

Town of Craik Policy

Policy # 2024-03

Policy Title: Violence and Harassment Prevention

Policy Objective:

The Town of Craik is committed to ensuring an environment free of workplace harassment and violence, where all individuals are treated with respect and dignity, can contribute fully and have equal opportunities.

Authority: May 7 2024 / 2024-095

Council Resolution: 2024-095

Policy:

General Principles:

This policy is intended to make the work environment at The Town of Craik inclusive, safe and non-discriminatory for everyone by setting out expectations and standards of conduct, and by ensuring we have a clear process in place for responding to complaints of discrimination, workplace harassment and violence.

All forms of discrimination, harassment and violence will not be tolerated, condoned or ignored. As outlined in the Canadian Human Rights Act (CHRA)2017, every person has the right to live and work free from discrimination based on things like their race, their age, their gender identity or expression, or any of the grounds of discrimination outlined in the CHRA.

All workers are required to treat others with dignity, courtesy and respect. Those found to be in violation of this policy may be subject to disciplinary action, possibly even termination.

The rights of all workers at our organization are protected by the CHRA and the Employment Equity Act (EEA)2017. In all areas of employment and the provision of goods and services, The Town of Craik commits to acting in accordance and compliance with the CHRA, the EEA, the Canada Labour Code (CLC) 2024 and the Work Place Harassment and Violence Prevention Regulations to ensure that individuals and groups are not disadvantaged or treated unfairly within our organization.

This policy also sets out a clear procedure for how workers can report harassment and violence and how managers and supervisors can deal with harassment and violence complaints fairly and promptly. Any worker who experiences or witnesses harassment or violence is encouraged to come forward and report the occurrence.

Scope of Application:

This policy applies to:

- All individuals at The Town of Craik who are engaged in work, work-related activities or work-related relationships between themselves and The Town of Craik. This includes full-time employees, part-time employees, casual assignments, contractors or consultants, permanent and temporary workers, board members, job applicants, suppliers, volunteers and those on approved leave, hereafter referred to as “workers”.
- All behaviour that is connected to work in some way and applies to workers both on Town of Craik property and outside of Town of Craik property. This includes conduct during off-site meetings, work-related functions, training, and business trips.
- All aspects of employment including recruitment, selection, conditions, benefits, training, promotion, task allocation, shifts, hours, leave arrangements, workload, equipment and transport.
- All aspects of the provision of goods and services, including how workers provide services to clients and how the workers interact with members of the public.
- All incidents of discrimination, workplace harassment and violence, including sexual harassment and sexual violence, family violence and third-party violence.

Definitions:

1. Discrimination is when someone treats another person or group unfairly based on personal traits like race, sex, or disability. These are called prohibited grounds of discrimination and they are listed in the CHRA.

- Discrimination can be any action, behaviour or decision that results in the unfair or negative treatment of a person or group related to one, or any combination, of the prohibited grounds outlined in the CHRA.
- Discrimination can be out in the open (direct). This discrimination is often based on negative attitudes and biases.
- Discrimination can also be hidden (indirect). This is the most common kind of discrimination. Indirect discrimination happens when a rule or policy that does not cause a problem for most people has an unfair effect on a person or group that is related to their personal traits. This kind of discrimination is harder to pin down.
- Discrimination may be intentional or unintentional. Even if there are many factors affecting an action, conduct or decision, if discrimination is one factor, it is a violation of this policy.

2. Harassment in any form has a harmful impact on a workplace. When it is linked to one or more of the prohibited grounds listed in the CHRA it is also a serious form of discrimination. Harassment creates systemic barriers to equality in employment. Employers must take steps to ensure their workplace is free from harassment.

- Harassment is when someone says or does something that offends or humiliates another person. Usually, the harasser must say or do these offensive things many times, but a serious one-time incident may also be harassment. Harassment can be direct or indirect, obvious or subtle, physical or psychological. It can occur in many ways, such as through spoken words, text, gestures, and images.
- Even if an individual did not harass someone on purpose (with intent), their behaviour can still be harassment. The question is whether a reasonable person would have known that the behaviour in question was unwelcome.
- Both the CHRA and the CLC protect workers in the workplace.
- The CHRA prohibits harassment in employment and in the provision of services based on one or any combination of the 13 prohibited grounds of discrimination.
- The CLC also protects workers from harassment, including harassment that is not linked to a prohibited ground, such as domestic violence. The CLC defines harassment and violence at subsection 122(1):

3. Harassment and violence mean any action, conduct or comment that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness [to a worker], including any prescribed action, conduct or comment.

