



Title:

Policy on violence in the workplace, harassment and discrimination

Policy No.:

PER-006

Revisions:

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Effective Date:

October 1, 1995

Applies to:

All County employees, interns, volunteers and members of Council, and all activities that occur while on the Counties premises or while engaging in Counties' business, activities, or social events.

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1. Policy Statement

1.1. Policy Statement

1.1.1. The United Counties of Prescott and Russell (hereinafter the “Counties”) are committed to providing a safe and respectful work environment for all. No one, whether a manager, employee, intern, volunteer, contractor, customer, supplier or a member of the public, should tolerate violence, harassment and discrimination in our workplace, for any reason or at any time.

In the context of this Policy, the term employee includes volunteers and interns.

2. Definitions

2.1. Complainant

2.1.1. The person who files a formal complaint in writing pursuant to this Policy.

2.2. Employee

2.2.1. an individual in an employment relationship with the Counties.

2.3. Volunteer

2.3.1. A person who freely offers help or undertake a task without remuneration for such actions.

2.4. Intern

2.4.1. A person who performs a practical internship and who is in a period of training to put into practice his knowledge and his abilities.

2.5. Respondent

2.5.1. The individual against whom allegations that could constitute a violation of this Policy have been made.

2.6. Workplace

2.6.1. Any place where business or work-related activities are conducted. It includes, but is not limited to, the physical work premises, work-related social functions, work assignments outside the Counties’ work premises, work-related travel and work-related conferences or training sessions

2.7. Violence in the Workplace

2.7.1. Threat, exercise or attempted exercise, of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.

Examples of workplace violence include, but are not limited to:

- threatening behavior such as shaking fists, destroying property or throwing objects,
- coercion, verbal or written threats that express an intent to inflict harm whether it is physical, emotional or psychological;
- physical attacks;
- and any other act that would arouse fear in a reasonable person in the circumstances.

2.8. Harassment

2.8.1. Refers to a course of vexatious comment or conduct that is known to be or ought reasonably to be known to be unwelcomed or unwanted. It can happen at work and at functions connected with work, which may extend to a social setting. The *Ontario Human Rights Code* and this Policy protect employees from all harassment in the workplace by reason of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, partnership with a person of the same sex, family status or disability.

2.9. Sexual Harassment

2.9.1. Includes offensive or humiliating behavior that is related to a person's sex, as well as behavior of a sexual nature that creates an intimidating, hostile, or "poisoned" work environment, or that could reasonably be thought to put sexual conditions on a person's job or employment opportunities.

2.10. Psychological harassment (intimidation) "bullying"

2.10.1. Any vexatious behavior in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects an employee's dignity or psychological or physical integrity and that results in a harmful work environment for the employee. This definition includes intimidation "bullying" which is persistent, aggressive, abusive, intimidating and insulting behavior, abuse of power and/or unfair punitive sanctions which make the individual feel threatened, humiliated and/or vulnerable, which undermine the individual's self-confidence and/or reduce the individual's feelings of self-esteem and self-worth, and which may cause the individual to suffer stress.

For a more detailed definition and specific examples of the terms violence in the workplace, harassment, sexual harassment, psychological harassment (intimidation or “bullying”) and discrimination, please refer to [Appendix 1 – Definitions, Rights and Responsibilities](#).

3. Purpose of the Policy

3.1. Purpose

3.1.1. Every employee will be treated fairly in the workplace in an environment exempt of harassment, violence and discrimination. Any behavior, which denies the dignity and respect of an individual, is unacceptable and will not be tolerated. Harassing, committing violence and discriminating against an employee all constitute a disciplinary infraction subject to penalties up to and including dismissal.

4. Policy Application

4.1. Reporting Incidents of Workplace Violence

4.1.1. Employee

An employee who believes that he or she has been subjected to, has witnessed, has knowledge of, or has reason to believe workplace violence may occur, shall immediately report such information to their supervisor or department head. Threats or threatening behaviors must also be reported immediately.

Depending on the nature of the workplace violence, the appropriate law enforcement agency may be summoned.

