

SECTION: Human Resources	GUIDELINE#: HR-004(G)
Date Approved: June 21, 2010	Workplace Violence & Harassment
Revision Date: April 4, 2022	Review Date: Jan 19/15, Jul 11/16, Mar 10/22
Authority: Reports DCS-11-10; FI-03-15; CAO-05-16, HR-03-22	

1.0 PURPOSE

The Town of Hanover (the Town) is committed to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization. It is the Town's goal to provide a healthy, safe work environment that is free of any form of harassment or violence. This guideline establishes procedures and measures to prevent and protect employees against workplace harassment and violence in a timely and equitable manner, and in accordance with the Occupational Health and Safety Act (OHSA) and associated regulations, Ontario Human Rights Code (OHRC) and other applicable requirements and standards.

2.0 SCOPE

This policy applies to all individuals in the municipal workplace at the Town of Hanover, Hanover Public Library, and Launch Pad, including employees, council members, committee members, co-op students, interns, volunteers, contractors and consultants.

It applies in any location in which people are engaged in work-related activities. This includes, but is not limited to:

- the physical workplace;
- during travel;
- at work-related conferences or training sessions;
- at restaurants, hotels or meeting facilities that are being used for business purposes;
- in company owned or leased facilities or vehicles;
- during telephone, email, social media or other communications; and
- at any social event whether or not it is company sponsored.

3.0 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 these behaviours in the workplace may be subject to a criminal investigation and charges.

Discrimination includes any direct or indirect unequal or different treatment or harassment that causes harm. Discrimination often includes the following elements:

- not individually assessing the unique merits, capacities and circumstances of a person
- stereotypical assumptions based on a person's presumed traits
- having the impact of excluding persons, denying benefits or imposing burdens

Discriminatory Harassment includes comments or conduct based on the protected grounds in the OHRC, which the recipient does not welcome or finds offensive. The protected grounds of discrimination are citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, gender expression, receipt of public assistance (in housing) and record of offences (in employment) for which a pardon has been granted under the Criminal Records Act and has not been revoked, or an offence in respect of any provincial enactment.

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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.

Employee, for the purpose of the workplace violence and harassment program, means any individual in the municipal workplace at the Town of Hanover, Hanover Public Library, and/or Launch Pad, including employees, council members, committee members, co-op students, interns and volunteers.

Harassment can consist of a single or several incidents over a period of time that creates a negative or hostile work environment. 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, and attempts to incite anger in others.

Poisoned Work Environment means a hostile or uncomfortable work environment that is caused by harassing conduct or comments, even if the person is not being directly targeted.

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 intent 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, or other communications.

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 unwelcome, or workplace sexual harassment.

Workplace harassment may have some or all of the following components:

- it is generally repetitive, although a single serious incidence of such behaviour may constitute workplace 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.

Workplace Harassment does not include:

- good natured joking and bantering which is mutually acceptable;
- reasonable action taken by the Town 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.

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Workplace sexual harassment is defined 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.

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, that causes or could cause physical injury to the employee;
- b) an attempt to exercise physical force against an employee, in the workplace, that could cause physical injury to the employee;
- 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, that 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.

4.0 RESPONSIBILITIES

4.1 Responsibilities of the Town of Hanover

- i. The Town will prepare and maintain a written policy statement with respect to workplace violence and harassment (HR-004 Workplace Violence and Harassment Policy Statement) and will post it on Health & Safety Boards and make it available in the policy manual and employee intranet. The Town will also prepare and maintain related guidelines and forms and make them available in the policy manual and employee intranet.
- ii. In consultation with the Joint Health & Safety Committee, the Town will maintain a program with respect to workplace violence and harassment. The program will:

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- a) include measures and procedures to control risks of violence which are likely to expose an employee to physical injury;
 - b) include measures and procedures for summoning timely assistance when workplace violence or harassment occurs or is likely to occur;
 - c) include measures and procedures for employees to report incidents of workplace violence or harassment;
 - d) set out how the employer will investigate and deal with incidents or complaints of workplace violence or harassment.
 - e) 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;
 - f) set out how incidents or complaints of workplace harassment will be investigated and dealt with;
 - g) 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;
 - h) set out how an employee who has allegedly experienced workplace harassment and the alleged harasser, if they are 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.
- iii. The Municipality shall ensure that:
- a) an investigation is conducted into incidents and complaints of workplace harassment that is appropriate in the circumstances;
 - b) the employee who has allegedly experienced workplace harassment and the alleged harasser, if they are 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;
 - c) the policy is reviewed as often as necessary, but at least annually, by the Health & Safety Committee to ensure that it adequately implements the policy with respect to workplace harassment.
- iv. If the Town becomes aware that domestic violence would likely expose an employee to physical injury in the workplace, the Town will take every precaution reasonable in the circumstances for the protection of the employee.
- v. The Town will not tolerate or condone discrimination, harassment or violence in the workplace. This includes making everyone in the organization aware of what behaviour is and is not appropriate, assessing the risks, investigating complaints and imposing suitable corrective measures.

