

# FRONT STREET FARMERS' MARKET

## VENDOR HANDBOOK OF RULES AND REGULATIONS





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## **1. PURPOSE**

The purpose of this Vendors' Handbook is to describe the organization and administration of the Quinte West Front Street Farmers' Market and to detail the rules and regulations to be followed by the Quinte West Front Street Farmers' Market Clerk, and the Vendors of the Market.

## **2. ORGANIZATION**

### **a. Terms of Reference**

- To establish ways of increasing vendor participation.
- To organize specific events to bring residents/visitors to the Market.
- To implement "Branding" tools to further promote the Market to the Quinte area.

### **b. Mission Statement:**

- To maintain a Farmers' Market to market local farm and craft products
- To stimulate public interest in agriculture and crafts
- To increase the presence of local products to the consumer

### **c. Objectives:**

- To protect and preserve our market, while supporting our vendors.
- To display and market high quality vegetables, fruits, meats, baked goods and arts/crafts.
- To create a unique market opportunity.
- To build a community where knowledge and research may be shared.
- To work together in a co-operative spirit; with producers and customers

### **d. Contact:**

City of Quinte West, City Hall.  
7 Creswell Drive. P.O. Box 490  
Trenton, Ontario K8V 5R6  
Tel: 613-392-2841, Toll Free: 1-866-485-2841, TTY: 613-965-6849  
Website: [www.quintewest.ca](http://www.quintewest.ca)

The City of Quinte West is responsible for the revitalization, day to day operations of the Market, and the hiring of the Market Clerk(s).



City of Quinte West staff are responsible for issuing annual and daily vendor licences in accordance with the City's Fees and Charges By-law, as amended from time to time.

#### Market Administration:

##### Market Clerk(s)

A person or persons designated as the Market Clerk (s) shall be contracted by the City to assign reserved spaces, to collect the daily market fees to pay the fees over to the City Treasurer and to maintain order. Decisions rendered by the Market Clerk or Assistant Market Clerk on Market Days shall be final. The City Clerk, in collaboration with City of Quinte West staff, shall be the final arbitrator on matters pertaining to the applicability and interpretation of the rules and regulations described within.

##### Vendor Representatives

The Vendor Representatives will act as a liaison between the Farmers' Market Task Group. The Vendor Representative must commit to attending all Farmers Market Task Group Scheduled Meetings. The Vendor Representatives will have no authority over the daily operations of the Front Street Farmers' Market and any concerns on Market days should be addressed through the Market Clerk(s).

### **3. MARKET LOCATIONS AND DATES**

#### a. Location:

The Front Street Farmers' Market will be located at the Front Street, Trenton Ward, public parking lot.

#### b. Dates and Hours:

Market days are Saturday of each week from the Saturday of the May long weekend (Victoria Weekend) to and including the Saturday of Thanksgiving weekend in October. Market hours shall be from 9:00 a.m. until 2:00 p.m. on each market day. Any person occupying a market space after 3:00 p.m. on any market day shall be responsible for purchasing and displaying proof of payment of parking fees required.



## **4. ORIENTATION**

Every Front Street Farmers' Market vendor shall be required to attend and sign off on a mandatory orientation session as provided by City staff.

## **5. MARKET FEES**

No person shall be permitted to sell, or display for the purpose of sale, any permitted item or items unless and until he/she has paid the prescribed fee as set out in the Consolidated Fees and Charges By-law, as amended from time to time.

## **6. PRODUCTS**

### **a. Permitted Products:**

Sales on the Front Street Farmers' Market shall be confined to a "MAKE IT, BAKE IT, GROW IT" concept, including such sale items as home-baked goods, fish, dressed poultry, butter, eggs, honey, maple syrup, apple cider, sweets, flowers, plants, shrubs, Christmas trees, handicrafts, artwork, firewood, pet animals, fruit, vegetables, canned and pickled fruits and vegetables, marmalade, salads and all other products produced from the farm garden or dairy.

- b.** All wares or products offered for sale on the Front Street Farmers' Market should be produced or grown by the seller on their lands.
- c.** The dispensing and sales at the Market of cooked and/or processed and held food products that can be sold heated or reheated, if necessary, shall be permitted at the Front Street Farmer's Market. The number of hand-held food vendors will be based on 20% of the total seasonal licences issued in the previous year.

## **7. PROHIBITED PRODUCTS**

- a.** The sale of meat, fish, citrus fruits, bananas and/or vegetables or fruits grown, produced or processed outside of the Province of Ontario shall be prohibited at the Front Street Farmers' Market.
- b.** Produce vendors are very important to the Front Street Farmers' Market. The Market actively seeks and encourages locally grown fresh produce at the market. The vendor should be the



only stop between the grower and the consumer. The vendor should not be dealing with shippers, warehouseers or jobbers.

## **8. PRODUCT QUALITY**

- a. The City of Quinte West staff will make the final judgement on the suitability of any specific vendor's operation for the Market. To encourage the local craftworkers, craft goods must be hand and home crafted by local vendors. Any goods that are not of sufficient quality may be removed from sale by the on-site Market Clerk.
- b. Ontario, perishable farm products and baked goods must be appropriately packaged and handled, complying with any applicable regulations of the Hasting and Prince Edward Counties Health Unit.
- c. Foods may not be purchased for resale or commercially pre-packaged. The Front Street Farmers' Market is committed to bringing high quality products, produce, and foodstuffs to the Community. Any goods that are not sufficient quality may be removed from sale by the on-site Market Clerk.
- d. The Market Clerk has the authority to request the removal of any product that he/she deems as being offensive. (i.e. hand printed t-shirts)

## **9. LIVE ANIMALS**

- a. The sale of pet animals, such as dogs or cats, on the Quinte West Farmers' Market, is permitted only if such animals are in a cage or container approved by the Market Clerk. All animals must be kept twenty feet from any food vendor.
- b. Vendors are not permitted to have personal pets at the Market.

