

THE CORPORATION OF THE TOWNSHIP OF TUDOR AND CASHEL

BY-LAW NO. 2010-11

**Being a By-Law to adopt a
Workplace Harassment Policy**

WHEREAS Section 25 of the Occupational Health and Safety Act sets out the standards and procedures employers must follow for its employees;

AND WHEREAS Council for the Corporation of the Township of Tudor and Cashel deems it important to establish a workplace harassment policy.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
TOWNSHIP OF TUDOR AND CASHEL ENACTS AS FOLLOWS:**

- 1.** The Workplace Harassment Policy attached hereto as Schedule "A" is hereby approved and adopted.
- 2.** All By-Laws or parts of By-Laws heretofore passed inconsistent with the provisions of the attached Policy are hereby repealed.
- 3.** This By-Law shall come into force and take effect immediately on the passing thereof.

READ A FIRST TIME, THIS 01ST DAY OF JUNE, 2010.

READ A SECOND TIME, THIS 01ST DAY OF JUNE, 2010.

READ A THIRD TIME AND FINALLY PASSED THIS 01ST DAY OF JUNE, 2010.

REEVE: WANDA DONALDSON

SEAL

**CLERK-TREASURER:
BERNICE CROCKER**

SCHEDULE "A"

A. POLICY STATEMENT

The Township of Tudor and Cashel is committed to providing a safe and healthy workplace free from harassment. The Township recognizes that workplace harassment is a health and safety and human resources issue and will take reasonable precautions to prevent work place harassment and to protect employees at the workplace.

B. PURPOSE OF WORKPLACE HARASSMENT POLICY

This policy is intended to:

1. Create and foster a work environment free from workplace harassment;
2. Provide a definition of workplace harassment;
3. Establish and detail the responsibilities of all persons in the Township workplaces to maintain a workplace free of harassment;
4. Ensure that incidents of workplace harassment are reported to the Clerk for the Township and/or law enforcement as appropriate;
5. Ensure that complaints of workplace harassment are handled in a timely and equitable manner by the Township.

C. SCOPE AND APPLICATION OF POLICY

This policy applies to all Township employees and volunteers on behalf of the Township regardless of position, classification or union membership. This policy also applies to all persons who attend the Township workplace including, but not limited to, all visitors, contractors, vendors and delivery persons.

For the purposes of this policy, a Township workplace includes all places where the Township business occurs and includes all:

- Company buildings (whether owned or leased) and surrounding perimeter including parking lots, sidewalks, and driveways (Township Grounds);
- Township vehicles;
- Off-site locations where Township business occurs;
- Township-sponsored functions and recreational or social events, whether taking place on Township Grounds or elsewhere; and
- Travel for Township business.

D. WORKPLACE HARASSMENT DEFINED

In this policy, workplace harassment includes but is not limited to the following:

1. 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.
2. Vexatious comment is comment that demeans, embarrasses or humiliates a person.

This is the companion policy to the Township's Workplace Violence Policy which addresses violence.

E. ZERO TOLERANCE

The Township values the health and safety of its employees and expects that its workplaces will be free of workplace harassment. The Township will not tolerate incidents of workplace harassment perpetrated against or by any employee, customer, vendor, contractor, visitor or any other person at a Township workplace or involved in Township business.

Every person at a Township workplace is responsible for acting in compliance with this policy.

With respect to acts of workplace harassment, as defined in this policy, the Township may, where appropriate:

- Remove the perpetrator from a Township workplace by security or the police;
- Discipline any employee, up to and including dismissal, and/or report the conduct to the police; and
- Report the conduct of any other person to their employer, supervisor and/or to the police.

Continuous harassment will be reported to police as appropriate.

F. RESPONSIBILITIES AND OBLIGATIONS

It is the responsibility of:

1. The Township

- To take reasonable preventative measures to protect employees and others in the Township workplaces from workplace harassment;
- To ensure that a workplace harassment assessment is conducted;
- To develop procedures to address the workplace harassment risks identified in the harassment assessment;
- To ensure that all employees are trained in this policy;
- To post this policy in a conspicuous place in the workplace;
- To ensure that this policy is communicated to contractors and other persons who attend the Township workplaces;
- To establish a process for reporting and responding to incidents of workplace harassment;
- To ensure the process for reporting and responding to incidents of workplace violence;
- To ensure the process for reporting and responding to incidents of workplace harassment is communicated, maintained and followed; and
- To ensure that this policy is reviewed at least annually.

