



**CORPORATION OF THE MUNICIPALITY OF Morris-Turnberry**

**BY-LAW No. 56- 2010**

**“Being a by-law to adopt the Harassment/Discrimination Prevention Policy for the Municipality of Morris-Turnberry.”**

**WHEREAS**, Bill 168 – Chapter 23- Statues of Ontario, 2009, Part 111.0.1 states that an employer shall

- 32.0.1 (b) prepare a policy with respect to workplace harassment and  
(c) review the policies as often as is necessary , but at least annually.  
32.0.1 (2) The policies shall be in written form and shall be posted at a conspicuous place in the workplace.

**AND WHEREAS**, the Council of the Corporation of the Municipality of Morris-Turnberry has prepared a **Harassment/Discrimination Prevention Policy**;

**NOW THEREFORE**, the Council of the Corporation of the Municipality of Morris-Turnberry enacts as follows:

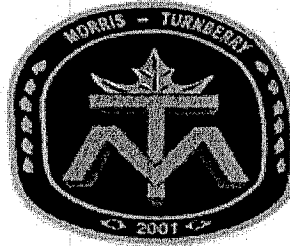
1. THAT the Harassment/Discrimination Prevention Policy is hereby attached as Schedule 'A' of this by-law;
2. THAT the Mayor and Clerk are hereby authorized to sign and execute the by-law and policy;
3. THAT this by-law and policy comes into force and effect on the final passing thereof and may be cited as the 'Harassment/Discrimination Prevention Policy '.

Read a First Time and Second Time 22<sup>nd</sup> day of June, 2010

Read a Third Time and Finally Passed 22<sup>nd</sup> day of June, 2010

  
Mayor Dorothy Kelly

  
Administrator Clerk- Treasurer Nancy Michie



## MUNICIPALITY OF MORRIS-TURNBERRY

### HARASSMENT/DISCRIMINATION PREVENTION POLICY

#### **PURPOSE:**

*Harassment undermines our values of mutual respect, tolerance and goodwill. For this reason the municipality's commitment is to create a workplace that is free from harassment and discrimination within the meaning of the Human Rights Act and the Occupational Health and Safety Act.*

#### **POLICY:**

##### **A. Scope**

In this policy "You" means any individual subject to the policy and "We" or "Our" means the municipality.

This policy applies to all persons that have a relationship and/or dealings with the Municipality of Morris-Turnberry.. Specifically this includes: Councillors, employees, employment applicants, contractors, ratepayers and members of the public that provide services to Council and/or receive services from the Council.

This policy applies in any location in which you are engaged in work-related activities. For purposes of this policy the workplace includes all places where the Municipality of Morris-Turnberry does business, including:

- Municipally-owned or leased facilities, or vehicles, or the parking lots;
- Restaurants, hotels or meeting facilities that are being used for business purposes, or for social events such as holiday or retirement parties.

## **B. Definitions**

### **B.1 Sexual Harassment**

Sexual harassment is a form of discrimination. It is also one of the most prevalent forms of harassment.

Sexual harassment includes comments or conduct of a sexual nature that you do not welcome or that offend you. It also includes negative or inappropriate comments or conduct that is not necessarily sexual in nature that is directed at you because of your gender.

Both men and women can be victims of harassment, and someone of the same or opposite sex can harass you.

The person engaging in the harassing behavior does not necessarily have the power or authority over the victim, although that is commonly the case.

Some examples of behaviours that constitute sexual harassment include:

- Sexual advances or demands that you do 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 or inappropriate gestures
- Displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic web sites or other electronic material
- Distributing sexually explicit email messages, or attachments such as pictures or video files
- Sexually suggestive or obscene comments or gestures
- Unwelcome remarks, jokes, innuendos, propositions or taunting about your 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.

The test of whether harassment has taken place is whether the harasser knew or should have known that the comments or conduct were unwelcome.

### **B. 2 Discrimination Harassment**

Discriminatory harassment includes, but is not limited to, comments or conduct based on the protected grounds in the Human Rights Code ("protected grounds"), which you do not welcome or that offend you. These protected grounds include:

- Race, colour, ethnic origin
- Creed, religion
- Age
- Sexual orientation

- Family, marital or same-sex partnership status
- Handicap or perceived handicap
- Ancestry, citizenship, national origin or place of origin.

Examples of discriminatory harassment include:

- Offensive comments, jokes or behavior that disparage or ridicule a person's membership in one of the protected grounds, such as race or religion
- 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 over weight).

The test of whether harassment has taken place is whether the harasser knew or should have known that the comments or conduct were not welcome.

### **B. 3 Workplace Harassment**

Workplace harassment means any of the following:

- 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
- Conduct that may include teasing, intimidating or offensive jokes or innuendos, displaying or circulating offensive pictures or materials, or offensive or intimidating phone calls or emails
- Bullying which is defined as the misuse of power or position to persistently criticize and condemn; to openly humiliate, undermine and embarrass an individual's ability.

The test of whether harassment has taken place is whether the harasser knew or should have known that the comments or conduct were not welcome.

### **C. Preventing Harassment**

It is the responsibility not only of the municipality but also of all individuals to eliminate harassment. It is a mutual responsibility to create and maintain a harassment-free workplace.

The Municipality of Morris-Turnberry will do its part by not tolerating or condoning discriminatory or sexual harassment or a poisoned work environment. This includes making everyone aware of what behaviour is and is not appropriate, investigating complaints and taking suitable corrective measures.