4.2 Responsibilities of Managers and Supervisors

- i. 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 will consider circumstances that would be common to similar workplaces and circumstances specific to the workplace as well as

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possible mitigation that the Town can provide. A reassessment of the risks of the workplace violence will be conducted as often as is necessary to ensure that the policy continues to protect workers from workplace violence. Senior Management will advise the Joint Health & Safety Committee of the results of the assessment/reassessment and provide a copy of the assessment in writing.

- ii. Supervisors have a duty to assist in creating a harassment-free workplace and to immediately contact the HR Manager if they receive a complaint of workplace harassment or violence, or are witness to or aware of harassing or violent behaviour.
- iii. With respect to domestic violence, managers and supervisors have 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 behavior, if an employee can be expected to encounter that person in the course of work and the risk of workplace violence is likely to expose the employee to physical injury. Managers and supervisors will not disclose more personal information than is necessary to protect any employee from physical injury.

4.3 Responsibilities of the Joint Health & Safety Committee (JHSC)

- i. The JHSC will review HR-004 Workplace Violence & Harassment Policy Statement at least annually, and make updates as required. The JHSC will review related policies and forms regularly to ensure the program remains effective.
- ii. Notify the Human Resources Manager of any reports of workplace violence or harassment, except where the Human Resources Manager is the alleged perpetrator.
- iii. Participate in investigations related to incidents and complaints of workplace harassment, as applicable and appropriate.

4.4 Responsibilities of the Human Resources Manager

- i. Act as a resource and respond to inquiries with respect to the workplace violence and harassment program.
- ii. Oversee the workplace violence and harassment program and maintenance of the program in cooperation with the JHSC.
- iii. Facilitate and participate in investigations related to incidents and complaints of workplace harassment in a confidential and impartial manner, as applicable and appropriate.
- iv. Assist in connecting individuals who may be experiencing domestic violence with assistive resources.

4.5 Responsibilities of Employees

- i. Abide by all requirements of HR-004 Health & Safety Policy Statement, related guidelines and forms, HR-001 Personnel Policy, HR-002 Employee Code of Conduct, and other applicable policies, procedures or legislation.
- ii. Foster a work environment that is based on respect and is free of harassment, discrimination and violence.

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- iii. Report the existence of any workplace violence or harassment or threat of workplace violence.
- iv. Facilitate and participate in investigations related to incidents and complaints of workplace harassment, as applicable and appropriate. Out of respect for the relevant individuals, it is essential that anyone involved in the formal investigation of a complaint maintain confidentiality throughout the investigation and afterwards.
- v. If someone is making you feel uncomfortable, let the person know that you find their comments or conduct unwelcome, if you are comfortable doing so. Although this may be difficult to do, telling the person you don't like their actions may assist in creating understanding and may stop the unwanted behavior. If you are not comfortable doing so or the behavior does not cease, report the incident immediately.
- vi. Any employee witnessing or experiencing workplace violence or harassment who feels in imminent danger must make every effort to get to a safe location, which may include leaving the workplace. If in their opinion the situation warrants, the employee may call 911 for emergency assistance.
- vii. All employees reserve the right to refuse unsafe work in accordance with the OHS and JHS-009 Refusal of Unsafe Work.

5.0 GENERAL GUIDELINES

5.1 Zero Tolerance

- i. The Town will not tolerate incidents of workplace violence, harassment or inappropriate behaviour perpetrated by or against any employee, member of the public, committee member, member of council, vendor, contractor, visitor or any other person at a municipal workplace or involved in municipal business.
- ii. Where violations of the policy occur, the Town 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 the police; and/or
 - prohibit a member of the public from entering a municipal workplace.

5.2 Reprisal

- i. The Town prohibits reprisal 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 workplace violence and harassment program.
- ii. 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.

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- iii. Employees who engage in reprisals or threats of reprisals may be disciplined up to and including termination.
- iv. Any person 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.
- v. In order to protect employees from possible reprisals, identifying information about any individual will not be disclosed unless the disclosure is necessary for the purpose of investigation, taking corrective action, or if otherwise required by law.
- vi. 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 of workplace violence, harassment or inappropriate behaviour.

5.3 Confidentiality

- i. All incidents or complaints of workplace violence or harassment will be kept confidential, except:
 - to the extent necessary to protect staff or others;
 - to investigate complaints or incidents;
 - to take corrective action; or
 - as otherwise required by law.
- ii. Anyone involved in the investigation of a complaint is required to maintain confidentiality throughout the investigation and afterwards.

