

SECTION TITLE	Administration
POLICY TITLE	Harassment, Discrimination, Violence Policy

POLICY STATEMENT
 The GWSA expects and promotes respectful interactions which show regard for the rights, dignity, health and safety of all. The association will not ignore, condone, or tolerate workplace harassment, discrimination, violence, or disrespectful behaviour from any person, including members, clients, workers, volunteers, supervisors, employers, and public.

PURPOSE:

To ensure an environment consistent with the *Ontario Human Rights Code, Occupational Health and Safety Act, and Sexual Violence and Harassment Action Plan Act.*

APPLICATION:

Complaints must be managed by a person who will objectively address the complaint. The person who receives a complaint should not be under the accused person’s direct control.

Where an investigation finds that harassment, discrimination, or violence arises from a worker, supervisor, or other person associated with the workplace, there may be consequences for the individual (such as apologies, education, counselling, shift changes, reprimands, suspension, or termination) depending on the situation.

PROCEDURES:

Responsibility	Action
Workers, including: CSS staff, GWSA employees, service contractors, any other workers as defined by OHS (see <i>Definitions p3</i>)	<ol style="list-style-type: none"> 1. Encouraged, as an initial step, to raise their concern with the offender in person, by phone or writing; including letting the offender know that the actions, comments and/or behaviour are unwanted; but, only if comfortable to do so. 2. Encouraged to report any incidents of workplace harassment, discrimination, or violence to the appropriate person. (immediate supervisor, Volunteer Coordinator, GWSA President). 3. Document details of the incident shortly after it has occurred, including : <ul style="list-style-type: none"> • Name of the Complainant and Respondent • Date, time and location of the incident • Description of the incident, including words, gestures, actions • Names of witnesses to incident • Documents relevant to the incident, such as email 4. Make a formal complaint in writing, where appropriate. <p>A worker is not to be penalized for reporting an incident or participating in an investigation.</p> <p>A worker may also pursue a complaint under the Ontario Human Rights Code.</p>

<i>Responsibility</i>	<i>Action</i>
<p>The Employer:</p> <p>GWSA through Human Resources Committee and City Manager</p>	<ol style="list-style-type: none"> 1. Strive to prevent incidents from taking place through information, education, early identification, and corrective discipline where appropriate. 2. Post this Policy prominently in the workplace 3. Provide all workers with information and instruction on this Policy. 4. Expressly provide Ministry of Labour Inspectors with the power to order impartial, third-party investigations 5. Within 90 days, investigate all complaints or incidents of harassment, discrimination, or violence in a fair and timely manner, except for extenuating circumstances. 6. Within ten (10) calendar days of the investigation being concluded, communicate any action taken to the worker who allegedly experienced the incident and to the accused (if a worker of the employer). Information provided will depend on the circumstances but must indicate what steps are being taken to prevent a similar incident, if found. Any corrective action must be communicated in writing. 7. Provide fair and effective resolution of complaints. 8. Take necessary action against those who are found in contravention of this policy; up to and including termination of employment. 9. Ensure that information about a complaint or incident will not be disclosed except to the extent necessary to protect workers, to investigate complaint or incident, to take the corrective action or as otherwise required by law. 10. Provide information about other resources for a worker to seek help to address the situation (e.g health and safety representative, Human Rights Legal Support Centre, or any available employee assistance programs).
<p>GWSA through Human Resources Committee, City Manager, Supervisors</p>	<ol style="list-style-type: none"> 1. Actively foster respectful interactions in the workplace through the provision of information, training, clear expectations, and modeling desired behaviour. 2. Take steps to ensure a harassment/ discrimination/ violence free workplace by: <ul style="list-style-type: none"> • regularly reinforcing the requirement for respectful interactions • supporting employees who come forward with complaints under this policy • notifying Human Resources when becoming aware of harassment, discrimination, or violence regardless of whether the employee wishes to pursue a complaint • investigating and addressing workplace harassment, discrimination, and violence, including incidents by a member of the public against an employee. • adhering to this policy • ensuring workers are not penalized or disciplined for reporting an incident or for participating in an investigation
<p>HR Committee, Health and Safety Committee or Representative</p>	<ol style="list-style-type: none"> 1. The employer is to develop and maintain the Workplace Harassment/ Discrimination/ Violence Program in consultation with the Health and Safety Committee or Safety Representative. 2. Review this Policy as often as necessary, and at least annually, as required

