

To: David Creery, Chief Administrative Officer
From: Magda Leski, Director of Human Resources
Re: Council Policies HS 001 – Health and Safety Policy and
HS 002 – Prevention of Workplace Violence and Harassment

AIM

To adopt Council policies HS 001 Rev. 04 and HS 002 Rev. 06 as amended.

BACKGROUND

The Occupational Health & Safety Act (OSHA) requires employers to:

1. Prepare and review at least annually a written occupational Health and Safety Policy and to develop and maintain a program to implement the policy. *Per [25 (2)(J)]*
2. Prepare and review at least annually a; a policy with respect to workplace violence and harassment. *Per [32.0.1 (1) (a)(b)(c)]*

COMMENTS

As a result of an annual review, as well as legislative changes to the *Working for Workers Five Act*, (Bill 190) that brought changes to the *Occupational Health and Safety Act* (OHSA), both the Health and Safety Policy as well as the Prevention of Workplace Violence and Harassment have been updated to reflect the legislative changes.

Specifically, *the Act* now incorporates:

Virtual harassment: The definitions of “workplace harassment” and “workplace sexual harassment” now specifically apply to virtual environments and communications.

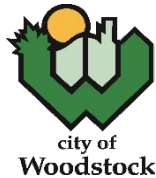
Remote workers: The scope of the OHSA is expanded to capture telework performed in or about a private residence (i.e., remote work from home).

RECOMMENDATION

That the Council policies HS 001 – Health and Safety Policy and HS 002 – Prevention of Workplace Violence and Harassment be adopted as amended.

Authored by: Magda Leski, Director of Human Resources

Approved by: David Creery, M.B.A., P.Eng. Chief Administrative Officer



CITY OF WOODSTOCK POLICY MANUAL

Subject:	Health and Safety Policy
Policy Number:	HS001
Revision:	04
Approved by Council:	August 15, 1991
Amended:	April 3, 2025

Statement of Principle

To comply with the Ontario Occupational Health and Safety Act requirements for employers (25(2)(J) to prepare and review at least annually a written occupational health and safety policy and to develop and maintain a program to implement the policy.

Administration

The Management of the Corporation of the City of Woodstock is vitally interested in the health and safety of its employees. Protection of all employees from injury or occupational disease is a major continuing objective. The Corporation of the City of Woodstock makes every effort to provide and maintain a safe and healthy **physical and virtual** work environment by abiding by all applicable legal requirements. All supervisors and workers must be dedicated to the continuing objective of reducing injury and risk to health.

Responsibilities

As an **Employer**, we are responsible for worker health and safety. The Corporation and its management will take all reasonable steps to prevent injury and create a safe and healthy workplace. To achieve this, we include health and safety concerns in our organizational activities through ongoing consultation and interaction with our Joint Health and Safety Committees and Health and Safety Representatives. We are dedicated to this through ongoing assessments and annual review of our health and safety program.

Supervisors must be accountable for the health and safety of workers under their direct supervision. Supervisors are responsible to ensure that workers are aware of potential or actual workplace hazards and follow established safe work practices and procedures. Workers are to receive adequate training in their work tasks to protect their health and safety before commencement of the job.

Every **Worker** is to protect, and is responsible for his or her own health and safety by working in compliance with the legislative requirements, safe work practices, procedures, standards, safety rules, and rules of conduct as established by the Corporation.

It is the best interest of all levels of the Corporation to consider health and safety in every activity. Commitment to health and safety is an integral part of this organization, from workers to senior management.

Revision Date	Rev #	Particulars
August 15, 1991	00	Issued
July 12, 2012	01	Council approval of Policy number change; HR013 to HS001
January 13, 2014	02	<ul style="list-style-type: none"> - No Policy or Procedural changes - Minor language / terminology amendments, under Responsibilities – Paragraph 1 (i.e. Joint Health and Safety Committees and Health and Safety Representatives).
April 16, 2020	03	<ul style="list-style-type: none"> - Change in Employer Responsibilities section to better reflect the city's commitment to wellness/mental health. - Change in Supervisor Responsibilities section to better align with Section 27 of the Occupational health & Safety Act (OHSA).
April 3, 2025	04	<ul style="list-style-type: none"> - Addition of <i>physical and virtual</i> when describing the work environment in the Administration section.



