

# Workplace Harassment & Violence Prevention Policy

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**Category: Legislated Policy**  
**Department: Human Resources**  
**Effective Date: TBD 2024**

## Table of Contents

- Policy Statement ..... 3
- Purpose ..... 3
- Scope ..... 3
- Applicable Legislation ..... 3
- Our Commitment..... 4
- Definitions ..... 4
- Responsibilities ..... 5
  - Employer ..... 5
  - Employee ..... 6
  - Management ..... 6
  - Human Resources..... 6
  - Joint Health and Safety Committee ..... 7
  - Unions ..... 7
- Reporting Procedures ..... 7
  - Step One – Assess Urgency and Self-Advocate, if appropriate ..... 7
  - Step Two – Notify Human Resources..... 8
  - Exceptions:..... 8
  - Step Three – Determine Complaint Type..... 8
- Investigation Procedures..... 9
  - Commitment to Investigate ..... 9
  - Timing of the Investigation..... 9
  - Investigation Process ..... 9
- Confidentiality ..... 10
- Record Keeping ..... 10
- Consequences..... 10
- Prohibition of Retaliation ..... 11
- Training..... 11
- Complaints Involving Clients, Visitors or Members of the Public ..... 11

Policy Review Process.....	12
Policy Revisions and Updates.....	12
Related Policies: .....	12
Appendix “A” - Workplace Harassment and Violence Reporting Form .....	13

## Policy Statement

The Corporation of the City of Cornwall (“The City”) is committed to providing a working environment in which all individuals are treated with respect and dignity and where every person is entitled to work in a safe environment that is free of discrimination, harassment, violence, and threatening behaviour. Workplace harassment nor violence will be tolerated from anyone in the workplace, including employees, volunteers, clients, other employers, supervisors, or members of the public. The City will take all reasonable and practical measures to prevent and protect those who work at the City from acts of discrimination, harassment and violence. As part of this commitment, we have developed a comprehensive Harassment and Violence Prevention Policy and associated Program in accordance with the applicable laws and regulations that govern the City.

## Purpose

The purpose of this policy is to prevent and address all forms of discrimination, harassment, and violence in our workplace. The City will take all reasonable and practical measures to prevent and protect employees from acts of discrimination, harassment and violence. The City strives to create a workplace and community environment where individuals are treated with dignity and respect, and where all forms of discriminatory behaviour, harassment, or violence are not tolerated.

One of the ways the City demonstrates this commitment is through the development and enforcement of this Policy which also outlines our obligations to investigate reported incidents in a fair, respectful, and timely manner.

All individuals governed by this Policy have a personal responsibility to each other to take an active role in ensuring a safe and respectful workplace and upholding the principles of promoting a truly inclusive workplace where diversity and inclusion, in all forms, are valued and respected.

## Scope

This Policy applies to all individuals associated with the City including, but not limited to employees, volunteers, clients, contractors, consultants, and visitors. The Policy applies to all employees of the City and all activities that occur while at the workplace, including, but not limited to, on City premises, and while engaging in City business, activities, or social events which could be outside the City’s premises.

## Applicable Legislation

This Policy was developed further to the City’s obligations under the following legislation:

- PART III.0.1 of the Ontario’s Occupational Health and Safety Act (‘OHS’)
- Ontario Human Rights Code.

Under Ontario’s **Human Rights Code**, every person has a right to equal treatment in employment without discrimination and the right to be free from harassment in the workplace.

Workplace measures to prevent and address workplace harassment are also required by the **Occupational Health and Safety Act**.

## Our Commitment

The City is committed to:

- Promoting a culture of respect, dignity, and inclusion.
- Preventing all forms of discrimination, harassment, and violence, whether physical, verbal, or psychological.
- Providing education and awareness Programs to ensure all individuals understand their rights and responsibilities under this Policy.
- Promptly and impartially addressing all complaints of discrimination, harassment, or violence confidentially.
- Taking appropriate corrective action, up to and including termination or legal action, against individuals found to have violated this Policy.

