



Policy No.: H04 – Workplace Violence and Workplace Harassment
Date Enacted: February 12, 2018
Amended By: #C-203-23

Subject

This Policy relates to workplace violence and workplace harassment and includes the Principles of a Respectful Workplace.

Purpose

The Municipality is committed to the prevention of workplace violence and is ultimately responsible for worker health and safety. The Municipality will take all reasonable steps to protect workers from any and all sources of workplace violence.

The Municipality is further committed to providing a work environment in which all workers are treated with respect and dignity. Workplace harassment, which includes, but is not limited to workplace sexual harassment, bullying and discrimination will not be tolerated from any source in the workplace.

In an effort to foster a healthy, safe and respectful workplace, this Policy includes Schedule A, the Principles of a Respectful Workplace which are attached to and form a part of this document. It is the expectation of the Municipality as an employer that all workers will abide by these principles when relating to one another within the workplace.

Definitions

For the purpose of this Policy and any safe operating practice and program related to this Policy:

“Bullying” means conduct which is known, or ought reasonably to have been known would undermine a worker’s self-esteem and damage a worker’s self-confidence which conduct may include, but is limited to, the following behaviours when directed at another worker or group of workers:

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- abusive, insulting or offensive language or comments;
- unjustified criticism of a person, especially in the presence of others;
- belittling a person's opinion, especially in the presence of others;
- spreading false and malicious rumours, gossip, or innuendo; or
- purposefully excluding or isolating someone from normal work-related interactions required to perform the job.

“Discrimination” means the act of making unfair or prejudicial distinctions between people based on the groups, classes or other categories to which they belong, under the following protected grounds as described in the Ontario Human Rights Code, R.S.O. 1990, c. H.19, as may be amended from time to time:

- 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;
- receipt of public assistance; or
- disability.

“Municipality” means The Corporation of the Municipality of Leamington.

“Workplace” means any land, premises, location or thing at, upon, in or near which a worker works.

“Workplace Harassment” means 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. Workplace harassment includes workplace sexual harassment, bullying and discrimination. Other examples of workplace harassment are as follows:

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

Reasonable action taken by a manager or supervisor relating to the management and direction of a worker or the workplace is not workplace 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.

Workplace sexual harassment may include:

- asking questions, talking, or writing about sexual activities;
- asking questions about someone’s gender identity or sexual orientation;
- 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.

“Workplace Violence” means:

- 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;

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- b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or
- 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 workplace violence include:

- verbally threatening to attack a worker;
- leaving threatening notes at 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;
- 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; or
- an act of aggression.

Safe Operating Practice and Program

There is a safe operating practice and a program that implement this Policy. The safe operating practice and the program include the following:

- a) measures to protect workers from workplace violence and workplace harassment including workplace sexual harassment, bullying and discrimination; and
- b) procedures for workers to report incidents and concerns.

Duties

Employer:

The Municipality, as an employer, will ensure this Policy and the safe operating practice and the program are implemented and maintained and will:

- a) Demonstrate a commitment to intolerance of workplace violence, and workplace harassment, including workplace sexual harassment, bullying and discrimination of any kind.

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- b) Assess the risks of workplace violence that may arise from the nature or conditions of work.
- c) Investigate all incidents and complaints related to workplace violence and workplace harassment, including workplace sexual harassment, bullying and discrimination and do so in a fair and timely manner; respecting the privacy of all concerned; and taking any corrective action or otherwise as may be required by law.
- d) Accept responsibility for the provisions of a comprehensive communication plan to workers regarding the implementation of this Policy, the safe operating practice and the program.
- e) Provide the resources to educate and effectively implement this Policy, the safe operating practice and program to all workers.
- f) Provide the resources to support those who experience workplace violence and workplace harassment, including workplace sexual harassment, bullying and discrimination and not penalize any worker for reporting an incident or participating in any investigation into workplace violence or workplace harassment.

Managers and Supervisors:

Managers and supervisors will adhere to this Policy and the safe operating practice and program; will ensure that the same are followed by workers; and will:

- a) Model the substance and intent of this Policy and demonstrate in their words and actions, as leaders, their commitment the same.
- b) Follow the safe operating practice and the program in connection with the investigation of all incidents and complaints related to workplace violence and workplace harassment, including workplace sexual harassment, bullying and discrimination and do so in a fair and timely manner, respecting the privacy of all concerned.
- c) Ensure that workers have sufficient education regarding this Policy and the safe operating practice and program.
- d) Ensure that this Policy and the safe operating practice and program are followed by workers.

Workers:

Workers will comply with this Policy and the safe operating practice and program and will report any incidents and raise any concerns related to workplace violence and workplace harassment, including workplace sexual harassment, bullying and discrimination in accordance with the same.

