



Workplace Violence, Harassment & Discrimination Prevention Policy

Intent

The Town of Minto is committed to providing a safe and healthy workplace free from actual, attempted or threatened violence as well as discrimination based on age, ancestry, race, colour, religion (creed), place of origin, ethnic origin, citizenship, disability, marital status (including single status), family status, gender identity, gender expression, sexual orientation, sex (including pregnancy and breastfeeding), and record of offences. The Town of Minto recognizes that workplace violence & discrimination are health and safety and human resources issues and will take reasonable precautions to prevent discrimination and workplace violence in order to protect employees at the workplace.

This policy is intended to:

1. Create and foster a work environment free from workplace violence and discrimination;
2. Provide a definition of workplace violence, domestic violence and discrimination;
3. Establish and detail the responsibilities of all persons in Town of Minto workplace/s to maintain a workplace free of actual, attempted or threatened violence and discrimination;
4. Ensure incidents of workplace violence and discrimination are reported to Town of Minto Management, Human Resources, Joint Health and Safety Committee where applicable and/or law enforcement as appropriate;
5. Ensure complaints of workplace violence and discrimination are handled in a timely and equitable manner by the Town of Minto.

Scope

This policy applies to all employees, members of council, volunteers, consultants, independent contractors, suppliers and customers. For the purpose of this policy, a Town of Minto workplace includes any location where a Town employee is carrying out their occupational duties, including those locations that are not on primary work sites. This may include social functions, training and conferences, during travel, at restaurants, hotels or meeting facilities being used for business purposes, during telephone, email or other communications.

Definitions

Workplace Violence

Workplace violence is an exercise or attempted exercise of physical force by a person against an employee, in a workplace, that causes or could cause physical injury to the employee. It can also be a statement or behaviour that it is reasonable

for an employee to interpret as a threat to exercise physical force against the employee, in a workplace, that could cause physical injury to the employee.

Examples of workplace violence may include, but are not limited to:

- Verbally threatening to attack an employee;
- Leaving threatening notes or sending threatening e-mails;
- Shaking a fist in a worker's face;
- Yelling at an employee;
- Wielding a weapon at work;
- Hitting or trying to hit an employee;
- Throwing an object at an employee;
- Sexual violence against an employee;
- Kicking an object the employee is standing on, such as a ladder;
- Trying to run down an employee using a vehicle or equipment.

Please note that a reasonable action taken by an employer relating to the management and direction of its workplace is not workplace violence.

Domestic Violence

Domestic violence is abusive behavior in any personal relationship that allows one partner to intimidate, or to gain power and control over the other. This is often thought to occur between married spouses or in other intimate relationships, but actually refers to any family relationship or persons living in the same home. Domestic violence includes physical, sexual, psychological, and emotional abuse, as well as threats of violence or economic control. These are behaviors intended to intimidate, frighten, terrorize, humiliate, manipulate, coerce, blame, or injure someone.

Workplace Sexual Harassment

Workplace Sexual Harassment is a form of Workplace Violence and 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 is any unsolicited conduct, comment, or physical contact of a sexual nature that is unwelcome to the recipient. This may include any unwelcome sexual advances (oral, written or physical), requests for sexual favors, sexual and sexist jokes, and the display of degrading or offensive material. When:

- a) such conduct might reasonably be expected to cause insecurity, discomfort, offence, or humiliation to another person;
- b) such conduct has the purpose or effect of interfering with a person's work performance or creating an intimidating, hostile or offensive work environment;

- c) submissions to such conduct are made, either implicitly or explicitly, a condition of employment; or
- d) submission to, or rejection of, such conduct is used as a basis for any employment decision (including, but not limited to, job security, promotion, change in salary and benefits).

Discrimination

Discrimination is differential treatment in employment or denial of employment opportunities based on any of the prohibited grounds of the *Ontario Human Rights Code*. Discrimination does not have to be intentional. Discrimination can result from practices and policies that appear to be neutral, but in reality have a negative effect on groups or individuals because of their sex, race, religion, etc.

Workplace Violence, Harassment & Discrimination Prevention Roles & Responsibilities

Town of Minto

- Take reasonable preventative measures to protect employees and others in Town of Minto workplaces from workplace violence and discrimination;
- Ensure that a workplace violence assessment is conducted through the Hazard Assessment process;
- Develop procedures to address the workplace violence risks identified in the Hazard Assessment;
- Ensure that all employees are trained in this policy;
- Ensure that this policy is communicated to contractors and other persons who attend Town of Minto workplaces;
- Establish a process for reporting and responding to incidents of workplace violence and discrimination;
- Ensure the process for reporting and responding to incidents of workplace violence and discrimination are communicated, maintained and followed;
- Ensure that this policy is reviewed at least annually

Department Heads, Managers & Supervisors

- Understand and abide by the requirements of this policy;
- Communicate and review this policy with the employees they supervise or manage;
- Verify that all contractors and others who attend Town of Minto workplaces are aware of this policy;
- Adequately train employees in Town of Minto procedures that address the workplace violence risk(s) applicable to the employee;
- Encourage employees to report complaints or incidents of workplace violence and discrimination;
- Respond to all complaints or incidents in a professional manner appropriate for the circumstances of the complaint or incident;
- Promptly report all complaints or incidents of discrimination they receive or witness to Human Resources and all incidents of workplace violence to Human Resources and the Joint Health & Safety Committee (JHSC) via incident reports

Employees (Including Managers & Supervisors)

- Comply with this policy at all times to protect themselves and others in the workplace;
- Immediately notify their manager/supervisor or other designated person of any incident of workplace violence or discrimination whether the notifying worker is the victim or not. In the case of an extreme or imminent threat of physical harm to themselves or any person from workplace violence, the worker should contact the police;
- Participate in training regarding this policy and Town of Minto procedures directed at workplace violence risks in the workplace and discrimination;
- Fully cooperate in any investigation of complaints or incidents which breach of this policy

Human Resources

- Receive and investigate complaints regarding discrimination in the workplace and follow-up where necessary with the protocols identified in this policy;
- Work with JHSC to investigate incidents of workplace violence and follow-up where necessary with the protocols identified in this policy.

