

<i>The Town of Fort Frances</i>	SECTION HEALTH AND SAFETY
<u>HOW TO COMPLAIN ABOUT WORKPLACE VIOLENCE AND HARASSMENT</u> <u>APPENDIX B</u> PROCEDURE	NEW: August 2010 REVISED: June 2011
Resolution No. 225 (consent) 06/11	Supercedes Resolution No.
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Within this procedure, “complainant” normally refers to the person who is the victim of the alleged violence or harassment. Complainant can also refer to another individual who files a complaint on behalf of the victim. Such individuals include the victim’s supervisor, manager, a colleague or a witness. “Respondent” refers to the person who has allegedly committed acts of violence or harassment.

1. ROLES AND DUTIES

We all have a role to play in preventing workplace violence and harassment as well as dealing with such situations when they occur. Some of the specific roles and duties of the relevant parties are detailed below. All complaints of workplace violence and harassment will be dealt with promptly and confidentially.

2. EMPLOYEES

- To treat everyone in the workplace with dignity and respect;
- To support a workplace that is free of violence and harassment;
- To refuse to accept violent or harassing behaviour from others;
- To make changes to one’s own behaviour where he / she becomes aware that there is potential for such behaviour to offend, injure, intimidate or threaten others;
- To intervene and / or report instances of workplace violence or harassment; and,
- To comply and co-operate with the requirements of any workplace violence or workplace harassment investigation.

3. SUPERVISORS AND MANAGERS

- To treat everyone in the workplace with dignity and respect;
- To maintain a workplace free from violence and harassment;
- To be familiar with the requirements of the Town’s workplace violence and harassment policies and relevant procedures;
- To receive complaints of violence or harassment seriously and follow-up appropriately;
- To maintain confidentiality wherever possible;
- To be aware of the signs of workplace violence and harassment;
- To be ready to intervene when necessary;
- To refer victims of violence or harassment to appropriate resources where applicable; and,
- To comply and co-operate with the requirements of any workplace violence or workplace harassment investigation.

4. COMPLAINANTS / VICTIMS OF VIOLENCE OR HARASSMENT

- In cases of harassment, to clearly inform the harasser that his or her behaviour is unacceptable and that it must stop immediately;
- Where a complainant chooses not to inform the respondent personally, inform a supervisor or manager.
- To preserve evidence and to document dates, times and the names of any witnesses, as well as any attempt to resolve the situation; and,
- To comply and to co-operate with the requirements of any workplace violence or workplace harassment investigation.

5. RESPONDENTS / EMPLOYEES ACCUSED OF VIOLENCE OR HARASSMENT

Employees accused of violence or harassment are required to:

- To preserve evidence related to instances of alleged violence or harassment;
- To comply and co-operate with the requirements of any workplace violence or workplace harassment investigation; and,
- Not to react negatively or do anything improper to a complainant.

6. THE HUMAN RESOURCES MANAGER

- To educate both employees and managers about workplace violence, domestic violence in the workplace and workplace harassment;
- To assist and participate with supervisors, managers and employees in any investigations involving allegations of workplace violence and harassment.
- To inform employees and managers of their rights and responsibilities; and,
- To inform employees and managers of their right to obtain independent legal advice and representation.

7. INVESTIGATORS

An investigator is a designated person who is trained to investigate a formal complaint of workplace violence or harassment. An investigator would normally be a member of the Human Resources Department, a senior manager or a neutral third party. An investigator's primary duty is to carry out an impartial investigation into an allegation of workplace violence or workplace harassment.

8. JOINT HEALTH AND SAFETY COMMITTEE OR HEALTH AND SAFETY REPRESENTATIVE

- To respond to employee concerns related to workplace harassment or workplace violence;
- To obtain the results of workplace violence risk assessments;
- To participate in an investigation where there is a work refusal as a result of workplace violence; and,
- To provide recommendations in relation to policies, procedures and initiatives with regard to the prevention of workplace violence and workplace harassment.

9. FILING A COMPLAINT

Complaints of workplace violence or harassment should be filed as soon as possible. Incidents involving workplace violence should be reported to the employee's supervisor or manager or to the

Human Resources Department, even if the complainant believes that the problem has been resolved satisfactorily.