Workplace Harassment/ Discrimination/ Violence Program

The GWSA expects and promotes respectful interactions which show regard for the rights, dignity, health and safety of all. The association will not ignore, condone, or tolerate workplace harassment, discrimination, violence, or disrespectful behaviour from any person, including members, clients, workers, volunteers, supervisors, employees, or public.

1. Definitions

Worker

A worker, as defined by the *Occupational Health and Safety Act* includes:

- A person who performs work or supplies services for monetary compensation.
- A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board.
- A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university, private career college or other post-secondary institution.
- Other persons who work or provide services to an employer for no money, who may be prescribed by regulation. (At this time, no such persons have been prescribed as a “worker” under the OHSA.)

The definition of worker does not include:

- A volunteer who works for no monetary payment of any kind
- An inmate of a correctional institution who participates inside the institution or facility in a work project or rehabilitation program

Workplace

A workplace is any location where GWSA workers are carrying out their duties, including locations other than primary work sites. This may include but is not limited to a social function, training, conferences, restaurants, accommodations or meeting facilities being used for business purposes, and during telephone, e-mail or other communications, including social networking sites (Facebook, Twitter, Linked-In etc.).

Workplace Harassment

Workplace harassment is 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, or workplace sexual harassment.

Workplace harassment may have some or all of the following components:

- It is generally an ongoing behaviour, although a single incident may constitute harassment, depending on the severity of the behaviour
- It is hostile, abusive or inappropriate
- It affects the person’s dignity
- It results in a poisoned work environment
- It intimidates, isolates or discriminates against the recipient

Some examples of workplace harassment include, but are not limited to:

- Verbally abusive behaviour such as yelling, insults, ridicule and name calling, including remarks, jokes or innuendos that demean, ridicule, intimidate or offend
- Workplace pranks, bullying and hazing, or humiliating situations
- Gossiping or spreading malicious rumours
- Excluding or ignoring someone, including persistent exclusion of a particular person from workplace social gatherings
- Sabotaging someone else's work
- Making false allegations about someone
- Offensive or intimidating phone calls, e-mails, pictures or materials
- A leader 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
- A leader providing only demeaning or trivial tasks in place of normal job duties
- A leader blocking an individual's efforts at promotions or transfers for reasons that are not legitimate

What Is Not Harassment

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

- Actions to correct performance deficiencies
- Imposing discipline for workplace infractions
- Requesting medical documents in support of an absence from work
- Normal workplace conflict that may occur between individuals or differences of opinion between co-workers
- Friendly teasing or bantering that is mutually acceptable and not offensive to others

Reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

Workplace Sexual Harassment

- 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

Examples may include, but are not limited to:

- Persistent leering (suggestive staring) or other obscene or offensive gestures
- Unwanted, inappropriate physical contact such as touching, kissing, patting, pinching, brushing up against a person
- Unwelcome sexually oriented remarks, invitations, requests, jokes, gestures
- Unwelcome sexual flirtations, advances, propositions
- Inquiries or comments about a person's sex life
- Demands or requests for sexual favours, especially by a person who is in a position of authority
- Displaying sexually offensive materials
- Sexual assault

Workplace Discrimination

The unequal treatment, exclusion or preference based on the protected grounds in the Ontario Human Rights Code, which reduces the equality of opportunity or causes a disadvantage in the terms or 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/expression)
- 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 *Criminal Records Act* (Canada) and has not been revoked, or an offence in respect of any provincial enactment.

