

Discrimination, Harassment and Violence in the Workplace Policy & Program

Department:	Human Resources	Bylaw #:	
Effective Date:		Version:	March 28, 2025
Approved by:	Counties Council	Approval Date:	
Legislative Authorities:	<i>Human Rights Code</i> , R.S.O. 1990 (Ontario), <i>Occupational Health and Safety Act</i> , R.S.O. 1990 and any other applicable legislation and internal Counties policies.		

Policy Statement

The United Counties of Leeds & Grenville (the “Counties”) is committed to providing a workplace in which all workers are treated with respect and dignity. Discrimination, harassment and/or violence will not be tolerated from any person in the workplace.

Purpose

This Policy and Program applies to all workers including all employees (full-time, part-time, temporary, casual and on fixed-term contracts), volunteers, co-op students, interns and apprentices. It also addresses instances of discrimination, harassment and/or violence in the workplace perpetrated against workers by non-worker third parties, including contractors, guests, visitors and Members of Council.

Definitions

Complainant: a worker who has brought forward or filed a complaint under this Policy and Program.

Discrimination: any form of unequal treatment based on a protected ground. The unequal treatment can be direct or indirect, intentional or unintentional, but in all cases has the effect of disadvantaging an individual or group.

Protected ground: a certain personal characteristic identified in the *Human Rights Code* (“Code”). These are: 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, and include the perception of any of these personal characteristics.

Reporting Discrimination, Harassment and Violence in the Workplace Policy & Program



Definitions (continued)

Respondent: a worker against whom allegations under this Policy and Program are made.

Worker: all employees (full-time, part-time, temporary, casual and on fixed-term contracts), volunteers, co-op students, interns and apprentices.

Workplace: any place at which work is performed for, or on behalf of, the Counties. This includes the physical workspaces of the Counties, virtual workspaces, and locations being used by the Counties or its employees for work-related purposes (conferences, work parties, etc.), as well as electronic/social media platforms. A workplace may exist both during and outside of regular work times.

Workplace harassment: (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 unwelcome; or (b) workplace sexual harassment. Reasonable action taken by the Counties/management relating to the management and direction of workers or the workplace is not workplace harassment.

Workplace sexual harassment: (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; and/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 reasonably to know that the solicitation or advance is unwelcome.

Workplace Violence: (a) the exercise of physical force by a person against a worker in a workplace that 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; and/or (c) a statement or behaviour 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.

For the purpose of this Policy and Program, discrimination, workplace harassment, workplace sexual harassment, and workplace violence shall be referred to collectively as "discrimination, harassment and/or violence".

Scope

This policy applies to all employees of the United Counties of Leeds and Grenville.

1. Reporting Discrimination, Harassment and/or Violence

Ideally, a worker who feels that they have been subject to discrimination, harassment and/or violence should make their concern known to the person responsible for the alleged behaviour. The worker should inform the person that their behaviour is unwelcome or offensive and must stop.

The Counties encourages its workers to be active allies if they observe a colleague being subjected to discrimination, harassment and/or violence. Bystander intervention may involve stepping in to diffuse harassment or inappropriate behavior, speaking out against more subtle behaviors like implicit bias, or offering support. Any steps taken must always maintain physical safety as a priority.

A worker may also wish to seek support and assistance from the Joint Health & Safety Committee, the Counties' employee assistance program, and the Union (if applicable).

A worker will not be penalized for reporting an incident or participating in a workplace harassment investigation.

2. Content of Report

Workers, whether the subject of the behaviour or a bystander who witnessed it, can report incidents or complaints of discrimination, harassment and/or violence verbally or in writing. The report of the incident should include the following information:

- i. Name(s) of the worker who has allegedly experienced the discrimination, harassment and/or violence, and contact information
- ii. Name of the alleged respondent(s), position and contact information (if known)
- iii. Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
- iv. Details of what happened including date(s), frequency and location(s) of the alleged incident(s)
 - a. Any supporting documents the complainant may have in their possession that are relevant to the complaint.
 - b. List any documents a witness, another person or the alleged respondent may have in their possession that are relevant to the complaint.