## Definitions

To the extent definitions may not be identical to statutory definitions, they shall be interpreted and applied in accordance with applicable legislation, including the *Human Rights Code* and *Occupational Health and Safety Act*.

**Complainant(s):** A person(s) who files a formal pursuant to this Policy. This can also be a person(s) for which the City potentially considers a victim of harassment and violence in the workplace.

**Employee(s):** An individual in an employment relationship with the City. For the purposes of this Policy, “employee” includes all workers as defined by the Ontario *Occupational Health and Safety Act*.

**Formal Complaint:** A written complaint using the “Reporting Workplace Harassment & Violence Reporting Form” in Appendix A of this Policy which is submitted to the General Manager of Human Resources, or as otherwise directed in this Policy,

**Informal Complaint:** A fully voluntary, structured interaction between the Complainant and Respondent that is designed to help them address and resolve harassment or violence issues at the earliest stage possible without a full and/or formal investigation.

**Investigator:** An individual or a team responsible for conducting an impartial and thorough investigation into complaints or reports of workplace discrimination, harassment, or violence. This can be internal to the organization or a third party.

**Manager:** An Employee of the City who has direct reports and/or provides formal supervision to another employee(s), including Senior Management (i.e. General Managers).

**Prohibited Ground:** One of those listed in the *Ontario Human Rights Code*, as amended from time to time, including race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, and disability.

**Respondent:** The individual(s) against whom allegations of conduct that could constitute a violation of this Policy have been made.

**Supervisor:** An Employee of the City(s) who provides formal supervision to another employee(s) or team(s) of employees.

**Vexatious:** A term used to describe something that causes annoyance, frustration, or distress. If a situation, behavior, or person is referred to as vexatious, it means that it is causing trouble or irritation.

**Workplace:** Any place where business or work-related activities are conducted, including, but not limited to, the physical work premises, work-related social functions, work assignments outside the City's work premises, work-related travel, and work-related conferences or training sessions.

**Workplace Discrimination:** The differential treatment of an individual or group, such as the denial of an opportunity, based on one or more Prohibited Grounds. A person does not have to intend to discriminate for the behaviour to be deemed discriminatory. Regardless of the intent, such conduct is not acceptable and violates this Policy.

**Workplace Harassment:** Engaging in a course of vexatious comment or conduct against an Employee in a workplace that is known or ought reasonably to be known to be unwelcome, including on one or more Prohibited Ground. While harassment is usually based on an ongoing pattern of conduct, in some instances a single incident may be sufficiently serious to constitute harassment.

**Workplace Harassment and Violence Programs:** A comprehensive policy, procedures, and initiatives designed to create a safe and respectful work environment by addressing and preventing harassment and violence in the workplace.

**Workplace Sexual Harassment:** Includes any unwelcome conduct, comment, gesture, or contact of a sexual nature, whether on a one-time basis or a series of incidents that might reasonably be expected to cause offence or humiliation or that might reasonably be perceived as placing a condition of a sexual nature on employment, on an opportunity for training or promotion, or on the receipt of services or a contract. Sexual harassment means:

- engaging in a course of vexatious comment or conduct against an Employee 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 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 Employee and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

**Workplace Violence:** Workplace Violence means an action (oral, written, or physical) which causes, is intended to cause, is an attempt to cause, is capable of causing, or could reasonably be interpreted as a threat to cause death or bodily injury to oneself or by a person against an Employee in the Workplace or property damage.

## Roles and Responsibilities

### Employer

- Ensure all employees are aware of, and understand, this Policy and the expectations contained within.

- Ensure that all procedures in the harassment and violence prevention Programs are carried out.
- Ensure compliance by all who work with the organization.
- Ensure that training and education is provided for all employees.
- Ensure that there is proper reporting process for incidents of workplace discrimination, harassment, and violence.
- Ensure that all reports or threats of discrimination, harassment or violence are investigated in a fair, respectful, and timely manner, take corrective action as needed, and provide response measures.
- Promote and facilitate a culture of respect, dignity, and inclusion.
- Ensure that incidents of workplace violence are reported to the Joint Health and Safety Committee (JHSC) if an employee is disabled from performing their own work or receives medical attention as a result of an incident.

