

## **WORKPLACE HARASSMENT POLICY**

### **THE COUNTY OF ELGIN'S COMMITMENT**

The County of Elgin's policy is that individuals will be free from harassment on the basis of age, sex, race, colour, religion, creed, national origin, citizenship, language, marital status, family status, pregnancy/childbirth, sexual orientation, disability/handicap, political belief or any other prohibited ground of discrimination. This policy also includes the right to freedom from sexual harassment.

The County of Elgin is committed to providing a work environment that is free of harassment and discrimination. The County of Elgin will not tolerate any form of harassment or discrimination and will take all steps necessary to ensure that employees are not subject to harassment or discrimination; be it from other employees, managers, supervisors, clients or any contacts made in the course of their duties.

#### **1.0 OBJECTIVES**

The County of Elgin's policy and resolution procedures have been developed to accomplish the following:

- create and maintain a working environment free from harassment and discrimination;
- set out the types of behaviour that may be considered offensive;
- ensure the prevention of harassment and discrimination by and against our employees; and
- establish impartial, effective and confidential procedures to resolve concerns of harassment and discrimination.

#### **2.0 DEFINING THE PROHIBITED CONDUCT**

The Ontario Human Rights Code guarantees employees the right to employment in a workplace free from harassment and discrimination based on race, ancestry, place of origin, ethnic origin, colour, citizenship, creed, age, record of offences, marital status, family status, disability, sex, sexual orientation.

## **2.1 What is Discrimination?**

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

## **2.2 What is Harassment?**

Objectionable conduct that may have the effect of creating an intimidating, hostile or offensive work environment, interfering with an individual's work performance, adversely affecting an individual's employment relationship and/or denying an individual dignity and respect.

Harassment is defined as a course of vexatious (offensive, demeaning) comments or conduct on the part of one individual or group of individuals towards another or on any of the prohibited grounds under the Code.

It includes deliberate or intentional gestures, comments, slurs, questions, representations or other behaviours that ought reasonably to be known by the harasser to be unwelcome.

## **2.3 What is Sexual Harassment?**

Sexual harassment is any unsolicited conduct, comment or physical contact of a sexual nature that is unwelcome to the recipient. It includes any unwelcome sexual advances (oral, written or physical), requests for sexual favours, sexual and sexist jokes, and the display of degrading or offensive material. When:

- (a) such conduct might reasonably be expected to cause insecurity, discomfort, offence or humiliation to another person; or
- (b) such conduct has the purpose or effect of interfering with a person's work performance or creating an intimidating, hostile or offensive work environment; or
- (c) submission to such conduct is made either implicitly or explicitly a condition of employment; or
- (d) submission to or rejection of such conduct is used as a basis for any employment decision (including, but not limited to, job security, promotion, change in salary and benefits).

**Which can further be defined as:**

- unwanted sexual advances including derogatory comments, gestures, looks, unnecessary/unwanted physical contact, jokes, slurs, derogatory or demeaning posters, cartoons, graffiti, drawings or display of sexually suggestive pictures;
- implied or expressed promises of reward or benefit for complying with a sexually oriented request;
- implied or expressed threats of reprisal in the form of either actual reprisal or denial of opportunity for refusal to comply with a sexually oriented request; or
- sexually oriented conduct which becomes or is implied to be a term or condition of employment, is used as a basis for employment, is used as a basis for employment decisions, or has the effect of interfering with work performance.

**2.4 Other Forms of Harassment**

Unwanted actions, derogatory comments, jokes, slurs, derogatory or demeaning posters, cartoons, graffiti, drawing, e-mails, innuendoes or taunting about or motivated by a person's race, colour, citizenship, national origin, age, religion, creed, language, marital status, family status, pregnancy/childbirth, sexual orientation, disability/handicap, political belief or any other prohibited ground of discrimination.

**2.5 Poisoned or Hostile Work Environment**

Furthermore, jokes, offensive literature (for example, pinups), derogatory comments or other activities based on sex or racial characteristics that intrude upon a person's dignity or that create an intimidating, hostile or offensive atmosphere constitute what is referred to as a poisoned or hostile work environment. A poisoned or hostile environment is a form of harassment and is also prohibited by law.

Harassment may occur as a single encounter or a series of incidents, persistent innuendoes or threats. Behaviour constituting harassment is often a matter of perception and interpretation. Tolerance for what is considered acceptable behaviour may vary widely among individuals. As a general rule, harassment is considered to have taken place if a person knows or ought reasonably to know that behaviour is unwelcome.

Workplace is any place where business or work-related activities are carried out. It includes, but is not limited to, the office, office-related social functions, work assignments outside of the office, work-related travel, and work-related conferences or training sessions.