## **10. PRICING OF PRODUCTS**

The Front Street Farmers' Market is a retail market. It is the intent that prices charged should be at fair market value.



## **11. ASSIGNMENT OF MARKET SPACES**

- a. There are no “reserved spaces” at the Front Street Farmers’ Market. With the exception of Stall #1 and Stall #2 which will be permanently assigned to the Market Clerk(s) for the purpose of administration, promotion, and/or vending.
- b. The assignment of Market stalls will be coordinated by the Market Clerk(s), in a fair and reasonable manner. Preference under the shelter will be given to producers to ensure freshness and quality, but no one stall assignment location will be guaranteed for the full length of the Market Season. The Market Clerk(s) shall be responsible to organise a stall footprint based on the vendors confirming their participation 24 hours prior to each and every Market day.
- c. It is the responsibility of the vendor to communicate to the Market Clerk regarding their attendance at the Market each and every Market day. If a vendor does not communicate their attendance with the Market Clerk within 24 hours prior to opening, or is not available within a reasonable time frame, 8:30 am, to set up in their previously assigned stall the Market Clerk has the discretion to re-assign his/her stall.
- d. At the discretion of the Market Clerk, any vendor leaving the Market prior to 2:00 p.m. may be allocated to the “overflow area” of the market.
- e. Upon payment of the prescribed DAILY fee a market space shall be assigned to a vendor on a “first come-first served” basis, by the Market Clerk(s).
- f. The goal is to create a Market layout that is complementary to all vendors and to the Market as a whole. In order to complement the Market layout all vendor tents shall not exceed 10 feet X 10 feet in size.
- g. Self-contained kitchens in motorised trailers and/or refreshment vehicles shall not be permitted at the Front Street Farmers’ Market in accordance with City By-law 12-96.

## **12. SPACE LIMITATIONS**

- a. Each Market Space shall consist of a space measuring approximately ten (10) feet in width as determined by the Market Clerk(s)
- b. No more than two Market spaces shall be assigned to any one vendor. If one vendor requires two Market spaces, the fee will reflect the cost of two Market spaces. No Vendor stalls shall be erected outside of the defined Market area.



### **13. STORAGE REGULATIONS**

The City is not responsible for providing vendors with storage space. The Market Clerk will be given access to a storage room where the City of Quinte West will provide promotional materials, signage, pylons and a table for use by the Market Clerk.

### **14. SPACE FOR LOCAL NON-PROFIT ORGANIZATION**

Two Market spaces shall be made available on any Market day for use of City of Quinte West Non-Profit Organizations at no charge. One request per organization per year for Quinte West Non-Profit Organization will be permitted. The space will be available for use on a “first come- first served” basis. Requests must be directed to City staff at least one week in advance. All other provisions within shall apply to any such user, including the completion of an application.

### **15. ENTERTAINMENT**

Ambient music is permitted at the Market either by local musicians, local radio stations, or CD’s organized through City staff in collaboration with the Market Clerk.

The City has an allotted budget designated for booking live music entertainment for the Farmers’ Market season. The budget and designated amounts paid out to each live music artist per performance will be determined ahead of the start of the season.

### **16. VENDOR RESPONSIBILITIES**

- a. It is each vendor’s responsibility to obtain and maintain any licences, permits, and insurance necessary for their particular operation.
- b. Prior to the City approving a vendor permit, all vendors must participate in a mandatory Front Street Farmers’ Market Orientation Session.
- c. Vendors must comply with all municipal regulations and licencing requirements, including all parts of the Front Street Farmers’ Market Vendors Handbook of Rules and Regulations.
- d. Vendors are responsible for obtaining and displaying at the Market, all necessary licences, permits, inspections, and certificates, for the sale of their product.
- e. Upon the execution of the prescribed vendor agreement, the applicant person shall be a vendor and shall be entitled to the space so allocated on Market days from the first Saturday in



- May to the last Saturday in October. Application forms may be obtained from the Market Clerk, the City of Quinte West website, or City Hall.
- f. All vendors must be forthcoming with respect to identify any and all items that he/she are intending to sell at the Market. Should a product be added to the vendor's inventory at a later date the vendor is responsible to contact the City and have the application amended and approved.
  - g. All vendors must follow sanitary procedures.
  - h. Any vendor found selling contaminated foodstuffs or produce shall be suspended from selling at the Market until satisfactory clearance has been obtained from the Hastings and Prince Edward Counties Health Unit and the City of Quinte West.
  - i. Any vendor that requires hydro at their booth will be responsible to provide their own outdoor three (3) prong CSA approved extension cord (no indoor cords permitted). The Market Clerk(s) will assure that all extension cords are not damaged prior to being permitted to connect to the City's electrical outlets.

## **17. BOOTH APPEARANCE**

Vendors shall keep their Market Space in a clean and orderly state during occupation of the space, and upon leaving, shall remove all refuse and litter. City garbage containers shall not be used for disposal of any vegetables or fruit.