JHSC

- Receive complaints of workplace violence incidents by way of incident reports and provide additional corrective action recommendations where possible.

Resolution

Resolution of harassment or discrimination means the conduct doesn't occur in the work environment, or in the alternative, ceases immediately. Prompt and clear communication of the fact that the conduct is objectionable and must stop, supports the most effective resolution. Any employee who believes he/she has been subjected to harassment or discrimination should if safe to do so promptly pursue any of the following steps and strategies to resolve the issues:

1. If you experience or witness workplace violence:

- If safe to do so and comfortable doing so, employees are encouraged to communicate disapproval to the individual whose conduct or comments are offensive - ask them to stop.
- Persons who are advised that their comments or conduct are unwanted and offensive are expected to cease such behavior immediately.
- Go to a safe location and immediately report the problem to your manager/supervisor, Human Resources or any member of the Town of Minto management with whom you feel comfortable;
- Call 911 if appropriate.
- In all incidents of Workplace Violence an incident report will need to be completed and provided to HR and subsequently the JHSC for review (with personal identifiers redacted).

2. If you experience domestic violence outside of the workplace:

It may create a danger to yourself or others in the workplace, for the safety of all, the employee is encouraged to verbally report the situation to their manager/supervisor or Human Resources so reasonable preventative steps may be implemented. Appropriate preventative measures will be identified on a case by case basis, dependent on the identified risks. Preventative measures may include but are not limited to:

- Escort to and from parking lot for the at risk employee;
- Inform co-workers who may be at risk of the situation and instruct to immediately call 911 and notify their manager/supervisor if the offender enters the workplace;
- Post photo of offender at reception for identification if this person comes to the workplace. Reception would be instructed to call 911 immediately and notify their manager/supervisor if the offender comes to the workplace;
- Monitor incoming personal phone calls for at risk employee;
- Relocate normal work area of the at risk employee;
- Involve community services such as Victim Services to develop a safety plan for home and work.

3. If you experience or witness workplace discrimination:

- If comfortable doing so, employees are encouraged to communicate disapproval to the individual whose conduct or comments are discriminative-ask them to stop.
- Persons who are advised that their comments or conduct are offensive or discriminative are expected to cease such behavior immediately.
- Immediately report the problem to your manager/supervisor, Human Resources or any member of the Town of Minto management with whom you feel comfortable;
- All incidents of discrimination will be reviewed by Human Resources.

Investigation

- All complaints or incidents of workplace violence and discrimination will be promptly investigated by Human Resources. Where the alleged offender is a Town employee, the investigation will be conducted as quickly and confidentially as possible in the circumstances;
- If the offender is a member of Human Resources, report the problem directly to your manager/supervisor or the CAO. If you report your problem to your manager/supervisor, they will escalate the problem directly to the CAO;
- The exact nature of the investigation will depend on the particulars of the incident;
- A third party investigator may be used if the situation warrants;
- A determination will be made if one or more parties will be placed on an administrative leave for the duration of the fact-finding process. This is a non-punitive leave and the employee/s will continue to receive full pay for the duration of the administrative leave. The employee would be notified verbally of the requirement to go on an administrative leave, followed by a letter from the Human Resources or a delegate.
- Both the complainant and the alleged offender may be interviewed, as will any individuals who may be able to provide relevant information;
- At the conclusion of the investigation into an incident or complaint, Human Resources will prepare a recommendation of corrective actions. Existing policies, procedures, physical premises, devices, and employee training will be evaluated and considered to make a suggestion to prevent a recurrence of the incident or complaint.

- If the investigation reveals evidence to support the complaint of violence or discrimination, the offender will be disciplined appropriately;
- Records relating to the complaint and investigation will be kept confidentially in secure Human Resources files;
- JHSC will review all incidents of Workplace Violence through redacted incident reports and provide any additional corrective actions deemed necessary.

Discipline

The Town values the health and safety of its employees and expects its workplace/s will be free of workplace violence and discrimination. The Town will not tolerate incidents of workplace violence or discrimination committed against or by any employee, customer, vendor, contractor, visitor or any other person at a Town workplace or involved in Town business.

Employees found to have committed an act of violence, attempted an act of violence or discriminated another employee may be subject to disciplinary action up to and including termination of employment.

In addition, acts of violence or attempted violence will be reported to the police as appropriate.

No Reprisal

This policy prohibits reprisals against employees who have made good faith complaints or provided information regarding a complaint or incident of workplace violence or discrimination. Employees who engage in reprisals or threats of reprisals may be disciplined up to and including termination from employment.

Reprisal includes:

- Any act of retaliation that occurs because a person has complained of/or provided information about an incident of workplace violence or discrimination;
- Intentionally pressuring a person to ignore or not report an incident
- Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident.
- An 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.

Policy Review

This policy will be reviewed at least annually.

Other Information

Date of Last Revision/Effective Date: May 18, 2022

Last Reviewed: February 2024