CITY OF WOODSTOCK POLICY MANUAL

Subject:	Prevention of Workplace Violence and Harassment
Policy Number:	HS002
Revision:	06
Approved by Council:	March 21,2002
Amended:	April 3, 2025

Statement of Principle

Note: Forms part of the Health and Safety Procedures 3.0 – General Policy Statement.

1.0 Scope of Policy & Procedure

- 1.1 This Policy recognizes that workplace harassment and violence may occur between the following:
- co-workers
 - City workers and visitors
 - City workers and clients/contractors
 - City workers and members of the public
 - City workers and family members
- 1.2 This policy applies to all work related duties and activities which may occur at or away from the workplace.
- 1.3 Every employee of the City of Woodstock has the responsibility to ensure a healthy, safe, and respectful work environment.

2.0 Definitions

- 2.1 **Workplace:** For purposes of this Policy, includes ALL City facilities, sponsored events and meetings, travel while on City business, and any other location – including virtually through the use of information and communications technology where City business is being conducted. Harassment which occurs outside the workplace but which may adversely impact worker relationships may also be defined as workplace harassment.
- 2.2 **Workplace Violence:** 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 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.

2.2.1 Examples of Workplace Violence

Workplace Violence may include but isn't limited to:

- verbally threatening to attack a worker

- leaving threatening notes at or sending threatening electronic messages 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 a worker is standing on; *i.e.* ladder, step stool
- trying to run down/over a worker using a vehicle or equipment; *i.e.* forklift

2.2.2 Accidental Violent Situations

An accidental violent situation may include but is not limited to:

- a worker tripping over an object and falling into/pushing a co-worker as a result.

2.3 **Workplace Harassment:**

- a) Engaging in a course of vexatious comment or conduct against a worker, in a workplace, **including virtually through the use of information and communications technology**, that is known or ought reasonably to be known to be unwelcome, or,
- b) Workplace sexual harassment;
 - i) engaging in a course of vexatious comment or conduct against a worker in a workplace **including virtually through the use of information and communications technology** 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,
 - ii) 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 harassment can involve unwelcome words or actions, or a pattern of behaviours that are known or should be known to be offensive, embarrassing, humiliating, or demeaning to a worker or group of workers. It can also include behaviour that intimidates, isolates, or even discriminates against the targeted individual(s).

2.3.1 *Examples of Workplace Harassment*

Workplace Harassment may include but isn't limited to:

- making remarks, jokes, or innuendos that ridicule or intimidate.
- displaying or circulating offensive pictures or material in print or electronic form.
- bullying.
- repeated offensive or intimidating phone calls or electronic messages.
- inappropriate sexual touching, advances, suggestions or requests.
- any offensive or harassing conduct based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex (including pregnancy

and gender identity), sexual orientation, disability, age (18 and over, 16 and over in occupancy of accommodation), marital status (including same sex partners), family status, receipt of public assistance (in accommodation only), and record of offences (in employment only).

2.3.2.1 Not considered to be Workplace Harassment

- reasonable action or conduct by an employer, manager, or supervisor relating to the management and direction of workers or the workplace would not normally be considered workplace harassment. This is the case even if there are sometimes unpleasant consequences for a worker.
 - Examples can include but aren't limited to; changes in work assignments, scheduling, job assessment and evaluation, workplace inspection, implementation of dress code, and disciplinary action.
- differences of opinion or minor disagreements between co-workers would also not generally be considered workplace harassment.
- harassment does not refer to the occasional compliment or remark, accepted social banter, or good-natured jesting when both parties find the conduct agreeable. However, tolerance for such behaviour varies and accordingly good judgment must be exercised.
- in addition, any behaviour that would meet the definition of *Workplace Violence* would not be considered to be *Workplace Harassment*.

