



# Respectful Workplace Policy

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POL.COR.24.02

**Policy Type:** Corporate Policy (Approved by Council)  
**Date Approved:** May 13, 2024  
**Department:** Administration  
**Staff Report:** FAF.23.176; FAF.24.010; FAF.24.064; ADM.25.071  
**By-Law No.:** Not Applicable

## Policy Statement

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The Town of The Blue Mountains (the Town) is committed to providing a Psychologically Safe work environment for all Workers, members of Council, volunteers (including members of Advisory Committees, Boards and Special Committees), students on placements and individuals contracted by the Town on a “purchase for service” agreement. Acts of Harassment, Bullying, Cyberbullying, Disrespectful Behaviour, and Discrimination will not be tolerated within the Town’s Workplace. Any such act committed by or against any Worker will be investigated as appropriate. Offenders will be subject to discipline up to and including termination of employment and/or legal action.

The Town has established a Respectful Workplace program that implements this policy. It sets clear expectations of Respectful Workplace behaviour to prevent Disrespectful, Harassing or Discriminatory Workplace behaviours from occurring. Additionally, the policy and program outline the steps required to report and resolve complaints of disrespect, Harassment and Discrimination.

The Town will ensure this policy and the supporting program are implemented and maintained and that all Workers and Supervisors have the appropriate information and instructions to protect them from Harassment in the Workplace.

Supervisors will adhere to this policy and the supporting program. Supervisors are responsible for ensuring that measures and procedures are followed by Workers and that Workers have the information they need to protect themselves.

Every Worker must work in compliance with this policy and the supporting program. All Workers are encouraged to immediately raise any concerns about Workplace Harassment and to report any incidents or threats.

Management pledges to investigate and take action to resolve and prevent any incident or complaint of Harassment and Discrimination in a fair and timely manner, respecting the privacy of all concerned to the extent possible.

(See Appendix A for the policy format for posting)

## Purpose

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The Town of The Blue Mountains (the Town) is committed to providing and maintaining a work environment that is based on respect for the dignity and rights of everyone in the organization. The Town strives to maintain a positive and Respectful Workplace where all individuals have a shared responsibility to:

- promote positive communication;
- embrace diversity, equity, and inclusion, including anti-racism and reconciliation to foster a sense of belonging, acceptance and value for all;
- support an inclusive atmosphere where everyone can thrive;
- encourage fair and respectful treatment;
- encourage thinking about how other people want and deserve to be treated;
- acknowledge and reward polite, courteous and considerate conduct;
- promote collaboration, teamwork and active listening;
- support the sharing of opinions and ideas in an open-minded, understanding manner;
- encourage positive feedback for ideas, suggestions or successes; and,
- think before we act, speak or type and consider how our actions affect others.

This is a companion policy to the *Workplace Violence Policy and Program*, which addresses Workplace violence, including actual, attempted, or threatened violence and domestic violence that may occur in the Workplace.

## Application

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This policy applies to all Town Workers and Third Parties (as defined herein).

The only exceptions are for Members of Council, Local Boards and Advisory Committees who are subject to the Code of Conduct for Members of Council, Local Boards and Advisory Committees including the Discreditable Conduct and Workplace Harassment and Discrimination provisions found in the Code of Conduct.

## Definitions

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**Act:** is the *Occupational Health and Safety Act*, R.S.O. 1990, as amended.

**Advisor:** is a Town-appointed advocate for a Respectful Workplace. An Advisor assists Workers in understanding their rights and obligations under the Town's Respectful Workplace Program.

**Complainant:** any person who submits a complaint under this program.

**Discrimination:** a distinction, exclusion or preference based on a protected ground in the Ontario *Human Rights Code*, which has the effect of imposing burdens, obligations or disadvantages on such individual or group not imposed upon others, or that withholds or limits access to opportunities, benefits and advantages available to other members of society.

The protected grounds 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 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.

Discrimination is a form of Harassment and may include comments or conduct based on the protected grounds in the Ontario *Human Rights Code* that the recipient does not welcome or that offends them.