### **Employee**

- Act respectfully towards other individuals in the workplace and while participating in any work-related activity.
- Understand and comply with this Policy and all related procedures.
- Complete education and training Programs related to this Policy so that they can respond appropriately to any incident of workplace discrimination, harassment, or violence.
- Report any and all incidents of workplace discrimination, harassment, or violence.
- Ensure their own immediate physical safety in the event of workplace violence and then immediately report the incident.
- Notify emergency services, if an incident involves an assault or life-threatening situation so that site-specific emergency procedures can be actioned as the situation warrants.
- Co-operate with any efforts to investigate and resolve matters arising under this Policy.
- Inform Human Resources about their concerns regarding the potential for discrimination, harassment, or violence.

### **Management**

- Understand and comply with this Policy and all related procedures.
- Complete education and training Programs related to this Policy so that they can respond appropriately to any incident of workplace discrimination, harassment, or violence.
- Promote a working environment free of discrimination, harassment and violence.
- Strive to create a work environment in which employees feel comfortable reporting incidents and raising concerns or questions.
- Manage interpersonal conflicts within the team before they escalate.
- Report any and all incidents of workplace discrimination, harassment, or violence.

### **Human Resources**

- Develop a comprehensive harassment and violence prevention Policy and Program in accordance with the applicable laws and regulations by which the City is governed. Ensure that the Policy is communicated effectively to all Employees.

- Implement regular training Programs for employees and managers on discrimination, harassment, and violence prevention. Conduct awareness campaigns to educate employees about their rights and responsibilities under this Policy.
- Develop clear and accessible procedures for reporting incidents of workplace discrimination, harassment, or violence.
- As the designated recipient of complaints of workplace discrimination, harassment, or violence, the General Manager of Human Resources will ensure that all complaints are investigated in a fair, respectful, and timely manner, take corrective action as needed, and provide appropriate response measures.
- Offer support services and resources for victims of workplace discrimination, harassment, or violence.
- Promote a positive workplace culture that values respect, inclusivity, and diversity and encourage leadership to set an example by promoting respectful behaviour and addressing inappropriate conduct promptly.
- Periodically review and update this Policy to align with legislated requirements and address emerging issues.
- Maintain thorough and accurate records related to discrimination, harassment, and violence prevention, including training sessions, investigations, and resolutions.

### **Joint Health and Safety Committee**

- Provide consultation when developing the workplace violence and harassment Policy and Programs.
- Provide input and feedback with respect to the implementation and maintenance of this Policy and related processes and procedures.
- Participate in the investigation as deemed necessary if there is a report of a refusal to work where the employee has reason to believe that workplace violence is likely to endanger them.
- Assess the vulnerabilities and risks of workplace violence while carrying out their regular functions, such as workplace inspections.
- Act and investigate as deemed necessary if notified about a death, disability or critical injury that has occurred due to workplace violence.

### **Unions**

- Provide confidential consultation to employees if they approach union representatives with their complaints or concerns.
- Provide representation to the complainant, respondent and witnesses if requested by the employees who are part of the bargaining unit.
- Properly report any concerns or issues for which they are aware of direct or indirect potential Workplace Harassment & Violence in the workplace.
- Participate in and encourage their members to participate in regular training Programs for employees on discrimination, harassment, and violence prevention.
- Work collaboratively with management to promote a positive workplace culture at the City that values respect, inclusivity, and diversity.

## **Reporting Procedures**

### **Step One – Assess Urgency and Self-Advocate, if appropriate**

- **Assess Urgency:** If the incident is urgent and serious in nature, where appropriate, notify authorities such as the police or 911 and ensure you are in a safe space, and then immediately notify a Manager and the General Manager of Human Resources (**proceed to Step Two**).
- **Self-Advocate:** Where Employees feel confident or comfortable doing so, tell the offending individual in clear terms that their behaviour is unwelcome and ask them to stop.
- **Exception:** The City recognizes that sometimes an individual may not feel confident or comfortable confronting the offending individual or doing so simply does not achieve the desired results. In that case, make a written record of the date, time, details of the conduct, and witnesses, if any, and proceed to Step Two.

