

**THE CORPORATION THE MUNICIPALITY OF CALVIN
BY-LAW NO. 2023-021**

TO ESTABLISH A WORKPLACE VIOLENCE AND HARRASSMENT POLICY

WHEREAS Changes to Ontario's Occupational Health and Safety Act (OHSA) has legislated that every municipality in Ontario will prepare a policy and procedure to address Violence and Harassment in the Workplace;

WHEREAS the Corporation of the Municipality of Calvin deems it expedient to strengthen protections for workers from workplace violence and address workplace harassment;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Municipality of Calvin hereby enacts the following;

1. That the Workplace Violence and Harassment policy, as outlined in **Schedule "A"** attached hereto and made part of this By-Law be approved.
2. That this By-law shall not be interpreted to contradict or violate any statute or regulation of the Province of Ontario.
3. That all other by-laws inconsistent with this by-law are hereby repealed.
4. This by-law shall come into force and take effect upon final passing thereof.

READ A FIRST, SECOND AND THIRD)	_____
)	MAYOR
TIME AND FINALLY PASSED THIS)	
)	
9TH DAY OF MAY 2023)	_____
)	CLERK



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DOCUMENT CONTROL

Date	Version	Author	Description
May 4 th , 2023	01	R. Forgette	Final

INTRODUCTION

The Municipality of Calvin “*The Municipality*” is committed to providing a work environment in which all employees are treated with respect and dignity. Workplace violence and harassment will not be tolerated from any person in the workplace including vendors, supervisors, Councillors or members of the public.

The Municipality recognizes that workplace violence and harassment is a health and safety and Human Resources issue. The Municipality will take appropriate precautions to prevent workplace violence and harassment and to protect employees.

The Municipality will treat any complaint of harassment, violence or inappropriate behaviour by any individual, including another staff member, Councillor or member of the public, directed at municipal staff as a serious matter.

OBJECTIVE

This policy is to establish procedures and measures to ensure the workplace is free from harassment and/or violence. This policy is intended to ensure all complaints are managed in a timely and equitable manner.

SCOPE AND APPLICATION

This policy applies to all individuals in a municipal workplace, including employees, members of the public, Representative appointees, and elected officials.



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DEFINITIONS

Criminal Harassment includes but is not limited to stalking, threats, carrying weapons, theft, sexual or physical assault, which are covered by the Criminal Code. Individuals engaging in any of those behaviours in the workplace may be subject to a criminal investigation and charges.

Domestic Violence includes a person who has a personal relationship with a worker, such as a spouse or former spouse, current or former partner or a family member who may physically harm, threaten or attempt to harm that worker while at work.

Elected Official includes any elected individual who is elected to office.

Employee includes all full-time, part-time, seasonal, temporary, casual, contractors, students employed by the Municipality.

Harassment can consist of a single or several incidents over a period of time that creates a negative or hostile work environment which interferes with job performance and may result in being refused a job, a promotion or training opportunity. Harassment can be any type of offensive or abusive communication including telephone, social media, text, email, correspondence or in-person, aggressive or intimidating approaches to another individual, attempts to goad or incite anger in others.

Member of the public is any individual who is in a municipal workplace who is not an employee, Representative appointee or elected official.

Unacceptable behaviour means physically or psychologically aggressive behaviours including but not limited to:

- hitting, kicking, punching, pushing, shoving, slapping, pinching, grabbing, biting;
- carrying or brandishing weapons of any sort;
- throwing objects at an individual with a view to cause physical injury or fear;
- destruction of workplace or co-worker's property;
- threats of violence;
- intimidating behaviour that causes the recipient to be afraid of physical violence;
- obscene or harassing telephone calls, emails, texts.

Workplace means any place where business or work-related activities are conducted. It includes, but is not limited to, the physical work premises, work-related social functions (parties, golf events, and barbecues), work assignments outside the Municipal work premises, work-related travel, and work-related conferences or training sessions.

Workplace harassment means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought to reasonably be known to be



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unwelcome, or workplace sexual harassment.

Workplace harassment does not include:

- Good natured joking and bantering which is mutually acceptable;
- A reasonable action taken by the Municipality or supervisor relating to the management and direction of employees including but not limited to appropriate direction, delegation, performance management, attendance management, discipline or professional debate;
- Stressful events associated with the performance of job requirements;
- Occasional workplace disagreements or personality conflicts.

