


POLICY

	Policy:	Workplace Violence, Harassment, and Discrimination Prevention		
	Department:	Corporate Services	By-Law No.:	N/A
	Division:	Human Resources	Approval Date:	June 23, 2026
	Administered By:	Manager of Human Resources		
	Replaces:	Workplace Violence, Harassment and Discrimination Prevention – November 25, 2019		
	Attachment(s):	N/A		

1. POLICY STATEMENT

The Corporation of the Town of Amherstburg is committed to providing a workplace climate that reflects cooperation, understanding, respect and dignity for all. This is achieved by promoting and upholding a Workplace Violence, Harassment, and Discrimination Prevention Program. The Town is committed to preventing and addressing workplace violence, harassment, and discrimination in all operations and activities.

The Town will actively promote a respectful workplace environment, ensuring conduct and behaviour is in line with those expectations and take steps where necessary to protect its workers and ensure their well-being. The Town affirms that behaviours which are characterized as harassment, discrimination, or violence are completely unacceptable, will not be tolerated.

2. PURPOSE

- 2.1. The policy ensures compliance with the Occupational Health and Safety Amendment Act, 1990 (OSHA), the Ontario Human Rights Code, and applicable legislation.
- 2.2. This policy ensures that all reported incidents of workplace violence, harassment and discrimination are addressed in a timely and consistent manner and any incidents of which the Town becomes aware of shall be reviewed and appropriate action taken.

3. SCOPE

- 3.1. This policy applies to all Employees, Council and Committee members, contractors, visitors, volunteers, and customers.
- 3.2. This policy and related procedures apply to:
 - 3.2.1. All worksites, and work-related situations occurring in the workplace or arising from the course of employment;
 - 3.2.2. Off-site business-related functions such as conferences, trade shows, or other similar functions;
 - 3.2.3. Social events related to work where the gathering is at a residence, place of business or some other location where Employees are gathering for the purpose social interaction;

- 3.2.4. Cyber/online locations including, but not limited to, social media applications.
- 3.3. This policy also extends to any circumstance or situation of Intimate Partner Violence (IPV) that has the potential and/or probability of materializing within the workplace and having the potential to cause physical injury to workers at any location where this policy applies.
- 3.4. This policy shall be reviewed annually from the date it becomes effective, in accordance with the OHSA, and/or sooner at the discretion of the CAO or designate.

4. **DEFINITIONS**

- 4.1. **Cyber Bullying, Cyber Harassment, or Cyber Stalking** refers to tormenting, threatening, intimidating, harassing, humiliating, actions against a person using an electronic medium such as the internet, a mobile device, interactive and/or digital technology.
- 4.2. **Discrimination** refers to actions which make a distinction or choice that limits the access of individuals and/or groups to opportunities based on the prohibited grounds described in the Ontario Human Rights Code. Grounds for discrimination include: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, disability, genetic characteristics or a conviction for which a pardon has been granted or a record suspended.
- 4.3. **EAP** refers to the Employee Assistance Program offered by the Town of Amherstburg for counselling and support services.
- 4.4. **Employee** for the purpose of this policy refers to any person (or group thereof) who supplies services to the Town for wages or in an unpaid capacity including any union or non-union, regular or temporary, full-time, part-time, seasonal or casual, co-op or intern, volunteer or committee member.
- 4.5. **Intimate Partner Violence (IPV)** is widely understood to be a pattern of behaviour used by one person to gain power and control over another person with whom an intimate relationship exists or has existed. This pattern of behaviour may include physical violence, sexual, emotional and/or psychological intimidation, verbal abuse, stalking, and using electronic devices to harass and control. Harassment and violence arising from personal relationships outside the workplace could potentially expose others to harm including a work colleague or others visiting the workplace to physical injury in the workplace.
- 4.6. **Investigator** refers to the person or persons responsible for carrying out the inquiry or examination of any incidents or allegations related to complaints of violence, harassment or discrimination.
- 4.7. **JHSC** refers to the Town's Joint Health and Safety Committee.
- 4.8. **Ontario Human Rights Code** refers to the provincial anti-discrimination legislation that applies to workplaces, housing, services, facilities, and to contracts or agreements. Individuals have the right to equal treatment and opportunities, without discrimination or harassment, in the areas covered by the Code.

