all information.

8.00 Harassment, Violence and Discrimination Complaint Process

8.01 Informal Complaint Procedure (Optional)

If an employee believes that he/she is being harassed or discriminated

against, the first step is to tell the person to stop. Employees are encouraged to attempt to resolve their concerns by direct communication with the person engaging in the unwelcome conduct and to do so as soon as any unwelcome comments or conduct are received. Although this may be difficult to do, telling the person that their actions are not welcome is often enough to stop the behaviour.

To provide feedback in an effort to address and stop the unwanted behaviour the following format, using “I” statements, may be helpful:

- When you **[describe behaviour]**
- It makes me feel [describe the undesired feeling]
- I would like you to stop **[clearly indicate the outcome you want]**

Employees should also keep a written record of the date, time, and details of any unwelcome conduct as well as the names of any potential witnesses.

Some additional things an employee can say that might stop the behaviour include:

- “I don’t want you to do that.”
- “Please stop doing or saying...”
- “I find it offensive when you...”
- “It makes me uncomfortable when you...”
- “I don’t find it funny when you...”

If an employee believes that someone who is not a member of the company, for example a customer, contractor, supplier, etc., has

harassed or discriminated against them, this should be reported to their supervisor or the CAO. Although the Town has limited control over third parties, it will address the issue and prevent further problems from arising.

Employees who are not confident or comfortable with the Informal Procedure and who believe they are victims of workplace harassment, or discrimination, or become aware of situations where such conduct may be occurring, are encouraged to report these matters using the Formal Complaint Procedure.

Except in extremely unusual circumstances, it is not intended that resolution of the problem through the use of an informal procedure will result in disciplinary action. The goal during the informal stage is to bring an end to any objectionable actions to the satisfaction of the complainant.

8.02 Formal Complaint Procedure (Optional)

If the complaint cannot be resolved informally, or if it is too serious to handle on an informal basis, a formal complaint may be submitted to one of the individuals as noted in Section 6.00. Employees, who are a member of a union representing the municipal employees of the Town, may wish to seek the assistance or advice of the union.

To initiate a formal complaint the following written information will be required for purposes of completing a Harassment, Discrimination, and Violence Complaint Form:

- the name of the person believed to be involved in the harassment, violence or discrimination against you;
- a full description of the harassment, violence or discrimination;

- the place, date and time of the harassment, violence or discrimination; and,
- the names of any possible witnesses.

A Harassment, Discrimination, and Violence Complaint Form (Appendix "A" attached) is available online in the Policies & Procedures folder on the T: Drive or may be obtained from the Manager, Human Resources. When completing the form provide as much detail as possible.

A completed Harassment, Discrimination, and Violence Complaint Form should be provided to the Manager, Human Resources, in the case of a complaint against the CAO, the Integrity Commissioner, in the case of a complaint against a Council Member, or the CAO, in the case of a complaint against an individual other than the CAO or a Council Member, as soon as possible after the incident so that the problem does not escalate or reoccur. Upon receipt of the complaint, a formal investigation will be initiated if it is necessary and appropriate to do so.

Harassment, discrimination, and violence are serious matters. Therefore, if an employee decides not to make a formal complaint, the Town may still need to investigate the matter and take steps to prevent further inappropriate conduct. For example, the Town may need to continue with an investigation if the allegations are serious or if there have been previous complaints or incidents involving the Respondent.

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

9.00 Formal Complaint Process

Typically the Formal Complaint Process will involve the following steps, although more or less steps may be necessary, depending on the situation.

Step No.	Process
1	Complainant delivers a completed Harassment, Discrimination, and Violence Complaint Form to the appropriate individual as set out in Section 6.00.
2	The individual conducting the investigation acknowledges receipt of the Harassment, Discrimination, and Violence Form in writing to the Complainant within one to two business days following receipt of the Form.
3	The individual involved in conducting the investigation is determined.
4	The complaint is reviewed to determine its validity and the investigation proceeds to Step 5 if the complaint is determined to be valid.
5	The Respondent is advised of the complaint and is provided with the opportunity to respond to the complaint in writing.
6	The Complainant and Respondent are interviewed individually to clarify the details of their submissions.
7	The individual conducting the investigation determines an appropriate course of action.
8	The individual investigating the complaint writes a formal report detailing the findings and the appropriate action to be taken against the Respondent, if applicable.
9	The recommendations of the individual investigating the complaint are communicated to the proper decision-making authority, in accordance with Section 10.02, Complaint Adjudication.
10	The individual investigating the complaint, meets with the Complainant and Respondent individually to outline the action to be taken. ¹

¹In the event that the individual investigating the complaints is an independent third

party, an individual internal to the Town of Essex may be present at this meeting,

A Complainant has the right to withdraw a complaint at any time throughout the Formal Complaint process. However, the Town reserves the right to continue the investigation and take action on the matter as it deems necessary under the circumstances in order to satisfy its statutory obligations.

