

# The Corporation of the Township of Huron-Kinloss



## BY-LAW No.

**2025 - 30**

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Being a By-Law to Amend By-law No. 2017-34; Being the Workplace Harassment and Violence Policy for the Township of Huron-Kinloss

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**WHEREAS** Section 8(1) and 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provide that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues and has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under this or any other Act;

**AND WHEREAS** this policy is adopted in accordance with the *Human Rights Code*, R.S.O. 1990 C.H. 19, Section 5, *Occupational Health & Safety Act*, R.S.W. 1990 Part III.0.1, and the *Sexual Violence and Harassment Action Plan Act*, 2015;

AND WHEREAS the Council for the Corporation of the Township of Huron-Kinloss passed By-law No. 2017-34 to adopt a Workplace Harassment and Violence Policy and it is now deemed necessary to amend the policy as per Report CAO-2025-05;

**NOW THEREFORE** the Council of The Corporation of the Township of Huron-Kinloss **ENACTS** as follows;

1. That The Corporation of the Township of Huron-Kinloss Council hereby repeals Schedule "A" of By-law No. 2017-34 and adopts a revised Workplace Harassment and Violence Policy as contained in the attached Schedule "A" to this By-law.
2. That this By-law shall come into force and effect upon its final passage.
3. That this By-law may be cited as the "Workplace Harassment and Violence Policy Amendment By-law".

**READ a FIRST and SECOND TIME** this 17<sup>th</sup> day of March, 2025.

**READ a THIRD TIME and FINALLY PASSED** this 17<sup>th</sup> day of March, 2025.

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Mayor

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Clerk



## The Corporation of the Township of Huron-Kinloss

### Policy & Procedures

Section: 3.0 Human Resources

Policy: Workplace Harassment and Violence Policy

By-Law: 2017-34, 2025-30

Date: 7 January 2007 Revision: June 21, 2010, August 15, 2016, and March 20, 2017; March 3, 2025

#### Coverage:

This policy shall apply to all employees and Council Members of the Township of Huron-Kinloss.

It applies in any location in which an employee or Council Member is engaged in work-related activities. This includes, but is not limited to:

- The workplace,
- During travel,
- During meetings, seminars, conferences, conventions, etc.,
- In company owned or leased facilities,
- Virtually through the use of information and communications technology.

#### Policy Statement:

The Township of Huron-Kinloss is committed to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization. It is the Township's goal to provide a healthy, safe work environment that is free of any form of violence or harassment.

This policy also applies to situations in which you are harassed or subjected to violence in the workplace from individuals who are not employees of the organization, such as customers and suppliers, although the available remedies may be constrained by the situation.


Workers are encouraged to report any known incidents of workplace harassment to the appropriate person (Supervisor, Senior Manager, or Chief Administrative Officer).

#### Legislative Authority:

Human Rights Code, R.S.O. 1990 C.H. 19, Section 5

*Occupational Health & Safety Act, R.S.W. 1990 Part III.0.1*

*Sexual Violence and Harassment Action Plan Act, 2015*



## Contents:

### Definitions:

#### **1. Discrimination**

Workplace discrimination includes any distinction, exclusion or preference based on the protected grounds in the Ontario Human Rights Legislation, which nullifies or impairs equality of opportunity in employment, or equality in the terms and conditions of employment.

The protected grounds of discrimination are:

- race, colour, ancestry, citizenship, ethnic origin or place of origin
- creed, religion
- age
- sexual orientation
- family, marital or same-sex partnership status
- disability or perceived disability
- a record of offences for which a pardon has been granted under the *Criminal Records Act* (Canada) and has not been revoked, or an offence in respect of any provincial enactment.

#### **2. Sexual Harassment**

Sexual harassment includes conduct or comments of a sexual nature that the recipient does not welcome or that offend them. It also includes negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are directed at an individual because of their gender. Persons of all genders may be victims of harassment, and someone of the same or of different sex can harass someone else.

Some examples of sexual harassment are:

- sexual advances or demands that the recipient does not welcome or want;
- threats, punishment or denial of a benefit for refusing a sexual advance;
- offering a benefit in exchange for a sexual favour;
- leering;
- displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic web sites or other electronic material;
- distributing sexually explicit e-mail messages or attachments such as pictures or video files;
- sexually suggestive or obscene comments or gestures;

- unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, clothing or sex;
- persistent, unwanted attention after a consensual relationship ends;
- physical contact of a sexual nature, such as touching or caressing; and sexual assault.