## **18. VENDOR BEHAVIOUR**

- a. Vendors shall demonstrate professionalism both in behaviour and appearance.
- b. All vendors must wear shoes and shirts at the Market.
- c. No vendor shall operate his/her business in a noisy manner or interrupt the general business of the Front Street Farmers' Market or obstruct the Market or persons attending it.

## **19. PAYMENT OF FEES**

No person shall be permitted to sell, or display for the purpose of sale, any permitted item or items unless and until he/she has paid the applicable fee.



## **20. PARKING**

Vendors shall park their vehicles in the assigned 'vendor parking areas' as per the direction and discretion of the Market Clerk(s). (Attached as Schedule A)

## **21. HEALTH AND FOOD SAFETY**

Every person handling food products shall maintain a very high standard of personal hygiene, cleanliness, and shall adhere to all Hastings and Prince Edward Counties Health Unit Guidelines. (Attached as Schedule B) As part of OMAFRA's Food Safety Monitoring (FSM) Program, produce, honey and maple syrup are collected by OMAFRA Inspectors who are appointed under the Food Safety and Quality Act, 2001 (FSQA). Section 24 of the FSQA gives Inspectors the authority to collect samples at the owner's expense. Effective February 1, 2019, producers are no longer being reimbursed by OMAFRA for produce, honey and maple syrup samples.

## **22. ALCOHOL**

- a. Any vendor that is a licensed manufacturer of alcoholic beverages is required to submit their Temporary Extension Endorsement from the AGCO with their Farmers Market application. This form is required to sell alcoholic beverages on site but does not permit consumption on site. This form can be found on the IAGCO website.
- b. Any alcohol vendor is required to provide a Certificate of Insurance with the City of Quinte West and Farmers Market Ontario listed as additionally insured.

## **23. INSURANCE**

- a. While the Front Street Farmers' Market does carry basic Commercial General Liability and Damage Insurance through Farmers' Markets Ontario, any additional insurance coverage is the responsibility of the individual vendor.
- b. Any consumable product that is made in a commercial kitchen requires that a Certificate of Insurance is provided with the City of Quinte West and Farmers Market Ontario listed as additionally insured.
- c. The City bears no responsibility for any vendor property at the Market.



## **24. FARMERS' MARKET SUB-COMMITTEE**

The Farmers' Market Sub-Committee is a committee that reports to the City of Quinte West Economic Development, Tourism, and Special Events Advisory Committee, and subsequently to City Council. Meetings of the Farmers' Market Sub-Committee are held on a needs basis only.

## **25. WORKPLACE HARASSMENT POLICY**

All vendors shall adhere to the City's Workplace Harassment Policy. (Attached as Schedule C)

## **26. WORKPLACE VIOLENCE POLICY**

All vendors shall adhere to the City's Workplace Violence Policy. (Attached as Schedule D)

## **27. BULLYING IN THE WORKPLACE POLICY**

All vendors shall adhere to the City's Bullying in the Workplace Policy. (Attached as Schedule E)

## **28. GRIEVANCES AND CONCERNS**

- a. Should a vendor feel their rights as a member of the Front Street Farmers' Market have been violated in some way, or feel that another vendor, or someone else has acted outside of their authority with the Front Street Farmers' Market or in a way that harms the Front Street Farmers' Market as a whole, the following steps should be taken:
- b. The concern should be put in writing and include a clear and specific description of the problem and the name(s) of the person(s) involved, a description of the ways in which the person has attempted to resolve the matter (if appropriate), and at least two courses of action that would satisfy the writer (if appropriate). These should include, but limited to:
  - Mediation between involved parties
  - Forming a committee to hear all sides of the issue and recommend action to the full committee.
  - Determine that the issue does not warrant formal steps to resolve it and should be handled through other channels.
  - Copies of this correspondence should be sent to the City staff and to all persons Involved with the concern. This must be a signed correspondence.



- The City of Quinte West has final authority in deciding the outcome(s) of all concerns.

## **29. PENALTIES**

Any person who contravenes any section of this document, or any policy within, shall, in the first occurrence, be so advised by the Market Clerk. In the event the contravention is not remedied to the satisfaction of the City, the offending party shall be summarily removed from the Market, together with their goods, provisions or other activities. Any person who contravenes the provisions of this document on a subsequent occasion shall be deemed to be guilty of an offence, and on conviction, shall be liable to a fine not exceeding \$5,000, as provided for by the provisions of the Provincial offenses Act (RSO 1990, Chapter P33, as amended)

## **30. INDEMNIFICATION**

The Farmers' Market Vendor shall indemnify and save harmless the City of Quinte West from and against any and all claims, demands, causes of action, loss, costs or damages that the City of Quinte West may suffer, incur or be liable for, resulting from the performance or non-performance of the Vendor of his or her obligations under the licence whether with or without negligence on the part of the Vendor, the Vendor's employees, directors, contractors and agents.