10.00 Investigation Process – Harassment and Discrimination

10.01 Investigation of a Complaint

The investigation of a Formal Complaint and the determination of the individual involved in conducting the investigation will be determined as quickly as possible after receiving a complaint. If the complainant is a member of a bargaining unit, he or she may request involvement by the bargaining unit in the investigation.

The investigation may include—

- a) interviewing the complainant and respondent to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations;
- b) interviewing any witnesses, examining work areas and taking any other steps considered necessary to the investigation;
- c) reviewing any related documentation; and,
- d) making detailed notes of the investigation and maintaining them in a confidential file.

The individual investigating the complaint may, at their discretion, attempt to achieve an informal resolution of the matter by mutual agreement. Any informal resolution will be subject to the acceptance of

the Complainant and the Respondent.

10.02 Complaint Adjudication

Once the investigation is complete, the individual investigating the complaint will prepare a detailed report of the findings of the investigation.

The final decision-making authority to impose the recommendations of the individual investigating the complaint rests with:

- a) Council, in the case of a complaint against a Council Member or the CAO;
- b) The CAO, in consultation with Council and the Manager, Human Resources, in the case of a complaint against a Director resulting in termination; or
- c) The CAO, in the case of a complaint against an individual, excluding the two exceptions noted in a) and b) above.

After the recommendations of the individual investigating the complaint have received the required approval, the individual investigating the complaint will meet with the Complainant and Respondent individually to outline the action to be taken. In the event that the individual investigating a complaint is an independent third party, an individual that is internal to the Town of Essex may be present at this meeting.

It is the goal of the Town of Essex to complete any investigation and communicate the results to the Complainant and Respondent within 30 days after receipt of a complaint, wherever possible. Such timelines can be extended as required.

10.03 Corrective Action

If a finding of harassment, discrimination, and violence is made, the Town will take appropriate corrective measures, regardless of the respondent's seniority or position. Corrective measures may include one or more of the following and, if found to fall under the Criminal Code, additional charges may apply:

- discipline, such as a verbal warning, written warning or suspension without pay;
- termination with or without cause;
- retraining on the Town's Respectful Workplace Policy;
- referral for counselling ("sensitivity training") or attendance at educational programs on workplace respect;
- a demotion or denial of a promotion;
- reassignment or transfer;
- financial penalties such as the denial of a bonus or performance-related salary increase, or
- any other disciplinary action deemed appropriate under the circumstances.

If there is not enough evidence to support the complaint, corrective measures will not be taken. If a complaint is in good faith and without malice, regardless of the outcome of the investigation, the complainant will not be subject to any form of discipline.

11.00 Filing a False or Malicious Complaint

Anyone who files a false and/or malicious complaint will be subject to

disciplinary action which may include a verbal or written warning, suspension without pay or termination with or without cause.

12.00 Procedure for Resolving and Investigating Workplace Violence

12.01 Incident of Workplace Violence

Employees have the right to refuse work if workplace violence is likely to endanger them. Workplace violence should be reported immediately to the Manager, Human Resources in the case of a complaint against the CAO, or to their supervisor, a Director or the CAO in all other cases, at which point appropriate measures will be taken to protect the employee and investigate the situation.

The employee will be moved to a safe place as near as reasonably possible to their normal work station and will need to be available for the purposes of investigating the incident. In some circumstances, subject to the provisions of the collective agreement, the employee may be provided with reasonable alternative work during normal working hours.

In appropriate circumstances, the employer may contact the police, or other emergency responders as appropriate, to assist, intervene or investigate workplace violence. Provided the situation is dealt with quickly and the danger to workers is removed, the necessity of work refusal may be alleviated.

Emergencies – When an incident of workplace violence (sexual or otherwise) is an emergency, any employee who is being subjected to workplace violence or witnessing workplace violence shall call 911 and then immediately report the incident to a supervisor, Director or the CAO. A supervisor or Director shall then report the situation

immediately to the CAO. After the emergency is resolved, an investigation of the workplace violence will commence.

As soon as practicable after making a verbal complaint of workplace violence, the Complainant shall complete a Harassment, Discrimination, and Violence Complaint Form and provide such form to the individual as set out in Section 6.00.

12.02 Investigation of Workplace Violence

The investigation of a complaint with respect to workplace violence will commence as quickly as possible. The Town may choose to use either an internal or external investigator(s), or involve the police, depending on the nature of the incident.

The investigation will include—

- a) Conducting interviews of relevant individuals to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations;
- b) Reviewing any related documentation; and
- c) Making detailed notes of the investigation and maintaining them in a confidential file.

Once the investigation is complete, the investigator(s) will prepare a detailed report of their findings.

