



Discrimination, Violence and Harassment Free Workplace Policy

Policy Number:	D-01
Applies to:	All staff, members of council, citizen members of committees/task forces, volunteers, independent contractors, any other individual(s) engaged to do business with or for the Town.
Approval Date:	December 13, 2021
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Approval Authority:	Council, approved by Council Resolution No. RES-410-2023

1. Policy Statement

The Town of Collingwood (“Town”) is committed to providing a work environment that is conducive to personal and professional growth, and a workplace that strives to ensure that all members of the Town’s workplace community are treated with dignity and respect during their workplace interactions.

Employees, members of council, citizen members of committees/task forces and volunteers acting on behalf of the Town of Collingwood are entitled to, and are expected to contribute to, a workplace that is free from any form of discrimination, violence, or harassment. No form of discrimination, violence or harassment will be tolerated.

2. Purpose

Everyone within the Town workplace community plays a part in creating and maintaining a civil, respectful, professional, and collaborative workplace, free from discrimination, harassment, bullying and any form of violence.

This policy and supporting procedure reflect these values and our commitment to maintaining and promoting a workplace that is welcoming and inclusive.

The Town has implemented this policy to:

- Promote and support a work environment free from any form of workplace violence, harassment, or discrimination.
- Identify the roles, and responsibilities of workplace participants.
- Outline the course of action should a violation of this policy occur.

3. Definitions

- **Employee** means continuous full-time employees, other-than-continuous full-time employees (e.g., part-time, contract, etc.), and volunteers who perform work for or deliver services on behalf of the Town.
- **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 violence** means,
 - the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
 - an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
 - 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.

4. Scope

This policy applies to all employees, members of council, citizen members of committees/task forces, volunteers acting on behalf of the Town, independent contractors, any other individual(s) engaged to do business with or for the Town and any member of the public while on Town property.

The use of the term “*employee*” throughout this policy includes all workplace participants listed in the scope of this policy.

The policy applies wherever and however one conducts work, including but not limited to physical and remote work settings, as well as technological tools that support work initiatives such as in person meetings, virtual meetings, communication platforms, and instant messaging applications.

The resolution of complaints under this policy will be handled in accordance with the Town’s Discrimination, Violence and Harassment-Free Workplace Procedure.

5. Principles of the Policy

- (i) The Town is committed to providing a work environment that is conducive to personal and professional growth.
- (ii) No form of discrimination, violence or harassment will be tolerated.

- (iii) All workplace participants have a role to play in creating a respectful workplace.
- (iv) The Town will not tolerate retaliation, taunts, or threats against anyone who files any complaints about harassment, violence and/or discrimination or takes part in any investigation.
- (v) The Town's Whistle Blower Policy is supported by the Discrimination, Violence and Harassment-Free Workplace Policy, as required.
- (vi) Vexatious and frivolous complaints or complaints made in bad faith, or without reasonable grounds with the intention to embarrass or harass, or with no factual basis filed under this policy will not be tolerated.
- (vii) Employees must comply with all Town policies pertaining to a safe work environment.
- (viii) Employees are entitled not to be photo, video or audio recorded without their consent.
- (ix) In the event of a breach of this policy by any person, the Town will take remedial action.
- (x) Complaints will be kept confidential, to the extent possible. Information will only be released as necessary to conduct a fair investigation and respond to the complaint or situation or if required to do so by law.

6. Roles and Responsibilities

- (a) **Management - Chief Administrative Officer (CAO), Department Heads, Managers, Supervisors:** Management will ensure this policy and relevant procedures are communicated to staff and that complaints are handled with sensitivity and incidents of discrimination, violence and intimidation or harassment are addressed as quickly as possible. It is possible that conduct or occurrences of concern relative to this policy may come to the attention of management and be investigated and addressed even in the absence of a complainant.

It is the responsibility of Management to ensure:

- (i) Adherence to the Discrimination, Violence and Harassment-Free Workplace Policy
- (ii) All reasonable steps are taken to prevent workplace discrimination, violence or harassment in their departments

- (iii) Ensure protection from retaliation for any employee who has made a complaint in good faith
 - (iv) Contact the Human Resources Manager or designate immediately if a complaint of workplace discrimination, violence or harassment is received
 - (v) Take every reasonable precaution to protect employees from workplace discrimination, violence or harassment, including working with Human Resources in the identification, prevention and resolution to any identified or potential instances
 - (vi) Evaluate an employee's, representative's, agent's, contractor's, client's, patron's or volunteer's known history of unacceptable behaviour to determine whether the above poses a risk and to whom
 - (vii) Provide information about a risk of workplace violence from a person with a history of violent behaviour, if an employee can be expected to encounter that person during the course of their work
- (b) **Employees:** Employees are responsible for knowing and following this policy and relevant procedures and always demonstrating respectful workplace behaviour.