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 comments or conduct can poison someone's work 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

**Disrespectful Behaviour:** failing or refusing to treat others in a professional, courteous, dignified, fair and/or equitable manner, whether through words or actions. Some examples of Disrespectful Behaviour may include:

- intentionally ignoring communication, such as failing to return phone calls, voice mails, e-mails, or acknowledging others;
- habitually being late for appointments and meetings or repeatedly not showing up or unnecessarily rescheduling meetings without approval from a Supervisor;
- gossiping or speaking negatively about others;
- disrespectful conduct during meetings including repeatedly interrupting, talking over people, having side conversations, or repeatedly texting/emailing;
- disrespectful emails or other written communications;
- communicating private information, including reprimands, in a public forum;
- rude comments and statements whether directed at a particular individual or not; and/or,
- using demeaning and inappropriate language.

**Indirect Communication:** includes electronic communication (e.g. text message, e-mail, social-network site), written (cards, letters), via a third person (relay message, delivery), via telephone or fax, or any other means. See also Cyberbullying under the definition of Workplace Harassment.

**Psychological Safety:** is the absence of harm and/or threat of harm to mental well-being that a Worker might experience.

**Respectful Workplace:** means a positive, safe, and healthy Workplace that results in the preservation of dignity and creates a culture that supports an individual's physical, emotional, social, and psychological health and safety.

**Respondent:** the person against whom a complaint is made under this program.

**Sexual Harassment:** The Act defines Workplace Sexual Harassment as:

- 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
- making a sexual solicitation or advance where the person making it 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 the solicitation or advance is unwelcome

Workplace Sexual Harassment can involve unwelcome words or actions associated with sex, sexual orientation or gender that are that are known or should be known to be offensive, embarrassing, humiliating, or demeaning to a Worker or group of Workers, in a Workplace. It can also include behaviour that intimidates or isolates individual(s).

The comments or conduct typically happen more than once, although a single unwelcome solicitation or advance from a Worker, a manager, a Supervisor, or another person who has the power to reward or punish the Worker, may constitute Workplace Sexual Harassment.

Workplace Sexual Harassment may include:

- asking questions, talking, or writing about sexual activities;
- rough or vulgar humour or language related to sexuality, sexual orientation or gender;
- displaying or circulating pornography, sexual images, or offensive sexual jokes in print or electronic form including on social media;
- leering or inappropriate staring;
- invading personal space;
- unnecessary physical contact, including inappropriate touching;
- demanding hugs, dates, or sexual favours;
- making gender-related comments about someone's physical characteristics, mannerisms, or conformity to sex-role stereotypes;
- verbally abusing, threatening or taunting someone based on gender or sexual orientation; or,
- threatening to penalize or otherwise punish a Worker if they refuse a sexual advance.

Where the conduct or behaviour includes inappropriate sexual touching, this may also constitute a criminal offence such as sexual assault and may warrant police intervention.

What are **Gender Identity** and **Gender Expression**?

- Gender Identity is each person's internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person's gender identity may be the same as or different from their birth-assigned sex. Gender identity is fundamentally different from a person's sexual orientation.
- Gender Expression is how a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways of expressing gender

**Supervisor:** is the person to whom a Worker directly reports concerning matters related to their employment. Examples include Supervisor, Manager, Director, CAO, CEO, Board and Council.

**Systemic Discrimination:** includes patterns of behaviour, policies or practices that are part of the structure of an organization which create or perpetuate disadvantage for anyone based on

the protected grounds under the Ontario *Human Rights Code*. Systemic Discrimination may be intentional or unintentional.

**Third Party:** is a person who is not a Worker or a Supervisor. This includes individuals contracted by the Town on a “purchase for service” agreement, members of the public, customers and domestic/intimate partners.

**Workplace Harassment and Bullying:** is a health and safety issue that is covered under the *Act*.

The 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 and can be delivered via direct or Indirect Communication
- 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 the 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 their 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
- cyberbullying is deliberate, repeated bullying or harassing behaviour that uses the internet, social media, or other web-related technology, such as email and text messages, experienced by a Worker.

***Non-Consensual Recordings:***

***Photo, video, and audio recordings taken without the consent of the employees or individuals being recorded may be found to be harassment after a single occurrence. The intent is not to prohibit consensual photo, video and audio recordings between friends or colleagues with a positive intent or message but rather to stop non-consensual recordings from being created.***

***The following are not violations of this policy:***

***(a) The use of surveillance cameras by the Town in compliance with the law; and,  
(b) Any recording taken by or on behalf of the Town in compliance with the law:***

- (i) That a reasonable person would believe was taken and utilized to uphold the integrity of the workplace; and/or,***
- (ii) that a reasonable person would believe was taken and utilized with an intent and/or purpose to preserve the health and safety and/or physical or mental well-being of an individual or individuals.***

The alleged harasser does not necessarily have to have power or authority over the victim. Harassment can occur from co-worker to co-worker, Supervisor to Worker and Worker to Supervisor.