It is important to let a harasser or abuser know right away that his or her behaviour is unacceptable and that it must stop immediately. A simple warning from the person on the receiving end of harassing conduct or comments may be enough to resolve the problem. Documentation is extremely important, even if the problem appears to have been resolved. This is especially true if the harasser does not stop or if the violence or harassment is serious and justifies a written complaint.

Should an employee decide not to file a formal complaint the problem may still be resolved informally through discussions with a supervisor or manager. Alternatively, the assistance of the Human Resources Manager may be necessary to mediate the dispute. Many disputes, particularly those involving workplace harassment, can be successfully resolved through informal discussion and mediation.

Formal complaints involve the filing of a written complaint for internal investigation under this procedure. This is accomplished by filling out, signing and submitting a Workplace Violence and Harassment Incident Complaint Form. Completed forms can be submitted to your supervisor or manager, or the Human Resources Department. Where the respondent is your immediate supervisor, you may submit the complaint to the Human Resources Department.

10. INVESTIGATIONS

If an investigation is required, it will be handled by a member of the Human Resources Department, a senior manager or by an external investigator.

The purpose of an investigation is to gather evidence and interview both parties to the dispute as well as any witnesses. All relevant information will be gathered, including dates, times and details of any alleged incidents.

It is our intention to conclude investigations as soon as possible, and to give anyone accused of workplace violence or harassment an opportunity to provide a defense to the allegations and to present his or her explanation. Each party will be notified in writing of the outcome of the investigation.

11. DISCIPLINARY / CORRECTIVE ACTION

Once it is determined that workplace violence or harassment has occurred, we will take such disciplinary action as is required under the circumstances, having regard to a variety of factors including, but not limited to:

- The seriousness of the complaint;
- The impact of the complaint;
- The history of the conduct;
- The respondent's disciplinary record;
- The degree and aggressiveness of any physical contact; and,
- The respondent's willingness to cooperate and to change his or her behaviour.

The Employer has the right to take disciplinary action in the absence of a specific complaint, or where a person other than the victim initiates a complaint, if the facts justify action.

12. CONFIDENTIALITY

Details pertaining to complaints regarding workplace violence, workplace domestic violence and workplace harassment will be kept in confidence, except where disclosure of information is required to investigate the complaint or as required by law. Disclosure of information may also occur where such information is necessary for the respondent to defend against such allegations.

13. FALSE AND UNSUBSTANTIATED COMPLAINTS

Where a person acts in good faith and exercises his or her rights under this policy, under the law, no disciplinary action or reprisal can be taken against the complainant. This is true even if the complaint does not amount to violence or harassment or turns out to be false or is impossible to verify. A reprisal against such a complainant is itself a form of harassment and will not be tolerated. However, a false accusation made by a person who knew it to be false would be improper conduct.

14. COMPLAINTS INVOLVING GUESTS, CLIENTS, CUSTOMERS, SUPPLIERS, VISITORS OR MEMBERS OF THE PUBLIC

Where a guest, client, customer, supplier, visitor or member of the public has been asked to stop abusing or harassing an employee and does not, Town of Fort Frances employees are authorized to tell the individual that his or her behaviour is inappropriate. When necessary, employees are allowed to end telephone conversations, politely decline service or to ask the individual to leave the premises. An employee must notify his or her supervisor or manager if such a situation arises.

Other remedies the Town may take for these types of situations include:

- Barring the person from our facilities;
- Removing contractors, consultants or other workers who participate in harassment; and,
- Notifying the police or other appropriate authorities.



WORKPLACE VIOLENCE AND HARASSMENT INCIDENT COMPLAINT FORM

To be completed by Employee

Name of Complainant				
Telephone				
Email				

1. Please check all that apply to you

Victim
 Witness
 Supervisor / Manager

Other

2. Date(s) of Alleged Incident(s)	
3. Name(s) of Alleged Perpetrator(s)	
4. Name(s) of Alleged Victim(s) (if different from complainant)	

5. Description of Alleged Incident

Workplace Violence
 Racial Harassment
 Sexual Harassment

Workplace Harassment
 Gender Harassment
 Workplace Bullying

Domestic Violence
 Other

6. Location(s) of Alleged Incident	
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7. Please provide a description of the incident(s) in question: Who? What? When? Where?

Why? How? (Attach additional pages if necessary)	

8. Please provide the names and contact information of any additional witnesses