



# Wellington County OPP Detachment Board Policy and Procedure Manual

<b>Responsibility</b>	Wellington County OPP Detachment	<b>Policy Number</b>	1-24
<b>Area</b>	Health and Safety	<b>Effective Date</b>	November 2024
<b>Subject</b>	Respectful Workplace and Anti-Harassment	<b>Revision Date</b>	January 2025
<b>Authority</b>	Ontario Human Rights Code, Occupational Health and Safety Act		

## POLICY STATEMENT

In accordance with the human rights legislation, the Wellington County OPP Detachment Board (Board) and the County of Wellington (County) is committed to ensuring a safe and respectful work environment that is free from all forms of harassment and disrespectful behaviour. The Board recognizes the right of all employees, members, members of council, volunteers, consultants, independent contractors, suppliers and customers to be treated with dignity and respect.

The Board expressly prohibits all forms of harassment and disrespectful behaviour including but not limited to harassment on the basis of 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 or disability and any other prohibited ground of harassment included in the human rights legislation governing our workplace. These are collectively referred to as the “prohibited grounds” of harassment. Any employee or member found guilty of harassment will be disciplined up to and including termination from the Board.

## SCOPE

This policy applies to all employees, members, members of council, volunteers, consultants, independent contractors, suppliers and customers. For the purposes of this policy, the Board workplace includes any location where a Board member is carrying out their member duties, including those locations that are not on primary work sites. This may include social functions, training and conferences, during travel, at restaurants, hotels or meeting facilities being used for business purposes, during telephone, email or other communications. This policy is not intended to limit or contain the reasonable exercise of management functions in the workplace. It is important to

understand that harassment can occur whether or not inappropriate comments or conduct occur directly to another person or in the absence of the other person or virtually through the use of information and communications technology.

## **PURPOSE**

This policy is intended to:

- Create and foster a work environment free from harassment and disrespectful behaviour;
- Define harassment and disrespectful behaviour;
- Establish and detail the responsibilities of all members in County workplace(s) to maintain a workplace free of harassment and/or disrespectful behaviour;
- Ensure that incidents of harassment and/or disrespectful behaviour are reported to the Board Secretary, the County of Wellington Human Resources Department and/or law enforcement as appropriate;
- Ensure that complaints of harassment and/or disrespectful behaviour are handled in a timely and equitable manner by the County.

## **DEFINITION**

### **Harassment**

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. For further clarity harassment includes any verbal, written or physical behaviour or conduct that is offensive, threatening, intimidating, abusive, belittling in nature, and is unwelcome, unreciprocated and uninvited.

This includes harassment that occurs in a workplace or virtually through the use of information and communications technology.

Examples of harassment may include but are not limited to:

- Unwelcome practical jokes, remarks, innuendos or taunting;
- Condescending or paternalistic behaviour which undermines self-respect;
- The use of unsuitable language in the workplace;
- Spreading of gossip or rumours;
- Derogatory remarks about a person's religious beliefs;
- Jokes about a person's place of origin;
- Public ridicule;
- Mimicking;
- Misuse of power or authority;
- Refusing to converse with an employee;
- Racist or offensive language, gestures or images;
- Offensive comments about a person's age or physical appearance;
- Displaying or electronically transmitting racist pictures, jokes or other offensive

materials.

### **Sexual Harassment**

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 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.

This includes harassment that occurs in a workplace or virtually through the use of information and communications technology.

Sexual harassment may include but is not limited to the following behaviours:

- Unwanted sexual attention from a person who knows or ought reasonably to know that such attention is unwanted;
- An implied or expressed promise of reward for complying with a sexually oriented request;
- An implied or expressed threat of reprisal for refusing to comply with a sexually oriented request;
- A sexual relationship which constitutes an abuse of power;
- Continuous conversation of a sexual nature;
- Persistent and offensive jokes of a sexual or gender-specific nature;
- Suggestive or insulting sounds (e.g. whistling or cat-calls);
- Lewd gestures;
- Sexual comments about body shape, clothes or weight;
- Comments about a person's sex life or relationship with partner;
- Posting or electronically transmitting pornographic or sexually explicit pictures and jokes;
- Sexual exposure;
- Unnecessary physical contact, such as pinching, touching or patting;
- Sexual assault;
- Sexual innuendoes or taunting;
- Vulgar humour or language.

### **Personal Harassment – Disrespectful Behaviour (not Code prohibited)**

Results from a pattern of inappropriate behaviour that a reasonable person would consider to be embarrassing, humiliating or demeaning. Does not violate any of the prohibited grounds outlined in the Ontario Human Rights Code.

This includes harassment that occurs in a workplace or virtually through the use of information and communications technology.

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

- Yelling at an employee;
- Taking credit for another's work;
- Ostracizing an employee;
- Abuse of authority;
- False accusations;
- Practical jokes which insult or embarrass an individual;
- Incivility;
- Sabotaging an employee's work;
- Withholding information from an employee required for their job;
- Belittling, condescending comments;
- Unfounded persistent criticism;
- Outbursts or displays of anger directed at others;
- Public ridicule;
- Tampering with a person's personal belongings or work equipment.

Generally, a pattern of behaviour is required to constitute harassment. However, depending on the severity and impact of the behaviour, a single incident may constitute harassment.

