



POLICY HR-04: Respectful Workplace and Violence Prevention Policy

Human Resources

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1. Purpose:

- 1.1 This Policy applies to all persons who are members of Norfolk County workplace community and persons who interact with members of Norfolk County workplace, including all employees regardless of position and elected representatives in the context of their interactions and dealings with employees.
- 1.2 All members of the workplace community share an obligation to promote safety and guard against risks or threats of violence to themselves and others. All participants in the workplace community are accountable for complying with this Policy.

2. Norfolk County Commitment:

- 2.1 Norfolk County is committed to fostering a culture and providing a working and service environment free from discrimination and harassment and in which we respect and protect the safety, health and wellness of all employees. All employees will act professionally and treat one another with courtesy and respect, as well as be responsible for conducting themselves in a manner that contributes to positive working relationships.
- 2.2 Norfolk County will take all reasonable steps to promote co-operative and productive working relationships amongst its employees and other members of the workplace community. Norfolk County recognizes the potential for violence or threats of violence in connection with work related activity.
- 2.3 Norfolk County actively encourages all employees, volunteers, contractors or others associated with the business of the County to report all events and

commits to making every reasonable effort to identify all potential sources of violence and harassment and to eliminate or minimize these risks.

- 2.4 Norfolk County is committed to establishing and maintaining a working environment and workplace interactions consistent with the following:
 - 2.4.1 Provide staff an environment conducive to personal and professional growth, dignity and respect;
 - 2.4.2 That all staff are treated with dignity and respect in the course of their workplace interactions;
 - 2.4.3 Promotes equality of treatment and equality of opportunity for all members of Norfolk County's workplace community;
 - 2.4.4 Provide a workplace free from favoritism, bullying, harassment or any abuse of power;
 - 2.4.5 Provide a workplace free from any form of harassment, violence or discrimination.
 - 2.4.6 Provide staff the opportunity to contribute to the development and well-being of the community.
- 2.5 In our environment, we strictly prohibit illegal harassment or discrimination. Illegal harassment includes practices prohibited under the *Ontario Human Rights Code* which threaten an individual's basic human rights and personal harassment; conduct inconsistent with an individual's well-being. Norfolk County will not tolerate any form of harassment, discrimination or abuses of power inconsistent with the commitments made pursuant to this policy.

3. Policy Objectives:

- 3.1 This Policy is directed at ensuring that all members of our workplace community experience a workplace in which they are treated with dignity and respect, by accomplishing the following objectives:
 - 3.1.1 Preventing harassment (including personal harassment), violence and discrimination from occurring through greater awareness of and sensitivity to the issues;
 - 3.1.2 Providing the knowledge and empowerment to encourage, reinforce and enforce acceptable standards of conduct;

- 3.1.3 Offer internal, impartial and efficient resolution and complaint procedures to support the early detection and resolution of harassment, violence and discrimination issues;
- 3.1.4 Provide all staff and managers with written, fair and consistent procedures for dealing with issues of workplace harassment, discrimination and violence;
- 3.1.5 Ensure members of the workplace community, including Joint Health and Safety Committee (JHSC) members are aware of the safety practices necessary to identify risks of violence, implement prevention strategies and respond to violent incidents.
- 3.1.6 Set forth procedures and guidelines for all employees of Norfolk County to reduce the impact of domestic violence on the workplace as well as to outline staff's responsibility when domestic violence is suspected or experienced.

4. Definitions:

4.1 **Workplace Harassment**

- 4.1.1 *Ontario Occupational Health and Safety Act, Section 1(1)* states:

Workplace Harassment means,

- (a) 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 unwelcomed.

- (b) Workplace sexual harassment

Workplace sexual harassment means,

- (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 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;

4.1.2 *Ontario Human Rights Code* states:

Harassment is vexatious comments or conduct that is known or ought to reasonably to be known to be unwelcome.

4.2 **Workplace Violence**

4.2.1 *Ontario Occupational Health and Safety Act, Section 1(1)* states:

- 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 is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in the workplace, that could cause physical injury to the worker

5. Defining Prohibited Conduct and Required Standards

- 5.1 The purpose of this section of the policy is to provide members of our workplace community with an understanding of what is acceptable and unacceptable workplace conduct. All members of our workplace community (including staff, management, elected officials and union representatives) are required to conduct themselves in accordance with this policy by avoiding conduct inconsistent with the standards defined herein.

6. Scope of Workplace

- 6.1 For the purpose of this policy, workplace includes any place where business of work related activities is pursued. Workplace includes, but is not limited to the physical work premises, County vehicles, work related social functions (i.e. Christmas parties, golf games, etc.), work assignments outside of the office, work related travel and work related conferences or training activities. This also applies to activities that occur in people's homes, partner agency offices, schools and community settings. This applies not only during work hours, but also, to any activities on or off premises which could reasonably be associated with the workplace (e.g. business travel, social events, etc.)

7. What is Discrimination?

- 7.1 *Ontario Human Rights Code (the Code)* guarantees every person a right to equal treatment in employment without discrimination based on the following grounds:

- race, ancestry, place of origin, colour, ethnic origin;
- citizenship, creed (religion/beliefs);
- sex (including pregnancy);
- sexual orientation;
- age;
- marital status, family status;
- disability (physical or mental disabilities);
- record of offences;
- gender identity or gender expression;
- receipt of public assistance (housing accommodation)

7.2 Discrimination involves differential treatment in employment or denial of employment opportunities based on any prohibited ground of the *Code*. Discrimination does not have to be intentional to be unlawful. Unlawful discrimination may be systemic or result from practices or policies that appear to be neutral but have a negative impact on groups of individuals because of their membership in one of the groups listed above.

7.3 The Code guarantees every employee a right to freedom from harassment in the workplace by the employer, agent of the employer, another employee or anyone the employee interacts with in connection with work-related activities.

