



THE CORPORATION OF THE TOWNSHIP OF BLANDFORD-BLENHEIM

Section: **Health and Safety**
Subject: **Workplace Discrimination and Harassment Prevention Policy**

Reference:
Policy Number: **HS 21**
Date Approved:
Date Last Reviewed:
Date Last Revised:

PURPOSE:

To outline the Townships procedures regarding workplace harassment and discrimination and to assist in the prevention of workplace harassment and discrimination and to provide a process for resolving harassment and discrimination that may arise.

POLICY:

Every employee of the Township shall be treated fairly in the workplace in an environment free of discrimination and personal or sexual harassment. The Township will not tolerate any behaviour, which denies individuals their dignity and respect and is offensive, embarrassing or humiliating. All employees of the Township shall have the right to freedom from harassment in the workplace whether by the employer, the employer's agent, customers/clients, visitors or another employee. This policy confirms the prohibition of harassment in any form and applies to all interpersonal relationships. It further shall define the procedures to be followed in the event that an employee feels he/she is being subjected to harassment.

The firm will not tolerate any form of harassment and is committed to taking all necessary steps to ensure that employees are not subject to harassment.

The Ontario Human Rights Code guarantees employees the right to employment in a workplace free from harassment and discrimination.

SCOPE:

ADMINISTRATION	<input checked="" type="checkbox"/>	BUILDING SERVICES	<input checked="" type="checkbox"/>
PUBLICWORKS	<input checked="" type="checkbox"/>	COMMUNITYSERVICES	<input checked="" type="checkbox"/>
FINANCE	<input checked="" type="checkbox"/>	FIRE & PROTECTIVE SERVICES	<input checked="" type="checkbox"/>

RESPONSIBILITY:

All Employees:

- All employees have a personal responsibility to ensure that their behaviour is not contrary to this policy.
- All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

Management:

Management are responsible for:

- Discouraging and preventing employment-related sexual harassment;
- Investigating every formal written complaint of sexual harassment;
- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment;
- Ensuring that all members and employees of the Township are aware of the problem of sexual harassment and their responsibilities with respect to preventing sexual harassment.

DEFINITIONS:

As of June 15, 2010 the OHSA defines Workplace Harassment as “engaging in a course of vexatious comment or conduct against a worker that is known or ought reasonably to be known to be unwelcome”.

This definition is broad enough to include harassment prohibited under the Ontario Human Rights Code, as well as “psychological harassment” or “personal harassment.”

Some types of harassment in the workplace include sexual, harassment, teasing, intimidating or offensive jokes or innuendoes, display or circulation of offensive pictures or materials, unwelcome or intimidating phone calls, or bullying. Leering, unwelcome gifts or attention, offensive gestures, or spreading rumours could also be considered harassment conduct of a sexual nature.

Human Rights: Any behaviour by any person including a co-worker that is directed at or is offensive to another worker on the grounds of race, ancestry, place of origin,

colour, ethnic origin, citizenship, religion, creed, sex, age, marital status, sexual orientation, record of offenses, handicap or family status and any other prohibited ground of the Ontario Human Rights Code.

General or personal harassment is behaviour that does not have to be directed at a specific individual. It can be offensive behaviour related to prohibited grounds in the Ontario Human Rights Code and such other conduct that creates a “poisoned or unwelcome” environment for employees, such as bullying, intimidation and other undermining behaviours.

Sexual Harassment: Specifically mentioned in the Human Rights Code, states that every person has a right to be free from harassment in the workplace.

There are three types of sexual harassment:

1. A course of vexatious (annoying) comments or conduct such as sexual remarks or physical contacts from any person;
2. Sexual solicitation or advances by any person who is in a position to grant or deny a benefit to another;
3. A reprisal or threat of reprisal by a person in authority whose advances or solicitations have been rejected.

Sexual harassment is coercive and one-sided and both males and females can be victims. Joking and/or jesting can be derogatory and/or humiliating and hurts us all.

Examples

Harassment and sexual harassment may include, but are not limited to:

Verbal Harassment – such as derogatory comments, demeaning jokes, sexual suggestions or innuendo, threats, and racial or ethnic slurs.

Physical Harassment – such as unnecessary touching, impeding or blocking movement, physical interference with work.

Visual Harassment – such as derogatory or degrading posters, cartoons, graffiti, gestures, and sexually suggestive pictures or images.

Poisoned or Hostile Work Environment: is a form of harassment and is prohibited by law. It is characterized by offensive jokes, intimidating, hostile or offensive atmosphere.