2. Managers and Supervisors

- To understand and abide by the requirements of this policy;
- To communicate and review this policy with the employees they supervise or manage;
- To verify that all contractors and others who attend the Township workplaces are aware of this policy;

- To adequately train employees in Township procedures that address the workplace harassment risks applicable to the employee;
- To encourage employees to report complaints or incidents of workplace harassment;
- To respond to all complaints or incidents of workplace harassment in a professional manner appropriate for the circumstances of the complaint or incident;
- To promptly report all complaints or incidents of workplace harassment they receive or witness to the Clerk.

3. Employees (Including Managers and Supervisors)

- To comply with this policy at all times to protect themselves and others in the workplace from workplace harassment;
- To immediately notify their supervisor or other designated person of any incident of workplace harassment whether the notifying worker is the victim or not;
- To participate in training regarding this policy and Township procedures directed at workplace harassment; and
- To fully cooperate in any investigation of complaints or incidents of workplace harassment or breaches of this policy.

G. DOMESTIC HARASSMENT

Any employee experiencing harassment outside of the workplace (ie. domestic harassment) that may create a risk of danger to themselves or others in the workplace is encouraged to report such harassment so that the Township can take reasonable preventive steps.

H. REPORTING AND INVESTIGATION WORKPLACE HARASSMENT

1. Reporting threats of workplace harassment:

- All incidents of workplace harassment or reprisal must be immediately reported to management;
- Any person subjected to workplace harassment should, where appropriate, go to a safe location at the workplace and report the incident to their supervisor or a Township supervisor or manager so that the incident can be investigated and addressed;
- All incidents of workplace harassment or reprisal must be immediately reported to management;
- All complaints and incidents are to be recorded in writing by the reporting person/employee and the supervisor or manager receiving the report. The date, time, location, potential witness and nature of the incident should be documented;
- If police have not previously been summoned, management will report continuous incidents of workplace harassment to police.
- If an incident of workplace harassment involves a person who is not an employee of the Township, the Township management will report the incident

to that person's employer and/or such other person as the Township determines is appropriate in the circumstances.

2. Investigation:

- All complaints or incidents of workplace harassment or reprisal will be promptly investigated by management. Where the perpetrator is a Township employee, the investigation will be conducted as quickly and confidentially as possible in the circumstances. Complete confidentiality is not possible in all circumstances and cannot be guaranteed;
- The management will include:
 - (a) A documented interview with the complainant and/or victim;
 - (b) A documented interview with the alleged perpetrator(s);
 - (c) A documented interview with any witness with relevant information to provide; and
 - (d) Any other step the investigator(s) deems necessary to fully and fairly investigate the complaint or incident;
- At the conclusion of the investigation into an incident or complaint, Management will prepare a written report of the findings of fact and – after evaluating existing policies, procedures, physical premises and devices, employee training – any suggestions to prevent a recurrence;
- Where the perpetrator is a Township employee, the supervisor of the perpetrator, in consultation with management and/or management will take any necessary disciplinary action. The severity of any disciplinary action, which may include dismissal from employment, will be consistent with the seriousness of the conduct at issue such that more significant discipline will follow more serious conduct or repeated violations of this policy.

I. NO REPRISAL

Workplace harassment and this policy are serious matters. This policy prohibits reprisals against employees who have made good faith complaints or provided information regarding a complaint or incident of workplace harassment. Employees who engage in reprisals or threats of reprisals may be disciplined up to and including dismissal from employment.

Reprisals include:

- Any act of retaliation that occurs because a person has complained of or provided information about an incident of workplace harassment;
- Intentionally pressuring a person to ignore or not report an incident of workplace harassment;
- Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of workplace harassment.
- An employee who makes a false complaint or otherwise abuses this policy may be disciplined up to and including dismissal from employment. Such discipline is not a reprisal or breach of this policy.

J. POLICY REVIEW

This policy will be reviewed at least annually.