### **3. 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 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.

### **4. Discriminatory Harassment**

Discriminatory harassment includes comments or conduct based on the protected grounds in the Ontario Human Rights Legislation, which the recipient does not welcome or that offends him or her.

Some examples of discriminatory harassment are:

- offensive comments, jokes or behaviour that disparage or ridicule a person's membership in one of the protected grounds, such as race, religion or sexual orientation;
- imitating a person's accent, speech or mannerisms;
- persistent or inappropriate questions about whether a person is pregnant, has children or plans to have children; or
- inappropriate comments or jokes about an individual's age, sexual orientation, personal appearance or weight (whether they are under or overweight).

### **Poisoned Work Environment**

Even if no one is being directly targeted, harassing comments or conduct can poison the work environment, making it a hostile or uncomfortable place in which to work. This is also a form of harassment. Some examples of actions that can create a poisoned work environment include:

- displaying offensive or sexual materials such as posters, pictures, calendars, web sites or screen savers;
- distributing offensive e-mail messages, or attachments such as pictures or video files;
- practical jokes that embarrass or insult someone; or
- jokes or insults that are offensive, racist or discriminatory in nature.

## 5. Workplace Harassment and Bullying

Workplace harassment is a health and safety issue that is covered under the *Occupation Health and Safety Act*. The *Occupational Health and Safety Act* and the *Sexual Violence and Harassment Action Plan Act*, and it is defined as:

- (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.

Workplace harassment may have some or all of the following components:

- it is generally repetitive, although a single serious incidence of such behaviour may constitute psychological harassment if it undermines the recipient's psychological or physical integrity and has a lasting harmful effect;
- it is hostile, abusive or inappropriate;
- it affects the person's dignity or psychological integrity; and
- it results in a poisoned work environment.

In addition, behaviour that intimidates, isolates, or discriminates against the recipient may also be included.

Workplace harassment should not be confused with legitimate management actions, including measures to correct performance deficiencies or to imposing discipline for workplace infractions.

Some examples of workplace harassment are:

- verbally abusive behaviour such as yelling, insults and name calling including remarks, jokes or innuendos that demean, ridicule, intimidate or offend;
- workplace pranks, vandalism, bullying and hazing;
- gossiping or spreading malicious rumours;
- excluding or ignoring someone, including persistent exclusion of a particular person from workplace-related social gatherings;
- undermining someone else's efforts by setting impossible goals, with short deadlines and deliberately withholding information that would enable a

- person to do their job;
- providing only demeaning or trivial tasks in place of normal job duties;
- humiliating someone;
- sabotaging someone else's work;
- displaying or circulating offensive pictures or materials;
- offensive or intimidating phone calls, virtual meetings, instant messaging or e-mails;
- impeding an individual's efforts at promotions or transfers for reasons that are not legitimate; and
- making false allegations about someone in memos or other work related documents.

### **The Test of Harassment**

It does not matter whether the harasser intended to offend the recipient. The test is whether the harasser knew or should have known that the comments or conduct were unwelcome.

Although it is commonly the case, the harasser does not necessarily have to have power or authority over the victim.

## **6. Workplace and Domestic Violence**

Workplace and domestic violence that may occur in the workplace are health and safety issues, which are covered under the *Occupational Health and Safety Act*.

Workplace violence is defined under the *Occupational Health and Safety Act* as:

- 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 it 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.

Some examples of workplace violence are:

- physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, throwing objects;
- verbal or written threats to physically attack a worker;
- leaving threatening notes or sending threatening e-mails/direct messages;
- using or threatening to use a weapon;
- stalking someone; and

- physically aggressive behaviours including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, throwing an object at someone, physically restraining someone or any other form of physical or sexual assault.

Violence that occurs outside the normal workplace but which has an impact on the working environment, including working relationships, may also be considered violence in the workplace.

### **Domestic Violence**

If you are experiencing domestic violence that would likely expose you, or other workers, to physical injury that may occur in the workplace, we will take every precaution reasonable to protect you and your co-workers in the circumstances.