Harassment can be subtle or overt. It may be a single event or may involve a continuing series of incidents. Harassing behaviour may be unintended or deliberately directed at another individual. In any case, the impact on that individual is what matters.

**What is not Harassment?**

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

- Constructive, respectful disagreement among co-workers.
- Normal and appropriate exercise of Supervisory responsibilities, including appropriate performance management, training, work assignment and discipline.
- Normal social interaction, good-natured joking and appropriate humour in the Workplace.

- Requesting medical documents in support of an absence from work

The test of harassment:

- It does not matter whether a person intended to offend someone. The test of Harassment is whether that person knew or should have known that the comments or conduct were unwelcome to the other person. For example, someone may make it clear through their conduct or body language that the behaviour is unwelcome, in which case the person must immediately stop that behaviour.

**Worker:** a person who performs work or supplies services for monetary compensation, or as otherwise defined under the *Act*. Worker includes students and any person recognized by the Town as a volunteer.

**Workplace:** means any land, premises, location or thing at, upon, in or near which a Worker works. For clarity, this includes all locations where Employees conduct Town business or social activities and where their behaviour may have a subsequent impact on work relationships, work environment and/or performance. This includes when employees are working remotely, including from home. Incidents that occur by way of electronic communication (e.g. unwelcome phone calls, voice mail, texting, group chat messages, on e-mail or other social media and the display of offensive materials on computers, smartphones or other computing devices) will be considered to have occurred in the Workplace if directed to or from Employees and where such conduct may reasonably be expected to have an impact on work relationships, the work environment and/or performance.

## Procedures

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### A. Preventing Harassment

It is a mutual responsibility of all Workers to ensure that the Town creates and maintains a Harassment-free Workplace, from all possible sources, including Supervisors, Workers and Third Parties.

#### 1. The Town's Commitment

The Town will not tolerate or condone Discrimination or Harassment in the Workplace. This includes ensuring everyone in the organization is aware of what behaviour is and is not appropriate, investigating complaints as appropriate and imposing corrective action where necessary.

#### 2. Duties of Supervisors

Supervisors are expected to assist in creating a harassment-free Workplace and to immediately contact an Advisor if they receive a complaint of Workplace Harassment, or are witness to or become aware of harassment. Specific expectations of Supervisors include:

- Actively promote a Respectful Workplace.
- Proactively approach Workers if they demonstrate signs of being harassed or discriminated against. Symptoms of Harassment or Discrimination may include reduced productivity, changes in behaviour, rumours, increased sick leave, increased resignations, or sudden changes in performance.
- Discuss the situation with the alleged harasser. They may be unaware that their behaviour is offensive. Even if the allegations are denied, the discussion should be treated as a warning that inappropriate Workplace behaviour will not be tolerated.
- Keep a record. Supervisors should keep a personal and confidential record of any discussion with an alleged victim and alleged harasser. Records that are made part of an investigation must be kept for one (1) year.
- Seek advice and assistance from an Advisor about the Town's procedures for handling Harassment or Discrimination complaints.

### **3. Duties of All Workers**

All Workers are required to promote and contribute to a Respectful Workplace.

Each Worker must conduct themselves in accordance with this policy and in doing so foster a work environment that is based on respect and is free of harassment.

Workers must set a positive example for one another and for Third Parties present in the Workplace. This means not participating in harassment, or Discrimination towards any person that they may come in contact with in the course of their duties or when acting on behalf of the Town.

Workers must also immediately report any incident or situation of which they become aware which could constitute a violation of this policy to their Supervisor or an Advisor.

### **4. Duties of Advisors**

To assist in understanding one's rights and obligations under this policy, the Town has appointed certain individuals to act as Advisors.