Abuse of Authority

This occurs when an individual uses his or her authority or position with its implicit power to undermine, sabotage or otherwise interfere with or influence a career of another employee. This definition includes such blatant acts of misuse of authority as intimidation, threats, blackmail and coercion and applies to the distribution of work assignments, training opportunities and/or promotional opportunities.

Application

This policy applies equally to all employees of The Township including full time, part time, contract and student employees.

General Information

The *Ontario Human Rights Code* clearly states that harassment is a form of unlawful discrimination. The Code defines harassment as “vexatious” (annoying) comment or conduct that is known or ought reasonably to be known to be unwelcome.

In addition to the above grounds, harassment and discrimination are also prohibited on other personal characteristics or circumstances that are clearly unrelated to a person’s ability to do the job (personal harassment).

Harassment may result from one incident or a series of incidents. It may be directed at specific individuals or groups but may also include any comments or conduct which may create an environment that is hostile, intimidating or offensive.

The workplace includes all locations where business or social activities of the organization are conducted. Workplace harassment and discrimination can also include incidents that happen away from work (e.g. unwelcome phone calls or visits to a person’s home if the harasser is connected to the organization).

The Township is also obligated to protect their employees from harassment by ratepayers, contractors or members of the public.

INTERNAL COMPLAINT PROCEDURE:

1. Any Employee who feels that he or she is experiencing any form of harassment or discrimination is encouraged to:
 1. Clearly inform the harasser, if they feel safe and comfortable in doing so, that his or her behaviour is not welcome, is considered a form of harassment, and to stop.
 2. Keep written notes about what happened and what he or she did about it, including dates, times, places and any possible witnesses
2. If the Offending behaviour continues, or the employee does not feel able to approach an alleged offender directly, and the employee wishes to continue with the internal procedure, the employee may:
 1. Report to your supervisor and discuss your concerns as it is management’s responsibility to deal with discrimination and harassment. However, if your supervisor is harassing you, or for some reason you do not wish to discuss the problem with your supervisor, you can speak with alternate designated contacts i.e. to the next higher level of supervision; to your Manager; CAO/Clerk. These people will work on your behalf so that the problem can be effectively and quickly be dealt with.

The employee should be able to provide all pertinent details such as times, places, and names of possible witnesses in order to substantiate the allegation and to facilitate a resolution.

2. If you are aware of or witness discrimination or harassment, you can:
 - Offer support to the victim;
 - Offer to be a witness on their behalf;
 - Approach the harasser and let them know that their behaviour is inappropriate;
 - If the harassment continues, discuss your observations with the harasser's supervisor.
3. Any Supervisor/Manager who is made aware of, or suspects that there is discrimination or harassment in their department must take appropriate action to stop the harassment.

This includes:

- Ensuring that each man and woman in your department is aware of the corporate policy on discrimination and harassment, and your commitment to investigate, document, and stop any harassment;
- Treating all complaints seriously;
- Documenting all findings and contacts
- Maintaining appropriate disciplinary action where necessary;
- Ensuring the workplace is free from the potential for discrimination and harassment through education of employees and continued discussion.

Where Management deems appropriate, an investigation team consisting of Management, Human Resources and/or other appropriate staff may be established at management's request.

In any investigation that validates a complaint of discrimination or harassment, the harasser will be appropriately disciplined. The employee's representative may be informed of any disciplinary action taken, depending on the circumstances.

Details of the investigation will be documented and retained by the CAO/Clerk.

4. If you are a Supervisor/Manager and you become aware of discrimination or harassment in another department, you have a duty to ensure that the policy regarding discrimination and harassment is upheld. Therefore, you are required to inform the appropriate management or CAO/Clerk contact of the information you have received regarding discrimination or harassment.

Harassment discrimination is unacceptable and any employee responsible for such conduct is subject to discipline that can include education, counselling, verbal or written warnings, transfer suspension or termination.

Specific consequences will depend on the nature and severity of the incident(s).

Any supervisor and/or manager who is aware of discrimination and harassment taking place by one or more of his/her employees, and does not take action to stop it, is also subject to disciplinary action.

Ontario Human Rights Commission

It is every person's right to make a complaint to the Human Rights Commission at any time and the Township respects that right.

False Complaints and Retaliation

Employees making intentionally false complaints of discrimination or harassment against co-workers, or retaliating because of a complaint, are subject to any of the above noted consequences.

Reprisals

Every employee has the right to make a complaint or enforce the rights provided under this policy without reprisal or threat of reprisal.

Prohibited

Employees engaging in any retaliation or reprisal resulting from a complaint of discrimination or harassment may be subject to any of the above noted consequences.

CAO/Clerk