Harassment is not:

- Appropriate direction, delegation or discipline administered under the normal course of supervision;
- Stressful events encountered in the performance of legitimate job duties;
- A relationship of mutual consent or flirtation;
- Friendly teasing or bantering that is mutually acceptable and not offensive to others.

## **ROLES AND RESPONSIBILITIES**

**The responsibilities of all members are as follows:**

- Maintain a respectful and harassment free work environment and comply with this policy;
- Any member experiencing harassment or disrespectful behaviour is encouraged to make it known to the offender that the behaviour is offensive and unwelcome;
- Promptly report harassment or disrespectful behaviour either to the Board Secretary and/or the County of Wellington Human Resources Department;
- Members who witness harassment or disrespectful behaviour or who become aware that an individual is being harassed have a responsibility to report the incident immediately to the Board Secretary and/or the County of Wellington Human Resources Department ;
- Cooperate with any efforts to investigate and resolve matters arising under this policy.

**The responsibilities of Board Secretary are as follows:**

- To act as a role model for professional and respectful conduct;
- Promote a harassment free and respectful work environment;
- Upon becoming aware that some form of harassment or disrespectful behaviour may be occurring, take prompt, corrective action in consultation with the County of Wellington Human Resources Department even if no complaint is made;
- If requested, assist members in filing a complaint of harassment or disrespectful behaviour;
- Respond promptly to all reports of harassment or disrespectful behaviour including advising the County of Wellington Human Resources Department when a complaint is made;
- Respect the privacy rights of the individuals involved in a harassment or disrespectful behaviour complaint to the fullest extent possible;
- Cooperate with any efforts to investigate and resolve matters arising under this policy.

**The responsibilities of County of Wellington Human Resources Department are as follows:**

- Post this policy in a conspicuous place in the workplace;
- Ensure all members are aware of the policy and informed of its contents;
- If requested Human Resources will assist members in filing a complaint of harassment or disrespectful behaviour;
- Respond promptly to all complaints of harassment or disrespectful behaviour;
- Respect the privacy rights of the individuals involved in a harassment or disrespectful behaviour complaint to the fullest extent possible.

**PROCEDURE**

If you are being harassed or treated disrespectfully:

- If you feel that you are able to do so, tell the offender that the behaviour is unwelcome and ask the offender to stop;
- If you are unable to speak to the offender or if the behaviour continues after you have asked the offender to stop, report the problem to the Board Secretary, County of Wellington Human Resources Department;
- You also have the right to contact the Human Rights Commission to file a complaint of harassment;
- If the circumstances warrant, a charge of assault may be filed with the police.

Once a complaint is received:

- The complaint will be kept confidential, to the extent possible subject to the County of Wellington's duty to investigate;
- The exact nature of the investigation will depend on the particulars of the investigation and will be handled on a case by case basis. A third party investigator may be used if the situation warrants;

- A determination will be made if one or more parties will be placed on an administrative leave for the duration of the fact-finding process. The member would be notified verbally of the requirement to go on an administrative leave, followed by a letter from the Director of Human Resources or delegate. This leave is different than 'disciplinary suspension', as outlined in the Progressive Discipline Policy HR15.0;
- Both the complainant and the alleged offender may be interviewed as will any individuals who may be able to provide relevant information;
- If the investigation reveals evidence to support the complaint of harassment or disrespectful behaviour the offender will be disciplined appropriately. Discipline may include steps outlined in the Progressive Discipline Policy HR15.0. The incident will be documented in the offender's personnel file;
- Regardless of the outcome of a harassment complaint made in good faith, the complainant and anyone participating in the investigation process will not be subject to any form of reprisal.
- The complainant and the alleged offender, if he or she is a member of the Board, are informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation.
- Records relating to the complaint and investigation will be kept confidentially in secure Human Resources files.

## **DISCIPLINE**

The Board and the County views workplace harassment and disrespectful behaviour as very serious matters. Any members found to have perpetrated an act of harassment or disrespectful behaviour may be subject to disciplinary action up to and including termination of their membership.

## **TRIVIAL, FRIVOLOUS OR MALICIOUS COMPLAINTS**

Trivial or frivolous complaints are those with no merit. Malicious complaints are those which are made in bad faith with the intent to harm the alleged offender.

Where the complainant is a Board member and is found to have brought forward a complaint in bad faith, the Board Secretary, in consultation with Human Resources, will take any necessary disciplinary action.

## **NO REPRISAL**

This policy prohibits reprisals against individuals, acting in good faith, who report incidents of workplace harassment or disrespectful behaviour or participate in the investigation process. Reprisal is defined as any act of retaliation either direct or indirect. The Board and County will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further harassment.

## **POLICY REVIEW**

This policy will be reviewed at least annually.

## Harassment Complaint Form

Name:

Position:

Board Secretary:

Date Submitted:

Grounds of harassment claimed (please check the appropriate ground(s)):

- 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
- Disability
- Other \_\_\_\_\_

Explanation: Explain the allegations, including who the allegations are against, the date and time of the incident(s), where the incident(s) occurred and the names of any witnesses to the incident(s). You may attach additional pages as required.

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Member Signature

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Received by (Name and Title)