### **3.0 RESPONSIBILITIES FOR ENSURING A WORKPLACE FREE FROM HARASSMENT AND DISCRIMINATION: ALL MEMBERS OF THE WORKPLACE COMMUNITY SHARE IN THIS RESPONSIBILITY**

#### **3.1 Managers, Supervisors and Union Representatives**

These individuals are responsible for creating and maintaining a workplace free of harassment and discrimination and for promoting a positive work environment by:

1. Understanding and upholding the principles of this policy;
2. Setting a personal example of conduct consistent with this policy;
3. Ensuring that employees are informed of the company's policy and procedures for dealing with concerns of harassment;
4. Responding to any concern or issues of harassment that comes to their attention, treating it as a serious matter and supporting a resolution;
5. Confer with human resources with respect to the proper process for handling the situation;
6. Not allowing or condoning behaviour contrary to this policy; responding to any and all conduct that comes to your attention; and
7. To the extent possible, maintaining confidentiality with respect to the concerns they are involved in resolving.

#### **3.2 Employees**

- each employee is responsible for ensuring adherence to the spirit and intent of this policy;
- employees are responsible for understanding and avoiding any offensive, unwelcome comments or conduct that would constitute harassment, sexual harassment or discrimination under this policy;

- employees are encouraged to communicate to co-workers when they are exposed to conduct or comments that are unwanted and objectionable harassment as defined by this policy;
- all employees are requested to discourage their co-workers from persisting with comments, discussions and conduct that are inconsistent with the spirit of this policy.

#### **4.0 PROCEDURES FOR RESOLVING HARASSMENT AND DISCRIMINATION CONCERNS**

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

##### **4.1 Self-Help by the Employee**

- you are encouraged to communicate your disapproval to the individual whose conduct or comments are offensive - ask them to stop;
- employees who are advised that their comments or conduct are unwanted and offensive are expected to cease such behaviour immediately;
- if the conduct doesn't stop, seek the assistance of supervisors, union representatives or human resources;
- if the conduct doesn't stop, keep a written record of the date, times and details of the conduct and your efforts to stop it.

##### **4.2 Informal Resolution Supports: Third Party Intervention by Supervisors or Union Representatives**

Not all employees will be comfortable with using self-help to resolve harassment concerns. Employees are encouraged to seek the assistance of supervisors, union representatives or managers to assist them in informally resolving harassment concerns and stopping the objectionable conduct. Managers, supervisors and union representatives have been trained to and are committed to supporting you in confidentially and informally resolving such concerns.

As an alternative, you may contact human resources and receive assistance in reviewing the concern and the options available to resolve the problem.

### **4.3 Complaint Procedure**

Where a harassment concern is not successfully resolved through self-help, or the informal support of your supervisor or union representative; or where you are comfortable only with a formal complaint process, you are encouraged to fill out a complaint form and submit it to human resources.

Should an employee decide to file a formal complaint, he or she should:

- (a) set it down in writing (with the assistance of a supervisor, union representative or human resources, if requested);
- (b) sign and file the complaint with the supervisor, union representative or human resources;
- (c) co-operate with those responsible for investigating the complaint.

### **Complaint Investigation Procedure**

Where a formal complaint is filed the following steps will occur:

- 1. an investigation will be initiated and completed promptly; hopefully within 30 days;
- 2. all individuals who have relevant information with respect to the alleged complaint will be interviewed and statements taken;
- 3. every effort will be made to ensure confidentiality to the extent possible;
- 4. a written report of findings will be prepared at the conclusion of the investigation;
- 5. the findings will be reviewed with the parties to the complaint;
- 6. appropriate remedial action will be determined and implemented where there is a finding of harassment, discrimination or reprisal in violation of this policy.

### **Remedial Action**

If the investigation substantiates acts of harassment, discrimination or reprisal, corrective action will be taken.

The objective of the remedial and corrective action is to change behaviour, eliminate harassment, discrimination or reprisal, and remedy the effects of such policy violations on either the individual or work environment. Such action may include educational initiatives, counselling or disciplinary action, including transfers, demotions, suspensions or terminations. Any disciplinary action will be noted on the offender's personnel file.

### **5.0 PROHIBITION OF REPRISAL**

Any retaliation or reprisal against a person pursuing the resolution of a concern under this policy, whether informally or through the complaint procedure, or against any individual for co-operating in the investigation of a complaint is strictly prohibited both at law and under this policy. Any such conduct will be subject to immediate corrective action.

### **6.0 CONFIDENTIALITY**

It is recognized that the parties to a concern or complaint raised under this policy have a significant interest in confidentiality. To the extent possible, in both informal resolution processes and formal complaint processes, all available steps will be taken to ensure confidentiality.

No record of the complaint will be maintained on the employee file of the complainant. If there is a finding of harassment that results in disciplinary action, it will be reflected on the employee file of the harasser, in the same way as any other discipline.



## Complaint Form

Please complete fully and return to Human Resources.

Name of Complainant: \_\_\_\_\_

Date of Submission: \_\_\_\_\_

Summary of Allegations: (please feel free to attach additional pages if required)

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Remedy Sought: (please feel free to attach additional pages if required)

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