

The Corporation of the Township of Whitewater Region

By-law Number 18-03-1049

A by-law to establish a Workplace Sexual Violence & Harassment Policy


Whereas, Section 32.0.1 (1)(a) and Section 32.0.2 (1) of the *Ontario Occupational Health & Safety Act* and Regulations requires the Township to prepare a policy with respect to workplace violence which shall be posted at a conspicuous place in the workplace; and

Whereas, the Council of the Township of Whitewater Region deems it expedient and necessary to establish a Workplace Sexual Violence & Harassment Policy;

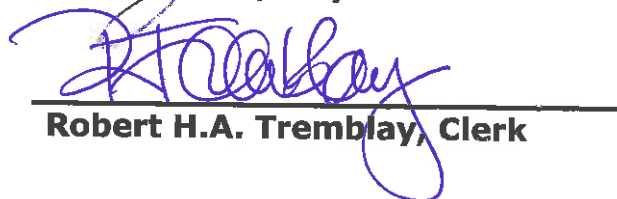
Now therefore Council of the Corporation of the Township of Whitewater Region enacts as follows:

1. That the Workplace Sexual Violence & Harassment Policy is hereby established to provide a safe, healthy and supportive work environment for all employees with reference to respect, fairness and sensitivity, including the prevention of sexual violence and harassment in the workplace.
2. That the corporate policy attached shall form a part of this by-law.
3. That any other by-law inconsistent with the provisions contained in this by-law are hereby repealed.
4. This by-law shall come into force and take effect upon the date of the final passing thereof.

Read a first, second and third time and finally passed this 21st day of March, 2018.



Hal Johnson, Mayor



Robert H.A. Tremblay, Clerk



Corporate Policy

Policy: Workplace Sexual Violence & Harassment Policy
Main Contact: CAO/Clerk
Last Revision: March 2018

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Policy Statement

The Township of Whitewater Region is committed to providing and ensuring a safe, healthy and supportive work environment for all employees reference to respect, fairness and sensitivity, including the prevention of sexual violence & harassment in the workplace. Sexual violence & harassment in the workplace can have devastating effects on an employee's quality of life and organizational productivity.

Purpose

This policy defines behavior that constitutes workplace sexual violence and harassment. It explains procedures for reporting and resolving such incidents. This policy is designed to familiarize all workplace parties with the related terminology as well as their individual responsibilities for prevention and corrective action. To establish this policy, the Township of Whitewater Region has accessed the Joint Health & Safety Committee (JHSC) and the following legislation governing workplace sexual violence & harassment in the province of Ontario:

The Occupational Health & Safety Act

The Criminal Code of Canada

The Ontario Human Rights Code

The Workplace Safety and Insurance Act, 1997

The Compensation for Victims of Crime Act



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The Township of Whitewater Region recognizes the potential for sexual violence & harassment in the workplace and will make every reasonable effort to identify all potential sources of such risk, and to minimize or eliminate them through its workplace sexual violence & harassment prevention protocol. The Township of Whitewater Region will not tolerate any type of sexual violence or harassment within its workplaces or during work related activities.

This policy applies to the conduct of all individuals in the workplace including councilors, employees, clients, contractors, students, visitors and others. For the purpose of this policy, the workplace includes all locations or situations in which activities of the Township of Whitewater Region's business are carried out, including, but not limited to:

- Activities in the workplace
- Work assignments outside of the workplace
- Work related social functions
- Work related conferences and training
- Work related travel

Definitions

The definition of **“workplace sexual harassment”** has been established as:

- 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 to be reasonably known to be unwelcome; or
- b) Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought to reasonably know that the solicitation is unwelcome.

Policy Requirements

Roles & Responsibilities:

All employees of the Township of Whitewater Region are responsible for the reporting of sexual violence or harassment, enabling the Township of Whitewater Region to take the appropriate action.



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Employer Responsibilities

- Review the policy and procedures in consultation with the JHSC on an annual basis, ensuring its relevance and compliance with the needs of the Township of Whitewater Region and its employees.
- Ensure that measures and procedures within the sexual violence & harassment prevention policy are/is carried out.
- Ensure compliance by all who have a relationship with the organization's employees, such as elected officials, physicians, contractors, volunteers, etc.
- Make this policy available to all employees in the workplace and provide information on this policy to all affected individuals.
- Establish and deliver training and education on sexual violence & harassment prevention, including the identification and reporting process for incidents of sexual violence & harassment as required/needed.
- Investigate all reports or threats of sexual violence and/or harassment in a prompt, objective and sensitive way.
- Take all necessary corrective action and response measures.

Managers and Supervisors Responsibilities

- Understand, comply with and enforce this policy within the Township of Whitewater Region and ensure that employees are aware of the contents of this policy.
- Identify potential threats of workplace sexual violence or harassment and alert employees of potential hazardous situations.
- Address any and all incidents of sexual violence or harassment in the workplace that become apparent, even if an employee has not lodged a formal complaint.
- Ensure employees are aware of who to contact regarding concerns about this policy or reporting an incident.
- Take immediate action when necessary, including, but not limited to, calling police or ambulance services.
- Investigate all reports of workplace sexual violence and/or harassment using the Township of Whitewater Region investigation protocol.
- Treat as confidential, all information regarding incidents of workplace sexual violence and/or harassment.



