



TO: Administration & Finance Executive Committee
FROM: A. Petrin, Human Resources Manager
DATE: July 21, 2016
SUBJECT: Policy Update – Sexual Violence and Harassment Action Plan Act (Bill 132)

This draft policy has been written to comply with the changes to the Occupational Health and Safety Act introduced by Ontario Bill 132: Sexual Violence and Harassment Action Plan Act. These legislative changes will come into force on September 8, 2016.

Workplace Sexual Harassment Policy

Intent

The Town of Fort Frances ("the Town") is committed to building and preserving for its employees a safe, productive, and healthy working environment based on mutual respect. In pursuit of this goal, the Town of Fort Frances does not condone and will not tolerate acts of workplace sexual harassment, against or by any Town of Fort Frances employee.

Usually, harassment can be easily distinguished from normal, mutually acceptable socializing. However, it is important to remember that it is the perception of the receiver that determines whether the potentially offensive message is acceptable or not, be it spoken, gestural, pictorial, or some other form of communication which may be deemed objectionable or unwelcome.

This policy applies to all individuals working for the Town, hereinafter referred to as "employees". This shall include front-line employees, temporary employees, contract service providers, contractors, supervisory personnel, officers, and elected officials.

All Town employees are personally accountable and responsible for enforcing this policy and must make every effort to prevent sexually harassing behaviour and to intervene immediately if they observe a problem or if a problem is reported to them.

Definitions

Sexual Harassment: any unsolicited, unwelcome, disrespectful, or offensive behaviour that has an underlying sexual connotation and can be typified as:

- Behaviour that is hostile in nature, or intends to degrade an individual based on personal attributes, including gender, sexual orientation, gender identity, gender expression, or any other relevant protected ground under human rights legislation.
- Sexual solicitation or advance made by a person in a position to confer, grant, or deny a benefit or advancement to the person, where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome;
- Reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant, or deny a benefit or advancement to the person.
- Unwelcome remarks, jokes, innuendos, propositions, or taunting about a person's body, attire, sex or sexual orientation, or religion;

- Suggestive or offensive remarks;
- Bragging about sexual prowess;
- Offensive jokes or comments of a sexual nature about an employee;
- Unwelcome language related to gender;
- Displaying of pornographic or sexist pictures or materials;
- Leering (suggestive persistent staring);
- Physical contact such as touching, patting, or pinching, with an underlying sexual connotation;
- Sexual assault;
- Any actions that create a hostile, intimidating, or offensive workplace, which may include physical, verbal, written, graphic, or electronic means;

The following definitions are taken from the [Occupational Health and Safety Act](#):

Workplace Harassment –

(a) 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

(b) 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 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 knows or ought reasonably to know that the solicitation or advance is unwelcome.

Application of this Policy

For the purposes of this policy, workplace sexual harassment can occur:

- At the workplace;
- At employment-related social functions;
- In the course of work assignments outside the workplace;
- During work-related travel;
- Over the telephone, if the conversation is work-related; or
- Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship.

Managing and Coaching

Counselling, performance appraisal, work assignment, and the implementation of disciplinary actions are not forms of harassment, and this policy does not restrict a manager's or supervisor's responsibilities in these areas.

Policy Review

As required by the *Occupational Health and Safety Act*, the Town will review this policy annually and will post the policy in a conspicuous place in the workplace.

Aaron Petrin/Frances
07/21/2016 04:11 PM

To Laurie Witherspoon/Frances@Frances, Dawn
Galusha/Frances@Frances
cc Doug Brown/Frances@Frances
bcc
Subject AFEC Report - Policy Update (Sexual Harassment)

Hi Laurie & Dawn:

Attached is a policy amendment that I'd like to be presented to the Administration and Finance Executive Committee. I'm away the week of the next meeting, but I'd like the committee to have this information in August in order to meet the legislated deadline.

My recommendation would be to amend the Town's Workplace Harassment and Violence policy/procedure to include the draft wording as written. The report to Council, which will follow, will have the approved wording built into one policy.

Thank you,
Aaron

Aaron Petrin, CHRP
Human Resources Manager
Town of Fort Frances
(807) 274-5323 ext 279



AFEC - Policy Update (Sexual Harassment).pdf