

Health and Safety Policy and Procedures Manual

Workplace Violence and Harassment Policy and Program

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Policy Type:	Corporate Policy
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Office of Responsibility:	Human Resources
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Replaces Policy:	92-001 Workplace Violence and 99-001 Employee Harassment in the Workplace

1.0 Purpose

The Corporation of the County of Essex (the “**County**”) is committed to the prevention of workplace violence, harassment, and discrimination and providing a work environment in which all individuals are treated with respect and dignity. All reported incidents of workplace violence, harassment, and discrimination will be investigated promptly, with the necessary actions taken.

The purpose of this policy is to establish a standard in compliance with the Occupational Health and Safety Act (“**OHSA**”) and Ontario Human Rights Code (“**OHRC**”) that supports a healthy and safe workplace as it relates to workplace violence, harassment, and discrimination.

This policy should be read in conjunction with all applicable legislation, collective agreements, and related County policies (e.g. [Corporate Visitor Policy](#)).

Further, this policy supports requirements under Section 32.0 (Part III.O.I: Violence and Harassment) of the OHSA and as amended.

2.0 Scope

This policy pertains to all County employees and all individuals who attend County workplaces including visitors, tenants, volunteers, contractors, council members, committee members, vendors, and delivery persons.

Further, this policy pertains to all buildings owned or operated by the County and all locations where employees perform work.

For situations involving residents, patients, or members of the public please refer to department-specific procedures (where applicable).

3.0 Definitions and Examples

Workplace:

Any land, premises, location, or thing at, upon, in, or near which a worker works.

Workplace Violence:

- a) the exercise of physical force by a person against a worker, in a workplace, that causes or 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,
- c) 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.

Examples of various forms of workplace violence may include, but are not limited to:

- verbally threatening to attack a worker;
- leaving threatening notes or sending threatening e-mails to a workplace;
- shaking a fist in a worker's face;
- wielding a weapon at work;
- hitting or trying to hit a worker;
- throwing an object at a worker;
- sexual violence against a worker;

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- kicking an object the worker is standing on, such as a ladder; or
- trying to run down a worker using a vehicle or equipment such as a forklift.

The definition of workplace violence is broad enough to include acts that would constitute offenses under Canada's Criminal Code.

Domestic Violence:

A pattern of behaviour used by one person to gain power and control over another with whom they have or have had an intimate relationship.

Signs an employee may be experiencing domestic violence may include, but are not limited to:

- Frequent phone calls, and text messages to a family member or partner, often while trying to be discrete from others hearing conversations.
- Family member or partner appears at the workplace asking questions about the victim, their locations, shifts, etc.
- Isolation from social situations or other employees
- Chronic absenteeism
- Ongoing health problems
- Wearing additional clothing or accessories (to hide marks or bruises)

Note: Signs of domestic violence can also be attributed to other life factors and it should not be assumed the person is experiencing domestic violence. If you have concerns about someone being part of a domestic violence situation, speak to them directly if you are comfortable and it's appropriate, or report your noted concerns to your immediate manager/supervisor.

Workplace Harassment:

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, that is known or ought reasonably to be known to be unwelcome, or
- (b) workplace sexual harassment

Examples of workplace harassment may include, but are not limited to:

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- making remarks, jokes, or innuendos that demean, ridicule, humiliate, intimidate, or offend;
- displaying or circulating offensive pictures or materials in print or electronic form;
- bullying;
- repeated offensive or intimidating phone calls or e-mails;
- workplace sexual harassment

Workplace harassment does not include reasonable action taken by the employer or manager/supervisor relating to the management and direction of workers in a workplace.

Workplace Sexual Harassment:

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, 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.

Examples of workplace sexual harassment may include, but are not limited to:

- asking questions, talking, or writing about sexual activities;
- rough or vulgar humour or language related to sexuality, sexual orientation, or gender;
- displaying or circulating pornography, sexual images, or offensive sexual jokes in print or electronic form;
- leering or inappropriate staring;
- invading personal space;
- unnecessary physical contact, including inappropriate touching;
- demanding hugs, dates, or sexual favours;
- making gender-related comments about someone's physical characteristics, mannerisms, or conformity to sex-role stereotypes;
- verbally abusing, threatening, or taunting someone based on gender or sexual orientation; or

- threatening to penalize or otherwise punish a worker if they refuse a sexual advance.

