	<b>EMPLOYEE POLICY MANUAL</b>	<b>POLICY - C-4.2</b>
<i>SECTION</i>	Employment Management	
<i>SUBSECTION</i>	Human Rights	
<i>SUBJECT</i>	<b>Workplace Respect</b>	
<i>APPROVAL DATE</i>	March 1, 1999	
<i>REVISION DATE</i>	November 21, 2005, August 10, 2010, January 8, 2015	
<i>POLICY APPLIES TO</i>	Employee Classifications: Regular Full Time Regular Part Time Temporary Full Time Temporary Part Time Volunteers	

**Purpose:**


To ensure that all Township of Guelph/Eramosa employees and volunteers enjoy a work environment that is free of sexual harassment, discrimination, workplace harassment and/or workplace violence.

**Policy:**

**1. Preventing Harassment**

The Township of Guelph/Eramosa does not tolerate or condone sexual harassment, discrimination, workplace harassment and/or workplace violence of or by any of its employees in the workplace, or in any work related or staff social functions, or in any other circumstances.

The Township of Guelph/Eramosa recognizes the dignity and worth of every individual and to that end believes in providing and maintaining a work environment in which all staff and board members are provided a safe work environment free from any acts of sexual harassment, discrimination, workplace harassment and/or workplace violence. The Township of Guelph/Eramosa will not tolerate any acts of sexual harassment, discrimination, workplace harassment and/or workplace violence and will take all reasonable and practical measures to prevent same and protect employees from same. Appropriate remedial, disciplinary, and/or legal action will be taken according to the circumstances.


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For the purposes of this policy, as employees or Council Member, you are responsible:

- (i) to act respectfully towards other individuals while at work and participating in any work-related activity;
- (ii) to ensure your own immediate physical safety in the event of workplace violence, then to report the incident to an advisor, supervisor or manager as the situation warrants; and
- (iii) to co-operate with any efforts to investigate and resolve matters arising under this policy.

**a) Sexual Harassment**

- i) Sexual harassment is a form of discrimination. It includes comments or conduct that you do not welcome or that offend you because of your sex. The test of whether sexual harassment has taken place is whether the person knew or ought to have known that you do not welcome the comments or conduct. Sexual harassment also includes:
  - a sexual solicitation or advance made by someone who has authority or power over you;
  - a person who has authority or power over you denying or threatening to deny you a benefit or career advancement for refusing a sexual request;
  - incidents in which you are subject to sexual remarks, behaviour or surroundings that create an intimidating, hostile, poisoned or offensive work environment, regardless of whether the person is in a position of authority over you.
- ii) Examples of behaviour that constitutes sexual harassment include:
  - leering (*suggestive, persistent staring*) or inappropriate gestures;
  - displaying sexually offensive material;

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- sexually suggestive or obscene comments or gestures;
- requests for sexual favours;
- unwelcome remarks, jokes, innuendoes, propositions or taunting about your body, attire, sex or sexual orientation;
- physical contact, such as touching, patting or pinching, with an underlying sexual connotation;
- unwelcome sexual flirtations, advances or propositions;
- unwelcome inquiries or comments about a person's sex life;
- persistent unwanted contact or attention at the end of a consensual relationship;
- sexual assault.

**b) Discrimination**

- i) Discrimination consists of unequal treatment or comments or conduct that is known or ought reasonably to be known to be unwelcome because of your race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status or disability (hereinafter "group recognized by the *Ontario Human Rights Code*"). "Record of Offences" means a conviction for an offence in respect of which a pardon has been granted under the *Criminal Records Act* (Canada) and has not been revoked or an offence in respect of any provincial enactment.

Discrimination includes:

- hostile, intimidating or offensive comments or conduct that is directed at you based on your membership in a group recognized by the *Ontario Human Rights Code*;

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- hostile behaviour that is directed at you because of your membership in a group recognized by the *Ontario Human Rights Code*;
- incidents in which, based on your membership in a group recognized by the *Ontario Human Rights Code*, you are subject to remarks, behaviour or surroundings that create an intimidating, hostile, poisoned or offensive work environment.

**c) Workplace**


Includes, but is not limited to, any location where the Township of Guelph/Eramosa employees are engaged in business activities in the performance of their jobs, work-related social functions, work-related travel and work-related conferences or training sessions.

**d) Workplace Harassment**

Workplace harassment is 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. Workplace harassment may include bullying, intimidating or offensive jokes or innuendos, displaying or circulating offensive pictures or materials, or offensive or intimidating phone calls.

**e) Workplace Violence**

Workplace Violence is the exercise of physical force against a worker, in a workplace, that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; and/or a statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.