### C-1. 'Poisoned Work environment'

1. A Poisoned Work environment is a hostile, intimidating work environment created because of conduct and /or comments that are based on one or more of the prohibited grounds.

2. Some examples of actions that can create a poisoned work environment include:

- Displaying offensive, discriminatory materials, such as posters, pictures, calendars, web sites or screen savers
- Distributing offensive or discriminatory e-mail messages or attachments such as pictures or video files on a prohibited ground
- Jokes or insults that are racist or sexual in nature.

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

## D. Complaint Procedure

### Informal Procedure

If you feel you are being harassed, the first thing to do is to tell the person to stop. Do so as soon as you receive any unwelcome comments or conduct. Although this may be difficult to do, telling the person you don't like their actions is often enough to stop the behaviour and may result in a genuine apology which you feel is satisfactory.

Some of the things you can say that might stop the behaviour include:

- "I don't want you to do that."
- "Please stop doing or saying...."
- "It makes me uncomfortable when you ....."
- "I don't find it funny when you ....."

If you believe that someone who is not an employee, e.g. general public, ratepayer, supplier, etc., has harassed you, please report the harassment to your supervisor. Although we have limited control over third parties, we will do our best to address the issue and prevent further problems from arising.

### Formal Procedure

1. If you are unable to resolve the matter by dealing directly with the person or you feel uncomfortable about approaching him or her, speak to your supervisor. To the extent possible, your supervisor will attempt to address this issue. If the harassment involves your supervisor go to Step #4.
2. It is important that incidents are appropriately recorded as soon as possible. You should make contemporaneous notes, which will be an important aid for you and the municipality in addressing your complaint.

3. Once your supervisor has resolved the issue, he or she will advise the Manager of Human Resources about the complaint and its resolution. This will enable us to be aware of and respond to any pattern of harassment by a particular individual.
4. If your supervisor cannot resolve your complaint, or if it is too serious to handle at that level, he or she will refer you to the Manager of Human Resources. If you are not comfortable approaching your supervisor about your concerns, you may speak directly to the Manager of Human Resources.
5. The Manager of Human Resources will explore your options with you. These options may include counselling you on how to resolve the problem with the individual, educating the person with whom you are having difficulty or assisting you in making a formal complaint.
6. If you decide to initiate a formal complaint we will need as much written information as possible, including the name of the person you believe is harassing you, the place, date and time of the harassment and the name of any possible witnesses.
7. It is important that we receive your complaint as soon as possible so that the problem doesn't escalate or happen again. Once we receive your complaint, we will initiate a formal investigation, if it is necessary and appropriate to do so.
8. Harassment is a serious matter. Therefore, if you decide not to make a formal complaint, we may still need to look into the matter and take steps to prevent further harassment. We may need to do this if the allegations are particularly serious or there have been previous complaints or incidents involving the alleged harasser.

#### **D. Investigation**

We recognize the sensitive nature of harassment complaints and we will keep 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.

We will commence our investigation as quickly as possible. We may choose to use either an internal or external investigator, depending on the nature of the complaint. Every incident does not require an external investigator and every incident does not require notification to the Ministry of Labour.

The investigation will include interviews, giving the accused harasser an opportunity to respond to the allegations. It will also include speaking to witnesses and reviewing any related documentation.

We will not tolerate retaliations, 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.

It is our goal to complete any investigation, prepare a report and communicate the results to the complainant and the accused harasser within thirty days after we receive a complaint.

**E. Corrective Action for Employees:**

If you have engaged in sexual or personal harassment, you will be subject to disciplinary action, up to and including dismissal for cause.

If you taunt, retaliate against or threaten anyone for exercising his or her rights under this policy, you may be subject to disciplinary action, up to and including dismissal for cause.

If you make a complaint in good faith and without malice, you will not be subject to any form of discipline regardless of the outcome of the investigation. We will discipline or terminate anyone who brings a malicious complaint.

If you are not satisfied with the investigation process of a harassment complaint based on the grounds prohibited under the Human Rights Code or its outcome you may choose to contact the Human Rights Commission at 1-800-387-9080 in Toronto. You also retain the right to exercise any other legal avenues that may be available.

**F. Action for harassment by Third Parties:**

Complaints from third parties may result in investigation and if required, notifying the Ontario Provincial Police.

**G. Policy Review**

This policy will be reviewed as often as necessary, but at least annually.

**H. Training:**

The Municipality of Morris-Turnberry has a duty to provide information and instruction that is appropriate for the worker.

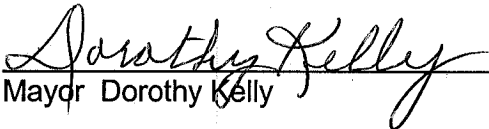
The Municipality of Morris-Turnberry will provide a review of the policy for the employees and council members and will also provide a copy of the policy to any new employees and council members, following the date of this policy.

**I. Review Schedule:**

<u>Date of Review</u>	<u>Amendments to the Policy</u>

**J. Approval:**

The policy will be approved by the Council and dated and signed by the Mayor and the Administrator Clerk-Treasurer and will be posted in all work locations.

June 22, 2010  
Date   
Mayor Dorothy Kelly

June 22, 2010  
Date   
Administrator Clerk-Treasurer- Nancy Michie