Workplace Sexual Harassment means:

- a) engaging in a course of vexatious comment or conduct against an employee 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 employee and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.
- c) sexual harassment may include, but is not limited to, any unwelcome sexual advances (oral, written or physical); requests for sexual favours, sexual and sexist jokes; racial, homophobic, sexist or ethnic slurs; written or verbal abuse or threats; unwelcome remarks, jokes, taunts, or suggestions about a person's body, a person's physical or mental disabilities, attire, or on other prohibited grounds of discrimination; unnecessary physical contact such as patting, touching, pinching or hitting; patronizing or condescending behaviour; displays of degrading, offensive or derogatory material such as graffiti or pictures; and physical or sexual assault.

Workplace violence means unacceptable behaviour and includes any incident in which there is:

- a) the exercise of physical force by a person against an employee, in the workplace, which causes or could cause physical injury to the employee;
- b) an attempt to exercise physical force against an employee, in the workplace, which could cause physical injury to the employee;



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- c) a statement or behaviour that is reasonable for an employee to interpret as a threat to exercise physical force against an employee, in the workplace, which could cause physical injury to the employee;
- d) an attempt to threaten or assault a visitor to the workplace; an attempt by an employee to threaten or assault a member of the public or co-worker in circumstances relating to the employee's execution of duties, whether on or off municipal premises.

RESPONSIBILITIES OF THE MUNICIPALITY

The Municipality shall prepare a policy with respect to Workplace Violence and Harassment; and shall review the policies annually or as often as is necessary. The policies shall be in written form and shall be posted in the workplace.

WORKPLACE VIOLENCE

In consultation with the Health & Safety Representative, the Municipality maintains a program with respect to **workplace violence**. The program shall:

- include measures and procedures to control the risks identified in the assessment required as likely to expose an employee to physical injury;
- include measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur;
- include measures and procedures for employees to report incidents of workplace violence to their supervisor;
- set out how the employer will investigate and deal with incidents or complaints of workplace violence.

Each department shall assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work. The assessment shall consider circumstances that would be common to similar workplaces and circumstances specific to the workplace as well as possible mitigation that the Municipality can provide. A reassessment of the risks of the workplace violence shall be conducted as often as is necessary to ensure that the policy continues to protect workers from workplace violence.

Senior Management will advise the Health & Safety Representative of the results of the assessment/reassessment and provide a copy of the assessment in writing.



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If the Municipality becomes aware that domestic violence would likely expose an employee to physical injury in the workplace, the Municipality will take every precaution reasonable in the circumstances for the protection of the employee. Senior Management has a duty to provide information to employees, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if the employee can be expected to encounter that person in the course of his or her work and the risk of workplace violence is likely to expose the employee to physical injury. Senior Management shall not disclose more personal information than is necessary to protect any employee from physical injury.

WORKPLACE HARASSMENT

The Municipality shall, in consultation with the Health & Safety Representative develop and maintain a written program to implement the policy with respect to **workplace harassment**. The program shall:

- include measures and procedures for employees to report incidents of workplace harassment to a person other than the employer or supervisor, if the employer or supervisor is the alleged harasser;
- set out how incidents or complaints of workplace harassment will be investigated and dealt with;
- set out how information obtained about an 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;
- set out how an employee who has allegedly experienced workplace harassment and the alleged harasser, if he or she is an employee of the employer will be informed of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation.

The Municipality shall ensure that:

- an investigation is conducted into incidents and complaints of workplace harassment that is appropriate in the circumstances;
- the employee who has allegedly experienced workplace harassment and the alleged harasser, if he or she is an employee of the employer, are informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation;



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- the program developed is reviewed as often as necessary, but at least annually, by the Health & Safety Representative to ensure that it adequately implements the policy with respect to workplace harassment.

ZERO TOLERANCE

The Municipality values the health, safety and well-being of its employees and expects its workplace to be free of workplace violence, harassment, and inappropriate behaviour.

The Municipality will not tolerate incidents of workplace violence, harassment or inappropriate behaviour perpetrated by or against any employee, member of the public, Representative appointee, elected official, vendor, contractor, visitor or any other person at a Municipal workplace or involved in Municipal business.