### **Step Two – Notify Human Resources**

If you experience, witness, or become aware of discrimination, harassment, or violence, and **Step One** is not appropriate or does not resolve the situation, then the individual has an obligation to report the incident to the General Manager of Human Resources as soon as possible so they can provide support and assistance to resolve the situation.

Managers/Supervisors who receive a complaint or become aware of a potential violation of this Policy are required to immediately notify the General Manager of Human Resources, so they can provide appropriate support and guidance.

Formal Complaints<sup>1</sup> shall be filed within a reasonable period following the occurrence of the alleged incident(s). A complaint under these procedures shall be made as soon as possible after the alleged incident occurred and no later than one year after the last incident occurred unless there are valid reasons why it was not brought forward sooner. Where failure to make a complaint in a timely fashion (no later than one year) affects the ability of the City to conduct a full and complete investigation, the City may decline to investigate the complaint.

### **Exceptions:**

- If the General Manager of Human Resources is the person accused of engaging in inappropriate behaviour, report the incident to the Chief Administrative Officer (CAO).
- If the alleged inappropriate behaviour is against the CAO, submit a sealed written complaint, using the “Reporting Workplace Harassment & Violence Reporting Form” in Appendix A of this Policy, to the Mayor and City Council, who will refer the complaint to an independent third-party investigator. The complaint will not be reviewed by the Mayor or City Council, except if required to do so at the Investigator’s direction.
- If the alleged inappropriate behaviour is against the Mayor or a Member(s) of the City Council, submit a sealed written complaint, using the “Reporting Workplace Harassment & Violence Reporting Form” in Appendix A of this Policy, to the General Manager of Human Resources or CAO, who will refer the complaint to the Integrity Commissioner in accordance with the *Code of Conduct for Members of Council and Local Boards*.

### **Step Three – Determine Complaint Type**

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<sup>1</sup>Formal complaints should be raised by completing the “Reporting Workplace Harassment & Violence Reporting Form” in Appendix A

- **Informal Complaint** – Once you notify the General Manager of Human Resources, under [Step Two](#), in appropriate circumstances, you may wish to have the matter treated as an informal complaint. In that case, the General Manager of Human Resources or a third party of their choice, will attempt to resolve the situation in an informal context. Where an informal complaint process would not be appropriate or proves to be ineffective, in the City's discretion, then a formal complaint would be initiated.
- **Formal Complaint** - To file a formal complaint, prepare a written complaint using the "Reporting Workplace Harassment & Violence Reporting Form" in Appendix A of this Policy and submit it to the General Manager of Human Resources. Please keep a copy of the form for your reference. Upon receipt of this documented complaint, the General Manager of Human Resources will initiate an investigation.

## Investigation Procedures

### Commitment to Investigate

When a complaint (Informal or Formal) is received, the City will take appropriate steps to investigate and resolve the complaint. What is appropriate in each situation will depend on the nature of the complaint and other relevant circumstances. All complaints will be handled in as confidential and timely a manner as possible, consistent with the City of Cornwall's obligations to conduct a thorough investigation. In appropriate situations, the City may involve external legal counsel and/or investigators.

### Timing of the Investigation

The investigation will be completed in a timely manner and generally within 60 days or less of receipt of the complaint, unless there are extenuating circumstances warranting a longer investigation as determined by the investigator.

### Investigation Process

In most cases, the investigator will interview, separately, both the Complainant and the Respondent. The Complainant and the Respondent will be kept informed about the status of the investigation. The investigator may also interview additional individuals who may be able to provide relevant information.