An incident or a complaint of discrimination, harassment and/or violence in the workplace should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

3. To Whom to Report

A worker should report an incident or complaint of discrimination, harassment and/or violence in the workplace to the first level of management that is not the person engaging in the discrimination, harassment and/or violence in the workplace.

More specifically, a worker should report an incident or complaint of discrimination, harassment and/or violence in the workplace to their direct Supervisor. If the Supervisor is the person engaging in the discrimination, harassment and/or violence in the workplace, then the report should be made to the Manager/Department Head. If the Manager/Department Head is the person engaging in the discrimination, harassment and/or violence in the workplace, then the report should be made to the Director/Division Head. If the Director/Division Head is the person engaging in the discrimination, harassment and/or violence in the workplace, then the report should be made to the Chief Administrative Officer ("CAO"). If the CAO is the person engaging in the discrimination, harassment and/or violence in the workplace, then the report should be made to the Warden.

The person receiving the report is required to notify Human Resources.

All incidents or complaints of discrimination, harassment and/or violence in the workplace will be kept confidential except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise may be required by law.

4. Mediation

The complainant and respondent may be offered the option of mediation, at any time and if the Counties deems it appropriate.

Both parties must agree to mediation. The mediation may be conducted by someone internal to the Counties or the Counties may retain an external mediator/investigator.

A successful mediation constitutes an investigation appropriate in the circumstances in accordance with provision 32.0.7(1)(a) of the *OHSA*.

5. Investigation

Commitment to Investigate. The Counties will ensure that an investigation appropriate in the circumstances is conducted when the Counties becomes aware of, or receives a complaint of, discrimination, harassment and/or violence in the workplace.

This commitment to investigate pertains even to situations in which the complainant withdraws the complaint, or the complainant and/or respondent are no longer workers of the Counties, depending on the evidence that has emerged and the severity of the incident or complaint.

Who will investigate. The Human Resources Manager, or their designate, in coordination with the Director of Corporate Services and/or the CAO where applicable will determine who will conduct the investigation into the incident or complaint of discrimination, harassment and/or violence in the workplace. The Human Resources Manager may determine to engage an external third party to complete the investigation.

6. Interim Measures

The Counties may implement interim measures to separate parties in the workplace pending the results of the investigation. Such interim measures could include altered work locations, modified hours of work, a requirement work from home, changes to reporting structures or communication channels, or placing an individual on a non-punitive paid leave of absence.

7. Investigation Process

The person conducting the investigation, whether internal or external, will, at minimum, ensure the following:

- i. The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
- ii. The investigator must interview the worker who allegedly experienced the discrimination, harassment and/or violence and the respondent if the alleged respondent is a worker of the Counties. If the respondent is not a worker, the investigator should make reasonable efforts to interview the respondent.
- iii. The respondent must be given the opportunity to respond to the specific allegations raised by the worker. In some circumstances, the worker who allegedly experienced the discrimination, harassment and/or violence in the workplace should be given a reasonable opportunity to reply.
- iv. The investigator must interview any relevant witnesses employed by the Counties who may be identified by either the worker who allegedly experienced the discrimination, harassment and/or violence in the workplace, the respondent(s) or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the Counties if there are any identified.

Reporting Discrimination, Harassment and Violence in the Workplace Policy & Program



Investigation Process (continued)

- v. Workers participating in an investigation under this Policy and Program are entitled to be accompanied at any interviews by a support person or a union representative, if applicable. Neither the support person nor the union representative can be a complainant, respondent or witness themselves. The role of the support person or union representative is to support the worker. They are not to answer questions for the worker or interfere with the investigation in any way. The investigator reserves the right to exclude a particular support person or particular union representative in the event of inappropriate behaviour, and ask that the worker invite another individual to take their place.
- vi. The investigator must collect and review any relevant documents.
- vii. The investigator must take appropriate notes and statements during interviews with the worker who allegedly experienced discrimination, harassment and/or violence, the respondent and any witnesses.
- viii. The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker who allegedly experienced the discrimination, harassment and/or violence, the response from the respondent, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether discrimination, harassment and/or violence was found or not.