- 4.9. **Poisoned Work Environment** refers to a work environment spoiled by harassment or discrimination which is not necessarily directed toward an individual, but which creates an environment that is intimidating, hostile, humiliating, or offensive and may interfere with work performance.
- 4.10. **Prohibited Grounds** as defined by the Ontario Human Rights Code, refers to race, national or ethnic origin, colour, ancestry, religion, age, sex (including childbirth and pregnancy), gender identity, gender expression, sexual orientation, marital status, family status, mental or physical disability (including previous or present substance dependency), and pardoned conviction.
- 4.11. **Workplace** as defined by the OHSAA, means any land, premises, location or thing, at, on, in or near where a worker works. It includes all areas referenced under section 3.2 of this policy.
- 4.12. **Workplace Harassment** as defined by the OHSAA, refers to “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”. Where harassment is based on one of the protected grounds, it is also covered by the Ontario Human Rights Code. Workplace Harassment does not include performance management, but may include:
- 4.12.1. Behaviour that intimidates, isolates or even discriminates against the targeted individual(s);
 - 4.12.2. Unwelcome comments that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers in a workplace;
 - 4.12.3. Remarks, jokes or innuendos that demean, ridicule, intimidate, or offend;
 - 4.12.4. Displaying, posting or circulating offensive pictures or materials in print or electronic format including social media postings, which may or may not overtly include any information obtained in the workplace including names or events;
 - 4.12.5. Bullying acts that could “mentally” hurt or isolate a person in the workplace which may involve adverse physical contact, repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate a particular person or groups of people.
 - 4.12.6. The assertion of power through aggressive actions;
 - 4.12.7. Repeated offensive or intimidating phone calls or e-mails; or
 - 4.12.8. Workplace sexual harassment.
- 4.13. **Workplace Sexual Harassment** includes the following:
- 4.13.1. 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;

- 4.13.2. 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;
 - 4.13.3. Asking questions, talking, or writing about sexual activities;
 - 4.13.4. Rough or vulgar humour or language related to sexuality, sexual orientation or gender;
 - 4.13.5. Displaying or circulating pornography, sexual images, or offensive sexual jokes in print or electronic form;
 - 4.13.6. Leering or inappropriate staring;
 - 4.13.7. Invading personal space;
 - 4.13.8. Unnecessary physical contact, including inappropriate touching;
 - 4.13.9. Demanding hugs, dates, or sexual favours;
 - 4.13.10. Making gender-related comments about someone's physical characteristics, mannerisms, or conformity to sex-role stereotypes; or,
 - 4.13.11. 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.
- 4.14. **Workplace Violence** as defined by the OHS Act, refers to the exercise, or attempt to exercise physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker, a statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against the worker in a workplace, that could cause physical injury to the worker. This definition is broad enough to include acts that would constitute offences under the Criminal Code of Canada. Workplace violence may include:
- 4.14.1. Physical Attacks including hitting, shoving, pushing, kicking, or inciting a physical attack by direct or indirect actions.
 - 4.14.2. Threatening Behaviour which refers to actions that intimidate or threaten another person (e.g. shaking fists, destroying property, or throwing objects.)
 - 4.14.3. Verbal or Written Threats which refers to any expression of an intent to inflict harm, including:

- 4.14.3.1. Direct threats: Clear and explicit communication which distinctly indicates intention to do harm;
- 4.14.3.2. Conditional threats: Involve a stipulation to threaten if something is or is not done to satisfy the perpetrator; and,
- 4.14.3.3. Veiled threats: Usually involve body language or behaviours that leave little doubt in the mind of the intended individual that the perpetrator intends harm.

Other common definitions, acronyms, and terms are available in the Glossary located on the Town's Policies webpage.

5. INTERPRETATIONS

Any reference in this policy to any statute or any section of a statute shall, unless expressly stated, be deemed to be reference to the statute as amended, restated or re-enacted from time to time. Any references to a by-law or Town policy shall be deemed to be a reference to the most recent passed policy or by-law and any replacements thereto.