7.4 Harassment may result from one incident or a series of incidents. It may be directed at specific individuals or groups. Harassment includes comments or conducts which create an environment that is hostile, intimidating or offensive, and this may include social media.

8. What is Harassment?

8.1 Harassment may occur as a single encounter or a series of incidents, persistent innuendoes or threats. Tolerance for what is considered acceptable behaviour may vary widely among individuals. Harassment includes unwanted actions, derogatory comments, jokes, slurs, derogatory or demeaning posters, cartoons, graffiti, drawings, emails, innuendoes or taunting about or motivated by a person's status, family status, pregnancy, sexual orientation, disability, a

person's immutable characteristics or any other prohibited ground of discrimination.

8.2 Some of the more common examples of harassment include, but are not limited to the following:

- Racial, homophobic, sexist, or ethnic slurs;
- written or verbal abuse of threats;
- Unwelcome remarks, jokes, taunts, suggestions about a person's body, attire, traits related to age, marital status, ethnic or racial origin, religion, sexual orientation, etc.
- Displays of pornographic, homophobic, sexist, racist, ageist or other offensive or derogatory material (i.e. Graffiti or pictures);
- Practical jokes which result in embarrassment or insult;
- Leering (suggestive staring) or other offensive gestures;
- Unnecessary physical contact such as patting, touching, pinching, hugging or hitting;
- Patronizing or condescending remarks or behaviour;
- Abuse of authority which undermines performance or threatens career;
- Actions that invade the private and personal property of others;
- Physical or sexual assault.

8.3 **What is NOT Harassment?**

8.3.1 *Ontario Occupational Health and Safety Act, Section 1(3)* states:

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

- Normal exercise of management's right to manage such as the day-to-day management of operations, performance at work or absenteeism, the assignment of tasks, reference checks, and the application of progressive discipline, up to and including termination, constitute the legitimate exercise of management's authority.

- Workplace conflict in itself does not constitute harassment but could turn into harassment if no steps are taken to resolve the conflict.
- Work related stress in itself does not constitute harassment, but the accumulation of stress factors may increase the risk of harassment.
- Difficult conditions of employment, professional constraints, and organizational changes.

9. What is Sexual Harassment?

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

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

9.2 Sexual harassment can further be defined as:

- Unwanted sexual advances including derogatory comments, gestures, looks, prolonged staring or leering of others, unnecessary/unwanted physical contact, jokes, slurs, derogatory or demeaning posters, cartoons, graffiti, drawings or displays of sexually suggestive material or objects;
- 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 is implied to be a term or condition of employment is used as a basis for employment decisions, or has the effect of interfering with work performance.

10. What is an Interpersonal Relationship Conflict?

10.1 Personality Conflict

- 10.1.1 This occurs when two or more employees become involved in interpersonal disputes or conflicts, which can cause ongoing stress for themselves and other members of the workplace environment.

10.2 Team Difficulties

- 10.2.1 This occurs when there is a lack of cohesiveness, role clarity and/or co-operation which affects the productivity of a work team, due to increase levels of stress and dysfunction.

11. What is a Poison or Hostile Work Environment?

- 11.1 A poison or hostile environment is a form of harassment prohibited by law. Jokes, offensive literature (example: pin-ups), derogatory comments or other activities based on sexual, racial or other protected characteristic, that intrude upon a person's dignity or that create an intimidating, hostile or offensive atmosphere can constitute a poison or hostile work environment.

12. What is Domestic Violence?

- 12.1 Domestic violence describes a range of behaviours or actions taken by a person to control and dominate another person. Other commonly used terms to describe similar behaviors include family violence, intimate partner violence, and spousal violence. Domestic violence occurs in many sectors of society regardless of age, gender, marital status, socio-economic status, sexual orientation, culture or ethnicity. Many workers and employers still believe that domestic violence is a personal issue and is none of their business. Domestic violence can enter the workplace when an abuser attempts to harass, stalk, threaten, or injure a victim at work.

12.2 Examples of domestic violence may include:

- Physical abuse includes hitting, slapping, and punching.
- Physiological abuse (or emotional or verbal abuse) includes insulting, name calling, isolation from family and friends.

- Sexual abuse includes unwanted touching or sexual activity.
- Financial abuse includes denying a victim access to finances and using money to control behaviour.
- Spiritual abuse includes using religious or spiritual beliefs to control a person's behaviour or choices.

13. Defining Unacceptable Conduct

13.1 All members of the workplace community are to avoid any communications or interactions that as a result of their content or tone would be offensive, threatening, embarrassing or bullying. Ignoring such conduct is the equivalent of condoning such behaviour. Conduct that is inconsistent with an employee's well-being and in opposition to our commitment to a civil, respectful workplace environment includes but is not limited to the following:

- yelling or screaming;
- bullying;
- volatile displays of temper or anger;
- rude, demeaning or belittling remarks;
- directing foul and abusive language to anyone in the workplace;
- criticism of an employee or employee's work in an angry, volatile, hostile or public manner;
- threatening an employee either verbally or in writing;
- attempting to undermine the reputation or relationship of the employee with co-workers by disparaging remarks;
- targeting someone continually to be the brunt of practical and mean-spirited jokes;
- deliberately sabotaging a co-worker's work or workstation, including graffiti, vandalism or the manipulation of written records or electronic data;
- verbal and non-verbal abuse, intimidation or threats;
- publicly chastising an employee regarding job performance;
- publicly discussing the negative job performance of a co-worker;

- verbal or written comments that are humiliating or demeaning in nature;
- use of social media (i.e. displaying offensive graphics, language, or used as bullying tactics)

13.2 All members of Norfolk County's workplace community share an obligation to provide a civil, respectful workplace environment consistent with an employee's wellbeing. Personal harassment is prohibited, including conduct that exposes members of the workplace community to abusive, hostile or disrespectful workplace dealings.

14. Civil, Respectful Workplace Standards

14.1 All members of Norfolk County's workplace community are entitled to workplace interactions free from harassment and consistent with their well-being. All members of Norfolk County's workplace community are expected to meet individual responsibilities as outlined in this policy.

