

 Human Resources and Citizen Service Policies	Section #	Policy #
	I	13
	Approval Date: Aug 1992	Revision Date: August 2019
Title:	Workplace Harassment Prevention	
Applies To:	All Employees	

Policy Statement:

The Regional Municipality of Waterloo is committed to taking all reasonable steps to create and maintain a fair and equitable work environment that is free of unlawful discrimination and workplace harassment. All employees of the Region must treat one another with respect and professionalism and refrain from engaging in unlawful discrimination and workplace harassment contrary to the Ontario *Human Rights Code* and the *Occupational Health and Safety Act*. The management in each department is responsible for taking steps to prevent unlawful discrimination and workplace harassment and for stopping it if it does occur. This includes unlawful discrimination and workplace harassment from all possible sources such as employees, independent contractors, volunteers, customers, clients, supervisors, workers, strangers, and domestic/intimate relationships.

For clarity, this Policy may apply to employment-related incidents that occur beyond the traditional workplace, such as on social media or outside of normal working hours.

Definitions:

Workplace 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, or, “workplace sexual harassment.”

Workplace Sexual Harassment:

- a) 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 the comment or conduct is known or ought reasonably to be known to be unwelcome; or,
- b) 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 making the solicitation or advance knows or ought reasonably to know that it is unwelcome.

Unlawful Discrimination:

Any action or behaviour which negatively effects the employment status of an employee or the right to equal treatment with respect to services, goods and facilities that is based on one or more of the categories of prohibited grounds as set out in the Ontario *Human Rights Code* which are:

- Race, colour, ancestry, citizenship, ethnic origin, or place of origin;
- Creed, religion;
- Age;

- Sex (including pregnancy and breastfeeding);
- Sexual orientation;
- Gender identity or expression;
- Family, marital (including same-sex partnership and single) status;
- Disability or perceived disability;
- A record of offences for which a pardon has been granted under the Criminal Records Act (Canada) and has not been revoked, or an offence in respect of any provincial enactment;
- Receipt of public assistance (in housing only)

Workplace:

Any land, premise, or location where the business of the Region is being conducted or where Regional services are provided. Harassment that occurs outside the workplace may be considered unlawful workplace harassment if it proves to have repercussions in the work environment that adversely affect working relationships. The individual circumstances of the incident will be considered.

What is not Harassment:

Reasonable actions taken by the employer or supervisor relating to the management and direction of workers and the workplace is not workplace harassment. This includes but is not limited to actions such as legitimate performance and attendance management, job evaluation, warranted discipline, reasonable requests for medical information when employees are absent from work, and changes to work and work assignments done for a legitimate business purposes.

Harassment also does not include normal workplace conflict that may occur between individuals or differences of opinion between coworkers. Please refer to Policy I-14, Interpersonal Conduct ([DOC#41664](#)), for expectations related to interpersonal interactions in the workplace.

Examples of Unlawful Discrimination and Workplace Harassment:

- 1) Sexual or gender-based harassment of a female by a male, of a male by a female, or of one individual by another of the same gender. This may include but is not limited to:
 - Unwelcome jokes of a sexual nature;
 - Display of pin-up posters or offensive pictures or literature;
 - Unwelcome physical contact ranging from touching to sexual assault;
 - Inappropriate sexual touching, advances, suggestions, or requests;
 - Derogatory remarks directed towards one gender/sexual preference group;
 - Any other unwelcome conduct recognized to constitute sexual harassment at law.
- 2) Racial, ethnic, or religious harassment. This may include but is not limited to:
 - Insulting gestures, remarks, jokes, or name calling;
 - Circulating or displaying racist or derogatory printed material;
 - Refusing to work or co-operate with an employee because of their racial, ethnic, or religious background;

- Any other unwelcome conduct recognized to constitute racial, ethnic, or religious harassment at law.
- 3) Words or actions that are known or should be known to be offensive, embarrassing, humiliating, or demeaning to an employee or a group of employees. It can also include behaviour that intimidates, isolates, or even discriminates against the targeted individual. This may include but is not limited to:
- Making remarks, jokes, or innuendos that demean, ridicule, intimidate, threaten or offend;
 - Displaying, posting or circulating offensive pictures, graffiti or materials, whether in print form or via e-mail or other electronic means;
 - Bullying;
 - Repeated offensive or intimidating phone calls, texts, e-mails, or interactions through social media;
 - Isolating or ignoring.

Operating Details:

For all details related to the Operational requirements of this policy see the supporting Harassment Prevention Program (DOC # 2110914)

If the provisions of this policy and the supporting program differ from the terms and conditions of any applicable collective agreement, the collective agreement will apply.

Procedure for Reporting, Investigating, and Resolving Harassment Complaints:

The Region has established procedures for reporting, investigating, and resolving complaints of unlawful discrimination and workplace harassment. These procedures are found in the Workplace Harassment Prevention Program. The primary responsibility for a formal harassment investigation rests with the department Commissioner or their designate. All allegations of unlawful discrimination or harassment will be taken seriously, investigated in an unbiased manner, and may be subject to corrective action and/or discipline up to and including dismissal. To report a complaint, please fill out the [Complaint Intake Form](#).

Confidentiality:

The Region recognizes the sensitive nature of harassment complaints and will maintain confidentiality regarding complaints of workplace harassment to the greatest extent possible. **Information obtained about an incident or complaint of workplace harassment will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.** It should be recognized, however, that the Region has an obligation to investigate and stop harassment regardless of whether there has been a formal complaint.

It is required that the complainant, respondent, witnesses, union representatives, and anyone else involved in the investigation of a harassment complaint will maintain confidentiality throughout the investigation and afterwards.

Confidential Advisory Service:

All employees who believe that they have experienced harassment or have been accused of harassment can request confidential advisory services from a Human Resources Business Partner, the Manager, Employee Services in Human Resources and Citizen Service, or a union official.

Employees are also encouraged to seek support through the Region's Employee and Family Assistance Program which is a confidential and anonymous counseling service.

Training and Information:

All employees will be provided with appropriate information and instruction on the contents of the Region's I-13 Workplace Harassment Prevention policy and Workplace Harassment Prevention Program. In addition, management staff will be provided with information on how to prevent discrimination and workplace harassment and the procedure for addressing workplace harassment complaints.

See Also:

- Applicable Collective Agreement
- [Workplace Harassment Prevention Program](#)
- [I-14 Interpersonal Conduct](#)
- [IV-15 Workplace Violence Prevention](#)
- [Workplace Violence Prevention Program](#)
- [I-19 External Complaints](#)
- [Complaint Restoration Brochure](#)
- [Complaint Intake Form](#)

For Further Information Please Contact:

- **Director, Employee Relations
Human Resources and Citizen Service**