6. GENERAL CONDITIONS

6.1. Promoting a Respectful Workplace Culture

- 6.1.1. The Town will define and communicate expectations of respectful workplace culture by reviewing, discussing, and reinforcing relevant policies and procedures on an annual basis, or more frequently if needed.
- 6.1.2. Employees will demonstrate respectful behaviour, personal integrity and professionalism by practicing fairness and understanding, demonstrating respect for individual rights and differences and encouraging accountability for one's actions.
- 6.1.3. A respectful workplace:
 - 6.1.3.1. Is inclusive;
 - 6.1.3.2. Values diversity;
 - 6.1.3.3. Clearly communicates behavioural expectations;
 - 6.1.3.4. Promotes employee health and safety;
 - 6.1.3.5. Provides resources and training to resolve disputes;
 - 6.1.3.6. Strives for continuous improvement;
 - 6.1.3.7. Creates and facilitates open channels of communication;
 - 6.1.3.8. Establishes and upholds a welcoming environment; and,

6.1.3.9. Offers opportunities for employee engagement.

6.2. Violence Risk Assessment and Reassessment

6.2.1. A risk assessment for potential workplace violence will be conducted annually at each worksite in consultation with the JHSC. Consideration shall be given to the following risk factors:

6.2.1.1. Areas of premises that are accessible to the public or not secured against unauthorized entry.

6.2.1.2. Employees who:

- a. Work alone;
- b. Travel and/or work off-site;
- c. Handle cash or other valuables;
- d. Engage in activities where clients, the public, or others may become angry or aggressive;
- e. Work in remote locations; or,
- f. Work outside of regular hours.

6.2.1.3. Building and parking lot security, access, egress, visibility and lighting.

6.2.1.4. Entrapment sites on premises.

6.2.1.5. Communication systems.

6.2.2. The risk of violence will be reassessed where any changes in the work or the environment arise, or if events occur, such as an incident of workplace violence, or new information becomes available that may affect the accuracy of the assessment. The changes will be included as a factor in any future assessments.

6.3. Training

6.3.1. All employees shall receive training on the Workplace Violence, Harassment, and Discrimination Prevention Program, policy, and procedures at the time of hire and annually thereafter.

6.3.1.1. Additional training will be provided as needed, where conditions change that result in revisions to the Violence, Harassment, and Discrimination Prevention Program, policy and procedures.

6.3.1.2. Training will also be provided, where appropriate, to Employees who change positions that may alter or impact the work environment and/or responsibility level.

6.3.2. The procedure outlines the process for reporting, investigating, and resolving incidents of workplace violence, harassment, and discrimination, including a third-party complaint reporting mechanism.

6.4. Confidentiality

6.4.1. The Town will take all reasonable measures to protect the privacy of individuals involved in workplace violence and/or harassment situations, and ensure that complainants and respondents are treated seriously, fairly and respectfully.

6.4.2. The Town will ensure that identifying information about any individuals involved is not to be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action or is otherwise required by law.

6.4.3. Information will be shared on a need-to-know basis only and all individuals involved in the investigative process will be expected to maintain the confidentiality of any and all information received.

6.4.4. The results of an investigation conducted into incidents and complaints of workplace harassment, and any report created in the course of or for the purposes of the investigation, are not considered a report under Section 25(2) of the OHSA.

6.4.5. The Town will provide the services of EAP as necessary and appropriate to any Employee who has experienced an instance of workplace violence, harassment, or discrimination.

6.5. Fraudulent or Malicious Complaints

6.5.1. Fraudulent or malicious complaints relating to violence, harassment, and discrimination against Employees will not be tolerated.

6.5.1.1. Unfounded or frivolous allegations of violence, harassment, or discrimination may cause significant emotional impacts and potential reputational damage to named parties and to the Town.

6.5.2. If it is determined by the Town that an Employee has knowingly made false statements regarding an allegation of violence, harassment, or discrimination, immediate disciplinary action will be taken up to and including termination of employment, in accordance with Town policies.

