

# Harassment, Bullying and Workplace Violence Policy

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## Municipal Health and Safety Policy

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11/8/2012



The following policy outlines the definitions of harassment, bullying and workplace violence and provides employees, members of the public and Council with tools to protect themselves and ensure a respectful and safe workplace.

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## **Purpose:**

THE MUNICIPALITY OF THE CORPORATION OF UNITED TOWNSHIPS OF HEAD, CLARA & MARIA is committed to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the Municipality. It is THE MUNICIPALITY OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA's goal to provide a healthy and safe work environment that is free of any form of harassment or violence.

The Corporation of the United Townships of Head, Clara & Maria is committed to fostering an environment that is free from any of the forms of discrimination and harassment which are prohibited under the Ontario Human Rights Code. Discrimination, harassment and/or violence are unacceptable within the Municipal organization in any form and at any level.

## **Policy:**

This policy governs all employees, contractors, consultants, members of Council, administrative staff, other municipal employees and to a limited extent, members of the public. Remedies under this policy are available to individuals who are engaged in work-related activities in relation to the Municipality. The location of the work activity includes, but is not limited to:

- the workplace;
- during work-related travel;
- at restaurants, hotels or meeting facilities that are being used for business purposes;
- in company-owned or leased facilities;
- during telephone, e-mail or other communications;
- at any work-related social event, whether or not it is company sponsored.

Conduct, comments or behaviour that constitutes harassment, discrimination and/or violence and occurs in locations covered by this expanded definition are subject to investigation under this policy.

If you are a complainant, this policy applies to situations in which you are harassed or subjected to violence in the workplace from either employees of the Municipality or individuals who are not employees of the Municipality, such as Council Members, volunteers, members of the public, customers and suppliers, although the available remedies may be constrained by the particular situation.

Remedies may also be available under the Ontario Human Rights Code. Everyone is encouraged to fully examine the various options which are available to them.

The pursuit of a complaint under the internal complaint mechanism does not preclude an individual from filing a complaint with the Ontario Human Rights Commission or pursuing any other available forms of relief. It should be noted that time limits apply to complaints which are taken to the Ontario Human Rights Commission, and persons contemplating making such complaints are urged to contact the Commission immediately so that these time limits are not missed.

## **A - DEFINITIONS:**

***In this policy, any reference to a statute or code means the legislation bearing that name at the time this policy is issued and includes its regulations and any amending or successor legislation.***

### ***"Discrimination"***

Workplace discrimination includes any distinction, exclusion or preference based on the protected grounds in the Ontario *Human Rights Code*, which nullifies or impairs equality of opportunity in employment, or equality in the terms and conditions of employment.

The protected grounds of discrimination are:

- race, colour, ancestry, citizenship, ethnic origin or place of origin;
- creed, religion;
- age;
- sex (including pregnancy and gender identity) ;
- sexual orientation;
- family, marital (including same-sex partnership) status;
- disability or perceived disability;
- a record of offences for which a pardon has been granted under the federal *Criminal Records Act* and has not been revoked, or an offence in respect of any provincial enactment.

For purposes of this policy, discrimination will be interpreted in a manner consistent with the Human Rights Code, which does contain some exceptions and interpretive provisions. Decisions under the Code have recognized that discrimination may be direct or “constructive”. Direct discrimination is easily recognized but constructive discrimination is more subtle, and includes situations where occupational requirements effectively exclude individuals by race, ancestry, place of origin, etc.

### ***"Sexual Harassment"***

Sexual harassment includes conduct or comments of a sexual nature that the recipient does not welcome or that offend him or her. It also includes negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are directed at an individual because of his or her gender.

Both men and women can be victims of harassment, and someone of the same or opposite sex can harass someone else.