8. Results of the Investigation

The worker who allegedly experienced the discrimination, harassment and/or violence and the respondent, and the respondent if they are a worker of the Counties, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the Counties to address the discrimination, harassment and/or violence.

If found to have engaged in discrimination, harassment and/or violence, the respondent may be subject to discipline, up to and including termination of employment for cause.

Any worker found to have made a complaint in bad faith, with malicious intent, or in abuse of this Policy and Program, may be subject to discipline, up to and including dismissal from employment for cause. Unfounded allegations made in good faith will not be subject to discipline.

Should the decision be made to issue a worker a warning, a suspension, or a dismissal, the Department Head must discuss with the Divisional Director the content of the letter informing the worker of the corrective action. In the case of dismissal, the Director will discuss with the CAO. The content of the letter shall align with the requirements in the Counties' H-2: Discipline and Dismissal Policy.

Reporting Discrimination, Harassment and Violence in the Workplace Policy & Program



Results of the Investigation (continued)

The process for deciding and implementing the type of discipline shall be conducted in accordance with the Counties' H-2: Discipline and Dismissal Policy. Timelines within the Discipline and Dismissal Policy may necessarily be extended to accommodate the investigation process.

The investigation is conducted by an independent party, whether internal or external, to ensure an unbiased process and objective findings. For this reason, neither the process nor the findings are subject to appeal.

- i. Unionized employees who were respondents and who received discipline as a result of the findings of an investigation may appeal the discipline received through the relevant and established grievance mechanism.
- ii. Non-unionized employees who were respondents and who received discipline as a result of the findings of an investigation may similarly appeal the discipline received, to the Divisional Director or, in the case of termination of employment, to the CAO. Any such appeal must be in writing, must outline the reasons why the employee believes that the discipline received was inappropriate, and must be received by the Divisional Director or the CAO within ten working days of the employee being advised of the findings of the investigation and resulting discipline.

The Divisional Director or the CAO will review the employee's appeal and endeavor to issue a decision within a further ten working days. The Divisional Director or the CAO may require additional information from the employee and/or others, which may necessitate additional time in which to complete their review; the employee will be kept apprised where an extension of timelines is required. The Divisional Director or the CAO will issue a written decision, with reasons, that either dismisses the appeal and confirms the discipline or allows the appeal and modifies or rescinds the discipline. The decision of the Divisional Director or the CAO is final. The discipline will proceed to take effect while any appeal is underway, and if rescinded/modified, reparations will be made as applicable.

9. Confidentiality

Information about complaints and incidents shall be kept confidential by the Counties to the extent possible. Information obtained about an incident or complaint of discrimination, harassment and/or violence, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

Confidentiality (continued)

While the investigation is ongoing, the worker who has allegedly experienced discrimination, harassment and/or violence, the respondent(s) and any witnesses should not discuss the incident or complaint or the investigation with each other or other workers or witnesses. The only exception to this is where disclosure is necessary for the purpose of receiving personal health care or legal advice, or as may be required by law. Any worker who does not maintain the confidentiality of the investigation may be subject to discipline, up to and including termination of employment for cause.

For these same reasons, the worker who has allegedly experienced discrimination, harassment and/or violence, the respondent(s) and any witnesses should not record (by cellphone or any electronic device) any meetings with the Counties about the incident(s) or any interviews with the investigator. Any worker who records any such meeting and/or interview may be subject to discipline, up to and including termination of employment for cause.

10. No Retaliation/Reprisal

Neither the Counties nor any of its workers will (a) terminate or threaten to terminate the employment of a worker; (b) discipline or threaten to discipline a worker; (c) impose any penalty upon a worker; or (d) intimidate or coerce a worker, because the worker has raised concerns about or filed a report alleging discrimination, harassment and/or violence in the workplace or participated in an investigation regarding discrimination, harassment and/or violence in the workplace. Disciplinary action up to and including dismissal may be imposed against a worker found to have engaged in retaliation/reprisal.