## **31. APPLICATION FOR LICENCING**

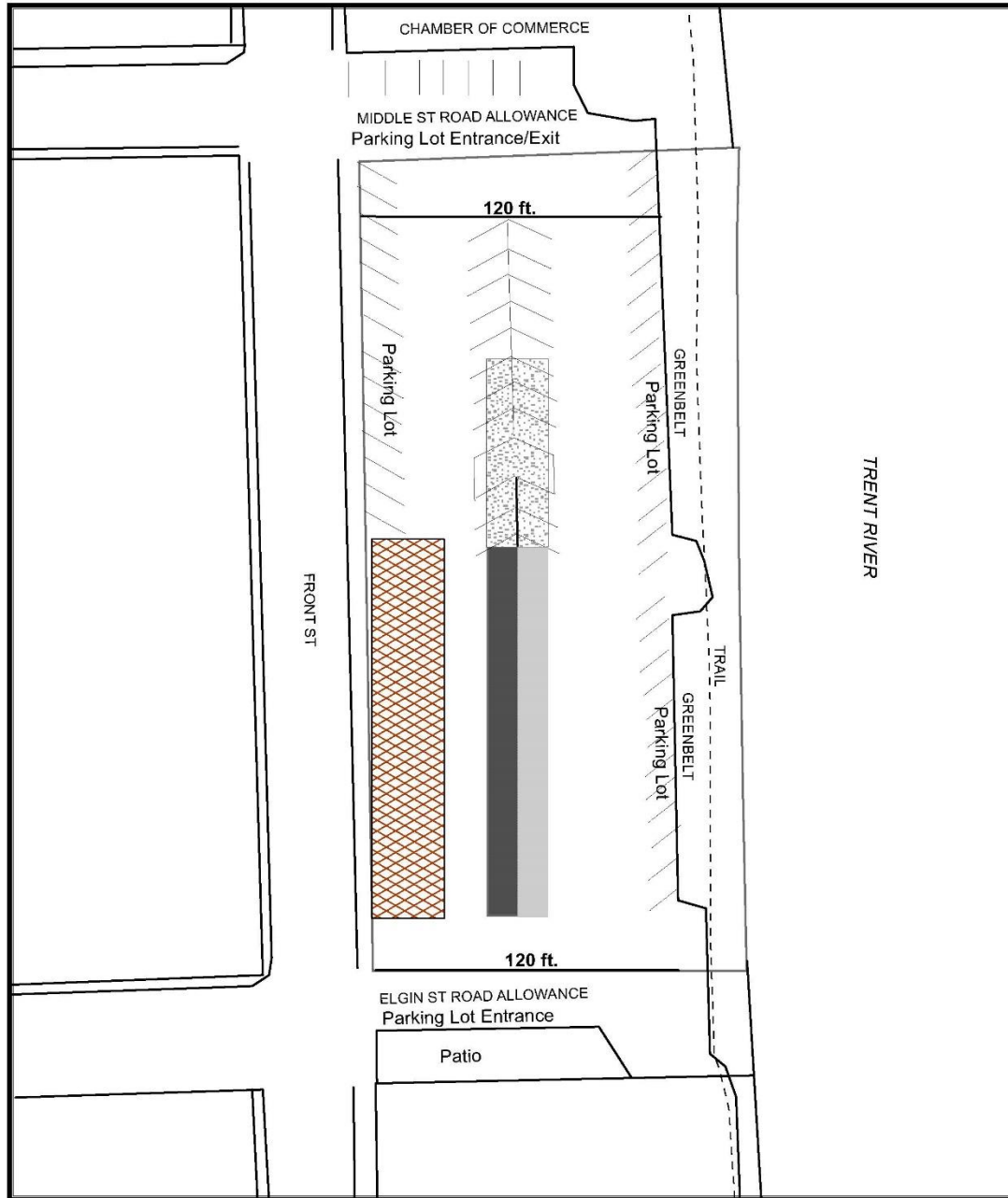
Any person seeking to participate as a vendor in the Farmers' Market shall complete and submit the Front Street Farmers' Market licensing application (Attached as Schedule F)



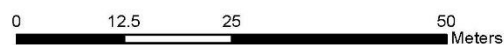
## **ATTACHMENTS**

- a. Farmers' Market Stall/Parking Footprint. (Attached as Schedule A)
- b. Hastings and Prince Edward Counties Health Unit Guidelines. (Attached as Schedule B)
- c. City's Workplace Harassment Policy. (Attached as Schedule C)
- d. City's Workplace Violence Policy. (Attached as Schedule D)
- e. City's Bullying in the Workplace Policy. (Attached as Schedule E)
- f. Front Street Farmers' Market Licensing Application (Attached as Schedule F)

# FRONT STREET PARKING LOT Farmers' Market Layout



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Date: APRIL 13, 2023



## Farmers' Market

Depending on the composition of their market, some **farmers' market food vendors** are exempted from Ontario Regulation 493/17: Food Premises.

However, they are still subject to other provincial health laws, including:

- It is against the law to sell: uninspected meats, unpasteurized milk, or ungraded eggs
- All water used for food preparation and processing, including water from private wells, must be potable

As per the Health Protection and Promotion Act (the Act),

- Each vendor must inform Public Health prior to opening for business
- Public health staff will continue to inspect exempted vendors to ensure no health hazards exist (under Section 13 of the Act)

Furthermore, exempted farmers' market food vendors must continue to ensure that the food is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale in a manner that ensures the product is not a health hazard.

Following the best practice tips listed below will help ensure the safety of food products sold at exempted farmers' markets:

### Temperature Control

- Hazardous foods (i.e. support the growth of disease-causing organisms or their toxins) are to be transported, stored and maintained at safe temperatures. Cold foods are to be kept at 4°C (40°F) or colder and hot foods at 60°C (140°F) or hotter.
- Freezer units are to be maintained such that all food is kept frozen.
- Use accurate indicating thermometers to monitor food storage temperatures.