4.1.2. Other than an employee (including intern and volunteer)

If an allegation of workplace violence, harassment or discrimination is made against a non-employee of the Counties, the Human Resources Director shall contact the authorized representatives and inform them of the allegations made against their employee, intern or volunteer and take appropriate action to ensure that they are not subjected to further violence, harassment or discrimination.

4.2. Reporting incidents of Workplace harassment and discrimination

4.2.1. An employee who believes that he or she has been subjected to harassing or discriminatory behavior is encouraged to follow the steps outlined below:

1. Prior to filing a formal report of an incident, the Complainant should let their objections to the behavior be known to the Respondent, directly or with the assistance of a third party.

2. If the circumstances permit it, a Complainant may ask the Human Resources Director to appoint a mediator, internal or external to the Counties, to help the parties involved reach a solution which is acceptable to both parties. Either party has the right to refuse mediation.
3. A Complainant may ask for support from a Head of Department or a Human Resources management employee to communicate their objections to an incident and/or to prepare and submit a formal complaint if they choose.
4. The Complainant should carefully record details of the incident including the date and time of the incident, the nature of the incident, and names of people who may have been witnesses.
5. If the behavior does not stop after the Complainant has spoken to the person, or at any point, the Complainant may choose to file a formal complaint that outlines the particulars of the allegations to the Human Resources Director.
6. Complaints shall be filed within a reasonable period of time following the incident(s) in question.
7. The Respondent should be advised that the above steps have been taken and to refrain from discussing the complaint with anyone other than those involved in the investigation.

Detailed options can be found in [Appendix 2 – Rights, Appeal and Options](#).

See also the formal complaint form in [Appendix 3 – Violence in the workplace, Harassment and Discrimination Complaint Form](#).

4.3. Investigation of Complaints

4.3.1. All reports of workplace harassment, discrimination, violence or potential incidents will be taken seriously and will be documented and investigated. The form of investigation will depend on the circumstances and may involve appropriate law enforcement or other competent persons as determined by the Counties, taking into consideration the nature of the workplace harassment, discrimination and/or violence and the concerns of employee(s) who experienced the harassment, discrimination and/or violence.

1. Upon receipt of a formal complaint of workplace violence, harassment or discrimination, the Human Resources Director assigns the investigation to an internal investigator (e.g. an Internal Investigation Committee) or an external investigator.

2. The investigation may include the following:
 - a. Interviewing the Complainant and the Respondent as soon as possible;
 - b. Interviewing the witnesses;
 - c. Advising all persons interviewed to refrain from discussing the complaint as well as the possible consequences.
3. The investigator may make a finding of:
 - a. sufficient evidence to support a finding of violation of this Policy;
 - b. insufficient evidence to support a finding of violation of this Policy; or
 - c. no violation of this Policy.
4. The investigator will prepare a written report of his or her findings, and forward that report to the Human Resources Director.
5. The Human Resources Director will make a decision whether to dismiss or act upon the report from the investigator and will advise the Complainant and Respondent in writing of the outcome within ten (10) working days after the investigator has handed in the report. Corrective action, remedies, and changes in work will then be instituted within ten (10) working days of the people involved being informed of the decision.

4.4. Counties' commitment

The Counties are committed to:

- promoting a violence, harassment and discrimination free workplace;
- investigating reported incidents of workplace violence, harassment and discrimination in an objective and timely manner;
- taking necessary action to respond to those incidents; and
- providing support for complainants.

5. Policy Requirements

5.1. Requirements

5.1.1. A person directly involved in a complaint may appeal to the Chief Administrative Officer within ten (10) working days after learning of the decision. Where the suspected violation involves the Chief Administrative Officer or the Human Resources Director, the matter will be referred to the Warden of the Counties. The complaint will then be investigated by a third party trained individual from outside of the organization appointed by the Warden of the Counties. The investigator will submit a written report to the Warden of the Counties following which appropriate recommendations will be made and action taken.