14.2 All workplace participants have responsibilities to contribute to a civil, respectful workplace by ensuring that their dealings and interactions are consistent with the required standards. All employees must ensure that all communications and interactions in connection with work activity are pursued in a professional, constructive and civil manner, in terms of tone and content. All interactions must be consistent with the guarantees of freedom from harassment under *Occupational Health and Safety Act and Regulations and the Ontario Human Rights Code*.

14.3 Norfolk County is committed to ensuring that all members of our workplace community contribute to a workplace environment consistent with equality rights guarantees and civil, respectful standards through the following initiatives:

14.3.1 Knowledge: Ensuring all members of this workplace community are knowledgeable of the accepted standards of conduct.

14.3.2 Empowerment: Empowering all members to require an environment and interactions consistent with the standards defined in this policy.

14.3.3 Accountability: Holding all members of the workplace community accountable to conducting themselves consistent with the required standards.

14.4 To ensure a workplace free from bullying, harassment or violence, Norfolk County will make resources available to assist with conflict resolution. These resources may include, but are not limited to:

14.4.1 Counselling and mediation support (internally provided or through a 3rd party)

14.4.2 Access to Employee Assistance Program (EAP)

15. Roles and Responsibilities

15.1 All employees are responsible for preventing and reporting acts of harassment, bullying and violence that threatens or is perceived to threaten a safe work environment.

15.2 Management Responsibilities

15.2.1 All managers and supervisors are responsible for providing a work environment consistent with the objectives stated in this policy. This responsibility includes actively promoting a positive work environment and intervening whenever conduct below the standards set out in this policy occurs.

15.2.2 Managers and supervisors are responsible for their own actions and for dealing with inappropriate conduct of staff that comes to their attention. They must act immediately on allegations or observations of failure to comply with this policy.

15.2.3 Managers' and supervisors' responsibilities under this policy include the following:

15.2.3.1 Understanding and upholding the principles of this policy by setting a good example, included but not limited to:

- Communicate to staff that you take the issues of workplace conduct and workplace human rights seriously.
- Do not participate in or ignore discrimination or harassment issues.
- Ensure your dealings with employees are conducted in a civil and respectful manner.

15.2.3.2 Take the necessary steps to ensure that employees conduct themselves consistent with commitments under this policy.

- 15.2.3.3 Ensure that employees are informed of Norfolk County's policy and procedures for dealing with concerns of harassment, discrimination or personal harassment.
- 15.2.3.4 Respond effectively to any concerns or issues of behaviour contrary to this policy that come to your attention; treating all issues as a serious matter and supporting a resolution.
- 15.2.3.5 Confer with HR regarding effective processes for handling any concerns raised under this policy.
- 15.2.3.6 Will not allow or condone any behaviour contrary to this policy.
- 15.2.3.7 Discuss the concerns raised with the alleged harasser; she or he may be unaware that their behaviour is offensive.
- 15.2.3.8 Makes best efforts to keep a personal record of all discussions with staff members who raise concerns under this policy as well as their response to the situation.
- 15.2.3.9 Maintain confidentiality as required in this policy.
- 15.2.3.10 If a manager or supervisor is made aware that a domestic violence situation does or may exist, a member of the management team will speak with the co-worker, without disclosing who voiced the concern about the situation.
- 15.2.3.11 The manager will document and complete an incident report and send to the Manager, Organizational Health and Wellness, who will contact HR for assistance and support, or at the request of the employee at any time.
- 15.2.3.12 Inform the employee about the supports available and provide the employee with a Safety package (available through the Managers and on the Health and Safety board and through their union rep).
- 15.2.3.13 Inform employee of supports in our community to help. This may include but is not limited to EAP programs (Homewood Health 1-800-663-1142). If the employee is a woman, inform her about the services available through Women's Services (519-426-8048 or 1-800-265-8076) which includes not only safe housing but counselling, support, telephone crisis counselling, legal advocacy and information about her rights.

15.2.3.14 Male victims of domestic violence who wish to access crisis and referral services can call Victim Services of Haldimand-Norfolk at 1-800-264-6671.

15.3 **Employees Responsibilities**

- 15.3.1 Every employee is responsible for adhering to the spirit and intent of this policy.
- 15.3.2 Employees are responsible for understanding and avoiding any offensive, unwelcome comments, conduct or interactions that would constitute harassment, discrimination or personal harassment under this policy.
- 15.3.3 Employees are encouraged to, **if comfortable**, communicate to co-workers that their conduct or comments are unwanted and objectionable whenever they are exposed to conduct representing harassment as defined under this policy.
- 15.3.4 Employees are encouraged to discourage co-workers from persisting with comments, discussions and conduct that is inconsistent with the spirit of the policy.
- 15.3.5 Maintain confidentiality as required in this policy.
- 15.3.6 Accept reasonable alternative work when appropriate.
- 15.3.7 Report their concerns/suspensions to a member of the management team if they suspect or become aware that a co-workers is a victim of domestic violence
- 15.3.8 In cases where a co-worker discloses they are a victim of domestic violence – they are to calmly listen to the employee’s story and respond with empathy and refrain from giving any advice.

15.4 **Unions Responsibilities**

- 15.4.1 Provide input, when requested, about the development and implementation of harassment prevention programs and applicable procedures within each department.
- 15.4.2 Work collaboratively with Management regarding any allegations.
- 15.4.3 Support respectful working environment

15.5 **Non-Employees Responsibilities**

- 15.5.1 Any individual who interacts with employees is required to ensure their interactions are consistent with the standards of this policy.

16. Procedures:

- 16.1 All members of Norfolk County's workplace community benefit from a prompt, efficient and effective resolution of concerns regarding a respectful workplace. Norfolk County is committed to an empowering environment and supports, as described in this policy, to encourage early detection, reporting and resolution of concerns of workplace harassment or workplace discrimination. We encourage members of our workplace community experiencing any concerns or interactions inconsistent with this policy to select a resolution support that you are most comfortable with.

17. Informal Approaches to Resolving Interpersonal Difficulties

17.1 Direct Approach

- 17.1.1 It is in the best interest of all parties to address interpersonal difficulties as quickly as possible and in a way that preserves and fosters good working relationships and minimizes disruption in the workplace.
- 17.1.2 This approach is the first stage to attempt to resolve interpersonal conduct issues. Mutual resolution between the parties involved is to be utilized whenever practical. Employees who believe they have experienced inappropriate conduct from another member of the workplace environment and/or are in conflict with a member of the workplace environment are advised to take the following steps:

17.2 Interpersonal Conflict

- 17.2.1 Where comfortable, arrange to discuss the situation at a mutually agreeable time with the individual(s) involved. Treat the situation confidentially and do not discuss your issues with others in the workplace. This leads to gossip and workplace disruption.
- 17.2.2 If you are unable to resolve the issue together, seek advice from your supervisor and/or manager and/or HR. When appropriate, coaching and/or conflict mediation services may be made available to assist in resolving the issue.

17.3 Prohibited Conduct

- 17.3.1 Bring the matter to the attention of the person responsible (if known) for the conduct. Clearly state that the behaviour is offensive to you and

request that it stops immediately. Always keep notes of the interactions you have with the individual(s) involved. Keep records of the incidents including a description of what happened, dates, times, locations and possible witnesses. Also record the response the individual had to your request for the behaviour to stop.

17.4 Should the above steps prove unsuccessful in resolving the issues or the prohibited conduct persists **or the employee is not comfortable approaching the respondent** or the matter is serious, the following will occur:

17.4.1 Employees may bring any concerns to their supervisor and/or manager, provided the supervisor or manager is not the alleged person to be exhibiting the objectionable behaviour.

17.4.2 If the supervisor or manager is the other individual involved then the concern should be brought forward to HR so that a review can be conducted and a resolution plan developed.

17.4.3 The employee may bring any concerns to HR at any time. This should be done as soon as possible to expedite resolution in the least adversarial way or to allow the complaint process to proceed in a timely manner.

17.4.4 If a member of HR is the other individual involved then the concern should be brought forward to the CAO.

17.5 Internal Complaint Process

17.5.1 Where informal efforts to resolve concerns of behaviour contrary to this policy are ineffective or inappropriate, a formal complaint and investigation may be requested or initiated. Norfolk County is committed to providing an efficient, effective, objective and inclusive internal complaint processes.

17.6 The Right to Complain

17.6.1 All members of the workplace community have the right to file a formal complaint about situations they believe to be harassment, discrimination or inappropriate conduct under this policy.

17.7 Initiating a Complaint

17.7.1 An employee can initiate a formal, internal complaint by pursuing the following steps:

- Provide a letter of complaint that contains a brief account of the offensive incident (s) (i.e. when it occurred, the persons involved, names of any witnesses);

- The letter should also include the remedy sought and be signed and dated by the person complaining;
- Sign and file the complaint with Human Resources (HR) unless as noted in 17.4.4 the complaint should be filed with the CAO; and
- Cooperate with those responsible for investigating the complaint.

18. Investigation Overview

18.1 Where a complaint is filed, Norfolk County will ensure that the following occurs:

18.1.1 A thorough review of the complaint will be made by the Director, Human Resources or designate to determine if an investigation is required, with outcome of review shared with the complainant and other relevant parties.

18.1.2 Where necessary, initiate and complete an investigation in a timely manner.

18.1.3 Ensure all individuals who have relevant information with respect to the alleged complaint are interviewed and statements taken.

18.1.4 Ensure every effort is made to ensure confidentiality to the extent possible within an investigation process.

18.1.5 Ensure a written report of findings is prepared at the conclusion of the investigation and that such findings are reviewed and discussed individually with the parties.

18.2 Where conduct contrary to this policy is substantiated, effective remedial action will be identified and implemented.

19. Investigation Steps

19.1 The investigation process may include but is not limited to the following steps related to investigation and resolution of harassment (including sexual harassment) and/or discrimination and/or bullying complaints that are initiated within the organization.

19.1.1 Employees who have a complaint alleging harassment and/or discrimination are encouraged to:

- Make their displeasure and/or discomfort known to the harasser or the source of discrimination, requesting all offensive behaviour cease; or

- Discuss concerns with an immediate supervisor; or
 - Seek advice from Human Resources; or
 - Seek advice from your Union representative if you are a member of a bargaining unit
- 19.1.2 If the complainant is not satisfied with the outcome of the first step, or the harassment and/or discrimination and/or bullying has not ceased, the complainant may arrange to bring the complaint/concern forward to the Director, Human Resources or designate.
- 19.1.3 The Director, Human Resources or designate shall review the particulars of the complaint to determine if an investigation is required. If investigation is required the Director, Human Resources or designate will assign the appropriate individual(s) to conduct an investigation that is appropriate in the circumstances and shall inform the complainant. The assigned individual(s) will be the Investigators and conduct the investigation.
- 19.1.4 The complainant should provide the Director, Human Resources or designate and/or Investigator with the following details:
- Nature of the complaint;
 - Specific incidents of the complaint;
 - Names of witnesses willing to provide information;
 - Specific information that the witnesses are expected to provide; and
 - Any other information that is requested.
- 19.1.5 Following the initial interview, the complainant may be requested to complete a Complaint Form (Appendix A).
- 19.1.6 Once the complaint form is received by the Investigator, he/she will notify the appropriate General Manager (GM) and/or designate that an investigation is being conducted.
- 19.1.7 The Investigator will arrange to meet with the respondent(s) to advise a complaint has been received. At that meeting, the respondent(s) will be advised of the complaint and requested to respond to the allegation in writing. During this meeting, any additional information provided by the respondent must be signed by the respondent.

- 19.1.8 Interviews will be arranged and completed with witnesses and any other individuals who may offer pertinent information to the investigation. **It is best practice for persons interviewed to sign their statement of facts to ensure accuracy.**
- 19.1.9 Additional meetings may be requested by the Investigator if clarification of information is required.
- 19.1.10 Once the investigation is completed, the Investigator will forward a report of findings and recommendations to the Director, Human Resources or designate, so that:
- Remedial action shall be determined by the Director, Human Resources or designate, in conjunction with the Investigator and the appropriate GM and/or designate;
 - The appropriate GM and/or designate will be notified in writing of the findings of the investigation and the recommendations;
 - The complainant and respondents will be notified in writing by the Investigator and/or Director, Human Resources or designate of the findings of the investigation and any corrective action that may be taken as a result of the findings;

20. Options for Resolution

- 20.1 Depending upon the circumstances of each case, the County may implement, but is not limited to, one or more of the following approaches at its discretion:

20.1.1 *Conflict Mediation*

- 20.1.1.1 At any time an employee or management may request conflict mediation. This is a process in which a neutral third (3rd) party mediator assists individuals in a conflict to communicate their interests to one another and work toward an acceptable resolution. Mediation will not proceed unless the parties involved voluntarily agree to participate.

20.1.2 *Workplace Review*

- 20.1.2.1 Where interpersonal difficulties are experienced by a work team or group as a whole, HR will arrange for a Workplace Review to be conducted. This may be done by HR personnel or by an external third (3rd) party. Each member of the work

group will be interviewed in confidence and observations from the review and recommending steps for resolution will then be developed.

20.1.3 *Personal Counselling*

20.1.3.1 Personal supportive counselling is available for employees who have experienced interpersonal difficulties or other stressors that are adversely affecting them. Employees may contact the Employee Assistance Program provider.

21. Remedial Action

- 21.1 The objective of remedial or corrective action is to elicit a change in behaviour, eliminate harassment, discrimination or bullying and remedy the impact of harassment and/or discrimination and/or bullying on the individual and the workplace. Remedial action can include addressing any relevant issues in the workplace, addressing individuals who fail to meet their responsibilities under this policy by engaging in conduct contrary to this policy. Such action may include, but is not limited to, educational initiatives, counselling, remediation of a victim's interests and disciplinary action, up to and including dismissal.
- 21.2 Where an employee has violated this policy, the appropriate GM and/or designate, in conjunction with the appropriate manager and/or supervisor will be responsible for imposing recommended remedial action to that employee(s).
- 21.3 A letter from the appropriate GM and manager/supervisor stating the action to be taken will be forwarded to the Investigator and/or Director, Human Resources or designate, within five (5) working days of receiving written notification of findings.

22. False Accusations

- 22.1 Norfolk County does not approve of any behaviour, which undermines working relationships and personal dignity, and therefore will not condone any false and fabricated charges against innocent employees. Any employee found to be engaged in such behaviour will be subject to disciplinary action.

23. Prohibition of Reprisal

- 23.1 Any retaliation or reprisal in response to raising concerns under this policy, filing the complaint or cooperating in a complaint investigation procedure is strictly prohibited. Any such conduct will expose the perpetrator to immediate disciplinary action.

24. Confidentiality

- 24.1 It is recognized that it may be difficult to come forward with concerns regarding matters covered by this policy as it relates to confidentiality. All complaints received under this policy shall be treated confidentially to the extent possible; subject to the County's obligation and commitment to conduct internal investigations or report to applicable internal parties, such as applicable Joint Health and Safety Committees or outside agencies, such as Ministry of Labour or Ontario Provincial Police. Any records of complaint(s), including contents of meetings, interviews, results of investigation(s) and any other relevant material, will not be maintained in any employee's file. Any records previously noted will be kept in a separate and confidential file within the HR Department.
- 24.2 In the context of complaints, no record of the complaint will be maintained on the personnel file of the complainant or respondent, subject to the following exception. If there is a finding of conduct contrary to this policy that results in disciplinary action, the disciplinary action will be reflected in the respondent's personnel file. At any point in an investigation, the complainant has the right to file a complaint with the Ontario Human Rights Tribunal and/or with the Ministry of Labour.
- 24.3 In conclusion, Norfolk County is committed to providing a respectful workplace environment, and ensuring respectful workplace interactions. All members of our workplace community are expected to recognize and comply with our commitment regarding no reprisal and confidentiality.

25. Violence in the Workplace Guidelines

- 25.1 The purpose of this Policy is to define behaviours that constitute workplace violence, ensure that all members of our workplace community understand their roles and responsibilities as they relate to violence prevention in the workplace. The purpose of the Policy is to ensure risks of violence are identified and procedures for reporting, investigating and resolving incidents of workplace violence are defined.
- 25.2 The risk or occurrence of violent acts involving employees requires particular attention, as violence undermines the ability to work effectively and impacts quality of life. Any work related threats or acts of violence against any employees or their families is unacceptable and will be taken seriously.
- 25.3 Any individuals found to have engaged in any acts of violence or threats of violence in the workplace or in connection with work related activity will be exposed to serious disciplinary measures, including termination for cause.

26. Defining Workplace Violence

26.1 *Ontario Occupational Health and Safety Act, Section 1(1)* states:

- (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 is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in the workplace, that could cause physical injury to the worker.

26.2 Without limiting the generality of the foregoing, workplace violence can take any of the following forms:

26.3 Threats

26.3.1 Verbal or Written

26.3.1.1 Any verbal or written expression of intent to inflict harm on any person or any property of the individual or Norfolk County.

26.4 Intimidation (Threatening Behaviour)

26.4.1 Any expression of intent to inflict harm on any person or to property. Examples include shaking fists, destroying property or throwing objects.

26.5 Assault

26.5.1 Physical

26.5.1.1 Any intent to inflict on another; any intentional displays of force that cause the victim to fear immediate bodily harm.

26.5.2 Sexual

26.5.2.1 Any use of threats or violence to force one individual to touch, kiss, fondle or have sexual intercourse with another.

27. Work Refusal

27.1 A worker may refuse to work or do particular work where he or she has reason to believe that:

27.1.1 Workplace violence is likely to endanger himself or herself

27.2 Norfolk County is committed to:

- 27.2.1 Promoting a violence free workplace for all workplace participants.
- 27.2.2 Respecting and protecting the health, safety and dignity of all employees.
- 27.2.3 Empowering employees to make their necessary contribution to a violence free workplace.
- 27.2.4 Ensuring members of the workplace community are aware of the safety practices developed to prevent and respond to violent incidents and the risk of violence.
- 27.2.5 Establishing written practices to identify and address risks.

28. Roles and Responsibilities for Violence Prevention

- 28.1 All employees are responsible for preventing and reporting acts of harassment, bullying and violence that threatens or is perceived to threaten a safe work environment.
- 28.2 The Corporation of Norfolk County will:
 - 28.2.1 Ensure that an effective Violence Prevention Program is developed and implemented;
 - 28.2.2 Ensure that measures and procedures identified in the Violence Prevention Program are carried out and that Management is held accountable for responding to and resolving incidents or complaints of violence;
 - 28.2.3 Ensure compliance by all persons who have a relationship with Norfolk County;
 - 28.2.4 Ensure violence prevention action plans are prepared and updated for local worksites;
 - 28.2.5 Inform staff and supervisors of the nature and the extent of the risks of violence;
 - 28.2.6 Take corrective action and monitor its effectiveness;
 - 28.2.7 Ensure regular evaluation of the workplace violence prevention program;

- 28.2.8 In consultation with the Joint Health and Safety Committee (JHSC), ensure risks assessments are done and safe work procedures are developed to address existing or potential risks for each assignment under their supervision;
- 28.2.9 Establish and deliver training and education for all employees;
- 28.2.10 Ensure that any deaths or critical injuries have been reported to the Ministry of Labour inspector, the police, the JHSC and investigated with the JHSC;
- 28.2.11 Ensure reports go to WSIB of all accidents where a worker loses time from work and requires health care;
- 28.2.12 Respond to media presence and/or follow up questions relating to any incident of violence; and
- 28.2.13 Domestic Violence: take every reasonable precaution for protection of workers when aware of domestic violence likely to expose a worker to injury in the workplace.

28.3 **Manager/Supervisor Responsibilities**

28.3.1 Role and responsibilities include:

- 28.3.1.1 Understand and fulfill their responsibilities under this policy and the *OHS Act and Regulations*;
- 28.3.1.2 Ensure that all employee's (management or workers) who report to them are aware of their responsibilities under this policy and the *OHS Act and Regulations*;
- 28.3.1.3 Promote and encourage reporting of violent incidents;
- 28.3.1.4 Take all reasonable and practical measures to protect workers, acting in good faith, who report workplace violence or act as witnesses, from reprisal or further violence;
- 28.3.1.5 Ensure members of the workplace community are held accountable to work consistent with the measures adopted to minimize the risk of violence and threats of violence;
- 28.3.1.6 Facilitate ongoing discussion of workplace violence issues with staff;

- 28.3.1.7 Ensure appropriate training and education in violence prevention procedures and response procedures are provided to staff;
- 28.3.1.8 Conduct workplace violence risk assessments to determine whether the nature of the work or the work environment places or may place, employees at risk of violence;
- 28.3.1.9 Consult with HR and/or Manager – OHW and/or Joint Health and Safety Committee(s) (JHSC) in conducting risk assessment, as required. Advise the JHSC in writing of the results of the workplace risk assessment;
- 28.3.1.10 Develop measures and procedures to control identified risks that are likely to expose a worker to physical injury. These measures and procedures must be part of the workplace violence program and clearly communicated and instructed to staff;
- 28.3.1.11 Take all reasonable and practical measures to minimize or eliminate risks identified through the risk assessments, workplace inspections or the occurrence of an incident;
- 28.3.1.12 Conduct and review risk assessments annually, or as changes to job responsibilities or environments occur, in accordance with specific conditions and circumstances of the jobs performed;
- 28.3.1.13 Review the effectiveness of actions taken to minimize or eliminate workplace violence and make improvements to divisional procedures, as required;
- 28.3.1.14 Respond as appropriate to report of domestic violence to protect the worker at risk, as well as co-workers;
- 28.3.1.15 Identify and alert staff to potentially violent situations;
- 28.3.1.16 Ensure that all known incidents of harassment, bullying or workplace violence are investigated and to the extent appropriate based on the nature of each incident and the actual or potential threat it posed to worker safety;
- 28.3.1.17 Consult with all appropriate parties, including but not limited to Manager - OHW, HR, JHSC, Employee Assistance Program provider, OPP, Ministry of Labour (MOL);

28.3.1.18 Comply with reporting, investigation and documenting procedures, as well in accordance with the MOL and WSIB reporting procedures; and

28.3.1.19 Maintain assessments, specific workplace procedures and training records specific to their individual divisional or department needs.

28.4 Employee Responsibilities:

28.4.1 Ensure they make the necessary contribution to violence prevention by being responsible and accountable in maintain a safe work environment;

28.4.2 Participate in mandatory education and training programs that will enable them to respond appropriately to any incident of harassment, bullying or workplace violence;

28.4.3 Avoid all communications or conduct that constitutes harassment, bullying or threat of violence or act of violence;

28.4.4 Not engage in or ignore violent, threatening, intimidating, harassing, bullying or other disruptive behaviours;

28.4.5 Provide input into risk assessment and the development of workplace violence prevention action plans when requested;

28.4.6 Report promptly to their supervisor (or the appropriate alternative) any incident where the employee is subjected to, witnesses, or had knowledge of workplace violence, or has reason to believe that workplace violence may occur;

28.4.7 Report any knowledge of a domestic abuse situation that could expose a worker to a risk of violence in the workplace;

28.4.8 Follow established procedures for the prevention and reporting incidents of violence;

28.4.9 Fully cooperate in any investigation or complaints of incidents of workplace violence or breaches of this policy;

28.4.10 Where there is a work refusal (refer to Policy OHS-38 Work Refusal), remain in a safe place that is as near as reasonably possible to their work location and available to the employer or supervisor for the purposes of investigation; and

28.4.11 Accept reasonable alternative work when appropriate.

28.5 Joint Occupational Health and Safety Committee (JHSC) Responsibilities

28.5.1 Shall be consulted about the development and implementation of violence measures and procedures (the Violence Prevention Program);

28.5.2 Shall be consulted and make recommendations to the employer to develop, establish and provide training in violence measures and procedures;

28.5.3 Review the Workplace Violence Risk Assessments results and provide recommendations (if any) to management to reduce or eliminate the risk of harassment, bullying or violence;

28.5.4 Review all reports forwarded to the JHSC regarding workplace harassment, bullying or violence and other incident reports as appropriate pertaining to incidents of workplace violence that result in personal injury or threat of personal injury, property damage or police involvement;

28.5.5 Take part in a review at least annually, of the Workplace Violence Prevention Program;

28.5.6 Participate in the investigation of work refusals and critical injuries arising from workplace violence;

28.5.7 Recommend corrective measures for the improvement of the health and safety of workers;

28.5.8 Respond to employee concerns related to harassment, bullying or workplace violence and communicate these to management;

28.5.9 Receive and review reports of any critical injury or death immediately; and

28.5.10 May participate in the investigation of reported incidents that result in personal injury or have the potential to result in injury.

28.6 Unions

28.6.1 Provide input, when requested, about the development and implementation of workplace violence prevention programs and applicable procedures within each department; and

- 28.6.2 Support conduct that reflects a workplace free of harassment and violence.

28.7 **Human Resources**

- 28.7.1 Develop education and training programs that will enable staff to respond appropriately to any incident of workplace violence;
- 28.7.2 Provide training programs to all management and employees relevant to this policy;
- 28.7.3 Provide resources (assessments tools) to assist management staff with the implementation of this policy;
- 28.7.4 Assist management in conducting annual workplace risk assessment, inspections, investigations and auditing to determine the effectiveness of the policy and suggest changes as required by consulting with management staff and employee representatives;
- 28.7.5 Assist management staff to implement this policy, develop a workplace violence prevention policy, develop departmental procedures and initiate the annual review of the policy and procedures; and
- 28.7.6 Audit for compliance to workplace violence legislation and part of broader health and safety audit process.

28.8 **Family, Visitors and Contractors**

- 28.8.1 Report all incidents of harassment, bullying or workplace violence to the appropriate Departmental Manager and/or HR.

29. **Procedures and Standards**

29.1 ***Domestic Violence***

- 29.1.1 Managers and Supervisors who are aware, or ought reasonably to be aware, that domestic violence may occur in the workplace must take every precaution reasonable in the circumstances to protect a worker at risk of physical injury. Employers must be prepared to investigate and deal with these concerns on a case by case basis.

29.2 ***Develop a Plan***

- 29.2.1 Discuss the employee's personal safety plans, which can include some of the following:

- Does the employee have a safe place to stay that night?
- Is the employee safe travelling to and from work?
- Does the employer need to ensure the employee leaves the building accompanied by others?
- Does the employer need to change the employee's work schedule or other aspects of the employee's job to increase the employee's safety?
- Does the employer have a formal safety plan?

29.2.2 NOTE: To develop a formal safety plan it would be best for female employees to contact Women's Services. Male employees who are victims of domestic violence can do safety planning with a counsellor or may call Victim Services.

29.3 ***Workplace Violence Assessment***

29.3.1 Each department must ensure that a workplace violence hazard assessment is completed and reviewed at least annually in consultation with the respective JHSC. In all cases management of the department shall ensure that safe work procedures are in place based on applicable risks and specific work environments.

29.3.2 Management staff conducting the risk assessments will consult with Manager - OHW (or appropriate HR personnel) to assist in conducting workplace violence hazard assessments and development of practical recommendations to minimize identified risks.

30. **Reporting and Response to Workplace Violence**

- 30.1 Any person subjected to workplace violence will, where appropriate, go to a safe location at the workplace and immediately report the incident to their manager/supervisor, so that the incident can be investigated and addressed.
- 30.2 Employees are required to report any act or threatening statement of violence arising out of their employment to their supervisor, manager, HS representative or HR (Manager – OHW).
- 30.3 Any person who witnesses workplace violence whether or not directly involved is required to report to a supervisor or manger immediately.

- 30.4 Any member of management or HS Representative receiving a report shall notify Director, Human Resources or designate and the report will be forwarded to the Manager – OHWP and/or outside agencies as required (i.e. – MOL; OPP; etc.)
- 30.5 The Manager – OHW will notify the appropriate departmental GM.
- 30.6 Manager – OHW, along with Manager/Supervisor and/ or HS Representative receiving the report shall investigate all reports of violent incidents or threats of violence and ensure that measures are taken to safe guard the victim(s) and curtail violence.
- 30.7 All complaints and incidents are to be recorded in writing (Appendix B) on the Workplace Violence Investigation Form (Appendix B) and immediate and/or subsequent measures taken to address the hazards shall be documented.
- 30.8 No report of workplace violence or report of a risk or threat of workplace violence shall result in reprisal against the reporting individual.
- 30.9 If the incident is resolved by the supervisor or manager, all incident reports must be directed to HR (Manager – OHW).
- 30.10 HR will review all incident reports, monitor trends and make any further recommendations for revisions to the violence prevention program.
- 30.11 If the alleged aggressor(s) has no relationship to the organization or has a personal relationship with an employee, the supervisor/manager/HR shall contact the Local Detachment of the Ontario Provincial Police (OPP) at 519-426-3434.
- 30.12 If an incident of violence occurs that is of an immediate or threatening nature, where staff have reason to believe there is an immediate risk of harm anyone in the area (employees or clients) then 911 should be called.
- 30.13 Anyone who is alleged to have engaged in violent behaviour will be removed from the premises. Access to County property/buildings may be restricted pending the outcome of an investigation, by HR and/or police.
- 30.14 Any employee who is the victim of violence or who witnesses an incidence of violence may at their discretion contact the policy directly.
- 30.15 The Corporation of Norfolk County has a policy of “zero tolerance” for violence. Any member of the workplace community found to have engaged in any violence in the workplace or threat of violence in the workplace shall be

exposed to a serious disciplinary response, up to and including termination for cause.

30.16 The Corporation of Norfolk County shall report all injuries to the Ministry of Labour and WSIB arising out of an act of violence or threat of violence as required by the Occupational Health and Safety Act and the Workplace Safety and Insurance Act.

31. Investigation Procedure:

31.1 All complaints or incidents of workplace violence will be promptly investigated by the supervisor and/or manager and/or Manger – OHW;

31.2 Where the incident or complaint involves a County employee, the investigation will be conducted as quickly and confidentially as possible; and

31.3 All departments/divisions of Norfolk County will take all reported incident of violence seriously and will not ignore, condone or tolerate disruptive, violent behaviour by anyone providing work or services within or for the County.

31.4 An investigation of workplace violence will include, but not limited to the following:

31.4.1 A documented interview with the complainant and/or victim;

31.4.2 A documented interview with the alleged aggressor(s);

31.4.3 A documented interview with any witness(es) with relevant information to provide; and

31.4.4 Any other steps the investigator(s) deems necessary to fully and fairly investigate the complaint or incident.

31.5 Where deemed appropriate, disciplinary action up to and including dismissal may be taken.

31.6 Note: Manager – Organizational Health and Wellness or HR Staff are available as a resource to managers and staff upon request.

32. Program Attendance

32.1 The effectiveness of Respectful Workplace and Violence Prevention Policy will be evaluated annually by Norfolk County.

32.2 All employees, front line workers and management alike, are accountable for the procedures related to this Policy.

- 32.3 Reports will be created where appropriate whenever there is an incident of violence of harassment complaint under this Policy. Where a report is created, it will outline the nature of the incidents and the resolution. Further investigation and other steps may be taken in accordance with this policy depending on the nature of the incident or complaint.
- 32.4 These reports will be submitted to the Manager – OHW and appropriate JHSC and/or HS Representatives for review to assist with decisions regarding further education and safety measures.
- 32.5 Any reports provided to JHSC/HS Representatives will not include identifying personal information.
- 32.6 Incident may be reported to Senior Leadership Team and/or Council, dependent upon the nature, severity and outcome of the incident and subsequent investigation.

33. Workplace Risk Assessments

- 33.1 Risk assessments will be conducted to develop and implement a violence prevention action plan that is appropriate for both the physical and verbal types of violence risks contemplated by this Policy. Education and training will be provided to employees with respect to the risk identified and the prevention initiatives to be implemented.

33.2 Risk Assessments – Domestic Violence Situations

- 33.2.1 Determine the level of risk by considering the following:

- Does the employee feel safe?
- Has the partner been stalking the employee at work or otherwise? (i.e. via emails, texts, voicemail or in person)
- Does the employee fear the partner will come to the workplace?
- Is there a recent separation?
- Does the partner have mental health issues?
- Does the partner misuse substances?
- Is the partner highly emotionally dependent upon the employee?
- Is there an escalation of the violence?

- Is there a history of suicidal threats or attempts?
- Is the partner threatening to the employee?
- Is the partner irreverent towards authority?
- Does the partner have access to weapons?
- Are there children involved?
- Is there a protection order in place? If so, what are the conditions?

33.2.2 NOTE: The above is not a thorough risk assessment, nor is it your job to do an investigation to assess risk. These are just factors to consider that may inform your decision about the next steps.

33.2.3 Let the employee know that you will have to review this with your Manager and that actions may have to occur to ensure the safety of the employee and other employees at Norfolk County. Inform the employee of the limits to confidentiality, that information will be shared on a need to know basis. Inform the employee that they will be informed how the information is shared.

33.2.4 Remember when you believe an employee is in imminent danger –call the police.

34. Education and Training

34.1 All employees shall receive training with respect to violence prevention.

34.2 Such training will include:

- Training in the definition of violence;
- Duties and responsibilities for prevention of employees and management;
- A review of the risks of violence inherent in the employee's workplace;
- A review of violence prevention procedures;
- Incident reporting procedures;
- Correct response procedures;
- Any workplace emergency procedures;

34.3 All new employees will receive orientation to the Respectful Workplace and Violence Prevention Policy.

34.4 HR will be responsible for maintaining records on all training that is conducted related to this policy.

35. Resources

35.1 *Occupational Health and Safety Act and Regulations*

35.2 *Ontario Human Rights Code*

35.3 Ministry of Labour Workplace Violence Prevention Guidelines

35.4 Occupational Health and Safety Council of Ontario (OHSCO)

35.4.1 Developing Workplace Violence and Harassment Policies and Programs: A Toolbox

35.4.2 Developing Workplace Violence and Harassment Policies and Programs: What Employers Need to Know

35.5 Ontario Safety Association for Community and Healthcare

35.5.1 Addressing Domestic Violence in the Workplace: A Handbook

35.5.2 Bullying in the Workplace: A Handbook for the Workplace

35.6 Haldimand and Norfolk Women's Services

35.6.1 Domestic Violence Safety Plan

https://issuu.com/hnws/docs/domestic_violence_safety_plan_final

35.6.2 Neighbour, Friends and Families pamphlet

36. Attachment: [FO-09](#) Complaint Report/Form Harassment Discrimination