- 2.4 Domestic Violence:** A pattern of abusive behaviours by one or both partners in an intimate relationship such as marriage, dating, family, cohabitation, or friends. Domestic violence may include but is not limited to: physical aggression (*i.e. hitting, kicking, biting, shoving, restraining, throwing objects*), or threats thereof, sexual abuse, emotional abuse, controlling or domineering behaviour, intimidation, stalking (*i.e. unwelcome visits to the workplace, threatening phone calls and/or emails*), neglect, and economic deprivation.
- 2.5 Complainant:** Person or persons filing a complaint against another person or persons.
- 2.6 Respondent:** Person or persons who have a complaint filed against them.
- 2.7 Corporation of the City of Woodstock:** herein referred to as *the City*.
- 2.8 Supervisor:** Includes Department Heads, Directors, Managers, Superintendents, and Supervisors.
- 2.9 JHSC:** Joint Health and Safety Committee.
- 2.10 HSR:** Health and Safety Representative.
- 2.11 MLITSD:** Ministry of Labour, Immigration, Training and Skills Development

3.0 General Policy Statement

The Corporation of the City of Woodstock is committed to the principle of equal rights and opportunities for all employees and to providing and promoting a safe work environment. The City will take all reasonable steps and abide by all applicable legal requirements to ensure that the **physical and virtual** workplace is free of violence, harassment, sexual harassment,

fear of violence or harassment, threatening acts, and bullying conduct. The City recognizes a positive work environment is built upon mutual respect, inclusion, and a culture committed to health and safety. The City will include risks of harassment and/or violence in job hazard assessments. We are dedicated to this through an annual review of our program in consultation with the Joint Health & Safety Committees and Health & Safety Representatives.

The City has a zero tolerance policy towards harassment of any kind, violence, threatening behavior, and bullying in the workplace. Harassment, violence, threatening behavior, and bullying by any worker will be viewed as a fundamental breach of the employment contract and will be subject to disciplinary action, up to and including dismissal.

The City will maintain a zero tolerance policy for any verbal, non-verbal or physical behaviour that is threatening or harassing to self, others, property, or physical behaviour that actually does harm to self, others, or property that is initiated by any employee, City worker family member, client, customer, visitor, contractor, or member of the public.

The City will not tolerate reprisals or retaliation towards **any person** for complying with this policy. This includes those who report concerns and/or violent incidents, witness violent conduct, and/or cooperate with an investigation. Anyone who initiates reprisals or retaliation will be subject to disciplinary action, up to and including dismissal.

The City will educate and inform all Supervisors and workers of their rights and obligations and will provide procedures whereby any concerned employee may make an enquiry or lodge a complaint without reprisal.

4.0 APPLICATION

CONFIDENTIALITY – ALL PARTIES

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace harassment and/or workplace violence, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary;

- to protect workers,
- to investigate the complaint / incident,
- to take corrective action
- or otherwise as required by the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and/or other applicable legislation.

While the investigation is on-going, the worker who has allegedly experienced harassment and/or violence (*complainant*), the alleged respondent, and any witnesses shall not discuss the incident / complaint or the investigation with each other or other workers or witnesses unless necessary to obtain advice about their rights.

The person(s) conducting the investigation may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation. All records of the investigation will be kept confidential, subject to MFIPPA.