11. Recordkeeping

Human Resources will maintain records of the investigation including:

- i. a copy of the complaint or details about the incident;
- ii. a record of the investigation including notes;
- iii. a copy of the investigation report (if any);
- iv. a summary of the results of the investigation that was provided to the worker who allegedly experienced the discrimination, harassment and/or violence and the respondent, if a worker of the Counties;
- v. a copy of any corrective action taken to address the complaint or incident of discrimination, harassment and/or violence.

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

Records will be maintained for a minimum of seven years.

12. Roles and Responsibilities.

The Counties and its workers have a shared obligation to ensure a workplace that is free from discrimination, harassment and/or violence.

The role of the Counties is to:

- Prepare and maintain a written Policy and Program with respect to discrimination, harassment and violence and review the Policy and Program as often as is necessary, but at least annually.
- Post a copy of the Policy and Program at a conspicuous location in the workplace.
- Assess the risks of workplace violence that may arise in the workplace and reassess as often as is necessary to ensure that this Policy and Program continues to protect workers from workplace violence. The assessment will take into account circumstances that would be common to similar workplaces, circumstances specific to the workplace, and possible mitigation of risk that the Counties can provide.
- If notified of risks of workplace violence, take all reasonable precautions in the circumstances to control the risks that are likely to expose a worker to physical injury. This could include but is not limited to: separating workers; removing an individual from the workplace; creating a safety plan and contacting the police; establishing enhanced security measures; screening calls and blocking certain email addresses; and/or setting up priority parking.
- Provide information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if the worker can be expected to encounter that person in the course of their work and the risk of workplace violence is likely to expose the worker to physical injury. The Counties will not disclose more personal information than is reasonably necessary in the circumstances to protect a worker from physical injury.
- Ensure an investigation is conducted into incidents and complaints of discrimination, harassment and/or violence that is appropriate in the circumstances.

The role of Management (i.e. Supervisors/Managers/Department Heads/Division Heads/CAO) is to:

- Take all reasonable measures to prevent discrimination, harassment and violence and provide a workplace that is free from discrimination, harassment and violence.
- Ensure that all workers are aware of the contents of this Policy and Program;

Reporting Discrimination, Harassment and Violence in the Workplace Policy & Program



Roles and Responsibilities (continued)

The role of Management (i.e. Supervisors/Managers/Department Heads/Division Heads/CAO) is to (continued):

- Immediately report to Human Resources any direct or implied threats of violence made to any employee or any behaviours that may have the potential to lead to workplace violence and any action taken.
- Immediately report to Human Resources any observed or reasonably suspected discrimination or harassment.

The role of workers is to:

- Refrain from engaging in discrimination, harassment and violence.
- Report any concerns about, and incidents of, discrimination, harassment and/or violence and potential breaches of this Policy and Program in a timely and effective manner, and in accordance with this Policy.
- Fully cooperate in any investigations under this Policy and Program.
- Any worker who witnesses or experiences workplace violence, or who feels in imminent danger, shall:
 - ensure they are in a safe location which may include leaving the workplace;
 - if, in their opinion, the situation warrants, contact the police by dialing 911; and
 - follow the reporting procedures herein.

The role of the Union (if applicable) is to:

- Provide support to its members; and
- Share joint responsibility with the United Counties to ensure that the workplace is free from discrimination, harassment and/or violence.

Inquires

Questions, concerns or suggestions may be directed to Human Resources, the Departmental Manager or Supervisor.

Review and Approval

This policy is approved by Council, and to be reviewed by the Directors and CAO annually or as required. Legislation requires annual review and sign off by the highest level of management in the workplace; the CAO will ensure the annual review requirement is fulfilled.

Annual Review Date

Chief Administrative Officer