Harassment can include, but is not limited to any of the following acts:

- creating a toxic work environment
- spreading rumours or gossip about an individual or group
- making offensive jokes or remarks
- cyber bullying
- threats made in person, by phone, email, or through another medium to a worker (including from individuals unassociated with the workplace when the incident occurs during the course of work and/or affects the safety of the workplace)
- playing unwanted practical jokes
- socially excluding or isolating someone
- stalking or inappropriately following a person
- tampering with someone's work equipment or personal belongings
- vandalizing or hiding personal belongings or work equipment
- impeding a person's work in any deliberate way
- persistently criticizing, undermining, belittling, demeaning or ridiculing a person
- intruding on a person's privacy
- public ridicule or discipline
- unwelcome physical contact
- unwanted and inappropriate invitations or requests
- displaying or sharing offensive posters, cartoons, images or other visuals
- making aggressive, threatening or rude gestures
- misusing authority, including:
 - constantly changing work guidelines
 - restricting information

- setting impossible deadlines that lead to failure, and/or
- blocking applications for leave, training or promoting in an arbitrary manner

- engaging in any of the actions, conduct and comments outlined above against a person when it is linked to one or more of the prohibited grounds listed in the CHRA is a serious form of discrimination

4. Microaggressions are brief, indirect, and everyday slights, indignities, put-downs, and insults that communicate discriminatory attitudes towards members of equity-deserving groups. Microaggressions can leave those subjected to them feeling uncomfortable.

These can be:

- behavioural
- verbal

This policy is grounded in an understanding that if the person being harassed does not explicitly object to the behaviour, or appears to be going along with it, this does not mean that the behaviour is okay. The behaviour could still be considered harassment.

Workplace harassment does not include appropriate management action (such as performance evaluations, directives and job assignments) if these are carried out in a fair manner and for legitimate reasons. However, management action that results in a negative impact, and which is made on the basis of a prohibited ground, can constitute harassment and/or discrimination.

Sexual Harassment:

Sexual harassment is broadly defined as unwelcome conduct of a sexual nature that is likely to cause offence or humiliation to a worker. It is a demeaning practice that violates the dignity and self-respect of the victim, both as a worker and as a human being.

Sexual harassment can take many forms and may target any gender.

Examples of sexual harassment can include but are not limited to:

- unnecessary or unwanted physical contact
- persistent questions, insinuations or spreading gossip about a person's private life
- insults or demeaning comments about one's gender or gender role
- staring at a person or parts of their body
- treating an individual differently because they do not conform to the gender role which one expects
- repeated invitations to go out after prior refusal
- sexually explicit comments or gender-based jokes
- displaying or circulating offensive graphics, drawings, e-mails, text messages, letters, or comments
- making promises or threats in return for sexual favours
- the creation or perpetuation of a poisoned environment, where workers must tolerate or endure generalized sexual or gender-related ridicule as part of a workplace culture, and/or
- any other behaviour that could reasonably be thought to put sexual conditions on a person's job or employment opportunities.

Workplace Violence:

Workplace violence includes actions, conduct, threats or gestures that can be reasonably expected to cause harm, injury or illness. Violence can include but is not limited to the following acts or attempted acts:

- verbal threats or intimidation
- verbal abuse, including swearing or shouting offensively at a person
- contact of a sexual nature
- kicking, spitting, punching, scratching, biting, squeezing, pinching, battering, hitting or wounding a person in any way
- attacking or threatening to attack someone with any type of weapon.

Responsibilities and Expectations:

All persons present in the Town of Craik are expected to uphold and abide by this policy, by refraining from all forms of discrimination, harassment or violence, and by cooperating fully in any investigation of a complaint.