4.1 Employer Responsibilities:

- a) Ensure that the working environment is maintained free of violence and harassment for every employee,
- b) Conduct risk assessments as needed to identify actual and/or potential workplace violence and harassment issues,

- c) Inform workers and/or the Joint Health & Safety Committees (JHSC) and Health & Safety Representatives (HSR) of the results of the hazard assessment,
- d) Review all applicable legal requirements and take all reasonable precautions to minimize or eliminate violence and harassment related issues,
- e) Establish procedures for preventing, reporting, investigating, documenting, and mitigating incidents of violence and harassment,
- f) Ensure workers are provided with information and instruction that is appropriate for the worker on the contents of the policy and procedure with respect to the prevention of workplace violence and harassment,
- g) Take every precaution reasonable in the circumstances for the protection of the workers, if management is aware or ought to be aware, that domestic violence that would likely expose workers to physical injury may occur in the workplace,
- h) Provide information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if a worker can be expected to encounter that person in the course of his or her work and the risk of workplace violence is likely to expose that worker to physical injury,
- i) Review the violence and harassment prevention program at minimum annually in consultation with the JHSCs and HSRs.

4.2 Supervisor Responsibilities:

- a) Act respectfully towards others at work and while conducting work related activities,
- b) Promote and encourage reporting incidents of violence and harassment,
- c) Maintain records of violence and harassment related complaints, issues, concerns, and investigations,
- d) Assist in investigating claims of violence, harassment, and domestic violence,
- e) If a worker may be at risk of workplace violence from a person with a history of violent behaviour, or, if a worker can be expected to encounter that person in the course of his or her work, and the risk of workplace violence is likely to expose that worker to physical injury, the Supervisor shall provide information, including personal information to the worker(s) that may be at risk,
- f) Address or investigate incidents of violence and harassment;
 - by workers in their areas of responsibility,
 - by workers **not** in their areas of responsibility by informing the appropriate Supervisor,
 - on becoming aware of by personal observation even if a formal complaint has not been lodged.

4.3 Worker Responsibilities:

- a) Act respectfully at work and while conducting work related activities,
- b) Attend training and education sessions when required,
- c) Immediately report to Supervisor incidents and/or knowledge of workplace violence or harassment,
- d) Cooperate with investigations,
- e) Follow the measures and procedures set out in the City of Woodstock's violence and harassment prevention program,
- f) The worker should keep a written record of the nature of the alleged violence or harassment, (i.e. date(s), time, location...).

5.0 REPORTING PROCEDURE

5.1 Informal Reporting Procedure:

- a) If you feel that you are being harassed or threatened, the first thing to do is to tell the person to stop. Do so as soon as you receive any unwelcome comments or conduct. Although this may be difficult to do, telling the person you don't like their actions is often enough to stop the behaviour.
Examples of things to say to stop the behavior may include:
 - "I don't want you to do that."
 - "Please stop doing or saying..."
 - "It makes me uncomfortable when you..."
 - "I don't find it funny when you..."
 - "I don't like it when you say..."
- b) If you are not comfortable confronting the person initiating the harassment / threats, you may request a facilitated discussion between you, the other person, and your Supervisor or Human Resources.
- c) If you believe that someone who is not an employee has harassed, discriminated, or threatened to commit a violent act against you (*this may include Domestic Violence*), immediately report the harassment to your Supervisor. Although the City has limited control over third parties, it will do its best to address the issue and prevent further problems from arising,
- d) Ensure the issue is documented and retain the documentation for your own records.

5.2 Formal Reporting Procedure:

- a) If the complaint is of a serious nature or you feel intimidated and/or uncomfortable resolving the matter on an *informal* basis (section 5.1), you may bring a formal complaint to your Supervisor,
- b) It is important to report your complaint as soon as possible so that the issue can be investigated to prevent escalation or reoccurrence,
- c) If you are not comfortable reporting the incident to your Supervisor *or* if the Supervisor is the source or cause of the violence or harassment, you may report your complaint to any other City Supervisor,
- e) Individuals initiating a formal complaint will need as much written information as possible, examples can be but aren't limited to:
 - including the name(s) of the offending person(s)
 - the location, date and time of the incident
 - names of any possible witnesses
- f) Union representation may be invited to attend during the investigative interview at either side's request.