5.2. Confidentiality

5.2.1. Strict confidentiality is required to properly investigate an incident and to offer appropriate support to all parties involved. Any individual who becomes aware of an incident of violence, harassment or discrimination must refrain from disclosing the details of the incident to any third party. Gossiping about an incident seriously undermines the privacy of all parties involved and will not be tolerated. Those with questions or concerns about an incident should speak to the Human Resources Director.

The Counties will not disclose a Complainant's or the Respondent's name, or any circumstances related to a complaint, to anyone, except as necessary to investigate the complaint or take disciplinary action or corrective measures related to the complaint, or as required by law. Complainants, Respondents and any person involved in a complaint must also keep all information confidential, except in the above circumstances.

6. Responsibilities

6.1. Record Keeping

6.1.1. The documents corresponding to any investigation will be kept on file in a secure location, separate from any employee's personnel file, Records management policy ADM/003. No record of the complaint, investigation or decision will go in the complainant's personnel file, if the complaint was made in good faith. Records of any remedial action taken will be placed in the appropriate employee's personnel file.

6.2. Reprisals

6.2.1. The Counties will not tolerate reprisals against any employee, who, in good faith, raises a complaint of workplace violence, harassment or discrimination within the meaning of this Policy. These protections apply to anyone who cooperates in the investigation of the complaint. Disciplinary action may be taken against any person who takes any reprisal.

6.3. Disciplinary Action

6.3.1. No employee or any other individual affiliated with the Counties shall subject any other person to workplace violence, harassment or discrimination or allow or create conditions that support these. An employee of the Counties that engages in workplace violence, harassment or discrimination may be subject to disciplinary action, up to and including immediate dismissal for just cause.

In some cases, the person who committed the act might also be required to attend a training session on violence, harassment and discrimination in the workplace.

Additionally, discipline, up to and including immediate dismissal for just cause, may be imposed on the following individuals in the following circumstances:

- On employees who bring forward complaints in bad faith or for vexatious reasons;
and
- On employees who have made a false accusation under this Policy, knowingly or in a malicious manner.

6.4. Assistance to employees

6.4.1. Employees who have been victims of violence, harassment and/or discrimination will be referred to the Employee Assistance Program for counseling services. Use of such services will be at the employee's sole discretion.

6.5. Monitoring and review of Policy

6.5.1. The Counties will review and monitor this Policy and the effectiveness of its workplace violence, harassment and discrimination prevention measures. They will make the appropriate adjustments where necessary.

6.6. Training

6.6.1. Each employee will receive a copy of this Policy as part of their orientation. The Human Resources Department will offer, to the extent possible, training each year regarding this Policy.

6.7. Acknowledgment

6.7.1. Each employee must sign an acknowledgment confirming that they have read and understood this Policy.

6.8. Appendices

6.8.1. In addition to the above provisions, employees are required to read, understand and agree to abide by the terms referred to in Appendices 1 and 2.

7. Legislative Authority

7.1. Discrimination

7.1.1. The *Ontario Human Rights Code* and this Policy protect employees from discrimination that is related to their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability. Discrimination occurs when a distinction, exclusion or preference is made and acted upon based on the prohibited grounds of discrimination listed above.

7.2. Authority

7.2.1. The directive was originally issued September 21, 1995, with the authorization of the Chief Administrative Officer of the United Counties of Prescott and Russell. This version was revised in the month of March 2021 and supersedes the previous version January 2014.

8. References

8.1. References

8.1.1. Appendix 1 – Definitions, Rights and Responsibilities

8.1.2. Appendix 2 – Rights, Appeal and Options

8.1.3. Appendix 3 – Violence in the workplace, Harassment and Discrimination
Complaint Form

Original copy signed by Stéphane P. Parisien

Stéphane P. Parisien,
Chief Administrative Officer

Original copy signed by Pierre B. Gauthier

Pierre B. Gauthier,
Human Resources Director

Appendix 1 – Definitions, Rights and Responsibilities

1. DEFINITIONS AND EXAMPLES

A. VIOLENCE IN THE WORKPLACE

Violence in the Workplace refers to any incident in which a worker is threatened, intimidated, coerced, abused physically or verbally, assaulted or sustains physical, emotional or psychological harm or injury in, at or related to the workplace. This definition also applies in instances where a person suffers injuries whether physical, emotional or psychological in the workplace or in a related area.