We appreciate the sensitivity of these issues and will do our best to assist you as discreetly as possible while maintaining your privacy.

### **Preventing Harassment and Violence**

It is our mutual responsibility to ensure that we create and maintain a workplace free of harassment and violence and address violence and/or the threat of violence from all possible sources (including customers, clients, employers, supervisors, workers, strangers and domestic/intimate partners).

The Township of Huron-Kinloss will do its part by not tolerating or condoning discrimination, harassment or violence in the workplace. This includes making everyone in the firm aware of what behaviour is and is not appropriate, assessing the risk of workplace violence, investigating complaints and imposing suitable corrective measures.

Senior Managers and supervisors are expected to assist in creating a workplace that is free of harassment and violence and to immediately contact the Chief Administrative Officer if they receive a complaint of workplace harassment or violence or witness harassing or violent behaviour.

You must do your part by ensuring that your behaviour does not violate this policy and by fostering a work environment that is based on respect and is free of harassment.

### **Assessment**

A risk assessment will be conducted of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work. The



assessment will take into account the circumstances that would be common to similar workplaces; the circumstances specific to the workplace; and other prescribed elements.

The results of the assessment will be provided to the Joint Health and Safety Committee, in writing.

A reassessment of the risks of workplace violence will be done as often as is necessary to ensure that the policy and program continue to protect workers from workplace violence. The results of reassessments will be provided to the Joint Health and Safety Committee, in writing.

### **Harassment Complaint Procedure**

A person who considers that they have been subjected to harassment is encouraged to bring the matter to the attention of the person responsible for the conduct.

Where the complainant does not wish to bring the matter directly to the respondent's attention, or where such an approach is attempted and does not produce a satisfactory result, the complainant should report the matter to the appropriate Senior Manager. If the appropriate Senior Manager is the potential respondent or is otherwise unavailable, the complainant should report to the Chief Administrative Officer for the Corporation.

An investigation will be initiated for complaints of workplace harassment that are appropriate in the circumstances. The Township may choose to use either an internal or external investigator, depending on the nature of the incident. A Ministry of Labour inspector may order an investigation by a third-party.

The Joint Health & Safety Committee shall be notified of complaints of workplace harassment.

Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings. Results and any corrective actions as a result of the investigation shall be communicated, in writing, to the worker who experienced the alleged harassment, as well as to the alleged harasser.

### **Violence Complaint Procedure**

You are required to report the existence of any workplace violence or threat of workplace violence to your supervisor. An investigation will be initiated as quickly as possible. We may choose to use either an internal or external investigator, depending on the nature of the incident. A Ministry of Labour inspector may order an investigation by a third-party.

The Joint Health & Safety Committee shall be notified of complaints of workplace harassment.

Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings. Results and any corrective actions as a result of the investigation shall be communicated to the worker who experienced the alleged violence, as well as to the alleged perpetrator of the violent act.

If you are experiencing **domestic violence** that would expose you to physical injury in the workplace or you are experiencing workplace violence or believe that workplace violence is likely to occur, you may seek immediate assistance by contacting your supervisor. The Supervisor will assist in preventing and responding to the situation.

### **Confidentiality of Complaints and Investigations**

We recognize the sensitive nature of harassment and violence complaints and we will keep all complaints confidential, to the extent that we are able to do so. We will only release as much information as is necessary to investigate and respond to the complaint or situation or if required to do so by law.

### **Miscellaneous**

If an employee or member of council is or considers that they have been harassed in any way in the course of their employment or duties by a person who is not an employee or a member of council for the Township of Huron-Kinloss, that individual should be encouraged to speak to and seek the advice of the Chief Administrative Officer.

The Senior Manager in consultation with the Chief Administrative Officer will take whatever action is necessary to ensure that the Corporation fulfills its responsibility to support and assist the person subjected to such harassment.

The Township of Huron-Kinloss will not tolerate retaliation, taunts or threats against anyone who complains about harassment or takes part in an investigation. Any person who taunts, retaliates against or threatens anyone in relation to a harassment complaint may be disciplined or terminated.

Notwithstanding the existence of this policy, every person continues to have the right to seek assistance from the Ontario Human Rights Commission, even when steps are being taken under this policy.

The administration of this policy will be in accordance with the Municipal Freedom of Information and Protection of Privacy Act.

This policy shall be reviewed annually.