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## 2. Complaint Procedure

### a) Informal Procedure

If you believe you are being sexual harassed, discriminated against or personally harassed, we encourage you first to tell the person to stop, if appropriate and safe to do so. Some of the things you can say that might stop the behaviour include:


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

### b) Formal Procedure


i) If an informal resolution of the matter is ineffective, undesirable or not possible, you should seek the advice of an advisor.

ii) The advisor will advise you of the options available to you including the informal procedure and your right to proceed with a formal written complaint. There are three possible outcomes to your meeting with the advisor:

1. If you and the advisor agree that the matter does not constitute sexual harassment, discrimination, workplace harassment and/or workplace violence, neither you nor the advisor will take any further action and the advisor will make no record in any file.


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2. You proceed with a formal written complaint. In this case, the advisor will assist you with completing the Complaint Form attached as Schedule “A” even if the advisor disagrees with you that the matter constitutes sexual harassment, discrimination, workplace harassment and/or workplace violence.
  
3. If you bring to the attention of the advisor facts which constitute *prima facie* evidence of sexual harassment, discrimination, workplace harassment and/or workplace violence and you decide not to proceed with a formal complaint, the advisor may:
  - a) speak to the other person at your request;
  
  - b) proceed with a formal complaint even if you do not wish to proceed with a formal complaint in which case the advisor will complete and sign the Complaint Form attached as Schedule “A”.
  
- iii) The Township of Guelph/Eramosa will appoint at least two persons who are employees to serve as advisors under this policy. The current advisors are listed in Schedule “B”.
  
- iv) If you do not want to seek the advice of an advisor or the advisor is unable to resolve the matter, you may file a formal complaint using the Complaint Form attached as Schedule “A” and submit the Complaint Form to the CAO or in the event the complaint is against the CAO to a member of Council.

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**c) Investigation**

- i) Upon receipt of a Complaint Form, the CAO will either conduct an investigation or appoint another qualified person(s) to conduct the investigation. If the complaint is against the CAO, Council will appoint a qualified person(s) to conduct the investigation. In appropriate cases, the complaint will be referred to a qualified and independent third party, chosen by the CAO or Council as the case may be for investigation.
- ii) An investigation will not be started until you have completed and signed the Complaint Form attached as Schedule "A".
- iii) The Township of Guelph/Eramosa recognizes the need to handle all complaints in a confidential manner. Information concerning a complaint, or action taken as a result of the investigation, will not be released to anyone who is not involved with the investigation. Every reasonable precaution will be taken to ensure confidentiality; however, given the nature of the investigation procedure, we cannot guarantee confidentiality.
- iv) We will investigate all complaints immediately.
- v) The Township of Guelph/Eramosa prohibits retaliations or threats against employees for complaining about sexual harassment, discrimination, workplace harassment and/or workplace violence or for taking part in an investigation.
- vi) Our objective is to complete any investigation and communicate the results to you and the respondent as quickly as possible.
- vii) You must bring forward your complaints as soon as possible, failing which your complaint may be considered to be without merit.


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- viii) In appropriate cases, the complaint will be referred to a qualified and independent third party, chosen by the CAO or Council as the case may be, for investigation.

**d) Corrective action**

- i) If we find that you have engaged in sexual harassment, discriminatory behaviour, workplace harassment and/or workplace violence, you will be subject to disciplinary action, up to and including discharge for cause.
- ii) If you retaliate or threaten to retaliate against someone for exercising his or her rights under this policy, you will be disciplined up to and including discharge for cause.
- iii) The appropriate corrective action will be determined by the employee's Supervisor, the CAO, and the appropriate Department Head or the matter may be referred to Council for a decision.
- iv) Subject to bad faith accusations and disciplinary consequences flowing there from, all employees involved in the processing of complaint will ensure that the complainant is neither penalized nor subjected to any prejudicial treatment as a result of making the complaint. Disciplinary action may be taken against any person who takes any reprisal against a person who reports sexual harassment, discrimination, workplace harassment and/or workplace violence.
- v) In the event that the investigation team determines the complaint was made in bad faith, the complainant may be subject to the same corrective action as outlined in items i) above which is discipline up to and including discharge for cause.



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**e) Alternative Routes**

Nothing in this policy prevents an individual from pursuing other remedies to an incident of sexual harassment, discrimination, workplace harassment and/or workplace violence such as a criminal or civil action.

**f) Conclusion**

The Township of Guelph/Eramosa is committed to fostering and maintaining a workplace that is free of sexual harassment, discrimination, workplace harassment and/or workplace violence, where the dignity and worth of the individual is valued. This procedure is designed to assist in meeting this commitment.

**g) This policy will be reviewed on an annual basis by the Joint Health and Safety Committee or at other frequency as required by law which Committee shall provide recommendations if any to the CAO regarding this policy.**