Some examples of Workplace Violence:

- *Threatening behavior* such as shaking fists, destroying property or throwing objects.
- *Verbal or written threats* – any expression of an intent to inflict harm, including:
 - *Direct threats* – clear and explicit communication which distinctly indicates that the potential offender intends to do harm, e.g. “I am going to make you pay for what you did to me.”
 - *Conditional threats* – involves a condition, e.g. “If you don’t get off my back, you will regret it.”
 - *Veiled threats* – Usually involve body language or behaviors that leave little doubt in the mind of the victim that the perpetrator intends harm. e.g. “Do you think anyone would care if someone beat up the boss?”
- *Verbal abuse* – including swearing, insults or condescending language.
- *Physical attacks* – including hitting, shoving, pushing or kicking the victim.
- *Jokes* – “I have a bomb in my bag” will be taken seriously and seen as threats.

B. HARASSMENT

Some examples of harassment include:

- unwelcome remarks, slurs, jokes, taunts, or suggestions about a person's body, clothing, race, national or ethnic origin, colour, religion, age, sex, marital status,

family status, physical or mental disability, sexual orientation, pardoned conviction, or other personal characteristics;

- unwelcome sexual remarks, invitations, or requests (including persistent, unwanted contact after the end of a relationship);
- displays of sexually explicit, sexist, racist, or other offensive or derogatory material (e.g. posters, emails, etc.);
- practical jokes that embarrass or insult someone;
- unwelcome physical contact, such as patting, touching, pinching, hitting.
- vandalism

Some examples of sexual harassment:

- any unwanted attention of a sexually oriented or gender-oriented nature directed at an individual or group by another individual or group of the same or opposite sex who knows, or ought reasonably to know, that this attention is unwanted or unwelcome;
- any implied or expressed promise of reward for complying with a sexually oriented request or advance;
- any implied or expressed threat of reprisal for refusing to comply with an implied or expressed sexually-oriented request;
- any behavior, verbal or physical, of a gender or sexually oriented nature that interferes with the academic or work environment of an individual or group or creates an intimidating or hostile, or offensive atmosphere.

Some examples of Psychological Harassment (Bullying):

- discrediting a person, spreading rumors, ridiculing him or her, humiliating him or her, calling into question his or her convictions or his or her private life;
- preventing a person from expressing
- himself or herself: constantly interrupting him or her, prohibiting him or her from speaking to others;
- destabilizing a person by making fun of his or her convictions, his or her tastes and/or his or her political opinions;

- undermining or deliberately impeding a person's work by withholding necessary information or purposefully giving the wrong information;
- aggressive behavior such as finger pointing, standing close to an individual in an aggressive manner, pounding of fist against desk or wall;
- verbally abusive behavior such as yelling, insults, threats and name calling;
- spreading malicious rumors or lies;
- unreasonably criticizing the performance of an individual;
- messages, including voice mail, electronic mail, online chats, and comments posted on websites, that are threatening, derisory or defamatory.

Psychological harassment (bullying) need not be based on one of the prohibited grounds listed in the *Ontario Human Rights Code*.

If the person who is accused of harassment should have known that the behavior was unwelcome, he or she will be considered responsible, even for unintentional harassment.

C. DISCRIMINATION

Discrimination occurs when a distinction, exclusion or preference is made and acted upon based on prohibited grounds such as race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability, pardoned conviction, or sexual orientation... It is an act of dealing with one person or group differently than another. One may be positively or negatively biased towards a person or group; this behavior does not necessarily reflect the attitude (prejudice) one feels towards that person or group. You might recognize your prejudiced feelings are unreasonable and refuse to act in unfair ways.

Where workplace violence, harassment and discrimination happens?

Workplace violence, harassment and discrimination are not limited to incidents which occur within a workplace. Work-related violence, harassment and discrimination can also occur at off-site business-related functions, such as conferences, trade shows, or social events related to work and in clients' homes.