Systemic (Indirect) Discrimination

Policies or practices which exclude, limit, or restrict members of designated groups from employment or opportunities within employment, even if unintentional.

Discriminatory Harassment

Discriminatory harassment is a pattern of inappropriate actions or ongoing behaviour that a reasonable person would consider to be humiliating, demeaning or intimidating. It includes comments or conduct based on the prohibited grounds in the *Ontario Human Rights Code*, which the recipient does not welcome or that offends him or her. A single incident may constitute harassment, depending on the severity of the behaviour.

Some examples of discriminatory harassment include:

- Offensive comments, jokes or behaviour that belittle 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; or
- Inappropriate comments or jokes about an individual's age, sexual orientation, personal appearance or weight

Workplace Violence

Workplace violence includes:

- 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.

2. Reporting Workplace Harassment/ Discrimination/ Violence

a. How to Report

Workers can report incidents or complaints verbally or in writing. When submitting a written complaint, please use the complaint form. When reporting verbally, the reporting may fill out the complaint form.

Any report of the incident should include the following information:

- a) Name(s) of the worker who has allegedly experienced the workplace incident and contact information
- b) Name of the alleged offender(s), position and contact information (if known)
- c) Names of known witnesses or others with relevant information to provide about the incident and contact information, if known.
- d) Details of what happened including dates,, frequency, and locations of the alleged incidents.
- e) Any supporting documents relevant to the complaint.
- f) A list of any documents a witness, alleged offender, or other person may have that are relevant to the complaint.

b. Who to Report To

Report the incident or complaint to your immediate supervisor, Volunteer Coordinator, or the GWSA President as appropriate. If your supervisor or reporting contact is the person engaging in workplace harassment, discrimination, or violence, contact the person to whom that individual directly reports.

An incident or a complaint of workplace harassment/discrimination/violence should be reported as soon as possible after experiencing or witnessing an incident.

GWSA President, the City Manager, and GWSA Human Resources Committee shall be notified of the complaint as needed to ensure an investigation is conducted that is appropriate in the circumstances. If the incident or complaint involves a senior executive, an external person qualified to conduct a workplace investigation who has knowledge of the relevant workplace laws may be retained to conduct the investigation.

All incidents or complaints of workplace harassment, discrimination, or violence shall be kept confidential except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action, or otherwise as required by law.

3. Investigation

a. Commitment to Investigate

The GWSA will ensure that an investigation appropriate in the circumstances is conducted when the human resources, a manager or supervisor receives a complaint of an incident of workplace harassment, discrimination, or violence.

b. Who Will Investigate

The person receiving the complaint form will involve appropriate personnel to determine who will conduct the investigation into the complaint. If the allegations involve senior executive positions the employer may refer the investigation to an external investigator to conduct an impartial investigation.

c. Timing of the Investigation

The investigation must be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (i.e. illness, complexity) warranting a longer investigation.

d. Investigation Process

The person conducting the investigation will, at minimum, complete the following:

- i. The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
- ii. The investigator must thoroughly interview the parties directly involved if the accused is a worker of the employer. Otherwise, the investigator should make reasonable efforts to interview the accused.
- iii. The accused must be given the opportunity to respond to the specific allegations raised by the worker. In some circumstances, the worker who allegedly experienced the workplace incident should be given a reasonable opportunity to reply.
- iv. The investigator must interview any relevant witnesses employed by the employer who may be identified by either of the employed individuals or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified.
- v. The investigator must collect and review any relevant documents.
- vi. The investigator must take appropriate notes and statements during interviews with the worker who allegedly experienced the workplace incident, the alleged offender, and any witnesses.
- vii. The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker who allegedly experienced the issue, the response from the accused, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace harassment, discrimination, or violence was found or not.

e. Results of the Investigation

Within 10 days of the investigation being completed, the parties involved where employees will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the employer to address workplace harassment, discrimination, or violence.

f. Confidentiality

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident including identifying information about any individuals involved, will not be

disclosed unless necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the worker who has allegedly experienced harassment, discrimination, or violence, the accused and any witnesses should not discuss the incident or complaint or the investigation with each other or other workers or witnesses. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

All records of the investigation will be kept confidential.

g. Handling Complaints

The GWSA must set out any interim measures that may be taken after the complaint is received and during the investigation. The GWSA must also set out how they might deal with the complaint if harassment, discrimination, or violence is confirmed. This may include discipline up to and including termination.