Violence & Harassment Reporting form HS002A is available from Human Resources, Supervisors, and Department Heads.

5.3 Secondary Reporting Procedure:

Failing correction of the circumstance through the *Formal Reporting Procedure* (5.2), a formal written complaint may be lodged by one of the following means:

- a) submit a formal complaint with the Human Resources Department, or,
- b) if applicable, file a formal grievance under the Collective Agreement, or,
- c) submit a complaint to the Ontario Human Rights Commission, or,
- d) contact the MLITSD.

It is understood that a person in choosing one complaint procedure, does not lose the right to elect one other process as long as the complaint remains unresolved.

6.0 Investigation Protocol

- a) Upon receipt of a formal complaint an investigation will commence, **Please note that the City will not investigate anonymous complaints unless there are extenuating circumstances.**
- b) Depending on the nature of the complaint, the City or the complainant may choose to contact the police to assist and/or conduct an investigation in situations where workplace violence or harassment has occurred,
- c) The services of an impartial external investigator who possesses appropriate knowledge, experience, and/or qualifications may be used to conduct the investigation if deemed necessary / appropriate by;
 - The City, or,
 - the MLITSD
- d) The investigation may include but is not limited to:
 - interviewing the complainant and respondent to ascertain all of the facts and circumstances relevant to the complaint
 - obtain date(s), time(s) and locations of alleged complaint
 - Interview witnesses, if any
 - review any related documentation
 - compile detailed notes of the investigation and maintain them in a confidential manner.
- e) Upon completion of the investigation, a detailed report of the findings will be prepared and forwarded to the applicable Department Head and the Director of Human Resources,
- f) In the event the respondent is the complainant's direct Supervisor or Department Head, the report of the findings will be forwarded to the CAO and the Director of Human Resources,
- g) The City will communicate the status of the investigation with the complainant and the respondent within 14 days of receiving the complaint. The final results of the investigation will be communicated as soon as the investigation is completed,
- h) Full-time and Part-time employees affected by an incident will be encouraged to use the free counselling services provided by the City's *Employee and Family Assistance Program (EFAP)*.

7.0 Investigation Results And Corrective Actions

7.1 Substantiated Evidence Following Investigation:

- a) The City will take appropriate corrective measures, regardless of the respondent's seniority or position,
- b) The responsible Department Head will, in consultation with the Director of Human Resources determine what action should be taken as a result of the investigation,

- c) In the event the respondent is the complainant's direct Supervisor or Department Head, the CAO, in consultation with the Director of Human Resources will determine what action should be taken as a result of the investigation,
- d) Corrective measures may include but aren't limited to:
 - discipline, such as a verbal warning, written warning or suspension
 - referral for mandatory counseling (i.e. anger management or sensitivity training)
 - reassignment or transfer
 - a demotion or denial of a promotion
 - termination

or

 - other disciplinary action deemed appropriate under the circumstances,
- e) The results of the investigation including corrective action that has been taken (if any) will be furnished in writing to the complainant and the respondent.
- f) Disciplinary action(s) will be recorded as part of the worker's (respondent) disciplinary record.

7.2 Unsubstantiated Evidence Following Investigation:

- a) Corrective measures will not be taken if the evidence of violence or harassment is unsubstantiated following an investigation,
- b) Unsubstantiated allegations will not result in negative consequences to the complainant, witnesses or alleged harasser, and no record of the complaint will appear on the worker's file if the parties acted in good faith and without malice.

7.3 False Allegations:

Allegations of violence or harassment which are proven to have been made falsely will result in disciplinary action being taken against the complainant.