### Preparation and Handling

- Raw and ready to eat foods are to be kept separate to prevent cross-contamination.
- Hazardous food should not be kept in the "Danger Zone" (i.e. 4°C (40°F) to 60°C (140°F)) for more than 2 hours.
- Avoid direct contact with food by using tongs & ladles. Provide a sufficient number of clean, back-up utensils stored in a sanitary manner.
- All foods are to be stored in clean, washable containers with tight fitting lids to protect from insects, dust and chemicals.

### Cooking/Reheating

- Use a probe thermometer to check internal temperatures of cooked food.

Food Type	Minimum Internal Cooking / Re-heating Temperatures
Whole poultry	82°C/180°F for a minimum of 15 seconds (cooking) 74°C/165°F for a minimum of 15 seconds (reheating)
Other poultry portions/ food mixtures	74°C / 165°F for a minimum of 15 seconds
Pork and ground meat	71°C / 160°F for a minimum of 15 seconds
Fish	70°C / 158°F for a minimum of 15 seconds

### Cleaning and Sanitizing

- Hands are to be washed before commencing work, after handling raw or hazardous product, after using the toilet, smoking, handling garbage or cash, and as often as necessary.
- The hand wash basin (i.e. as a minimum: a container with a valve that turns on and off, filled with warm, potable water that drains into a pail, the contents of which are disposed of in a toilet/sink) is to be conveniently located with soap and single service towel dispensers.
- All food handlers are to wear clean outer garments, ensure hair does not contaminate food, and not use tobacco while handling food.
- Counters and food contact surfaces are to be kept clean with soap and potable water then sanitized with either chlorine, quaternary ammonia, iodine or a product approved by Health Canada. To prepare a chlorine sanitizer: add 2 mL of bleach to 1 L of water.
- Leak-proof containers with tight-fitting lids sufficient for storing all garbage and waste in a sanitary manner are to be provided and emptied as needed.

#### **For more information contact:**

Hastings Prince Edward Public Health – Healthy Environments  
179 North Park Street, Belleville, ON K8P 4P1  
T: 613-966-5500 or 1-800-267-2803 ext. 677  
F: 613-968-1461 TTY: 711 or 1-800-267-6511

We are committed to providing accessible publications, programs and services to all. For assistance please call 613-966-5500; TTY: 711 or email [accessibility@hpeph.ca](mailto:accessibility@hpeph.ca). For more information, please visit [www.hpepublichealth.ca](http://www.hpepublichealth.ca).



## HEALTH AND SAFETY

## SCHEDULE C

### STANDARD

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Subject: WORKPLACE HARASSMENT & SEXUAL HARASSMENT STANDARD  
H-S-40

Coverage: All City Staff

Approved by: Joint Health and Safety Committee/Safety Advisory Committee

Issued:	Last Reviewed:	Next Review:
Oct. 23 <sup>rd</sup> , 2012	Sept. 22nd, 2022	N/A

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### GENERAL PURPOSE and PROCEDURE

The City of Quinte West recognizes the right of all employees and members of Council to work in an environment which is free from discrimination and harassment based on any of the prohibited grounds in the Ontario *Human Rights Code*. The Municipality values positive and supportive interaction among its employees and from members of the public and is committed to creating and maintaining an enabling environment where dignity and self-worth of all individuals is respected.

All complaints will be reviewed and addressed following the process set out in this policy. All incidents of harassment will be regarded as serious offences which may result in disciplinary action up to and including dismissal. Similarly, any threat or act of reprisal against an employee who has made a complaint or against a witness who participates in an investigation will be subject to appropriate disciplinary action.

### DEFINITIONS

#### Workplace Harassment and Sexual Harassment



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### STANDARD

Workplace harassment is a form of discrimination that will not be tolerated or condoned. It includes harassment based on those prohibited grounds as set out in the Ontario *Human Rights Code*: *race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability and a record of offences for which a pardon has been granted under the Criminal Records Act and has not been revoked.*

For purposes of this policy, workplace harassment is engaging in a course of improper comment or conduct that the individual knew or ought reasonably to have known, would cause offense or harm.

#### **Workplace Sexual Harassment**

Workplace sexual harassment is a course of vexatious comment or conduct against a worker in a workplace because of sex, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome.

Workplace sexual harassment also means 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.

Examples of allegations that could be processed under this policy are:

- Complaints about harassment or discrimination on grounds prohibited in the Human Rights Code as defined above;
- Failure to reasonably accommodate an employee with a disability as defined in the Human Rights Code;
- Systemic discrimination on human rights grounds (e.g. requiring a specific physical characteristic that is not justifiable in a job); and
- Sexual harassment may include behavior such as sexual remarks, unwelcome touching, inappropriate jokes, sexual requests or suggestions, staring or making comments about a person's appearance or displays of sexually suggestive pictures, drawing, notes or slogans.

Some examples of workplace harassment include:

- Picking on, bullying (see Bullying in the Workplace H-S-40-3), mocking, imitating or teasing a co-worker (**bullying is the most common form of harassment**)
- Spreading malicious rumours about a coworker;



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- Tampering with a co-worker's desk, workplace, equipment or belongings;
  - Excluding or ignoring a co-worker;
  - Telling jokes that are racist, sexual, sexist or otherwise in bad taste;
  - Abusing co-workers with your words by yelling at them, making threats and name calling; and
  - Physically abusing co-workers by pushing, hitting, spitting, fondling, groping, grabbing, finger pointing or aggressively invading a co-worker's space.
- (The last two bullets can or will be referenced to workplace violence)**

### Types and Examples of Harassment

**Sexual Harassment** can be an abuse of power, responsibility or authority when comments are made regarding an individual's physical characteristics or mannerisms.