4. Record Keeping

The GWSA will keep records of the investigation including:

- a) A copy of the complaint or details about the incident;
- b) A record of the investigation including notes;
- c) A copy of the investigation report (if any);
- d) A summary of the results of the investigation that was provided to the worker and the accused, if a worker of the employer;
- e) A copy of any corrective action taken to address the complaint or incident.

All records of the investigation will be kept confidential. The investigation documents, including this report should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, discrimination, or violence, take corrective action or otherwise as required by law.

Records will be kept for at least 10 years.

5. Forms

Attached on separate pages, following, are templates for the following:

- a) Complaint Form: Harassment/ Discrimination/ Violence
- b) Investigation Form

COMPLAINT FORM: HARASSMENT, DISCRIMINATION, OR VIOLENCE

Name and contact information of worker who has allegedly experienced workplace harassment, discrimination, or violence (your name):

Name of alleged offender and contact information, if available:

Details of the Complaint of workplace harassment, discrimination, or violence:

Please describe in as much detail as possible including: (a) the names of the those involved; (b) any witnesses to the incident(s); (c) the location, date and time of the incidents; (d) details about the incidents (behaviour and/or words used); (e) any additional details. (attach additional pages if required)

Relevant Documents/Evidence:

Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted. If you are not able to attach documents and they are relevant to your complaint, please list the documents below. If someone else has relevant documents, please note that below.

INVESTIGATION FORM- HARASSMENT, DISCRIMINATION, OR VIOLENCE

Name of investigator: _____

Date of investigation: _____

A. Background Information:

1. Name of person who reported: _____

2. If not the same person as above, name of person who allegedly experienced the incident:

3. Date complaint raised and how: _____

4. Name of worker(s) experiencing incident: _____

Position/Department: _____

5. Name of respondent(s) _____

Position/ Department/other _____

B. Procedure:

1. Obtain the worker concerns in writing, if possible. Assist completing the form where necessary.
2. An investigator needs to interview the worker who allegedly experienced the incident and the accused (if a worker of the employer). Otherwise, make reasonable efforts to interview.
3. Make a list of possible relevant witnesses, inviting parties involved to provide names.
4. Interview relevant witnesses. Ask specific questions about what they have observed, are aware of or have personally experienced. If the witnesses are not workers of the employer, the investigator should make reasonable efforts to interview those witnesses.
5. Collect and review relevant documents from the worker, accused, witnesses and the employer.
6. Take detailed notes.
7. Keep the investigation confidential. Instruct the worker, the alleged, and witnesses not to talk to others about the investigation unless it is necessary.

C. Worker (s) Concerns

When did the incident(s) occur? Confirm date of first incident and any subsequent behaviours or conduct. Note that recalling events can be stressful for the complainant.

Date of first incident: _____

Date of last incident: _____

Date of other incident(s): _____

D. Response from Accused: After sharing details of what was reported.

E. Interview Relevant Witnesses

List witnesses. Interview relevant witnesses, and attach notes.

F. Collected documentation

List the documents collected for the investigation and how or from whom they were obtained.

G. Investigation Result(s)

Summary of Key Evidence:

Recommended Next Steps:

Report provided to: _____

Signature(s) _____

Original Board Approval:
Governance Committee Approved:
Board Approval:

December 15, 2010
March 9, 2020
March 25, 2020