Further Resources

Workers may obtain further direction and information in connection with this Policy, the safe operating practice or the program through the Municipality's Human Resources Department, a Union representative, any member of a Health and Safety Committee or the worker's manager or supervisor.

References and Related Policies

- Occupational Health and Safety Act
- Human Rights Code
- H00-Code of Conduct-Municipal Employees
- H00-Public Conduct Policy

(LLS-10-18)

(LLS-30-23)

SCHEDULE A

Principles of a Respectful Workplace

A respectful workplace supports the physical, psychological and social well-being of all employees.

In a respectful workplace:

- a) **We value each other.** The following are examples of how we show that we value one another:
 - i. We offer constructive guidance. If we see a colleague struggling in an area where we have strength, we offer our knowledge or assistance. We provide feedback in a way that inspires motivation for improvement rather than making someone feel wrong.
 - ii. We greet our co-workers and get to know each other. We understand that people want to feel like they are part of a team and have a connection with others.
 - iii. We acknowledge a co-worker's strengths and positive attributes in front of others. We find opportunities to acknowledge a co-worker for their strengths.
 - iv. We practice active listening. We fully concentrate on what is being said rather than just "hearing" the message and waiting for our turn to speak. We actively listen by:
 - building trust and establishing rapport with our co-worker;
 - demonstrating concern;
 - paraphrasing to show understanding;
 - using nonverbal cues which show understanding such as nodding, eye contact and leaning forward; and
 - using brief verbal affirmations like "I see," "I know," "Sure," "Thank you," or "I understand".
- b) **Communication is kind, open and honest.** Open communication ensures that our workplace remains free from rumors and negativity. We voice concerns, offer ideas and seek information without the fear of punishment or a defensive reaction. We admit mistakes without the fear of negative consequences.
- c) **We treat people as we wish to be treated.** This goes far beyond simply being kind to people, but includes thinking about others the way we would want others to think about us. Examples include the following:

- i. Practicing empathy. We make it a habit to try to place ourselves in the shoes of another person. We try to understand, to the extent that we can, what it is like to be them, what they are going through, and why they do what they do.
 - ii. Practicing compassion. Once we understand another person and feel what they are going through, we learn to want to help them through any difficult situation. When we can, we take a small action to somehow assist them in some way.
 - iii. Listening to each other. We take the time to actually listen to another person, rather than just wait for our turn to talk. This goes a long way to helping us understand others.
 - iv. Overcoming prejudice. We see each person as an individual human being, with different backgrounds and needs. We find the commonalities between us and that person, despite our differences.
 - v. Stop criticizing. We ask ourselves if we would like to be criticized in that person's situation. We hold back our criticism, and instead learn to interact with others in a positive way.
 - vi. Rising above retaliation. We treat others well, despite how they treat us. When we have to assert our rights, we do so in a way where we still treat others well and with respect.
 - vii. Being the change. We want people to treat each other with more compassion and kindness. We know that it starts with us.
- d) **Conflict is addressed in a positive and respectful manner.** We understand that co-workers may not agree on everything all of the time, therefore conflict or disagreements will be a normal part of any work relationship. We also understand that the key is not to avoid conflict but to learn how to resolve it in a healthy way. An example of how to approach a disagreement with a co-worker is as follows:
- i. State the purpose of the conversation. "I want to talk about ..." or "I feel (x) when you do (y) and I would like you to do (a)."
 - ii. Describe the behaviour specifically. Focus on what you witnessed the other person do.

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- iii. Describe the impact of the behaviour. Using feeling words, clarity of action, and preference. “I thought” or “I felt...”
 - iv. Give the other person an opportunity to respond. “What were you thinking about at the time?”
 - v. State what you would like the other person to do differently. “I need you to ...” “I’d like you to...”
 - vi. Return responsibility to the person – and offer support. “Will that work for you?” “What can I do to support you in this?”
- e) **Disrespectful behaviour is addressed.** Respectful behaviours show consideration, kindness, and appreciation. Disrespectful behaviours do the opposite. Words and actions that are rude show a lack of respect. Gossip is considered disrespectful workplace behaviour. Gossip involves spreading rumors or speaking malicious comments about co-workers or about an employer. We approach disrespectful behaviour as follows:
- i. If we think that our behaviour is disrespectful to someone else, we stop the behaviour.
 - ii. We tell someone if their behaviour is disrespectful and ask them to stop. If the behaviour continues, we report it to our supervisor or manager.
 - iii. If we see disrespectful behaviour occurring, we trust our judgment. We offer suggestions for more respectful behaviour. We understand our responsibility to call attention to the disrespectful behaviour and if the behaviour continues, we report it to our supervisor or manager.