Employees must:

- (i) Treat others in a professional manner with courtesy and respect
- (ii) Discourage any behaviour that can be seen as harassing, discriminatory or violent
- (iii) Be responsible for their actions
- (iv) Change their conduct when advised that their behaviour is unacceptable.
- (v) Report the potential or existence of any workplace discrimination, violence and/or harassment, or threat of workplace discrimination, violence and/or harassment to Management or the Human Resources Manager in a timely manner
- (vi) Participate in the investigation process when identified as a witness or a respondent in a complaint; failure to do so may result in disciplinary action up to and including dismissal.

(c) Human Resources (HR):

HR is responsible to:

- (i) Maintain records in accordance with the Records Retention Bylaw of any incidents that fall within this Policy
- (ii) Support Management in the application of this policy and related procedure. Including, but not limited to conducting investigations, ensuring protection from reprisal, addressing vexatious and frivolous complaints, determination of appropriate remedial action
- (iii) Ensure that the Discrimination, Violence and Harassment-Free Workplace Policy is communicated to workplace participants, as required
- (iv) Ensure ongoing training and education on this policy (spirit and intent)
- (v) Advise the CAO, or designate, of any deviations from this Policy

(d) Joint Health & Safety Committee (JHSC):

The Joint Health and Safety Committee (JHSC) is responsible for:

- (i) An annual review of the Discrimination, Violence and Harassment-Free Workplace Policy
- (ii) Forwarding all suggestions and/or amendments to this policy to the HR Manager or designate.
- (iii) Ensuring that all employees are familiar with the Discrimination, Violence and Harassment-Free Workplace Policy and supporting procedure.

7. Policy

The Town recognizes the sensitive nature of workplace discrimination, violence and harassment complaints and will keep all complaints confidential, to the extent possible. Information will only be released as necessary to conduct a fair investigation and respond to the complaint or situation or if required to do so by law.

Out of respect for the relevant individuals, it is essential that the complainant, respondent, witnesses, and anyone else involved in the formal investigation of a complaint maintain confidentiality throughout the investigation and afterwards.

As a term of employment, cooperation in investigations, honestly and in good faith is required as they relate to creating a workplace free of violence and harassment.

Photo, video, and audio recordings taken without the consent of the employees or individuals being recorded may be found to be harassment after a single occurrence. The intent is not to prohibit consensual photo, video and audio recordings between friends or colleagues with a positive intent or message but rather to stop non-consensual recordings from being created.

The following are not violations of this policy:

- (a) The use of surveillance cameras by the Town in compliance with the law; and,
- (b) Any recording taken by or on behalf of the Town in compliance with the law:
 - (i) That a reasonable person would believe was taken and utilized to uphold the integrity of the workplace; and/or,
 - (ii) that a reasonable person would believe was taken and utilized with an intent and/or purpose to preserve the health and safety and/or physical or mental well being of an individual or individuals.

8. References and Related Documents

1. Discrimination Violence Harassment Complaint Form
2. Acknowledgement of Complaint Letter
3. Confidentiality Agreement of Investigation
4. Investigation Checklist
5. Investigation Findings to Complainant Letter
6. Notice of Complaint Confidentiality Agreement
7. Workplace Complaint Investigation Template
8. Progressive Discipline Policy D-12
9. [Occupational Health and Safety Act of Ontario \(R.S.O. 1990, c. 0.1\)](#)
Part III.0.1 Violence and Harassment (OHSA)
10. [Code of Practice to Address Workplace Harassment](#), OHSA
11. Ontario Human Rights Code
12. Criminal Code of Canada

9. Consequences of Non-Compliance

Town employees who breach this policy may be subject to discipline up to and including dismissal.

10. Review Cycle

This policy will be evaluated by the CAO and Department Heads and reviewed by the JHSC as often as necessary, but at least annually, in conjunction with the annual requirements of the OHSA.