5.4 The Test of Harassment

- i. It does not matter whether you intended to offend someone. The test of harassment is whether you knew or should have known that the comments or conduct would be unwelcome to the other person. For example, someone may make it clear through their conduct or body language that the behavior is unwelcome, in which case you must immediately stop that behavior. Although it is commonly the case, the harasser does not necessarily have to have power or authority over the victim. Harassment can occur between anyone.

5.5 Domestic Violence

- i. Anyone experiencing domestic violence may seek immediate assistance by contacting the HR Manager, or their supervisor, manager or director.

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- ii. The Town will take every precaution reasonable to protect you and your co-workers in the circumstances and assist in preventing and responding to the situation. This may include connecting the impacted individual with assistive resources.
- iii. All efforts will be made to assist in a discreet and private manner.

6.0 REPORTING INCIDENTS OR COMPLAINTS

6.1 Formal Procedure

- i. It is important to report any incidents or complaints of workplace violence or harassment as soon as possible to help ensure the problem doesn't escalate or reoccur.
- ii. Report acts of workplace violence, harassment or unacceptable/inappropriate behavior as follows:

Alleged Perpetrator	Who to Contact
Members of the public Contractors / Vendors Visitors / Patrons External contacts	Supervisor or HR Manager (hr@hanover.ca 519-364-2780) or Director or JHSC (jhsc@hanover.ca)
Coworkers Other staff Members of council Committee members	Supervisor or HR Manager (hr@hanover.ca 519-364-2780) or Director or JHSC (jhsc@hanover.ca)
Supervisor	HR Manager (hr@hanover.ca 519-364-2780) or Director or JHSC (jhsc@hanover.ca)
Director	HR Manager (hr@hanover.ca) or Chief Administrative Officer (519-364-2780) or JHSC (jhsc@hanover.ca)
HR Manager	Director or Chief Administrative Officer (519-364-2780) or JHSC (jhsc@hanover.ca)
Chief Administrative Officer	HR Manager (hr@hanover.ca 519-364-2780) or Mayor (519-364-2780)

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- iii. Incidents or complaints of workplace violence or harassment can be made verbally or in writing. Form HR-004(F1) Workplace Violence & Harassment Complaint Form should be used to submit a written report. Where a report is made verbally, the person receiving the report will fill out the form.
- iv. The report of the incident will include the following information, as provided for on HR-004(F1).
 - Name(s) of the person who has allegedly experienced workplace violence or harassment and contact information.
 - Name of the alleged harasser(s), position, and contact information (if known).
 - Names of witness(es) (if any) or other person(s) with relevant information to provide about the incident and contact information.
 - Details of what happened including dates, frequency and locations of the alleged incident(s).
 - Any supporting documents the complainant may have in their possession that is relevant to the complaint. This includes any documents a witness, another person or the alleged harasser may have in their possession that is relevant to the complaint.

7.0 INVESTIGATIONS

- 7.1 Except where the HR Manager is the alleged perpetrator, the HR Manager will start an investigation of the incident, including determining merit of the claim, within 1 working day of receiving notification of the incident or having received the reporting form.
- 7.2 The HR Manager may request the confidential assistance of a supervisor, manager, director, CAO, or JHSC member when conducting the investigation.
- 7.3 An alternative party will facilitate the investigation if the alleged perpetrator is the HR Manager.
- 7.4 HR-001(F2) Workplace Violence and Harassment Investigation Form will be used to guide the investigation process. Investigations may include:
 - i. Interviewing the complainant
 - ii. Interviewing the alleged perpetrator
 - iii. Interviewing witnesses
 - iv. Gathering related supporting documentation
- 7.5 Depending on the severity and complexity of allegation, the Town may refer the investigation to an external third-party organization for the purpose of ensuring an impartial investigation is conducted.
- 7.6 The parties who have conducted the investigation will 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. The report will include the outcome of the investigation and whether any remedial or corrective action has taken place or will continue to take place, as appropriate.

8.0 NON-COMPLIANCE BY MEMBERS OF THE PUBLIC

- 8.1 Members of the public who engage in any type of discrimination, violence, harassment, or other unacceptable behavior, may, depending on the severity of the incident:

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- i. Have the conduct reported to the police;
- ii. Be arrested and/or charged;
- iii. Be removed immediately from the premises;
- iv. Be sent a letter of warning advising them of the inappropriate conduct; and/or
- v. Receive a Trespass Notice.

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

REVIEW FREQUENCY

HR-004 Workplace Violence and Harassment Policy Statement will be reviewed annually by the JHSC and approved by Council. HR-004(G) Workplace Violence and Harassment Guideline and related forms will be reviewed at least every 4 years, or more frequently in order to maintain an effective and compliant program.

RELATED DOCUMENTS

HR-004 Workplace Violence and Harassment Policy Statement
HR-004(F1) Workplace Violence and Harassment Complaint Form
HR-004(F2) Workplace Violence and Harassment Investigation Form
JHS-009(G) Refusal of Unsafe Work