The Town's Advisors are:

- Chief Administrative Officer
- Manager of Human Resources
- HR/Health and Safety Advisor
- Mayor and/or Deputy Mayor (if deemed necessary/requested and/or if a complaint is made against the CAO)

The role of an Advisor is to:

- act as a resource and answer inquiries with respect to this policy
- maintain confidentiality to the extent possible of any incident or complaint pertaining to this policy, unless the Advisors are required to release information by law, or where necessary to protect a Worker or another individual, or if the Advisor believes a criminal act has been committed
- assist in the informal resolution of complaints through counselling
- engage in discussions with the Respondent to see if the matter can be resolved informally
- refer staff and their loved ones to external counselling such as the Employee Assistance Plan

Advisors are impartial and may provide assistance in resolving issues of Harassment and Discrimination to any Worker or Third Party. That can include facilitating a solution between two or more affected parties or assisting a Complainant, Respondent or witness during an investigation.

Advisors are advocates for a Respectful Workplace - they are not advocates for a particular individual. Advisors maintain confidentiality to the extent practicable and appropriate under the circumstances.

If a complaint is made against the CAO, the Mayor and/or Deputy Mayor will act as the Advisor.

## **B. Procedure for Resolving and Investigating Harassment Complaints**

### **1. Informal Procedure**

If a Worker believes they have experienced Harassment and feels comfortable doing so, the Worker is strongly encouraged to tell the person why the behaviour is perceived to be harassing, that the behaviour is unacceptable and that you want them to stop. A Worker should do so as soon as they receive any unwelcome comments or conduct. Although this may be difficult to do, telling the person that you do not like their actions is often enough to stop the behaviour.

Some of the things a Worker 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 conduct persists or if the request to stop is not respected by the other individual, the worker should report the incident to and, if necessary, seek the assistance of a Supervisor, Manager, Union Representative (if applicable), or Human Resources.

The Worker should keep a written record of the date, times and details of the conduct and efforts to stop it.

## 2. Formal Procedure

If the behaviour continues or if a Worker does not feel that they can (or it is not possible to) speak to the person responsible directly, a Worker may bring a formal complaint to an Advisor in accordance with the table below.

Advisors act as Workplace coordinators with respect to Harassment and Discrimination in the Workplace.

If a Worker brings forward a formal complaint, as much written information as possible will be required, including the name of the person they believe is harassing them, the place, date and time of the incident(s), and the names of any possible witnesses. This information should be provided on a copy of the Workplace Violence/Harassment Reporting Form (Appendix B).

It is important that complaints are received as soon as possible so that the problem does not escalate and the Town can take appropriate action to stop the unwelcome conduct. Once the complaint is received a formal investigation appropriate in the circumstances will be conducted.

Discrimination and Harassment are serious matters. Therefore, if a Worker decides not to pursue a formal complaint after it is filed, an Advisor may still need to investigate the matter as appropriate in the circumstances and take steps to prevent further harassment. For example, there may be a need to continue with an investigation if the allegations are serious or if there have been previous complaints or incidents involving the Respondent.

Please note that it is the Town's policy that anonymous complaints do not carry an immediate right of investigation. Anonymous complaints make it difficult for the Town to adequately investigate and take appropriate action, and important information about the alleged incident, potential witnesses and relevant documentation may be missing. While an anonymous complaint will be taken seriously, the Advisor has the discretion to act on the complaint based on the information provided and the extent to which a Respondent would have an opportunity to reasonably respond to the allegation.

<b>Complainant</b>	<b>Submit Formal Complaint to:</b>	<b>An Advisor will report the formal complaint to:</b>
Employee	CAO/Manager of HR or HR/Health and Safety Advisor.	CAO/Manager of HR/Director of Dept.

Complainant	Submit Formal Complaint to:	An Advisor will report the formal complaint to:
	<p>Exclusions: If the complaint is regarding the CAO it should be submitted to the Mayor or designate. If the complaint is regarding the Manager of HR it should be submitted to the CAO.</p> <p>All complaints related to a council member are dealt with through the Code of Conduct for Members of Council.</p>	
Volunteer	<p>CAO/Manager of HR or HR/Health and Safety Advisor.</p> <p>All complaints related to a council member are dealt with through the Code of Conduct for Members of Council.</p>	CAO/Manager of HR/Director of Dept.
Students	<p>CAO/Manager of HR or HR/Health and Safety Advisor.</p> <p>All complaints related to a council member are dealt with through the Code of Conduct for Members of Council.</p>	CAO/Manager of HR/Director of Dept.