The Canada's *Criminal Code*, RSC 1985 deals with matters such as violent acts, threats and behaviours such as stalking, sexual violence, etc. The police will be contacted immediately when an act of violence occurs in the workplace or when someone in the workplace is threatened with violence.

13.00 Procedure for Addressing Domestic Violence

Employees who are experiencing domestic violence that exposes themselves or others in the workplace to physical injury, or could potentially expose themselves, or others in the workplace to physical injury should seek immediate assistance by contacting their supervisor, a Director or the CAO for assistance. It is expected that anyone who is aware that an employee is at risk of being exposed to physical injury in the workplace as a result of domestic violence will report the risk to a Director or the CAO.

14.00 Risk Assessments

Annually, and after each and every incidence of workplace violence, the management shall conduct an evaluation to determine whether a risk of violence exists due to the nature of the work and/or work environment. Where workplace violence risks are identified, evaluation and implementation of appropriate corrective measures are required to reduce or eliminate the identified risks.

The Joint Health and Safety Committee shall be responsible for reviewing risk assessment results and providing recommendations to management on how to reduce or eliminate identified risks of violence.

15.00 Confidentiality

All employees or other persons who are aware of a complaint related to harassment, violence or discrimination, or are involved in its investigation and/or resolution, must recognize the seriousness of the situation and respect the sensitivity and confidentiality that must be accorded to the matter. They must refrain from discussing the complaint amongst themselves or with anyone who does not have a 'need to know'. Every effort must be made to preserve the dignity and self-respect of the parties to the complaint. All information and documentation concerning a complaint will therefore be kept and transmitted as confidential/protected material. The Town 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. Those who do not fully respect such confidentiality may be subject to discipline.

Out of respect for the relevant individuals, it is also essential that the Complainant, Respondent, witnesses and anyone else involved in the formal investigation of a complaint maintain confidentiality throughout the investigation and afterwards.

16.00 Referral to Appropriate Authorities

If, during the course of an investigation under this policy, the individual(s) investigating a complaint believe that there has been a contravention of any Act or of the *Canada's Criminal Code, RSC 1985*, the individual(s) investigating the complaint shall immediately refer the matter to the appropriate authorities and suspend the investigation until any resulting police investigation and charge have been finally disposed of.

17.00 Reprisals and Obstruction

All individuals referenced in the scope of this policy (Section 2.00, Scope) shall respect the integrity of the Respectful Workplace Policy and any investigations conducted under it. Any reprisal or threat of a reprisal against a Complainant or anyone for providing relevant information to the individual(s) investigating the complaint is prohibited. It is also a violation of the Respectful Workplace Policy to obstruct those investigating a complaint from carrying out their responsibilities including, but not limited to, the destruction or erasing of any evidence related to the complaint such as documents, electronic communications, etc.

18.00 Alternative Complaint Resolution Processes

The following alternative options are available for pursuing a complaint under the Respectful Workplace Policy:

- a) Employees who belong to a bargaining unit may wish to discuss their complaint with a steward or other representative of their bargaining unit;
- b) Complaints based on one of the protected grounds of discrimination under Ontario's *Human Rights Code*, R.S.O. 1990, may be filed with the Human Rights Tribunal; and
- c) Complaints of violence that are covered under Canada's *Criminal Code*, RSC 1985 may be reported to the police.

If a complaint has been dealt with through an alternative complaint resolution process, the process for managing and investigating a complaint under this policy will be suspended pending the outcome of the alternative complaint resolution process.

19.00 Appeals

In the event that an employee is not satisfied with the outcome of a decision of the individual(s) investigating a complaint the employee has the right to appeal to their bargaining unit, in the case of a union employee, or to the Personnel Committee, in the case of a non-union employee.

20.00 References

Human Rights Code, R.S.O. 1990

Accessibility for Ontarians with Disabilities Act, 2005

Criminal Code, RSC 1985

Occupational Health and Safety Act, R.S.O. 1990

21.00 Acknowledgement and Agreement

I, _____ acknowledge that I have read and understand the Respectful Workplace Policy of the Town of Essex.

Name: _____

Signature: _____

Date: _____

CHANGE RECORD LOG

Revision Level	Revision Date	Prepared By: (Position Title)	Approved By: (Position Title)	Description of Change
A	01/07/2022	B. Sieben Manager, HR	D. Sweet CAO	<ul style="list-style-type: none">Scope: Add: Member of a Town of Essex Committee of Council, including but not limited to Accessibility Advisory Committee, Arts, Culture and Tourism Committee, Co-An Park Committee, Communities in Bloom Committee, Essex Fun Fest Committee, Heritage Committee, Committee of Adjustment, Property Standards Committee and any other ad hoc committee established by Council.

Signature of Complainant

Date Form Completed

Date Form Received by CAO, Manager, Human Resources or Integrity Commissioner:
