



Schedule "A" to By-law 78-2023

Workplace Violence and Harassment Policy

Policy # C-AD-331

Date Last Reviewed: September 26, 2023

1.0 Purpose and Scope

- 1.1 The Municipality of Lakeshore is committed to providing a positive working environment characterized by mutual respect and freedom from violence and harassment.
- 1.2 To ensure that all Municipal workplaces are free from violence and harassment for employees and customers.
- 1.3 To ensure that all Municipal workplaces are in compliance with Occupational Health and Safety Act and regulations.
- 1.4 This policy applies to all employees of the Municipality of Lakeshore, members of Council, as well as individuals external to the Municipal workforce, including visitors, customers, clients, employers, contractors, third parties, family members or domestic/intimate partners, and members of the public who may come into any Municipal workplace(s).

2.0 Definitions

2.1 Bullying

2.1.1 Repeated, unreasonable or inappropriate behavior directed at a worker, or group of workers, that creates a risk to health and safety. Forms include physical, verbal or social.

2.2 **Communication** method of relaying a message from one person to another. Methods of communication could include any combination of the following:

2.2.1 Verbal – words, tone

2.2.2 Written – texting, emailing, letters, etc

2.2.3 Physical – body language, facial expressions, gestures

2.2.4 Behavioural – nuances, time, space, distance, touch, sound, smell

2.3 Cyberbullying

2.3.1 The use of electronic media (i.e. cell phones, instant messaging, emails, chat rooms or social networking) to threaten, embarrass, intimidate, or exclude someone, or to damage their reputation. Electronic media includes Facebook, Twitter, LinkedIn, or any other social media sites.

2.4 Domestic Violence

2.4.1 Can be defined as a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate



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partner. Abuse is physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person. This includes any behaviors that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure, or wound someone.

2.4.2 Also known as domestic abuse, spousal abuse, child abuse or intimate partner violence.

2.4.3 Can happen to anyone of any race, age, sexual orientation, religion, or gender. It can occur within a range of relationships including couples who are married, living together or dating.

2.5 Employee Family Assistance Program (FSEAP)

2.5.1 The program that is contracted by the Municipality of Lakeshore to provide counselling to eligible employees and officials.

2.5.2 Any employee who is in need of counselling services associated with workplace violence, harassment or discrimination can utilize the confidential services of the Municipality's Employee Assistance Plan FSEAP.

2.6 Gender Expression

2.6.1 How each person publicly presents their gender including behaviour and outward appearance. The way a person dresses, their name and pronouns are common ways in expressing gender.

2.7 Gender Identity

2.7.1 Each person's internal and individual experience of gender. For example, the person's sense of being a man or a woman or both or neither.

2.7.2 The person's gender identity may be different than their birth-assigned sex.

2.8 Malicious Complaints

2.8.1 Complaints made under this policy, which were known to be unfounded at the time they were made. Making a vexatious or



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malicious complaint can result in discipline up to and including dismissal.

2.9 Microaggression or Microaggressive behaviour

Behaviour means “a statement, action, or incident regards as an instance of indirect, subtle, or unintentional discrimination against members of a marginalized group such as a racial or ethnic minority. Examples include but not limited to:

- You are so articulate.
- where are you actually from?
- I'm probably going to butcher this name but...
- You look so young!
- Is that your real hair?
- Interrupting
- Are you having twins?

2.10 Psychological Harassment

2.10.1 Behaviour that attacks a person psychologically

2.10.2 For there to be psychological harassment, the behaviour must:

2.10.2.1 Be vexatious and repeated, or vexatious and serious

2.10.2.2 Be hostile or unwanted by the employee

2.10.2.3 Affect the dignity or physical or psychological integrity of the employee

2.10.2.4 Create a harmful work environment

2.11 Respect in the Workplace

2.11.1 Demonstrate that others in the workplace have rights, opinions, wishes, experience, and competence. Respect can be demonstrated in both verbal and nonverbal communication. Respect includes listening to each other and communicating with each other in a manner that supports a healthy and harassment free environment. Treat others as they wish to be treated. To get respect, you must first give respect.

2.11.2 In addition to the above noted definitions, the following behaviours are examples of the expectation:

2.11.2.1 Treat people with courtesy, politeness and kindness.



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2.11.2.2 Return kind gestures such as saying hello or good morning, opening doors for one another, offering to assist, a kind word of encouragement.

2.11.2.3 Encourage coworkers to express opinions and ideas in a respectful manner.

2.11.2.4 Listen to what others have to say before expressing viewpoints.

2.11.2.5 Express viewpoints in a manner that is not demeaning, patronizing, marginalizing nor demotivating to others.

2.11.2.6 Demonstrate empathy.

2.11.2.7 Express frustration in a constructive manner aimed at resolving the problem.

2.11.2.8 Encourage praise and recognition.

2.12 Retaliation or Reprisal

2.12.1 Any action taken against an employee who reported or witnessed an incident of workplace harassment that is intended or perceived as a form of intimidation of the employee or an attempt to pressure the employee into withdrawing his or her complaint or statement about the incident. Retaliation includes making a false report of workplace harassment against another employee. Acts of retaliation will be treated as independent acts of workplace harassment and will be addressed in accordance with this policy.

2.13 Vexatious Behaviour

2.13.1 The behaviour must be abusive, humiliating or offensive for the person experiencing it.

2.13.2 A reasonable person in the same situation would also find the behaviour bothersome.



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2.14 Workplace harassment means:

2.14.1 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 and includes workplace sexual harassment, psychological harassment, bullying and cyberbullying.

2.14.1.1 The comments or conduct occur more than once. They may occur over a relatively short period of time or over a longer period of time.

2.14.1.2 Workplace harassment may involve unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers. Workplace harassment may also include behaviour that intimidates, isolates or even discriminates against others.

2.14.1.3 Workplace harassment includes undermining or deliberately impeding another person's work.

2.14.2 Workplace harassment does not include the reasonable conduct or actions of supervisors intending to provide employee direction, discipline or instruction, such as deficiency notices, performance evaluations, verbal warnings, reprimands or other supervisory actions intended to improve performance.

2.14.3 Differences of opinion or minor disagreements between coworkers would also not generally be considered workplace harassment.

2.15 Workplace sexual harassment means:

2.15.1 Engaging in a course of vexatious comment of conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment of conduct is known or ought reasonably to be known to be unwelcome; or,

2.15.2 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.



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2.16 Workplace violence includes:

2.16.1 The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;

2.16.2 An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker, and

2.16.3 A statement or behavior that 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.

2.17 In addition to the above noted definitions, the following behaviours are examples of violence and harassment:

2.17.1 Threats or intimidation of a verbal or physical nature

2.17.2 Carrying or displaying a weapon

2.17.3 Violent gestures

2.17.4 Inappropriate pranks or horseplay

2.17.5 Persistently and excessively criticizing and scrutinizing a worker's work without justification

2.17.6 Spreading malicious rumours or gossiping

2.17.7 Spying on or stalking a worker

2.17.8 Excluding or ignoring a worker

2.17.9 Name calling, puts downs, teasing

2.17.10 Sending mean or threatening emails, text or instant messages

2.17.11 Taking an embarrassing picture or video of someone and sending it to others and/or posting it online without their permission



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- 2.17.12 Engaging in verbally abusive behavior, such as yelling, making threats or name calling
- 2.17.13 Engaging in physically abusive or aggressive behaviour, such as pushing, hitting, spitting, finger pointing or aggressively invading a worker's space; and
- 2.17.14 Engaging in psychological abusive or aggressive behaviour, such as stalking, repeated vexatious behaviour, hostile or unwanted behaviour which affects the dignity or physical or psychological integrity, and behaviour that creates a harmful work environment.
- 2.17.15 Any other conduct or actions that give a worker reasonable cause to believe physical force will be used against him or creates a hostile or toxic work environment.
- 2.17.16 Making unnecessary physical contact, including unwanted touching
- 2.17.17 Inappropriate, rude or insulting language, sex-related comments about a person's physical characteristics or actions, sarcastic remarks, etc.
- 2.17.18 Inappropriate, rude or demeaning gestures including but not limited to eye rolling, mocking, gestures supporting mocking, gestures intended to insult or offend, gestures to express sarcasm as it relates to mocking, insulting or offending others, etc.

3.0 Policy

- 3.1 As per The Ontario Human Rights Code, all employees have the right to fair and equitable conditions of employment without harassment or discrimination because of race, ancestry, place, origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity or gender expression, age, record of offences, marital status, same sex partnership status and family status.
- 3.2 Any complaints involving violence and harassment, including sexual harassment shall be promptly investigated in accordance with Procedure # A-AD-400



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4.0 Right of Refusal

Any worker has the right to refuse work based on the risk or perceived risk that they may be subject to workplace violence that is likely to endanger them.

5.0 Responsibilities

The Chief Administrative Officer shall ensure that:

- 5.1 Measures are implemented to ensure that workplace violence, harassment and/or sexual harassment are not tolerated in the Municipality operated workplaces.
- 5.2 All employees commit to a zero tolerance of workplace violence, harassment and sexual harassment.
- 5.3 All employees assume responsibility to play a part in ensuring that the working environment is free from workplace violence, harassment, sexual harassment and discrimination.
- 5.4 Measures are implemented to assess the workplace for risk of violence and or harassment.
- 5.5 Measures are implemented to ensure compliance with all relevant legislation and regulations.
- 5.6 Measures are implemented to require prompt and accurate reporting of harassing or violent incidents, whether or not physical injury has occurred.
- 5.7 Measures are implemented to provide for victims of workplace violence or harassment freedom from discrimination and reprisal as well as provide for assistance in every reasonable manner possible.
- 5.8 Measures are implemented to prohibit all employees from engaging in any action, act, or incident in which an employee or worker is physically threatened with injury, or assaulted in circumstances arising out of his or her employment as a direct or indirect action of another employee or a member of the public.
- 5.9 Measures are implemented so that no employee will suffer retaliation or intimidation as a result of using the Complaint procedure or filing of a complaint with the Human Rights Tribunal of Ontario. However, all employees must realize that the consequences for making frivolous or malicious accusations will be serious.
- 5.10 When an investigation is required, the Division Leader - Workforce Development will coordinate an investigation and deal with all complaints



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or incidents of workplace violence and harassment in a fair, respectful and timely manner.

- 5.11** The Division Leader - Workforce Development will determine whether a third-party investigator is required in accordance with the criteria set out in the procedures and based on the nature and complexity of each complaint.
- 5.12** The Division Leader - Workforce Development will consult with the Corporate Leader - General Counsel prior to utilizing a third-party investigator. A third-party investigator may be used if:
 - 5.12.1** Workforce Development efforts fail to satisfactorily address the situation;
 - 5.12.2** A Council Member or a Member of the Corporate Leadership Team is a complainant or respondent;
 - 5.12.3** A factor exists that may compromise the investigation or the integrity of the investigation; or,
 - 5.12.4** The Division Leader - Workforce Development receives legal advice to use the third-party investigator. Exigent circumstances arise for which use of a third-party investigator would be appropriate as determined by the Division Leader and Corporate Leader in consultation with the Chief Administrative Officer.
- 5.13** Confidentiality will be respected during the complaint and investigation process. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law.
- 5.14** The respondent to a formal workplace violence or harassment complaint shall be provided with a summary of the complaint(s).
- 5.15** Workers who allegedly experience workplace harassment, and the alleged harasser (if (s)he is also a worker of the employer), are informed in writing of the results of an investigation and of any corrective action that has been or that will be taken as a result of the investigation.
- 5.16** Workforce Development will raise awareness through workplace training of personal safety issue.
- 5.17** The Municipality of Lakeshore is an equal opportunity employer. Workforce Development will ensure that any accommodations under the requirements of the Accessibility for Ontarians with Disabilities Act (AODA) will be provided upon request.



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6.0 Consequences

- 6.1 Failure to follow this policy may result in discipline up to and including termination.
- 6.2 Failure to follow this procedure may result in contravention(s) of the Ontario Human Rights Code or Occupational Health and Safety Act.
- 6.3 If it is determined through the investigation process that harassment and or violence has occurred in any of the Municipality's workplaces, disciplinary action up to and including termination may be issued. In addition, if reprisal has occurred, disciplinary action up to and including termination may be issued.
- 6.4 Frivolous or malicious accusations will be considered serious in nature and grounds for disciplinary action.

7.0 Reference Documents

- 7.1 Workplace Violence and Harassment Procedure
- 7.2 Occupational Health & Safety Act Ontario
- 7.3 Employee Code of Conduct
- 7.4 Ontario Human Rights Act
- 7.5 Accessibility for Ontarians with Disabilities Act
- 7.6 Workplace Safety and Insurance Act
- 7.7 Employment Standards Act Ontario
- 7.8 Ministry of Labour Code of Practice to Address Workplace Harassment
- 7.9 Respective collective agreements as administered by the Municipality.
- 7.10 The Municipality's Workplace Violence and Harassment Procedure, A-AD-400.



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8.0 Communication and Training

- 8.1 This policy will be posted on the Municipality’s website for communication to staff and the public.
- 8.2 This policy will be posted on the Municipality’s Health and Safety Communication Boards.
- 8.3 Once the document is revised, updated training will be provided to all staff.
- 8.4 Training on this policy will be done via safety talks, staff meetings, and/or through online training methods.

9.0 Review/Revisions

- 9.1 This policy will be reviewed annually by the Chief Administrative Officer and to ensure accuracy and current compliance with legislation and with the Code of Practice to Address Workplace Harassment. In the event that the Chief Administrative Officer is of the belief that changes are required, the Division Leader will prepare a revised draft for review by Council.
- 9.2 This policy will be reviewed annually with the Joint Health and Safety Committee.
- 9.3 Revision log:

#	Date Revised	Author	Section	Details of Change
1	May 18, 2012			
2	July 6, 2012			
3	Nov 12, 2015			
4	Jan 17, 2017	Lisa Granger	Whole	Developed new policy template.
5	Jan 8, 2018	C. Dranchak	6.7 and 7.2	Added reference to Employment Standards Act; Added internal location of policy posting
6	April 8, 2019	Lisa Granger	whole	Added more definitions Added a number of forms and reports to the reference documents;



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#	Date Revised	Author	Section	Details of Change
				<p>Workforce Development will “coordinate” an investigation to allow for third party investigations if deemed appropriate by the employer.</p> <p>Added language about when to use 3rd party investigators</p> <p>Added language about the workplace violence program</p> <p>Added language about the workplace harassment program</p> <p>Added language about confidentiality and provision of information</p>
7	July 2, 2019	C. Dranchak	8.0	Removed italics
8	May 4, 2021	C. Dranchak	Whole	<p>Converted policy to new template; (included item 4.0 from previous procedure document).</p> <p>Changed definition of “Domestic Abuse” (item 2.3)</p> <p>Changed all instances of “Town of Lakeshore” or “Town offices” to “Municipality of Lakeshore” and “Municipal offices.</p> <p>Fixed grammar and spacing issues.</p> <p>Removed the following reference documents: Workplace Violence and Harassment Complaint Form, Workplace Violence and Harassment Investigation Report, Workplace Violence and Harassment Recommendation(s) Report</p> <p>Updated Job Titles</p>
9	June 12, 2023	DL – Workforce Development	2.6	<p>Added definition of microaggression</p> <p>New template</p> <p>Refined definitions</p>

Refer policy questions to: Division Leader - Workforce Development.



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The Chief Administrative Officer is signing pursuant to a resolution from Council to approve this policy.

Truper McBride
Chief Administrative Officer
Municipality of Lakeshore