**Note: If the Respondent to a complaint is the employer (i.e. CAO/Manager of HR or HR/Health and Safety Advisor), the Complainant may utilize the Town’s Employee Whistleblower reporting system following policy POL.COR.25.XX Whistleblower.**

### 3. Investigation Procedure for Workplace Harassment

Workers are required to promptly report the existence of any Workplace Harassment, Discrimination or Bullying to their Supervisor, Manager or Advisor. One or more Advisors will commence an investigation process within three (3) business days of receiving a complaint. The investigation will be conducted by a member of Human Resources or an Advisor, or, at the Town’s discretion, an external investigator, depending on the nature of the incident.

The investigation will include, but not limited to:

- interviewing the Complainant and Respondent to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations
- interviewing witnesses identified by the Complainant and Respondent, if any, or as necessary to conduct a thorough investigation
- reminding the Complainant, Respondent and any witnesses of the confidentiality requirements under this policy
- collecting and reviewing any related documentation from the Complainant, Respondent or a witness
- participants in the investigation are required to cooperate, including by providing the investigator with any relevant documents requested in the course of the investigation
- taking statements during interviews and making detailed notes of the investigation and maintaining them in a confidential file

Once the investigation is complete, the investigator will prepare a written report summarizing the steps taken during the investigation, the complaint and allegations, the response to the allegations and the evidence of any witnesses. The report must also set out findings of fact and conclude whether workplace Harassment was found or not. The report must be submitted to the Manager of Human Resources and/or the CAO or the Mayor/Deputy Mayor, as applicable.

The Town will endeavour to complete any investigation and communicate the results to the Complainant and Respondent within 90 days after the receipt of a complaint, where possible. In some cases, an investigation may take longer. For example, if there are more than five witnesses or one of the parties or a key witness is unavailable (such as on a leave of absence).

#### **4. Corrective Action**

The Manager of Human Resources and the CAO in consultation with Council will determine what corrective action (if any) will be taken based on the investigation report, with the exception of complaints that involve the CAO as a Respondent. In this case, Council as a whole will determine the appropriate corrective action, if any.

The Advisors will inform the Complainant and Respondent of the results of the investigation (i.e., a summary of the findings) in writing and of any corrective action that has been or will be taken, if any.

If an allegation of Harassment is substantiated, the Town will take appropriate corrective action, regardless of the Respondent's seniority or position in the Town. The Complainant and Respondent will be advised as to what corrective action, if any, will be taken to prevent further incidents of Harassment but may not be provided specific details of any particular discipline that has been imposed.

Corrective action 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, diversity and inclusion training, cultural competence training, anger management training, etc., Supervisory skills training or attendance at educational programs on Respectful Workplaces
- 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
- referral of the Respondent and Complainant to mediation if both parties agree to the process

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

If a Worker makes a complaint in good faith and without malice, the Worker will not be subject to any form of discipline, regardless of the investigation's findings.

The Town will, however, discipline up to and including termination of employment, any Worker found to have filed a deliberately false or malicious complaint.

### **C. Procedure for Addressing Harassment or Discrimination by Third Parties**

If a Worker believes that a Third Party has harassed or discriminated against them, the Worker must report the Harassment to their Supervisor or an Advisor.

Although the Town has limited control over Third Parties, it will take all reasonable steps to address the issue and prevent further problems from arising. To further this goal, the following steps will be taken:

**Supervisors:** Supervisors will be the first point of contact for Workers who believe that they have been harassed or discriminated against by a Third Party. Supervisors will:

- Discuss the situation with the Worker
- If possible, discuss the situation with the alleged harasser and ensure that the individual understands the Town's obligation to address the complaint pursuant to this policy. For example, if the alleged harasser is a customer or a contractor and is present in a Workplace, the Supervisor can speak to that person, politely advise them of this Respectful Workplace Program, and ask that they cease their behaviour. In cases of a contractor who is an employee of an organization, the employer should be notified as soon as practicable and should be invited to attend any meetings with the contractor.

- Keep confidential records of all discussions.
- If necessary, seek advice and assistance from an Advisor about the Town's procedures for handling Harassment or Discrimination complaints.

**Advisors:** Advisors will support and give advice to Workers and Supervisors in addressing Harassment or Discrimination by a Third Party.

If an Advisor is satisfied that Harassment or Discrimination has occurred, and that other measures (e.g., the Worker asking the harasser to stop, or a Supervisor speaking to the harasser) have not been effective in preventing further harassment, the Advisor will prepare a Staff Report detailing the events for Council and recommend that Council assist in ending the Harassment as per their role as Directors in the *Act*.