Some examples of sexual harassment include:

- sexual advances or demands that the recipient does not welcome or want;
- threats, punishment or denial of a benefit for refusing a sexual advance;
- offering a benefit in exchange for a sexual favour;
- leering (persistent sexual staring);
- displaying sexually offensive material, such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic Web sites or other electronic material;
- distributing sexually explicit e-mail messages or attachments, such as pictures or video files;
- sexually suggestive or obscene comments or gestures;

- unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, clothing or sex;
- persistent, unwanted attention after a consensual relationship ends;
- physical contact of a sexual nature, such as touching or caressing;
- sexual assault.

### **"Discriminatory Harassment"**

Discriminatory harassment includes comments or conduct based on the protected grounds in the Ontario *Human Rights Code* which the recipient does not welcome or that offends him or her.

Some examples of discriminatory harassment include:

- offensive comments, jokes or behaviour that disparage or ridicule a person's membership in one of the protected grounds, such as race, religion or sexual orientation;
- imitating a person's accent, speech or mannerisms;
- persistent or inappropriate questions about whether a person is pregnant, has children or plans to have children;
- inappropriate comments or jokes about an individual's age, sexual orientation, personal appearance or weight.

Harassing or discriminatory comments or conduct can poison someone's working environment, making it a hostile or uncomfortable place to work, even if the person is not being directly targeted. This is commonly referred to as a **poisoned working environment** and it is also a form of harassment.

Some examples of actions that can create a poisoned work environment include:

- displaying offensive or sexual materials, such as posters, pictures, calendars, Web sites or screen savers;
- distributing offensive e-mail messages or attachments, such as pictures or video files;
- practical jokes that embarrass or insult someone;
- jokes or insults that are offensive, racist or discriminatory in nature.

### **"Workplace Harassment" and Bullying**

Workplace harassment is a health and safety issue that is covered under the Ontario *Occupational Health and Safety Act*.

The *Occupational Health and Safety Act* defines "workplace harassment" as: "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 have some or all of the following components:

- it is generally repetitive, although a single serious incident 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;
- it results in a poisoned work environment.

In addition, behaviour that intimidates isolates or discriminates against the recipient may also be included.

Some examples of workplace harassment include:

- verbally abusive behaviour, such as yelling, insults, ridicule and name calling, including remarks, jokes or innuendoes that demean, ridicule, intimidate or offend;
- workplace pranks, vandalism, bullying and hazing;
- gossiping or spreading malicious rumours;
- excluding or ignoring someone, including persistent exclusion of a particular person from workplace-related social gatherings;
- undermining someone else's efforts by setting impossible goals with short deadlines and deliberately withholding information that would enable a person to do his or her job;
- providing only demeaning or trivial tasks in place of normal job duties;
- humiliating someone;
- sabotaging someone else's work;
- displaying or circulating offensive pictures or materials;
- offensive or intimidating phone calls or e-mails;
- impeding an individual's efforts at promotions or transfers for reasons that are not legitimate;
- making false allegations about someone in memos or other work-related documents.

### ***What isn't harassment?***

Workplace harassment should not be confused with legitimate, reasonable management actions that are part of the normal work function, including:

- measures to correct performance deficiencies, such as placing someone on a performance improvement plan;
- imposing discipline for workplace infractions;
- requesting medical documents in support of an absence from work.

It also does not include normal workplace conflict that may occur between individuals or differences of opinion between co-workers.

### ***The test of harassment***

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 were unwelcome to the other person. For example, someone may make it clear through his or her conduct or body language that the behaviour is unwelcome, in which case you must immediately stop that behaviour.

Although it is commonly the case, the harasser does not necessarily have to have power or authority over the victim. Harassment can occur from co-worker to co-worker, supervisor to employee and employee to supervisor.

### ***"Workplace Violence" and "Domestic Violence"***

Workplace violence and domestic violence that may occur in the workplace are health and safety issues which are covered under the Ontario *Occupational Health and Safety Act*.

*Workplace violence* is defined under the Ontario *Occupational Health and Safety Act* as:

- "(a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- "(b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- "(c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker."

