

<b>Solution Title:</b>	Workplace Violence and Harassment Policy Statement	
<b>Last Updated:</b>	May 4 2015	S 301-101

## HOW MIGHT WE:

**How Might the Town of Pelham** take every reasonable precaution to prevent and ensure that its workplace is free from all forms of harassment and violence?

## KEY FACTS:

### Occupational Health and Safety Act:

The Town of Pelham will comply with all legislation relating to *Workplace Violence and Harassment* as outlined in the *Occupational Health and Safety Act (OHSA), Bill 132 amendment*.

*The Occupational Health and Safety Act* states employers must prepare policies with respect to workplace violence and workplace harassment, develop and maintain programs to implement their policies, and provide information and instruction to workers on the contents of these policies and programs.

### Workplace Violence:

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker
- 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.

### Workplace Harassment:

Engaging in a course of vexatious comment or conduct, which causes irritation or annoyance that is known or ought to reasonably have been known as unwelcome. Examples of harassment include but are not limited to:

- Using profane or abusive language
- Using language that is intended to demean or humiliate a person
- Calling someone names that are degrading
- Making insulting gestures or playing practical jokes that may cause a person to feel awkward or embarrassed
- Circulating or posting pictures or other materials that may be perceived as offensive

<b>Solution Title:</b>	Workplace Violence and Harassment Policy Statement	
<b>Last Updated:</b>	May 4 2015	S 301-101

### **Sexual Harassment:**

Unwelcome conduct of a sexual nature that detrimentally affects the work environment or leads to adverse job-related consequences for the intended recipient of the conduct. Examples of sexual harassment include but are not limited to:

- Unnecessary touching, including bumping or rubbing
- Making unwelcome remarks about a person's body, sex or clothing
- Leering or whistling
- Displaying pornographic or sexually suggestive materials in the workplace
- Playing practical jokes of a sexual nature that may cause a person to feel awkward or embarrassed
- Outright demands for sexual favours

### **Domestic Violence**

All precautionary measures will be taken to ensure the safety of the employees, while on premises. If you are, or fear, being subjected to domestic violence and are concerned for your safety at work, please notify the supervisor, manager or department head who can assist you by providing you with information to get the help you need and to ensure you are safe while at work.

### **Disclosure of Potentially Violent Individuals**

The Town of Pelham will take every reasonable precaution to protect all employees from being exposed to potentially violent individuals. If the Town is made aware of a potentially violent individual, the person's identity will be disclosed and preventative measures will be in place. If you become aware of a potentially violent individual, please notify supervisor, manager or department head immediately.

### **SOLUTION STATEMENT:**

#### **Employer's Responsibility:**

The purpose of this policy is to ensure that:

- Individuals are aware of and understand that acts of workplace violence are considered a serious offence for which necessary action up to immediate suspension and/or termination of the perpetrator will be imposed;
- Those subjected to acts of workplace violence are encouraged to access assistance through the complaint procedure (below);
- Individuals are advised of available recourse if they are subjected to, or become aware of situations involving workplace violence.

The Town of Pelham shall ensure that no employee is subjected to violence or harassment whether it is from a supervisor, co-worker, or non-employee such as

<b>Solution Title:</b>	Workplace Violence and Harassment Policy Statement	
<b>Last Updated:</b>	May 4 2015	S 301-101

volunteer, trainee or visitor. This policy is also in full force and effect for all work related functions and in all forms of communication including cyber communications.

If an employee fears their safety is at risk because of workplace violence, there is a process to exercise the "Right To Refuse" unsafe work. First, you should always try to tell the offender to stop being offensive. If it continues, notify the supervisor, manager or department head of your concerns and a positive resolution will be made for the employee's best interest.

### **Employee's Responsibility:**

The Town of Pelham's staff will not engage in any behaviour that is contrary to this policy. They will report all incidents of workplace violence and harassment promptly to supervisor, manager or department head. As well, they will commit to a zero tolerance of violence and harassment in the workplace.

### **Complaint Procedure:**

Employees who experience harassment or violence are encouraged to make it known to the offender immediately that the behaviour is offensive. If addressing the issue with the individual(s) directly is not possible, or if after doing so, the harassment or violent behaviour continues, the supervisor, manager or department head should be notified.

The manager/department head will conduct an investigation of the complaint to assess the facts and suggest appropriate action(s), if any, that are to be taken. If the complaint is a result of the action of the manager/department head, a Third Party Investigator will conduct the investigation.

In addition to the above-noted internal procedures, there are other options available to employees. Employees may make a formal complaint to the Human Rights Commission; or to the police under the Criminal Code.

Consistent with procedures under the Ontario Human Rights Code, all complaints filed under this policy must be initiated within the time frame outlined in the Ontario Human Rights Code.

### **Disciplinary Measures:**

If it is determined that any employee has been involved in harassing or violent behaviours toward another employee, immediate disciplinary action will be taken. Such disciplinary action will involve, at a minimum, a formal warning and may result in immediate dismissal without further notice.

It is important to realize that unfounded allegations of sexual harassment may cause both the accused and the Town of Pelham significant damage.

If it is determined by the Town of Pelham that any employee has knowingly made false



Town of Pelham  
Solutions Manual:  
Health and Safety Policy

Solution Title:	Workplace Violence and Harassment Policy Statement	
Last Updated:	May 4 2015	S 301-101

statements regarding an allegation of harassment, immediate disciplinary action will be taken. As with any case of dishonesty, disciplinary action may include immediate termination of employment.

**Confidentiality:**

All parties involved in any investigation or resolution of a harassment incident are expected to maintain confidentiality throughout the process.

**Non-Retaliation**

All persons involved in the processing of a complaint will ensure that the alleged victim and witnesses will not be penalized nor subjected to prejudicial treatment as a result of making a complaint. Disciplinary action will be taken against any person who takes any reprisal against a person who reports workplace violence.