The Town of Craik is responsible for ensuring that:

- all workers are provided with a discrimination, violence and harassment-free workplace
- all steps are taken to prevent occurrences in the workplace
- an impartial, fair and accessible complaint process is in place
- the complaint process is respectful, confidential, unbiased, and timely
- appropriate action is taken as soon as a situation arises or is reported
- the principal party is referred to the appropriate support services, and their physical and psychological safety (and that of any witnesses) is protected
- appropriate corrective or disciplinary measures are imposed for a substantiated complaint
- agreed-upon workplace actions or accommodations are implemented
- all appropriate follow-up is undertaken.

Managers and supervisors are responsible for:

- fostering a work environment free from discrimination, violence and harassment, and setting an example about appropriate workplace behaviour
- communicating the process for investigating and resolving complaints made by workers
- acting immediately on observations or allegations of discrimination, violence or harassment, whether or not a complaint has been made
- taking appropriate action during an investigation, including separating the principal party and responding party, when appropriate, and providing regular updates to both parties
- ensuring that the principal party does not experience retaliation

- ensuring that situations are dealt with in a respectful and confidential manner.

Workers are responsible for:

- treating others with respect in the workplace
- refraining from engaging in any form of discrimination, violence or harassment
- refraining from any form of retaliation against those involved in a complaint process, including principal parties and witnesses
- reporting or speaking up against these behaviours, and reporting incidents to the appropriate designated person(s)
- familiarizing themselves and complying with this policy
- cooperating with an investigation and respecting the confidentiality of the process.

Patrons and Rate Payers are responsible for:

- Conducting themselves in a respectful way when interacting with employees and Administration within the regular hours of operation (Monday-Friday, 8am-4pm:subject to change)
 - verbal abuse, use of profanity directed at staff/administrators will not be tolerated

Workers can expect:

- to be treated with respect in the workplace, and have their rights respected
- that reported discrimination, violence or harassment will be dealt with in a timely, confidential and procedurally fair manner
- to be protected from retaliation for filing a complaint, for cooperating with an investigation or for claiming any rights or taking any steps under this policy
- that reported retaliation will be dealt with in a timely, confidential, procedurally fair, and expeditious manner

Workplace Assessment:

The Town of Craik will assess the workplace for risks related to discrimination, harassment, and violence so that issues can be addressed proactively. In particular, the assessment will consider whether there are patterns of behaviour among management or workers that fail to promote equality, diversity, and respect for human rights.

In addition, the risk assessment will consider factors contributing to workplace violence. These may include any of the following:

- performing work alone or in small numbers
- working with the public
- serving clients with a history of violence or mental health conditions
- working in a high-stress environment
- working late nights or early mornings

Preventative measures:

The Town of Craik is responsible for the behaviour of its workers, managers, and supervisors while they are on duty. The Town of Craik will take all reasonable steps to prevent workplace harassment or violence, including acting quickly, effectively, and fairly to prevent and address risks or incidents of workplace harassment or violence.

Filing and Addressing a Complaint:

Complaint Process: *See Schedule A Attached*

The Town of Craik recognizes that individuals who have experienced harassment or violence, and in particular, sexual harassment, may be reluctant to come forward. The Town of Craik is committed to maintaining a workplace free from harassment and violence in which workers feel as safe as possible in reporting their concerns.

Steps:

1. A worker can report workplace harassment or violence by contacting Administration. A worker can also report their concerns to an immediate

supervisor, any person in management, or Human Resources. A worker who reports sexual harassment has the option of dealing with an employer representative of the same gender (wherever possible).

2. Workers can make a complaint of workplace harassment or violence verbally or in writing. If the complaint is made verbally, the individual to whom the complaint is made will record the details provided by the worker. The worker should be prepared to provide details such as what happened, when it happened, where it happened, how often it occurred, and who else was present (if applicable). The worker should also be asked how they think the employer can remedy the alleged incident.
3. There is no specific time limit for a current worker to submit a complaint of harassment or violence to their employer. However, a delay in making a complaint may affect The Town of Craik's ability to assess and investigate the alleged occurrence. Also, if the responding party no longer works for The Town of Craik, The Town of Craik is not required to investigate, but is required to conduct a review and update of its workplace assessment.
4. Former workers generally have three months after the end of their employment to file a complaint of harassment or violence. Delays in filing may be acceptable in certain circumstances. As such, complaints should be made as soon as possible.