Example:

- insulting comments about a person's sexual orientation, gender identity or gender expression;
- unwelcome physical contact;
- Sexual advances or demands that the recipient does not welcome or want;
- Threats, punishment or denial of a benefit for refusing a sexual advance;
- Displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic web sites or other electronic material;
- Persistent, unwanted attention after a consensual relationship ends;
- suggestive or offensive remarks or innuendos;
- proposition of physical intimacy;
- leering or inappropriate staring;
- using suggestive names such as "honey or babe";
- offensive jokes or comments about an employee,
- vulgar or explicit email or social media messages; and
- rough and vulgar humour or language related to gender.

#### a) **Racial or Ethnic Harassment**

The term race includes all race related grounds: race, ancestry, place of origin, colour, ethnic origin, citizenship and creed. Examples include:



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- Unwelcome remarks, jokes innuendoes or taunting about a person's racial or ethnic background, colour, place of birth, citizenship or ancestry;
- Racists, ethnic or religious graffiti or a display of racist material;
- Practical jokes based on racial, ethnic or religious grounds that cause embarrassment or awkwardness;
- Refusal to work or converse with an employee because of his or her racial or ethnic background; and
- Use of racially derogatory nicknames.

#### **b) Poisoned Work Environment**

Comments or conduct that violates the prohibited grounds of the *Human Rights Code* but are not directed at any specific individual, can create a degrading, offensive or "poisoned" work environment and may therefore be considered harassment. Examples include:

- Display of material which degrades or denigrates a person or group on the grounds of gender, race, ethnic origin, disability or sexual orientation; and
- Patronizing behaviour, language or terminology which reinforces stereotypes and undermines other workers' self-respect or adversely affects work performance or working conditions.

#### **c) Bullying**

Bullying involves persistent, demeaning and downgrading behaviour through vicious words and cruel acts such as belittling, coercion, threatening, intimidation, undermining staff or colleagues, blaming, fear and professional humiliation that gradually undermine confidence and self-esteem. Bullying behaviour is specifically used to devalue the worth of others. (for more see the Bullying in the Workplace H-S-40-3)

#### **d) Cyber Bullying**

Cyber bullying includes but is not limited to use of information technology such as sending unsolicited or threatening e-mail, encouraging others to send unsolicited and or threatening email to overwhelm the victim, sending viruses by e-mail (electronic sabotage), spreading rumours electronically, making defamatory comments online, sending negative messages, impersonating the victim online by sending defamatory, controversial or enticing message which causes others to respond negatively to the victim, harassing during a live chat or online meeting format, leaving abusive messages online, including social media sites and



## **HEALTH AND SAFETY**

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websites, sending inappropriate or graphic material that is knowingly offensive, creating online content that depicts someone in negative ways.

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# Before you...



# THINK!!

**T** = is it True?

**H** = is it Helpful?

**I** = is it Inspiring?

**N** = is it Nice?

**K** = is it Kind?



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#### What Harassment Does Not Include

The word harassment is often used incorrectly. It does *not* include:

- Appropriate direction, evaluation or discipline by a Manager/ Supervisor/ Lead hand;
- Stressful events associated with the performance of *legitimate* job duties;
- Good natured jesting and bantering which is mutually acceptable; and
- Friendly or romantic behaviour which is welcome and mutual.

#### Definition of Workplace

Harassment can occur in any Municipal location, not just in the office. It can occur in meeting rooms, washrooms, lunch rooms or any other place where Municipal business is conducted. Harassment as defined in this policy which occurs outside the workplace (e.g. during business travel or at a work-related social function) and which negatively affects working relationships may also be subject to investigation.

#### Harassment Complaint Procedures

An employee who experiences harassment as defined in this policy has a number of options available to deal with the situation. (Please refer to the Workplace Harassment Flow Chart H-S-40-2)

##### 1. Informal Complaints

You may ask that the matter be dealt with informally with the assistance of your Manager/Supervisor/Lead hand, Manager of Human Resources or CAO. Harassment may be the result of a communication problem, and once addressed is resolved fairly easily. Therefore, whenever possible informal resolution is encouraged. (CAO may appoint a designate to assist with an investigation on his/her behalf)

##### **a) Deal With the Incident Yourself**

Often the most effective way to end harassment is to deal promptly and directly with the person involved. It is possible that the person does not know that you find the behaviour offensive and it is unlikely to stop until he/she is



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aware that the actions are distasteful. Tell the person clearly and firmly that the behaviour is against corporate policy. Politely explain that you feel offended, uncomfortable or intimidated by the behaviour and you would like it to stop. It may be helpful to have a witness present or make note of your conversation afterwards. If you prefer to address your concerns in writing, you may send a letter to the person outlining your concerns; however, be sure to keep a copy of your letter and proof that it was received (e.g. registered mail receipt).

It is important that you keep a written record of the incident(s) including dates, times, the nature of the behaviour and any witnesses as this documentation could be helpful, to validate your complaint in the future.

#### ***b) Seeking Assistance***

If you feel uncomfortable dealing with the incident yourself, or if you have tried to deal with the situation and the harassment has continued, you may choose to seek assistance from your Manager/Supervisor /Leadhand. If the harasser is your Supervisor or manager you may approach the Human Resources department, CAO or another manager for assistance.