Upon Council's direction, a letter will be drafted for the Mayor's/Deputy Mayor's signature informing the harasser of this Respectful Workplace Program and insisting that they cease their behaviour. The letter may include language such as:

"I wish to advise you that the Town of The Blue Mountains has in place a Respectful Workplace program which explicitly applies to 'individuals who are not Workers of the Town, such as customers, suppliers or members of the public...'" "The policy, and the *Occupational Health and Safety Act*, define 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.'"

"I wish to advise and make clear to you that the comments which you made toward our staff on [date] are considered vexatious comments against our Workers, and such comments are unwelcome."

"Please refrain from making any such comments/conduct toward or about our staff in the future."

If the Harassment continues following the letter from the Mayor, the Town will consider further measures including but not limited to issuing a trespass to property notice, permanently blocking electronic communication and other means that the Town feels are appropriate to prevent further harassment, bullying and violent behaviour from Third Party members of the Workplace.

#### **D. Confidentiality of Complaints and Investigations**

The Town recognizes its duty to protect confidentiality as legislated in the *Act*. The Town also recognizes the sensitive nature of Harassment and Discrimination complaints and will keep all complaints confidential, to the extent that it is able to do so. Information obtained about an incident or complaint, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect workers, to investigate and respond to the complaint or situation, and to take corrective action or otherwise as required by law.

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

#### **E. Protection from Retaliation**

The Town will not tolerate any reprisal or retaliation in any form, including taunts or threats, against anyone who has made a good faith complaint about Harassment or Discrimination or takes part in an investigation into a complaint. Any person who engages in retaliation, reprisal or threat of reprisal against any Worker in relation to a Harassment or Discrimination complaint made or information provided will be disciplined up to and including termination of employment. Breaches of confidentiality during the investigation may be considered a reprisal.

Any reprisal, or expressed or implied threat of reprisal, for making a complaint or providing information regarding same under this Program is a breach of this policy.

#### **F. Policy Awareness, Education and Training**

The Respectful Workplace Policy and Workplace Violence Policy will be made available to all employees by providing it as part of employee onboarding and orientation and by making it available and accessible on the Town's intranet. Employees will participate in training from time to time as necessary.

All employees shall receive training with respect to Harassment and violence prevention as soon as practicable after the employee begins to perform work for or provide services to the Town and as frequently thereafter as the Town determines is necessary. The Town will work with the employee to incorporate training into their schedule.

Such training will include training in the definition of harassment, respect, violence, duties, and responsibilities for the prevention of workers and management, a review of the risks of violence inherent in the worker's workplace, a review of violence prevention procedures, incident reporting procedures, correct response procedures and any workplace emergency procedures.

#### **Exclusions**

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This policy excludes Members of Council, Local Boards and Advisory Committees who are subject to the Code of Conduct for Members of Council, Local Boards and Advisory Committees including the Discreditable Conduct and Workplace Harassment and Discrimination provisions found in the Code of Conduct.

#### **References and Related Policies**

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- *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1
- POL.HS.06.07 Refusal to Work

- POL.COR.13.24 Progressive Discipline
- POL.COR.18.04 Protocol Policy for Complaints Related to Members of Council and Local Boards
- POL.COR.19.02 Council Staff Relationship Protocol
- POL.COR.21.06 Code of Conduct for Members of Council, Local Boards and Advisory Committees
- POL.COR.22.07 Respectful Public Interactions
- POL.COR.22.08 Frivolous, Vexatious or Unreasonable Complaints
- POL.COR.24.03 Workplace Violence
- **POL.COR.25.02 Employee Code of Conduct**
- **POL.COR.25.XX Whistleblower**
- Appendix A Respectful Workplace – Violence & Harassment Program Posted Policy

### **Consequences of Non-Compliance**

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Failure to abide by this policy may result in progressive discipline, up to and including termination of employment, as per the Town of The Blue Mountains discipline policy.

Failure to abide by this policy may also result in termination of purchase agreements and/or any other means which the Town determines is appropriate to prevent further harassment, bullying and Disrespectful Behaviour against Workers by Third Party members of the Workplace.

### **Review Cycle**

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This policy will be reviewed as often as is necessary, but at least annually or as required due to legislative changes or as recommended by the Joint Health and Safety Committee and the Senior Management Team for the approval of Council.