Notifications and updates:

Administration will contact the principal party within **five days** of receiving the complaint to:

- confirm that a complaint has been received
- explain how this policy may be accessed
- explain each step of the resolution process

Administration will contact the responding party(s) in writing to let them know that the harassment or violence complaint has been filed. Administration will provide details of the allegations that have been made against them and will also explain:

- how the policy may be accessed
- each step of the resolution process

After a harassment or violence complaint is received, Administration will provide monthly updates on the status of the complaint to the principal party(s) and the responding party(s).

Prohibition of Reprisals

A reprisal is when an individual retaliates or threatens to retaliate against another individual because they have: filed a harassment or violence complaint; assisted someone in filing a complaint; is a witness in an investigation; or has otherwise tried to claim or enforce a right under this policy. Direct and indirect reprisals by and against any worker, including management, will not be tolerated.

For the purposes of this policy, some examples of reprisals include:

- treating a person with hostility
- excluding or isolating
- making negative remarks
- assigning demeaning duties
- engaging in discriminatory, harassing, or violent behaviour
- demoting, disciplining or dismissing a person because they exercised their rights or responsibilities under this policy

Workers Are Allowed Representation

The principal party and the responding party (the parties) may have a support person assist them throughout every stage of the complaint and investigation process, including during any conciliation process. A witness may also be accompanied by a support person during an interview as part of an investigation. However, this person should not be a representative of the employer (legal or otherwise).

Early Resolution of Complaint

Early resolution is an opportunity to resolve a dispute without requiring a more formal resolution process. It can involve a range of options, such as a meeting with the principal party, the responding party, and an employer representative. At this stage of the process, the principal party and employer will discuss what remedy the principal party is seeking through the complaint process.

An early or informal resolution of a complaint may not always be appropriate or possible. This will depend on how the principal party and the responding party would like the matter to be handled. It will also depend on the circumstances, including the nature and seriousness of the allegations.

Administration will work with the principal party and the responding party to determine whether an early resolution process is appropriate. The Town of Craik recognizes the importance of resolving workplace disputes quickly and will offer early resolution as soon as possible.

Conciliation

If an early resolution is not possible or appropriate or if it does not result in a full resolution of the dispute, the parties may be offered an opportunity to participate in a conciliation. Conciliation is a confidential process where a neutral individual assists the parties to resolve their dispute, without imposing an outcome. Conciliation only takes place if both parties agree to participate. Conciliation will not be appropriate in every circumstance. The facilitator will be an impartial person who is acceptable to the parties.

The Town of Craik recognizes the importance of resolving workplace disputes quickly and will arrange for conciliation where both parties agree to it and have agreed to a person to facilitate it. However, conciliation cannot be offered if an investigator has already submitted a report.

Investigation

If early resolution and conciliation are inappropriate or do not fully resolve the issue, a harassment or violence investigation will be conducted. Administration will contact the parties to notify them that an investigation will be carried out.

The Town of Craik, the principal party, and the responding party will select an investigator together. Selection should occur as soon as possible but no later than 60 days after the parties receive notice of the investigation. If an investigator cannot be agreed upon, The Town of Craik will select an investigator from among those whom the Canadian Centre for Occupational Health and Safety identifies as having the required knowledge, training and experience.

Investigation Report and Outcome

The investigator will prepare a final report. The report will not directly identify any witness or third party. In some instances, however, it may be possible to identify witnesses from the circumstances.

The final report must include a detailed description of the incident, the investigator's conclusions and recommendations to eliminate or minimize the risk of similar incidents reoccurring. This report must not disclose, directly or indirectly, the identity of any witness or third party.

The investigation report will be provided to Administration, the principal party, and the responding party.

Administration will determine which of the recommendations included in the investigator's report should be implemented. The Town of Craik is responsible for implementing these recommendations as soon as possible to ensure that workplace harassment and violence is addressed quickly and effectively. At the latest, these recommendations will be implemented within one year after receiving the harassment or violence complaint.

Meaningful Resolution

Developing both immediate and long-term remedial solutions is a crucial part of resolving a complaint. The impact of the complaint resolution process can be measured by how effective these solutions are in restoring the workplace and preventing similar incidents from occurring in the future. The Town of Craik is committed to restoring the workplace through appropriate remedial measures. Remedial measures will be shared with the parties to the extent possible.