Any complaint of harassment will be treated very seriously and will be fully investigated. It is the responsibility of all employees to cooperate fully with the investigation. Whenever a member of management becomes aware of a harassment complaint, he or she must act immediately to resolve the issue.

## 2. **Formal Complaints**

- a) A formal complaint may be filed within a reasonable time of the harassment. However, the sooner the complaint is filed, the easier it will be to investigate and “resolve the situation” satisfactorily. Every effort will be made to maintain confidentiality of the parties involved however absolute confidentiality cannot be guaranteed. A formal complaint may be filed with your Manager/Supervisor/Lead hand, Manager of Human Resources or CAO.
- b) Formal complaints must be written and signed and include a description of the incident, or incidents, names of witnesses, if any, and any steps already taken to resolve the matter using **Workplace Harassment Reporting Form**



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- H-S-40-1.** To ensure consistency of the process, the member of management receiving a formal complaint must, within five (5) days of receiving the complaint, contact the CAO, Manager of Human Resources and Solicitor who will assign an investigation team.
- c) If the harasser is your immediate Supervisor or Manager, you can take the complaint directly to the Manager of Human Resources or their designate. If the alleged harasser is the Manager of Human Resources you can take the complaint directly to the CAO.
  - d) The Manager of Human Resources and CAO will provide a written acknowledgement of the complaint within five (5) working days of the receipt of the complaint. The respondent will also receive written notification that a formal complaint has been made. Investigations will ordinarily be completed within 90 calendar days or less unless there are extenuating circumstances warranting a longer investigation (e.g. More than five witnesses, key witness unavailable due to illness)
  - e) If the complaint takes the form of a grievance, any contract provisions governing response times will supersede these time frames.
  - f) The investigation team will gather the pertinent information; interview the complainant, the alleged harasser and any witnesses. Information obtained during the investigation will be treated as confidential unless disclosure is necessary for the purposes of investigating the complaint for the purposes of taking corrective action or is otherwise required to be disclosed by law.
  - g) While the investigation is on-going , the worker who has allegedly experienced harassment, the alleged harasser(s) and any witnesses will be instructed not to discuss the complaint, incident or investigation with other workers or witnesses unless necessary to obtain advice about their rights.
  - h) The investigating team will ordinarily prepare a written report which will include specific findings of fact, a conclusion about whether harassment or other misconduct has occurred and may include recommendations for action. This report will be submitted to the CAO, Manager of Human Resources and Solicitor for action. Complainants and Respondents who are employees will



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be informed of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of an investigation.

#### **i) Investigation Files**

A confidential file will be opened on all formal harassment complaints and will be kept separate from personnel files for a period of not less than five (5) years. The investigation file will include a copy of the complaint or details about the incident(s), a record of the investigation, a copy of the investigation report and copies of the results of the investigation and corrective action which were provided to the complainant and respondent.

#### **3. Malicious Complaints**

Any complaint made with malicious intent or in bad faith will be treated very seriously and will result in disciplinary action.

#### **4. Complaints from Members of the Public**

Members of the public and those in receipt of services from the Municipality are also guaranteed equal treatment with respect to services, goods and facilities without discrimination under the Human Rights Code.

If a complaint of harassment is received from a member of the public, the Director will thoroughly investigate the matter and recommend appropriate action to rectify the situation. Such action may include training, reprimand or other discipline, up to and including termination.

#### **5. Complaints Involving a Department Head or Member of Council**

In the event of a complaint involving a Department Head, member of Council, or the CAO, the Manager of Human Resources, or CAO, the Manager of Human Resources and Solicitor shall be contacted and a qualified external consultant will conduct the investigation.

#### **6. What to do if you are accused of Harassment**

If you are approached informally and advised that your comments or actions are unacceptable, examine your behaviour carefully. If you are guilty of the



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accusations that have been made against you, cease the offensive behaviour immediately and apologize for your actions. If you do not, and the claims are well founded, you may be vulnerable to a formal complaint investigation and disciplinary action.

If you believe you are innocent of the charges or that they have been made in bad faith, advise your Manager/Supervisor/Lead hand. If the complaint is not resolved at these levels, you may contact the Manager of Human Resources and/or CAO.

If a formal complaint has been filed against you, you will be contacted during the course of the investigation to give your version of the events. You may bring a union representative to these meetings if you so desire. You will be advised of the outcome of the investigation and any action to resolve the complaint.

Anyone accused of harassment is encouraged to keep documentation including dates, times, places and witnesses.

#### 7. **Management/Supervisory/Lead hand Responsibility**

The Human Rights Code and Occupational Health & Safety Act provide that a person who has the authority to prevent or discourage harassment may be held responsible for failing to do so. All Managers/Supervisors/Lead hands therefore, have a particular duty to deal with such incidents as soon as they are made aware of them. Action should be taken even if a formal complaint has not been made. The Manager/Supervisor/Lead hand should advise the Director of the nature of the offence and the actions taken to address the problem.

In the event that a complaint of harassment filed with the Human Rights Commission is upheld, the onus is on the Employer to show that efforts have been made, in good faith, to prevent harassment, to stop it if it has occurred and to correct the damage that has resulted. If the Employer cannot demonstrate that such actions have been taken, Senior Management and the organization may be held liable and be subject to fines, sanctions or other remedies as determined by a Human Rights Tribunal.