8.0 Notifications

- 8.1** The Criminal Code of Canada deals with violent acts, threats, and threatening behaviour. Police should be immediately contacted when acts of violence have occurred in the workplace or when someone in the workplace is threatened with violence.
- 8.2** Where a person is killed or critically injured from any cause at a workplace including *Workplace Violence*, the employer shall notify an inspector, the Health and Safety Committee, and trade union, immediately of the occurrence by telephone, or other direct means and the employer shall, within forty-eight hours after the occurrence, send to the Director of the MLITSD a written report of the circumstances of the occurrence containing such information and particulars as the regulations prescribe. (*Sec 51. OHSA*)
- 8.3** If a person is disabled from performing his or her usual work or requires medical attention because of an accident, explosion, fire or incident of workplace violence at a workplace, but no person dies or is critically injured because of that occurrence, the employer shall, within four days of the occurrence, give written notice of the occurrence containing the prescribed information and particulars to the following:
 - The committee, the health and safety representative and the trade union, if any.

- The Director, if an inspector requires notification of the Director. (Sec 52. OHSA)

9.0 Referenced And Related Documents

- Bill 168, Act to amend the Occupational Health and Safety Act (OHSA)
- Occupational Health and Safety Act (OHSA)
- MLITSD Guideline – Workplace Violence and Harassment: Understanding the law
- Ontario Human Rights Code
- Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)
- Bill 132, Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), 2016
- MLITSD Code of Practice to Address Workplace Harassment under Ontario's Occupational Health and Safety Act

10.0 Revision History

Revision Date	Rev #	Particulars
21-Mar-02	00	Issued
26-Apr-10	01	<ul style="list-style-type: none"> - Updated title, procedure, and format to include new legislative requirement RE: Bill 168 - Added new sections 9.0 and 10.0 - Added new <i>Violence & Harassment Reporting form HS002A</i>
3-Nov-11	01	Adopted by Council
12-July-12	01	Council approval of Policy number change; HR 017 to HS 002
13-Nov-13	02	<ul style="list-style-type: none"> - No Policy or Procedural changes - Minor language / terminology amendments (i.e. <i>Employee Responsibilities to Worker Responsibilities</i>). - Addition of 2.8, 2.9 & 3.0 in Section 2.0 DEFINITIONS
19-May-16	03	<ul style="list-style-type: none"> - Added definition of Sexual Harassment in section 2.3. - Update 15 prohibited grounds in section 2.3.1 - Expanded definition of 2.8 - Added definition 2.11 - Added Sexual Harassment and inclusion of JHSC and HSRs to section 3.0 GENERAL POLICY STATEMENT - Updated language in 6.0 b) & 6.0 c) to meet the requirements of the Act. - Added 7.1 e) to meet the requirements of the Act. - Added reference to Bill 132 in 9.0
March 2, 2017	04	<ul style="list-style-type: none"> - Added Confidentiality requirements to section <u>4.0 APPLICATION</u> - Amended the distribution of the investigation results in 6 e), 6 f), and 7.1 e) - Amended language in 5.2 a) - Added reference to MOL Code of Practice in Section 9.0

Revision Date	Rev #	Particulars
April 16, 2020	05	<ul style="list-style-type: none"> - Addition of step 5.1b) to provide workers with another Informal Reporting Option. - Job title changes in section 6.0 e) & f) and 7.1 b) & c) to reflect the City's current structure.
April 3, 2025	06	<ul style="list-style-type: none"> - Added <i>including virtually through the use of information and communications technology</i> to the definition of Workplace section 2.1, Workplace Harassment section 2.3 a), & Workplace sexual Harassment 2.3 b) i). - Updated references to Ministry of Labour (MOL) to the new title, Ministry of Labour, Immigration, Training and Skills Development (MLITSD)

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Workplace violence and harassment is prohibited by the Ontario Human Rights Code and the Occupational Health and Safety Act (OHSA). The administration of this policy will be in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFOIPPA).

This is to acknowledge that I,

_____ on _____
(print name) (print date)

received a copy of the Corporation of the City of Woodstock's Prevention of Workplace Violence & Harassment Policy and Procedure and have been trained on its contents and application.

Signature: _____

City Administrator's Signature: _____