Workplace harassment is not:

Reasonable action that is part of the normal work function, even if the consequences are unpleasant for the employee. Examples include changes in work assignments,

scheduling, job assessment and evaluation, workplace inspections, implementation of dress codes and disciplinary action.

Differences of opinion or minor disagreements between co-workers.

Two or more employees bantering back and forth is also not harassment if everyone involved is in agreement.

It is not considered harassment when employees are flirting with each other, or becoming involved in a romantic relationship, as long as the relationship is consensual.

Who can be subject to workplace violence, harassment and discrimination?

Anyone can be subject to workplace violence, harassment and discrimination. They can all occur for more than one reason at a time: a combination of racial and sexual harassment, or sexual and disability harassment, for example.

Applicants for employment, contractors, suppliers, customers, and competitors can all be subject to workplace violence, harassment and discrimination.

2. RIGHTS AND RESPONSIBILITIES OF EMPLOYEES

This section explains to employees how they can expect to be treated at work, and what employees' responsibilities are toward the people they interact with at work.

Respect others

Each employee has the right to be treated fairly and respectfully in the workplace. Each employee also has the obligation to treat his colleagues in a way that respects our individual differences. No matter what your position, or that of the people with whom you interact at work, you must show mutual respect and consideration. This will enhance the work environment for all. If you have doubts about whether a joke, comment, or other behavior will embarrass, humiliate, degrade, or otherwise bother someone, then don't say or do it.

Report any incidents of violence

Each employee is required to report **ANY** incident of workplace violence that they have knowledge of. Each employee should ensure his or her own immediate physical safety in the event of workplace violence then report the incident to the police or a supervisor or manager as the situation warrants.

Workplace harassment and discrimination – Speak up

If you feel that you can speak to the person committing the act, do so. Let them know how you feel. Tell them the behavior is inappropriate. If they continue the behavior, or if you do not feel that you can speak directly to the person, you have several options, from

speaking to his or her manager, a counselor, a Human Resources representative or another person in authority at the Counties, to filing a complaint.

Write it down

If you feel that speaking to the person is not appropriate then tell the person committing the act that his or her behavior is unacceptable by writing that person a letter, making sure to date it and keep a copy. It's a good idea, in fact, to note any interaction you have with the person committing the act, and include the following information: what happened, what was said, when, where and how often it happened, what you did about it, and who else was present

Cooperate

Each employee is required to understand and comply with this Policy and to co-operate with any efforts to investigate and resolve matters arising under this Policy.

Participate

Employees are required to participate in education and training programs and should be able to respond appropriately to any incident of workplace violence, harassment and/or discrimination that should arise in the workplace.

3. EMPLOYER'S AND MANAGERS' RESPONSIBILITIES

This section contains an outline of how management employees are required to handle cases of violence, harassment and discrimination in the workplace.

Put a stop to violence, harassment and discrimination

The Counties have full responsibility for making sure its work environment is free from violence, harassment and discrimination. All managers are required to promote a violence, harassment and discrimination free workplace. If you become aware of such situation in your work area, elsewhere in the Counties, or outside the workplace in a situation that is somehow connected to work, you must do everything you can to stop it, whether or not a complaint has been made.

If a reasonable person should have known that violence, harassment and discrimination was going on, you will still be held responsible if you let the situation continue. Managers who ignore it will face legal responsibility and be disciplined accordingly.

Deal with Workplace Violence

Management employees are expected to:

- Ensure training and education of all employees with respect to this Policy;
- Promote a violence free working environment;

- Conduct a risk assessment of the workplace to determine the potential for the risk of violent situations. The assessment will take into consideration circumstances that would be common to similar workplaces and circumstances that are specific to the working environment at the Counties and in the department. The Health and Safety Committee will be advised of the results of the assessment.
- Review all reports of workplace violence in a prompt, objective and sensitive manner; and
- Facilitate medical attention and appropriate support for all those either directly or indirectly involved in a workplace incident.

By listening

Listening to employees and be aware of the following things can help alert you to problem situations:

- an unexplained change in an employee's performance;
- someone suddenly taking more sick leave;
- an employee isolating her or himself, seeming distracted, not participating in office socialising; and
- awkwardness or discomfort between two colleagues or more.