It is defined broadly enough to include acts that may be considered criminal. Workplace violence includes:

- physically threatening behaviour, such as shaking a fist at someone, finger pointing, destroying property, throwing objects;
- verbal or written threats to physically attack a worker;
- leaving threatening notes or sending threatening e-mails;
- wielding a weapon at work;
- stalking someone;
- physically aggressive behaviours, including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, throwing an object at someone, physically restraining someone or any other form of physical or sexual assault.

Violence that occurs outside the normal workplace but which has an impact on the working environment, including working relationships, may also be considered violence in the workplace.

*Domestic Violence* If you are experiencing domestic violence that would likely expose you, or other workers, to physical injury that may occur in the workplace, we will take every precaution reasonable to protect you and your co-workers in the circumstances. This may include some or all of the following:

- creating a safety plan;
- contacting the police;
- establishing enhanced security measures, such as a panic button, code words, and door and access security measures;
- screening calls and blocking certain e-mail addresses;
- adjusting your working hours and location so that they are not predictable;
- facilitating your access to counselling through the Employee Assistance Program or other community programs.

We appreciate the sensitivity of these issues and will do our best to assist you as discreetly as possible while maintaining your privacy.

## **B - PREVENTING HARASSMENT, DISCRIMINATION AND VIOLENCE:**

It is our mutual responsibility to ensure that we create and maintain a harassment-free, discrimination-free and violence-free workplace, and address violence and/or the threat of violence from all possible sources (including customers, clients, employers, supervisors, Council members, volunteers, workers, members of the public, strangers and domestic/intimate partners).

## **1. The Municipality's Commitment:**

THE MUNICIPALITY OF CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA will do its part by not tolerating or condoning discrimination, harassment or violence in the workplace. This includes making everyone in our organization aware of what behaviour is and is not appropriate, assessing the risk of workplace violence, investigating complaints and imposing suitable corrective measures.

The Corporation recognizes that it is possible for allegations to be advanced against the very persons required or permitted to investigate or deal with complaints under this policy. In such cases, a person who wishes to make a formal or informal complaint may contact any member of the Municipality's management with whom the complainant is comfortable. The staff member so contacted shall bring the Conflict of Interest to the attention of senior management (including the Municipal lawyer) who shall ensure that the complaint is investigated by persons who come as close as possible to meeting the requirements of this policy but who have no Conflict of Interest, and in such circumstances this policy shall permit all necessary substitutions.

## **2. Persons who may take advantage of this Policy:**

Anyone who alleges that they have suffered discrimination, harassment or violence by a person governed by this policy may make a complaint in accordance with this policy.

## **3. Obligations and Responsibilities:**

Everyone governed by this policy is responsible for ensuring that all Municipal operations are free from discrimination, harassment and/or violence.

Council and senior staff have specific responsibilities to create and maintain a Workplace that is free from violence, discrimination or harassment. The Clerk is specifically responsible for ensuring that the policy is communicated and understood by all staff and that the policy is supported and encouraged. The Clerk is also responsible for maintaining policies to prevent the development, escalation or recurrence of discrimination, harassment or violence.

The successful resolution of concerns and complaints is often determined by the way in which they are handled. The existence of a process with detailed procedures and guidelines is critical to ensure that all complaints are dealt with in a consistent and fair manner which allows flexibility to accommodate different situations, circumstances and needs.

The Municipality has established a procedure to permit complaints of discrimination, violence and harassment to be dealt with internally. External investigation will be obtained where necessary. All complaints so advanced will be taken seriously, and will be acted upon quickly and in a confidential manner.

## **4. Duties of Supervisors:**

Supervisors are expected to assist in creating a harassment-free, discrimination-free workplace and to immediately contact the Clerk or alternate if they receive a complaint of workplace harassment, discrimination or violence, or witness or are aware of harassing or violent behaviour. Supervisors must also take every reasonable precaution to protect employees from workplace violence, including evaluating a person's history of violent behaviour to determine whether and to whom this employee poses a risk. In making this evaluation supervisors should consider:

- whether the person's history of violence was associated with the workplace or work;



- whether the history of violence was directed at a particular employee or employees in general;
- how long ago the incidence of violence occurred.