The circumstances of the complaint and investigation will be documented in detail, including responses of the Respondent and witnesses. Upon receiving consent from parties involved, investigation meetings will be recorded. These recordings will only be used for the purpose of the investigation and will be kept confidential.

Following the investigation, the Investigator may make a finding of:

- sufficient evidence to support a finding of violation of this Policy;
- insufficient evidence to support a finding of violation of this Policy; or
- no violation of this Policy.

Where warranted, the City will promptly take appropriate corrective measures including but not limited to training, counselling, verbal/written warning, suspension, or dismissal. In appropriate circumstances, the City may initiate legal action.

Where a complaint is not substantiated, as long as the complaint was made in good faith, there

will be no repercussions against the complainant. However, if a complainant falsely accuses someone of violating this Policy, knowingly or in a malicious or retaliatory manner, that false accusation constitutes a breach of this Policy, and the City may impose disciplinary action, up to and including dismissal.

Once the investigation is complete, both the Complainant and the Respondent will be advised in writing that the investigation has concluded and will be provided with a copy of the results of the investigation.

## **Confidentiality**

Information about complaints and incidents shall be kept confidential to the extent possible and will be shared only on a strictly “need to know basis”. Information obtained about an incident or complaint of workplace discrimination, harassment, or violence, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect employees, to investigate the complaint or incident, to take corrective action, or otherwise as required by law.

While the investigation is ongoing and after it has been concluded, the Complainant, the Respondent, and any witnesses have an obligation not to discuss or share the incident, complaint, or investigation with one another or with other employees, unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary, and only to those who need to know. Unwarranted breaches of confidentiality may result in corrective and/or disciplinary action up to and including dismissal.

## **Record Keeping**

The documents corresponding to any investigation will be kept on file in a secure location, separate from the employee’s personnel file. Records of any remedial action taken will be placed in the appropriate employee’s personnel file in accordance with the applicable Collective Agreement, or two years for non-unionized employees.

The City will keep records of the investigation, including:

- A copy of the complaint or details about the incident;
- A record of the investigation including any notes, recordings, and transcripts of recorded interviews;
- A copy of the investigation report (if any);
- A summary of the results of the investigation that was provided to the Complainant and the Respondent;
- A copy of any corrective action taken to address the complaint or incident of workplace harassment, discrimination, or workplace violence.

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

## **Consequences**

Violations of this Policy may be subject to disciplinary action, up to and including immediate termination for or without cause. The City reserves the right to put the respondent on leave or change their duties pending the resolution of the complaint or outcome of the investigation.

Additionally, the City may impose discipline, up to and including immediate termination for or without cause, on the following individuals in the following circumstances:

- a) On supervisors and managers who were aware or made aware of workplace discrimination, harassment, or violence and failed to act in accordance with this Policy and/or permitted it to take place;
- b) On employees who have made a false accusation of workplace discrimination, harassment, or violence, knowingly or in a malicious manner.

The City reserves the right to take corrective action in the absence of a specific complaint, or where a complaint is initiated by a person other than the alleged victim.

## **Prohibition of Retaliation**

The City will not tolerate reprisals or retaliatory measures against any employee who in good faith raises a complaint of workplace discrimination, harassment, or violence within the meaning of this Policy. Disciplinary action may be taken against any person who takes any reprisal against a person who reports workplace harassment, discrimination, or violence.

Retaliation is when someone penalizes or treats another person in a negative manner for any of the following reasons:

- Reporting what they believe in good faith to be discrimination, harassment, violence and/or a violation of this Policy;
- Expressing an intent to report what they believe in good faith to be discrimination, harassment, violence and/or a violation of this Policy;
- Assisting another employee to report discrimination, harassment, violence and/or a violation of this Policy; or
- Participating in any investigation under this Policy.

## **Training**

The City requires all employees, within three (3) months of their date of hire or of this Policy coming into effect, to undergo training on workplace discrimination, harassment, and violence prevention with respect to specific rights and/or obligations arising from the *Human Rights Code* and/or the *Occupational Health and Safety Act*.