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- Take action to prevent workplace sexual violence and/or harassment from occurring, including, but not limited to, identifying and preventing inappropriate behavior as defined by this policy and demonstrate a willingness to discuss concerns with workers.

Worker Responsibilities

- Understand and comply with this policy and respect the rights of all workers, contractors, clients, volunteers, students and program participants.
- Report any violations of this policy to immediate supervisor/manager.
- Co-operate during investigations of sexual violence and/or harassment complaints.
- Seek support when confronted with threats of sexual violence and/or harassment.
- Communicate this policy to all affected persons.

Procedure:

Reporting an Incident

The Township of Whitewater Region will conduct an investigation into all incidents or complaints of sexual violence and/or harassment in the workplace. There will be no reprisal or threat of reprisal against any employee making a complaint in good faith or participating in an investigation.

Employees must be aware that when a complaint is lodged, the supervisor/manager (or designate) will conduct an investigation that includes interviews with the complainant, the alleged offender and any witnesses which may result in disciplinary action up to and including discharge or action through the judicial system.

- a) Employees are to report all incidents of sexual violence and/or harassment to their immediate supervisor/manager in oral and written form. This initial report can be made confidentially at the employee's request. If the supervisor or manager is absent, the report should be made to the acting supervisor or manager.
- b) Should any report of sexual violence and/or harassment be against the employee's immediate supervisor/manager, the employee should make this report orally and in writing to the Chief Administrative Officer.
- c) Should a complaint be directed against the position of Chief Administrative Officer, the employee will present the complaint orally and in writing to the Mayor and Council of the Township of Whitewater Region.

- d) Information about an incident or complaint, including identifying information of the individual(s) involved, will not be disclosed unless necessary for investigation or corrective action purposes.
- e) Any complaint made with malicious intent or in poor faith is regarded as a serious offence and is subject to disciplinary action.
- f) When a complaint has been received in writing, the supervisor/manager (or designate) will acknowledge receipt of the complaint and commence appropriate action within two (2) working days or thirty-six (36) hours using the utmost discretion to maintain confidentiality and to respect the rights and dignity of all parties involved.
- g) Employees maintain the right to file a grievance with the appropriate bargaining unit or to pursue complaints under other available processes/tools (i.e. Criminal Court, the Ontario Human Rights Code).

Response and Investigation

Following the report of an incident or complaint of sexual violence and/or harassment, the supervisor/manager, which may include the assistance of the Chief Administrative Officer, shall:

- a) Coordinate an immediate investigation, in co-operation with police services or through a trained investigator, when any incident or potential incident of sexual violence and/or harassment is reported in order to assess the risk or continued risk to Township employees:
 - Investigations may include interviews with the employee, significant other, supervisor and other employees; a review of previous incidents if available and consultations with the JHSC Co-Chairs.
 - Where a Bargaining Unit employee makes a claim against any employee outside of the Bargaining Unit, the Bargaining Unit representative will not be involved in the investigation meetings.
- b) If sexual violence and/or harassment, or threat of the said, are found to have occurred, take immediate steps to eliminate the risk and any possible recurrence.
- c) Develop and monitor the implementation of an action plan until there is a final resolution of the risk of violence and/or harassment.
- d) Document any information received or action taken in a separate file and take measures to protect the confidentiality of this information.
- e) As summary of the incident will be kept in the personnel file and other related documents will be kept in a separate confidential file.

- f) The supervisor/manager (or designate) will inform the complainant and alleged harasser in writing of the results of the investigation, including any corrective action that has transpired.
- g) Coordinate the provision of assistance to employees who have been the target of sexual violence and/or harassment, or witness to the said, and may suffer adverse effects from the circumstances.
- h) Ensure that all employees receive a copy of this policy and coordinate general training as well as specific training in response to identified needs.

Support for Employees Affected by Workplace Sexual Violence & Harassment

- a) Interventions that may form part of a risk assessment or plan of action for a Township employee who is the subject of a report or investigation may include referral to the employee's physician, counselling and/or an Employee Assistance Program, the use of short term disability or temporary leave of absence, fitness for duty evaluation and other appropriate interventions.
- b) Township employees that have witnessed or experienced a traumatic event may require special support. Their special needs will be acknowledged and accommodated. The Township will investigate and offer a list of appropriate sources of alternative support. The Township will advise affected employee(s) of support option(s) and assist in the coordination of special assistance required.

Monitoring

Supervisors, Managers and the CAO/Clerk shall be responsible for receiving complaints and/or concerns related to this policy.

Authority

This policy is established pursuant to Part 111.0.1 Violence & Harassment, Section 32.0.1 (1) (a) Policy as well as Section 32.0.2 (1) Program of the Ontario Occupational Health & Safety Act and Regulations.

Contact

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Change History

Policy Name	Effective Date	Significant Changes	By-law No.
Workplace Violence & Harassment Policy	January 2014	New policy	
Workplace Sexual Violence & Harassment Policy	March 2018	Revised	18-03-1049