In certain circumstances, supervisors may have a duty to provide information about a risk of workplace violence from a person with a history of violent behaviour if an employee can be expected to encounter that person during the course of his or her work and the risk of workplace violence is likely to expose the employee to physical injury. Supervisors will only release as much personal information about the person with a history of violent behaviour as is reasonably necessary to protect the employee from physical injury.

### **5. Duties of All Employees:**

You must do your part by ensuring that your behaviour does not violate this policy and by fostering a work environment that is based on respect and is free of harassment or discrimination.

You are also required to report to the Clerk or alternate the existence of any workplace violence or threat of workplace violence.

### **6. Duties of the Clerk as Advisor:**

To assist you in understanding your rights and obligations under this policy, THE MUNICIPALITY OF THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA has appointed the Clerk to act as advisor.

The role of the advisor is to:

- act as a resource and answer inquiries with respect to this policy;
- discuss complaints on a confidential basis, unless the advisor is required to release information by law, or where there is a risk of harm to you or another individual;
- assist individuals who may be experiencing domestic violence that may expose them to a risk of physical injury in the workplace;
- assist in the informal resolution of complaints through counseling;
- engage in discussions with the respondent to see if the matter can be resolved informally.

To avoid any potential conflicts of interest, the advisor is not involved in conducting formal investigations.

The advisor is impartial and may provide assistance in resolving issues of harassment and discrimination to any employee, contractor or consultant. That can include facilitating a solution between two or more affected parties or assisting a complainant, respondent or witness during an investigation.

The advisor is an advocate for a respectful workplace --- not an advocate for a particular individual. The advisor shall maintain confidentiality to the extent practicable and appropriate under the circumstances. They are not investigators under the policy, nor are they decision-makers.

In carrying out their duties under this policy, the clerk as advisor will be directly responsible to the Council.

Such contact will have three possible outcomes:

- The complainant may decide, after discussing the matter with the advisor, that no discrimination or harassment occurred. If this happens, no further action will be taken and no record will be made in any file;
- The complainant may have evidence of harassment or discrimination, but may not wish to lay a formal complaint. If this happens:
  - i. If the complainant agrees, the advisor may choose to take no further action with respect to the allegations where this would be appropriate in the circumstances;
  - ii. The advisor and the complainant may agree on an informal means of resolving the issue which may include informal meetings or other communications with the person against whom the allegations are made; or
  - iii. The Clerk or Council may recommend that an investigation should nevertheless occur as though a formal complaint was in fact laid, even where that recommendation is contrary to the wishes of the complainant. We may need to continue with an investigation if the allegations are serious or if there have been previous complaints or incidents involving the respondent the complainant was not aware of. The Clerk or Council will consider this recommendation in consultation with the Municipal Solicitor.
- The complainant may decide to lay a formal complaint.

## **C - PROCEDURE FOR RESOLVING AND INVESTIGATING HARASSMENT COMPLAINTS**

### **1. Informal Procedure:**

If you believe that you are being harassed, the first thing to do is to tell the person to stop. Do so as soon as you receive any unwelcome comments or conduct. Although this may be difficult to do, telling the person you don't like his or her actions is often enough to stop the behaviour.

Some of the things you can say that might stop the behaviour include:

- "I don't want you to do that."
- "Please stop doing or saying . . ."
- "It makes me uncomfortable when you . . ."
- "I don't find it funny when you . . ."

If the harassment continues after you have confronted the individual, you may want to provide him or her with a written statement of the situation. Include specific details of the behaviours you consider to be harassing, your request to the harasser to stop and your expectations that he or she will stop. Provide details of the next steps you plan to take if the harassment does not stop, e.g., filing a formal complaint. Make sure you keep a copy of this statement for yourself.