Discrimination

Discrimination means treating someone unfairly because of one of their protected personal characteristics. These personal characteristics are also known as “prohibited grounds” under the Ontario Human Rights Code (OHRC) and include:

- Age
- Ancestry
- Citizenship
- Colour
- Creed (religion or faith)
- Disability
- Ethnic origin
- Family status
- Gender expression
- Gender identity
- Marital status
- Place of origin
- Race
- Receipt of public assistance (in housing only)
- Record of public offenses (in employment)
- Sex (includes pregnancy and breastfeeding)
- Sexual orientation

Harassment may also relate to a form of discrimination as set out in the OHRC, but it does not have to.

Workplace violence, harassment, sexual harassment, and discrimination can take many forms, including virtually through the use of information and communications technology.

Complainant:

An individual who reports a complaint as a result of being subjected to or witnessing workplace violence, harassment, or discrimination.

Respondent:

An individual who has alleged to engage in behaviour that constitutes workplace violence, harassment, or discrimination.

Investigator:

The Director of Human Resources, Human Resources Business Partner, Manager of Corporate Health and Safety, or other designated party will perform investigations related to complaints or incidents of workplace violence, harassment, and discrimination.

The County may seek an external third party to perform investigations in specific circumstances at the approval of the CAO, the Director of Human Resources, or the Director of Legislative and Community Services.

Safety Plan:

A safety plan is a general or personalized practical plan that includes strategies and resources to enhance a specific employee's safety and well-being and the overall safety of the workplace.

4.0 Procedures

4.1 Reporting Workplace Violence

Any individual who feels threatened or witnesses any form of workplace violence must ensure their own personal safety and then immediately verbally report the incident to their manager/supervisor. A written Violence and Harassment Reporting Form must be completed when it is safe to do so.

Reporting Workplace Violence: Non-Emergencies

A situation is considered a non-emergency if:

- No injury has occurred;
- There is no immediate danger, but the words or actions of a person have induced fear of physical harm in another person.

In the event of a non-emergency:

- Immediately notify your manager/supervisor.
- Complete a Violence and Harassment Reporting Form when it is safe to do so. In specific situations where the employee may feel uncomfortable completing a written form, they may provide a

- verbal report to their immediate manager/supervisor, department head, or the Human Resources department.
- The manager/supervisor should consider calling the non-emergency OPP line (1-888-310-1122) or Windsor Police Service (519-258-6111) as deemed appropriate and report to the Manager, Corporate Health and Safety.

Reporting Workplace Violence: Emergencies

(i.e. immediate threat of physical harm or injury)

In cases of emergency, for example in circumstances where the situation is escalating, consider your safety first and then follow the steps below:

- Contact 911 immediately.
- Report the situation to your manager/supervisor. Employees are to use the communication tools available to them to summon immediate assistance such as desk phones, mobile phones, public address systems (PAS), personal safety alarms, etc.

When it is safe to do so, complete a Violence and Harassment Reporting Form and work with the Human Resources department to ensure witness statements are taken.

4.2 Responding to Domestic Violence

Employees must inform their manager/supervisor or Human Resources if they are aware of a possibility of domestic violence posing a threat in the workplace, related to themselves or anyone else. The County will take all precautions reasonable in the circumstances to eliminate the risk of injury related to a circumstance of domestic violence, which may include but is not limited to implementing a safety plan. Safety plans are not limited to situations of domestic violence.

4.3 Disclosure of Domestic Violence

It's important to determine the purpose of the employee disclosing the circumstances of domestic violence. Employees may report domestic violence to seek support or they may be concerned for their safety.

When there is no risk of imminent danger, the choice to disclose the information should be left to the employee. In circumstances where danger is imminent in the workplace, the employee should be aware of their ethical and legal responsibilities and report the matter.