If something doesn't seem right, talk to the employee you are worried about. Often, having someone listen to them can help a person talk about a problem. Of course, we encourage managers to be sensitive to employees' rights and dignity, and to keep these discussions and any ensuing discussions confidential, except as is absolutely necessary to deal effectively with the complaint.

Appendix 2 – Rights, Appeal and Options

1. RIGHTS

If you are the complainant, you have the right:

- to file a complaint and have it dealt with promptly, without fear of embarrassment or reprisal;
- to have a person of your choice accompany you during the process;
- to make sure that no record of the complaint is placed on your personnel file, as long as it was made in good faith;
- to be informed about the progress of your complaint;
- to be informed of the type of corrective measures that will result from the complaint; and
- to receive fair treatment.

If you are accused of violence, harassment or discrimination in the workplace

If someone complains to you about your behavior, take a good look at it. It may be that without intending to you have spoken or acted in a way that has offended, humiliated, or degraded another person or group of people. It is your responsibility to change your behavior if you have been accused. You may also want to consider apologizing.

Keep written notes of any conversation you have where someone suggests you have committed an act against them or another person. Make note of what was said during the conversation and the date it happened, how you felt, and what you did, if anything. Also, make notes of your version of the situation, the date it occurred, and who else was present, if there were any witnesses.

If you and the person who is complaining to you are unable to resolve the situation, you can turn to a counselor for guidance.

If someone has accused you of harassment or discrimination, and you have not been able to resolve the situation with that person, mediation is a possible next step. You can ask for mediation; or you may agree if it is suggested to you. You do not have to agree, however, if you think that you are being pressured into something that does not feel right to you.

If you want to work toward a mediated settlement, the Human Resources Director or designate will appoint a qualified mediator, which is acceptable to both parties. If mediation does become part of the process, each person has the right to be accompanied and assisted during the sessions by someone of their choice.

If someone files a complaint about your behavior, you will have to participate in the investigation. You can ask a counselor for guidance. You must co-operate, give your perspective on what happened, and, if the investigation shows that you are guilty of committing an act against another person, you will be expected to change your behavior. You will also be subject to disciplinary action.

If you are accused of violence, harassment or discrimination, you have the right:

- to be informed of the complaint;
- to be given a written statement of the official allegations, and to respond to them;
- to have a person of your choice accompany you during the process;
- to be informed about the progress of the complaint; and
- to receive fair treatment.

Unsubstantiated complaints

If a person, in good faith, files a complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed, and no record of it will be put in the accused person's file. As long as the complaint was made in good faith, there will be no penalty to the person who complained, and no record in her or his file.

2. APPEALS

A person directly involved in a complaint may appeal to the Chief Administrative Officer within ten (10) working days after learning of the decision of the Human Resources Director or designate. If the Chief Administrative Officer believes there is sufficient reason to re-investigate or to change the penalty, compensation, or work assignment, he or she may make that decision within ten (10) working days.

3. OTHER OPTIONS

Union grievance procedures

For unionized employees the collective agreement has procedures allowing you to bring a grievance in cases of violence, harassment or discrimination. Check with your union representative if you want more information about filing a grievance.

Outside organizations

Application of this policy does not preclude the use of an outside organization, as the Ontario Human Rights Tribunal, or recourses based on the *Canadian Criminal Code*.



**Appendix 3 – Violence in the workplace, Harassment and Discrimination
Complaint Form**

Complainant's Name: _____ Department: _____

Location of work: _____ Supervisor: _____

Please provide as much detail as possible regarding your complaint. Include specific language, conversation, gestures and actions.

Date of incident(s): _____

Time and location of incident(s): _____

Name of presumed offender(s): _____

Nature of offence(s): _____

Name(s) of witness (es) if any: _____

Incident(s) reported to: _____

Time and date incident reported: _____

Complainant's Signature

Date

Management member's Signature

Date

Reserved for the Human Resources Department

Form received on _____ By : _____