It helps to keep a record of any incident(s) that you experience. This includes when the harassment started, what happened, whether there were any witnesses and what your response was.

If you believe that someone who is not a member of our organization, e.g., a member of Council, volunteer, member of the public, customer, contractor, supplier, etc., has harassed or discriminated against you, please report the harassment to the Clerk. Although THE MUNICIPALITY OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA has limited control over third parties, we will do our best to address the issue and prevent further problems from arising.

## **2. Formal Procedure:**

If the complaint cannot be resolved informally (or with assistance of the Clerk as Advisor) or if it is too serious to handle on an informal basis, you may bring a formal complaint to the Clerk's Office. The Clerk acts as a workplace coordinator with respect to harassment, discrimination and violence in the workplace.

If you bring a formal complaint, we will need as much written information as possible, including the name of the person you believe is harassing you, the place, date and time of the incident(s), and the names of any possible witnesses. A copy of the appropriate form (F171/ADMIN/Code of Conduct/Complaint Form – Apr2009) is available from the Clerk.

It is important that we receive your complaint as soon as possible so that the problem doesn't escalate or happen again. Once we receive your complaint, we will initiate a formal investigation if it is necessary and appropriate to do so.

Such complaints may be registered either personally or through a solicitor or agent.

Please note that it is our policy not to investigate anonymous complaints unless there are extenuating circumstances.

## **3. Investigation procedure:**

The Clerk will commence an investigation as quickly as possible.

All investigations will be handled by a member of the Municipality's management in consultation with the Municipal Solicitor.

The Clerk/CAO is authorized to contact and consult with the Municipal Solicitor when faced with an unprecedented situation or when the Clerk/CAO deems that the solicitor's assistance and advice are needed. It must be noted that whether the solicitor is assisting the Clerk/CAO or another staff member the role of the municipal solicitor is to assist Council as a whole and not any particular member of Council or staff person.

In the event of a complaint against a member of Council, the rules concerning breach of the Municipal Code of Conduct for Council members will apply to this policy as well including: timeliness of investigation, process to be followed etc. Please refer to P&G166/ADMIN/Code of Conduct-April 2012 - Council-July2010- April 2012 for further details.

Any investigation will include:

- interviewing the complainant and respondent to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations;
- interviewing witnesses, if any;
- reviewing any related documentation;

- making detailed notes of the investigation and maintaining them in a confidential file.

Once the investigation is complete, the investigator(s) in conjunction with the Municipal Solicitor will prepare a detailed report of the findings to the Clerk or Council. A summary of the findings will also be provided to the complainant and respondent.

It is our goal to complete any investigation and communicate the results to the complainant and respondent within 30 days after we receive a complaint, where possible.

If the complaint of harassment, bullying or workplace violence is made by the Clerk against a member of Council or a member of the public, the issue will be referred to the Municipal Solicitor for investigation and resolution in conjunction with a member of the Municipal administration. Any recommendations made by the investigator and Municipal Solicitor will be presented to Council for resolution and decision based on this policy and the Councillor Code of Conduct.

If the complaint of harassment, bullying or workplace violence is made against the Clerk the issue will be referred to the Municipal Solicitor for investigation and resolution in conjunction with a member of the Municipal administration. Any recommendations made by the investigator and Municipal Solicitor will be presented to Council for resolution and decision based on this policy, the employee Code of Conduct policy and the Municipal Discipline and Dismissal policy.

#### **4. Corrective action:**

In the case of an employee, the Clerk will determine what action should be taken as a result of the investigation as per municipal policy and legislation.

The Clerk will inform the complainant and respondent of the results of the investigation and whether (but not necessarily what) corrective measures were taken, if any were necessary.

In the case of the Clerk, Council will determine what action should be taken as a result of the investigation as per municipal policy and legislation based on the recommendations of the employee investigator with the assistance and upon referral to the municipal solicitor.