In situations where the County becomes aware that the safety of employees in the workplace is at risk, the County may have a legal obligation to contact the police.

4.4 Reporting Workplace Harassment

Employees are strongly encouraged to report incidents of workplace harassment or reprisal that they have witnessed or experienced to their immediate manager/supervisor.

In circumstances where the immediate manager/supervisor is the respondent, the employee must report to either the Director, Human Resources, Human Resources Business Partner, Manager of Administration (EMS), or Department Head. In cases where any of the foregoing parties are a respondent, the employee must report to the CAO. If the CAO is a respondent, the employee must report to the Warden.

Employees are also strongly encouraged to report instances in which this policy appears to have been violated or ignored, or in which prohibited acts or conduct are being condoned by a supervisor(s) or management. These reports may be made to the employee's immediate supervisor or manager, the Human Resources department, the Department Head, the CAO, or the Warden, as outlined above, depending on the nature of the allegations

Employees filing complaints of workplace harassment should complete a Violence and Harassment Report Form. If the employee is uncomfortable completing a written report they may provide a verbal report to the individual outlined above. Any information that is reported must be documented.

When a workplace harassment concern involves an individual not employed by the County of Essex, the Director, Human Resources, Department Head, Director of Legislative and Community Services, or County Solicitor will notify the necessary parties required.

The County reserves the right to conduct investigations into all incidents of workplace violence or harassment in accordance with its obligations under the *OHSA*.

4.5 Responding to Workplace Harassment- Informal Resolution

In some cases, an informal resolution may be appropriate to explore before a formal investigation takes place. Employees who have personally experienced harassment or discrimination in the workplace should speak directly to the individual responsible for the behaviour, whenever it is reasonable to do so. They should clearly communicate that the behaviour is unwelcome and request for the individual to stop.

Where appropriate, the parties may voluntarily choose to participate in an informal mediation involving the parties to the dispute, the Director, Human Resources or Human Resources Business Partner, Department Head or designate, and/or Union representative (as applicable).

If this does not resolve the matter, a formal investigation may be deemed necessary.

4.6 Investigating Workplace Violence and Harassment

The Human Resources department will investigate all incidents and complaints of workplace violence and harassment without delay.

Unless necessary for investigating or taking corrective action related to the incident or complaint, or if required by law, identifying information about any individuals involved in an alleged incident or complaint of workplace violence or harassment will remain confidential.

Where appropriate, the Investigator, Human Resources, and/or the Manager, Corporate Health and Safety may implement interim measures (for example, placing an employee on a non-disciplinary leave of absence or reassigning an employee) while the investigation process is underway.

The investigative process will be determined by the Investigator however the following steps will be typically involved:

- The Investigator will perform separate documented interviews with the complainant, respondent, and relevant witnesses.
- The Investigator will complete a written report outlining their findings. Where appropriate, the report should identify specific health and safety hazards and corrective actions to ensure the employee's safe return to work.
- This report will remain with the Human Resources department and will be shared with the CAO and legal counsel (if applicable) when necessary.
- A summary of the findings of the investigation will be shared with the parties, the Union (as applicable), and the relevant Department Head(s).
- The CAO, Department Head, and/or the Director, Human Resources, or designate will determine what corrective action or progressive discipline, if any, will be administered as a result of the investigation.
- Human Resources or a designate will communicate the outcome of the investigation to the complainant(s) and respondent(s), and any corrective action that has been taken or that will be taken as a result of the investigation. In the interest of employee privacy, specific disciplinary measures will not be shared.

The County may seek an external third party to perform investigations in specific circumstances at the approval of the CAO, the Director of Human Resources, or the Director of Legislative and Community Services.

4.7 No Reprisal

This policy strictly prohibits any form of reprisal against employees who report incidents of workplace violence, harassment, or discrimination in good faith and without malice.

In circumstances where an employee is found to have been engaged in reprisal or threats of reprisal or further has made false accusations, the employee will be subject to progressive action, up to and including termination of employment.

In situations where it is determined that an employee submitted a complaint in bad faith or under false pretenses, the employee will be subject to progressive action, up to and including termination of employment.