Unsubstantiated Complaints

If an investigator finds that there is insufficient evidence to support an allegation of harassment or violence, the complaint will be considered unsubstantiated. Typically, this means that corrective and remedial action will not be required.

However, unsubstantiated complaints may reveal other sources of conflict which still require attention in the workplace. Administration will schedule follow up discussions

with each of the parties and is responsible for leading efforts to facilitate the return to a healthy workplace.

Other Procedures

External Risks

An individual who believes that an external danger, such as family violence, could lead to third party violence or harassment in the workplace should tell Administration verbally or in writing. A worker can also report their concerns to an immediate supervisor or any person in management.

To minimize external risks, The Town of Craik may take measures such as:

- speaking to a worker who may be experiencing violence outside of the workplace to identify solutions
- relocating a worker's workstation so that they cannot be seen from outside
- removing a worker's contact information from public directories
- offering flexibility in scheduling to ensure a worker's safety.

Emergency Procedures

If violence, sexual harassment or harassment pose or may pose an immediate danger to the health or safety of a worker, the worker should attempt to de-escalate the situation verbally. If de-escalation is unsuccessful or not possible, the worker should seek additional assistance, such as from a supervisor or security (other appropriate authorities).

Record Keeping

The Town of Craik is responsible for keeping the workplace harassment and violence policy and the documents forming part of the workplace assessment.

The Town of Craik will keep the following records:

- a) the workplace harassment and violence prevention policy
- b) a copy of the documents that form part of the workplace assessment

- c) a copy of the documents that form part of each review and update of the workplace assessment
- d) a record of The Town of Craik's decision (and the reasons for that decision) in each instance where The Town of Craik and the applicable partner disagree on a joint matter
- e) a record of each notice of occurrence (alleged incident of harassment or workplace violence) and of each action taken in response to the notice
- f) a document explaining the reason for a delay when a time limit is not met
- g) a copy of each investigation report
- h) a copy of each annual report
- i) a copy of each fatality report (where relevant)

Privacy and Confidentiality

The Town of Craik and all individuals involved in a harassment or violence complaint are expected to respect the privacy and confidentiality of all other persons involved while the complaint is being addressed under this policy. Confidentiality is intended to ensure the integrity of the complaint process, not to conceal allegations of harassment or violence.

Importantly, the confidential nature of the complaint process does not prevent any individual involved from seeking medical, psychological, or social support services. It does not prevent sharing the information necessary to protect others from harassment or violence, taking appropriate interim or other corrective action, or compliance with any legal obligations.

The Town of Craik and all individuals involved in the complaint or investigation process will comply with all confidentiality requirements to protect personal information. The Town of Craik will not disclose the name of a principal party, or the circumstances related to the complaint to any person except where doing so is necessary for the purposes of investigating the complaint or taking disciplinary measures. The Town of Craik will not disclose information related to disciplinary measures or sanctions imposed on a responding party to any person except where doing so is necessary to facilitate the implementation of those disciplinary measures or sanctions.



M. Wejman

Mayor Signature

Janet Boyd

Administration

Schedule A

Town of Craik – Violence or Harassment Complaint Form

Date of Infraction: _____

Name of Person Lodging the Complaint: _____

Name of Person(s) the Complaint is Regarding: _____

Location of Grievance: _____

Describe the Grievance:

Signature of Complainant

Signature of Administration

Date: _____

Schedule B

Workplace Violence/Harassment Risk Assessment Form

Form Completed By: _____

Date: _____

Work:

Describe the work being done and the location of the work:

History:

Have there been any previous incidents of harassment or violence while doing this work or in this location:

YES NO

If Yes:

What is the relationship with the other person (co-worker, patron, volunteer, outside person)? _____

Did you report the incident? YES NO If yes Provide the Date: _____

To whom did it was reported: _____

Do you, in the course of your duties, make decisions that may adversely affect other or their properties?

YES NO

Describe: _____

Are you, in the course of your duties, involved with activities that may elicit a negative or confrontational response?

YES NO

Describe: _____

Do you have a reliable means of communication?

YES NO

Additional Comments or Concerns:

Date: _____

Signature: _____