If a finding of harassment is made, THE MUNICIPALITY OF CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA will take appropriate corrective measures, regardless of the respondent's seniority or position in the organization.

In addition to those disciplinary actions outlined in P&G142/ADMIN/Discipline and Dismissal Policy, corrective measures may include one or more of the following:

- discipline, such as a verbal warning, written warning or suspension without pay;
- termination with or without cause;
- referral for counselling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect ;
- a demotion or denial of a promotion;
- reassignment or transfer;
- financial penalties, such as the denial of a bonus or performance-related salary increase;
- any other disciplinary action deemed appropriate under the circumstances.

If there is not enough evidence to substantiate the complaint, corrective measures will not be taken.

In the case of a complaint against a member of Council the appropriate corrective measures and sanctions which may be imposed will be those which exist in the Councillor Code of Conduct. Obviously, harassment, bullying or workplace violence would constitute a breach of the Councillor Code of Conduct.

If you make a complaint in good faith and without malice, regardless of the outcome of the investigation, you will not be subject to any form of discipline. THE MUNICIPALITY OF THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA will, however, discipline or terminate anyone who brings forward a false and malicious complaint.

If the decision to be made concerns a member of Council or the Clerk/CAO, the incident would be considered a "Code of Conduct" breach and the debate and decision would need to be made in open session of Council.

If the decision concerns a member of the public the issue may be discussed in closed session at the discretion of Council using the exemption to open meetings concerning "personal information about an identifiable individual

## **D - PROCEDURE FOR RESOLVING AND INVESTIGATING WORKPLACE VIOLENCE**

You have the right to refuse work if workplace violence is likely to endanger you. In that instance, please immediately contact your supervisor, at which point appropriate measures will be taken to protect you and investigate the situation. You will be moved to a safe place as near as reasonably possible to your normal workstation and will need to be available for the purposes of investigating the incident. In some circumstances, you may be provided with reasonable alternative work during normal working hours.

In appropriate circumstances, we (or workers) may contact the police, or other emergency responders as appropriate, to assist, intervene or investigate workplace violence. Details about the measures and procedures for summoning immediate assistance will be provided and may include:

- equipment to summon assistance, such as phones, cell phones, etc.;
- emergency telephone numbers and/or e-mail addresses;
- detailed emergency procedures.

Provided the situation is dealt with quickly and the danger to workers is removed, the necessity of a worker refusing to work may be alleviated. In no way, regardless of the actions taken to deal with the threat of violence, is a worker's right to refuse work limited.

### **1. Investigation Procedure:**

You are required to report the existence of any workplace violence or threat of workplace violence to your supervisor or the Clerk. The Clerk will commence an investigation as quickly as possible. We may choose to use either an internal or an external investigator, depending on the nature of the complaint.

The investigation will include:

- interviewing the complainant and respondent to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations;

- interviewing witnesses, if any;
- reviewing any related documentation;
- making detailed notes of the investigation and maintaining them in a confidential file.

Once the investigation is complete, the employee investigator(s) with the assistance of and referral to the municipal solicitor will prepare a detailed report of the findings to the Clerk or Council. A summary of the findings will also be provided to the complainant and respondent.

It is our goal to complete any investigation and communicate the results to the complainant and respondent within 30 days after we receive a complaint, where possible.

## **2. Corrective Action:**

The Clerk or Council in the case of the Clerk will determine what action should be taken as a result of the investigation.

The Clerk or alternate will inform the complainant and respondent of the results of the investigation and whether (but not necessarily what) corrective measures were taken, if any were necessary.

If a finding of workplace violence is made, THE MUNICIPALITY OF THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA will take appropriate corrective measures, regardless of the respondent's seniority or position in the MUNICIPALITY.