The City will further provide employees with information and instruction regarding workplace harassment, workplace violence and discrimination and the contents of this Policy at least once every year or as often as necessary.

## **Complaints Involving Clients, Visitors or Members of the Public**

This Policy equally applies to discrimination, workplace harassment, and workplace violence that may be perpetrated by and against people who are not employees of the City, including but not limited to, contractors, suppliers, clients, visitors, or other members of the public.

If an allegation of discrimination, workplace harassment or workplace violence is made against a non-employee, the General Manager of Human Resources shall contact the person or the authorized representatives and inform them of the allegations and take appropriate action to ensure that the employees are not subjected to further discrimination, harassment, or violence.

Where a party other than an employee of the City has been asked to stop harassing an employee or engaging in workplace violence and does not, the City's employees are authorized to tell such individual that their behaviour is inappropriate, politely decline service, or ask the individual to leave the premises. Employees must notify their manager if such a situation arises.

If a third party is found to have violated this Policy, the City has a duty to take reasonable steps to protect the safety, security, and dignity of individuals affected by those actions and to resolve the situation. Remedies for these types of situations will depend on the circumstances of the complaint, but may include one or more of the following actions:

- Removing contractors, consultants, or other employees who participate in discrimination and harassment from the premises, and/or terminating their contracts;
- Barring the person from the City's facilities;
- Refusing service to the person;
- Taking legal action against the person; and/or
- In appropriate circumstances, the City may modify schedules or other working arrangements to avoid the Complainant coming into contact with the person.

## Policy Review Process

The City is committed to continuing to enhance its respectful workplace policies, practices, and procedures. This Policy will be reviewed as often as necessary, but at least annually, to ensure it remains current and is appropriately implemented. Employees and their representatives are encouraged to provide input and feedback to Human Resources.

## Policy Revisions and Updates

Original Policy	Xxxx,20xx,
Policy updated, modernized and Approved	Xxxx,2024,

Upon the effective date of this Policy, all prior versions of the Policy are hereby repealed and rendered null and void.

## Related Policies:

- Code of Conduct for Members of Council and Local Boards
- Health and Safety Policy
- xxx

# Appendix “A” - Workplace Harassment and Violence Reporting Form

*The purpose of this report is to officially report an incident(s) under the Workplace Harassment and Violence Policy .*

*Please complete this form and forward it in a sealed envelope marked PRIVATE AND CONFIDENTIAL to the General Manager of Human Resources, or as directed in this Policy.*

**Please provide the details of the alleged incident(s) below:**

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Location:  
\_\_\_\_\_

Complainant Name and Contact Information, including department and work location:  
\_\_\_\_\_

Respondent Name and Contact Information (if known):  
\_\_\_\_\_

Relationship:     Co-worker     Client     Member of the Public

Other: \_\_\_\_\_

Name of Witnesses and/or those providing assistance:  
\_\_\_\_\_

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Details of the complaint of workplace discrimination, harassment or violence  
Please describe in as much detail as possible the incident(s), including:

- the names of the parties involved;
- any witnesses to the incident(s);
- the location, date and time of the incident(s);
- details about the incident(s) (behaviour and/or words used);
- any additional details.

(Attach additional pages if required)

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Individual's Explanation of Events:

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What impact has this conduct had on you (if any)?

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What steps, if any, did you take to immediately make it clear to the offender that their behaviour was unwelcome and offensive?

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Recommendations (if any) / Remedy sought:

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*Please attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, etc. as part of this complaint. If you are not able to attach documents and that are relevant to your complaint, please list the documents below. If someone else has relevant documents, please note them below as well.*

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Reported by (please print):

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Signature of Employee:

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Report received by:

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Date of Report:

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*The City of Cornwall takes every complaint of discrimination, harassment, or violence very seriously. A person making a complaint is encouraged to provide as much information and detail as they can to assist the City in handling the complaint.*

*Please note that a deliberately false or malicious complaint is considered to be a serious matter and will be subject to disciplinary action up to and including immediate dismissal for just cause.*