6.6. Legitimate Management Actions

6.6.1. The following actions and activities fall within the scope of legitimate management actions and are NOT considered as harassment:

6.6.1.1. Normal exercise of Management's right to manage such as the day-to-day management of operations, work performance, attendance

management, assignment of tasks, consultation with other departments regarding work activities, reference checks, and the application of progressive discipline/disciplinary actions, up to and including termination, constitute the legitimate exercise of management's authority.

- 6.6.1.2. Workplace conflict in itself does not constitute harassment, however if early and constructive steps are not taken to resolve the conflict, it could evolve into a situation whereby it approaches or meets the definition of harassment.
- 6.6.1.3. Work related stress in itself does not constitute harassment, however the accumulation of unaddressed factors that negatively impact the work environment may increase the risk of harassment.
- 6.6.1.4. Difficult conditions of employment, professional constraints, and organizational changes do not constitute harassment.

6.7. Intimate Partner Violence

- 6.7.1. Any Employee experiencing intimate partner violence (IPV) that may create a risk of danger to themselves or others in the workplace is encouraged to report such violence to Management and/or Human Resources. Management made aware of IPV must report the situation to Human Resources.
- 6.7.2. The Town will take all reasonable preventive steps to ensure safety in the workplace and provide the Employee with internal and external resources to assist, as required and in accordance with this policy.
- 6.7.3. The Town recognizes the sensitivity of these issues and will endeavor to assist Employees as discreetly as possible. Confidential advice and referral for counselling/assistance is available through the EAP for anyone experiencing IPV or for those who become aware of someone who is.

7. RESPONSIBILITIES

- 7.1. **Council** has the authority and responsibility to:
 - 7.1.1. Adopt the Workplace Violence, Harassment, and Discrimination Program policy.
 - 7.1.2. Adhere to the requirements of the Workplace Violence, Harassment, and Discrimination program and policy.
 - 7.1.3. Actively promote a respectful workplace culture.
 - 7.1.4. Ensure adequate human and financial resources are made available to Administration to meet the prescribed requirements of the OSHA and corresponding regulations.
- 7.2. **Management** has the authority and responsibility to:
 - 7.2.1. Actively promote a respectful workplace culture.
 - 7.2.2. Adhere to the requirements of the Workplace Violence, Harassment, and Discrimination program, policy, and procedures.

- 7.2.3. Ensure that all incidents of alleged or actual violence, harassment or discrimination are promptly documented and reported to Human Resources.
- 7.2.4. Participate in violence risk assessments and reassessments.
- 7.2.5. Take all reasonable and practical measures to minimize or eliminate risks identified through risk assessments, workplace inspections, or the occurrence of an incident in consultation with Human Resources.
- 7.2.6. Take every reasonable precaution in the circumstances to protect a worker if the employer becomes aware, or ought reasonably to be aware that IPV would likely expose a worker to physical injury that may occur in the workplace.

7.3. **Human Resources** has the authority and responsibility to:

- 7.3.1. Ensure the Workplace Violence, Harassment and Discrimination Prevention policy is prepared, posted, and reviewed annually.
- 7.3.2. Ensure that Employees receive information and training on the Workplace Violence, Harassment, and Discrimination Prevention Program, policy, and procedures.
- 7.3.3. Assess the risks of workplace violence that may arise from the nature of the workplace, the type of work, or the conditions of work in consultation with the JHSC.
- 7.3.4. Ensure that incidents of workplace violence, harassment, and discrimination are investigated in accordance with this policy and procedures.
- 7.3.5. Document and retain records of all incidents in accordance with the Town's records retention policy.

7.3.6. **Employees** have the responsibility to:

- 7.3.6.1. Actively promote a respectful workplace culture.
- 7.3.6.2. Adhere to the Workplace Violence, Harassment, and Discrimination Prevention program, policy, and procedures.
- 7.3.6.3. Promptly report any incidents of alleged or actual violence, harassment or discrimination in accordance with this policy and related procedures.

8. **LEGISLATIVE REFERENCES**

- 8.1. Occupational Health & Safety Act, 1990
- 8.2. Ontario Human Rights Code, 1990
- 8.3. Criminal Code of Canada