In addition to those disciplinary actions outlined in P&G142/ADMIN/Discipline and Dismissal Policy, corrective measures may include one or more of the following:

- discipline, such as a verbal warning, written warning or suspension without pay;
- termination with or without cause;
- referral for counselling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect ;
- a demotion or denial of a promotion;
- reassignment or transfer;
- financial penalties, such as the denial of a bonus or performance-related salary increase;
- any other disciplinary action deemed appropriate under the circumstances.

If there is not enough evidence to substantiate the complaint, corrective measures will not be taken.

If you make a complaint in good faith and without malice, regardless of the outcome of the investigation, you will not be subject to any form of discipline. THE MUNICIPALITY OF THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA will, however, discipline or terminate anyone who brings forward a false and malicious complaint.

## **E - PROCEDURE FOR ADDRESSING DOMESTIC VIOLENCE**

If you are experiencing domestic violence that would expose you to physical injury in the workplace, or if you are experiencing workplace violence or believe that workplace violence is likely to occur, you may seek immediate assistance by contacting the Clerk or alternate. Senior Management will assist in preventing and responding to the situation.

## **F - CONFIDENTIALITY OF COMPLAINTS AND INVESTIGATIONS**

We recognize the sensitive nature of harassment, discrimination and violence complaints and we will keep all complaints confidential, to the extent that we are able to do so. We will only release as much information as is necessary to investigate and respond to the complaint or situation or if required to do so by law.

The Corporation, through its management and legal staff, must ensure that complaints are investigated and handled in a manner so that the identities of the persons involved are kept confidential. It must be recognized that, to the extent that the complainant chooses to initiate proceedings or make comments outside the Corporation's internal harassment complaint procedures, confidentiality cannot be guaranteed. It must also be recognized that information collected and retained is subject to release under the *Municipal Freedom of Information and Protection of Individual Privacy Act*, the Ontario Human Rights Code or the rules governing court proceedings.

The investigation process will involve the direct and indirect collection of personal information in relation to the complainant and the person against whom any complaint is advanced. Persons investigating discrimination or harassment on behalf of the Corporation are expressly authorized to collect any such personal information as may be required to properly conduct the investigation.

Out of respect for the relevant individuals, it is essential that the complainant, respondent, witnesses and anyone else involved in the formal investigation of a complaint maintain confidentiality throughout the investigation and afterwards.

The investigation will be conducted by a Municipal employee with the assistance of and referral to the Municipal Solicitor or his designate. Pursuant to the stated guidelines of the Ontario Human Rights Commission for internal dispute resolution mechanisms, the investigation shall not be conducted by any person who exercises supervisory responsibilities over the complainant or the person against whom allegations have been made.

## **G - PROTECTION FROM RETALIATION**

THE MUNICIPALITY OF THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA will not tolerate retaliations, taunts or threats against anyone who complains about harassment or takes part in an investigation. Any person, who taunts, retaliates against or threatens anyone in relation to a harassment, discrimination or violence complaint may be disciplined or terminated.

The findings of the investigation shall be compiled in the form of a written report to the Clerk, who shall receive the report and recommend the appropriate disciplinary action (if such action is warranted by the results of the report). The complainant shall be advised of the outcome of the investigation and any disciplinary action taken. In the event that the complainant is not satisfied with the disciplinary action taken by the Corporation, the complainant shall be reminded that, subject to the possible expiration of time limits, there is a continuing right to file a complaint with the Ontario Human Rights Commission.

The findings of the investigation may also include other relevant recommendations of the investigators in relation to the matter in question. For instance, the investigators may recommend certain administrative changes to correct deficiencies which were noted during the investigation.

Any persons being interviewed during the course of an investigation shall be entitled to have legal counsel present at their expense during any questioning. The person against whom allegations have been made shall be specifically warned prior to any questioning in the formal investigation that serious allegations have been brought, that his or her answers will be recorded and may be used against him or her, and that he or she is entitled to have a solicitor present at his or her expense during any questioning.