4.8 Confidentiality

The County understands the sensitivity of incidents and complaints related to workplace violence, harassment, and discrimination. The County will endeavour to keep all matters confidential unless the disclosure of such information is necessary to conduct a full and fair investigation, or if required by law.

All parties involved in the investigation are required to maintain confidentiality throughout the investigation process and beyond, subject to their right to seek advice from their Union or legal advisor. A failure to do so may result in progressive discipline, up to and including termination of employment.

5.0 Responsibilities

5.1 Department Heads, Managers, Supervisors

- Take every precaution reasonable in the circumstances to protect employees from workplace violence (including domestic violence that may impact a worker(s) and the workplace), harassment, and discrimination.
- Assess the risk for workplace violence, harassment, and discrimination and implement corrective actions.
- Ensure all incidents and complaints of workplace violence or harassment are referred to the Human Resources department in a reasonable and timely manner.
- Ensure this policy is posted in a conspicuous place in the workplace.
- Ensure contractors and other individuals are aware of the Workplace Violence and Harassment Policy.
- Ensure employees receive training on workplace violence, harassment, and discrimination.

- Notify a JHSC/HS Representative when necessary.
- Provide support to employees including the employee assistance program or other services deemed necessary.

5.2 Employees

- Adhere to this policy at all times to protect themselves and others in the workplace from workplace violence, harassment, and discrimination.
- Report incidents of workplace violence, harassment, and discrimination immediately to their manager/supervisor, Department Head, or Human Resources department.
- Report incidents of violence or potential violence (including domestic violence) that originate outside of the workplace that could enter the workplace to their manager/supervisor immediately.
- Notify the Human Resources department or a Department Head of incidents of workplace violence, harassment, and discrimination involving an employee's manager/supervisor.
- Contact the police and initiate appropriate emergency procedures in cases of immediate threats of physical harm or injury.
- Participate in training and education as it relates to workplace violence, harassment, and discrimination.
- Cooperate with any workplace violence, harassment, or discrimination investigations.

5.3 Manager, Corporate Health and Safety

- Support departments in assessing the risk of workplace violence, harassment, and discrimination.
- Provide departments with training and education opportunities for workplace violence, harassment, and discrimination.
- Participate in investigations related to workplace violence, harassment, and discrimination when required.

- Report incidents of workplace violence causing injury as per section 52(1) to the Joint Health and Safety Committee, the Health and Safety Representative, the trade union (if any), and the Director if an inspector requires notification.

5.4 Human Resources

- Provide oversight and support to departments in relation to the Workplace Violence and Harassment Policy.
- Confidentially manage incidents and complaints and disclose information where there is a risk to the victim or where it is required by law.
- Ensure employees are aware of the Workplace Violence and Harassment Policy and related procedures.
- Ensure all reported incidents of workplace violence, harassment, and discrimination are investigated appropriately.
- Ensure complainants and respondents of workplace harassment are informed in writing of the results of the investigation and any corrective action taken.
- Annually review the Workplace Violence and Harassment Policy and Program.

5.5 Joint Health and Safety Committee

- Participate in the incident investigation process when necessary.
- Participate in workplace violence and harassment risk assessments.
- Review incident summaries and statistics as they relate to workplace violence and harassment.
- Provide recommendations as they relate to workplace violence and harassment and necessary control measures.

6.0 Training

- Training will be provided as required.

7.0 Related Documents

- [Corporate Visitor Policy](#)
- [Emergency Response Procedures Policy](#)
- [Occupational Health and Safety Policy Statement](#)
- [Workplace Violence and Harassment Policy Statement](#)

8.0 Legislation

- Occupational Health and Safety Act (OHSA): Sections 25, 27, 28, 32, 50.
- The Ontario Human Rights Code.

9.0 Summary of Amendments

Date	Amendment(s)
2024-11-20	Replaces 92-001 Workplace Violence and 99-001 Employee Harassment in the Workplace

10.0 Appendices

- Appendix A: Violence and Harassment Reporting Form