Where violations of the policy occur, the Municipality may:

- remove any individual from a Municipal workplace by the police;
- discipline an employee, up to and including termination;
- report physical assaults and threats made by or against an employee occurring at a Municipal workplace to police;
- prohibit a member of the public from entering a Municipal workplace.

REPRISAL

This policy prohibits reprisals against employees who have made good faith complaints, provided information regarding a complaint, incident of workplace violence, harassment and/or inappropriate behaviour, or who have followed the procedures outlined in the policy.

Any employee who must leave the workplace who, in their opinion, perceives an imminent threat of violence will not be penalized with a loss of pay or other penalties.

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

In order to protect employees from possible reprisals identifying information about any individual shall not be disclosed unless the disclosure is necessary for the purpose of investigation or taking



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corrective action or is otherwise required by law.

Reprisal may include:

- any act of retaliation that occurs because a person has complained of or provided information about an incident of workplace violence, harassment or inappropriate behaviour;
- any act of retaliation, discipline or harassment because a person has followed any of the procedures outlined in the policy;
- intentionally pressuring a person to ignore or not report an incident of workplace violence, harassment or inappropriate behaviour; and
- intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident or workplace violence, harassment or inappropriate behaviour.

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

REPORTING AND INVESTIGATING COMPLAINTS

Any employee witnessing or experiencing workplace violence or harassment who feels in imminent danger shall:

- Ensure they are in a safe location which may include leaving the workplace;
- If, in their opinion, the situation warrants, contact the police by dialing 911.

Employees can report incidents or complaints of workplace violence or harassment verbally or in writing. When submitting a written complaint, employees shall use the Workplace Violence and Harassment Incident Report form attached to this policy and is also available through any member of Senior Management. When reporting verbally, the person receiving the complaint will fill out the form with the complainant.

The report of the incident shall include the following information:

1. Name(s) of the person who has allegedly experienced workplace violence or harassment and contact information.
2. Name of the alleged harasser(s), position, and contact information (if known).



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3. Names of witness(es) (if any) or other person(s) with relevant information to provide about the incident and contact information.
4. Details of what happened including dates, frequency and locations of the alleged incident(s).
 - a. Any supporting documents the complainant may have in his/her possession that is relevant to the complaint.
 - b. List any documents a witness, another person or the alleged harasser may have in their possession that is relevant to the complaint.

An employee shall promptly report acts of workplace violence, harassment or inappropriate behaviour to their immediate Supervisor. If the immediate Supervisor is not available or is the alleged perpetrator of the incident, the employee can report to the CAO (cao@calvintownship.ca) or 705-744-2700).

If the CAO is the alleged perpetrator, the incident shall be reported to the Mayor.

If a member of Council is the alleged perpetrator, the incident shall be reported directly to municipally appointed Legal Counsel.

Depending on the severity and complexity of the allegations, the Municipality may refer the investigation to an external third (3rd) party organization to conduct an impartial investigation.

All incidents or complaints of workplace harassment shall be kept confidential except to the extent necessary to protect employees, to investigate the complaints or incident, to take corrective action or otherwise required by law.

ACTION TO BE TAKEN

The CAO or immediate Supervisor shall start an investigation of the incident to determine merit of the claim within 24 hours of receiving notification of the incident or having received the Incident Report Form (**see Appendix A**). The investigation may include interviewing the individual filing the report, the individual against whom the report was made and any witnesses to the incident.

The parties who have conducted the investigation shall provide a written report within 7 days of the completion of the investigation to the complainant and the individual against whom the complaint was filed of the outcome of the investigation and any remedial or corrective action that has taken place or will continue to take place.



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NON-COMPLIANCE BY MEMBERS OF THE PUBLIC

Members of the public who engage in any type of behaviour, as defined in this policy, may, depending on the severity:

- a) Have the conduct reported to the police;
- b) Be arrested and/or charged;
- c) Be removed immediately from the premises;
- d) Be sent a letter of warning advising them of the inappropriate incident.

If banned from the premises, the length of the ban will be determined by the CAO and will depend on the severity of the situation.

In addition to any other measures taken, where any damage to Municipal property has occurred, the individual(s) responsible will be required to reimburse the Municipality for all costs associated with any repairs, administration fees, as well as any lost revenues.



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APPENDIX A – INCIDENT REPORT FORM

- [Workplace Violence and Harassment Reporting Form](#)