#### 8. **Confidentiality**



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All parties involved in an incident of harassment are to maintain confidentiality throughout the investigation and to protect, as much as possible, the privacy and reputation of all parties concerned. However, it must be recognized that should the complainant choose to initiate proceedings or make comments outside the formal complaint process, confidentiality cannot be guaranteed and should not be promised. Also, information collected and retained may be subject to the requirements of the Municipal Freedom of Information and Protection of Privacy Act, the Human Rights Code and the rules governing court and tribunal proceedings.

#### 9. **Remedial Action**

If an investigation confirms that harassment has taken place and remedial action is warranted, it will be initiated as soon as possible. This may include counseling, education and training, a review of policies and practices or other disciplinary action up to and including dismissal. *In no circumstances shall the remedial action penalize the complainant, unless deemed a malicious complaint.*

#### 10. **Reprisals**

All employees involved in cases of harassment are protected from reprisal or threat of reprisal under this policy. Reprisals may include a denial or threat of denial of any employment, related opportunity (e.g. a promotion), discipline or threat of disciplinary action, including dismissal, ostracism of the complainant by other employees, or other forms of intimidation. *These or any other kind of reprisal will be subject to disciplinary action.*

## RESPONSIBILITY

### **Employer**

- ☐ The Employer shall take reasonable preventative measures to protect employees and others in Municipal Workplaces from Workplace Harassment.
- ☐ To develop a process for reporting harassment.
- ☐ To ensure that employees are trained in this policy.



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- ☐ To ensure that this policy is communicated to contractors and other persons who attend Company Workplaces.

#### Manager/Supervisor/Leadhand

- ☐ Ensure that all employees conform to and respect the Workplace Harassment & Sexual Harassment Standard.
- ☐ Perform and record annual training of employees.
- ☐ Verify that all contractors and others who attend Municipal Workplaces are aware of this policy.
- ☐ To encourage employees to report complaints or incidents of workplace harassment.
- ☐ To respond to all complaints or incidents of workplace harassment in a professional manner appropriate for the circumstances of the complaint or incident and to promptly report all complaints or incidents they receive.

#### Employee

- ☐ All employees will comply with this policy at all times and conduct themselves appropriately in the workplace at all times.
- ☐ All employees will immediately notify their supervisor or other designated person of any incident of workplace harassment.
- ☐ All employees will fully cooperate in any investigation of complaints or incidents of workplace harassment or breaches of this policy.

#### Health and Safety Committee

- ☐ Recommend corrective measures for the improvement of the health and safety of workers
- ☐ Participate in the review of the policy and guidelines for continuous improvement

### TRAINING

All employees of the City of Quinte West will receive in-house training on the Workplace Harassment & Sexual Harassment Procedure. Employees will be provided the opportunity to ask questions and provide feedback.



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#### **COMMUNICATION**

The Workplace Harassment & Sexual Harassment Standard will be communicated to all employees through one of the following methods:

- ☐ SDS Risk Assist
- ☐ Quinte West Intranet
- ☐ Health & Safety Boards
- ☐ Training Sessions
- ☐ Minutes of Meetings
- ☐ Tailgate Meetings
- ☐ Employee Feedback
- ☐ Orientation

#### **EVALUATION**

Employees are encouraged to provide feedback on an ongoing basis to assist with improvements to the Workplace Harassment & Sexual Harassment Standard.

A review of the Workplace Harassment & Sexual Harassment Standard will take place on an as required basis or sooner if required to determine its effectiveness. The review will be completed by the Joint Health & Safety Committee and Safety Advisory Committee and will include feedback from all employees.

#### **ACKNOWLEDGEMENT/IMPROVEMENT**

Findings from the evaluation process will determine if the Workplace Harassment & Sexual Harassment Standard requires modification. Any changes made to the Program will be reviewed with all employees at staff meetings.

The City of Quinte West recognizes that this Workplace Harassment & Sexual Harassment Standard is successful due to the participation of all employees carrying out their roles in the Program and providing feedback on how this Program can be improved.



## HEALTH AND SAFETY STANDARD

### REFERENCES:

OH&S Act Sect.32.0.1 Part III.0.1

Date: 3/31/2023

David Clazie

**David Clazie**  
**Chief Administrative Officer**  
**City of Quinte West**

### DATES STANDARD REVIEWED

Revision Number	Date	Change
01	Sept. 11 <sup>th</sup> , 2012	Reporting changes
02	April 10 <sup>th</sup> , 2014	N/A
03	Oct. 14 <sup>th</sup> , 2015	N/A
04	June 9 <sup>th</sup> , 2016	Legislative sexual harassment changes
05	Sept. 14 <sup>th</sup> , 2016	Added Gender identity
06	Jan. 14 <sup>th</sup> , 2021	Format change and CAO signature
07	Sept. 22 <sup>nd</sup> , 2022	Added bullying and Cyber bullying sections



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## HEALTH AND SAFETY STANDARD

### SCHEDULE D

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Subject: WORKPLACE VIOLENCE STANDARD H-S-41

Coverage: All City Staff

Approved by: Joint Health and Safety Committee/Safety Advisory Committee

Issued:	Last Reviewed:	Next Review:
April 12 <sup>th</sup> , 2010	Feb. 1 <sup>st</sup> , 2021	N/A

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### PURPOSE

The City of Quinte West is committed to providing a healthy, safe, violence-free work environment. The City recognizes that workplace violence is a health, safety and human resources issue. By recognizing that prevention of workplace violence is a strategic focus, the City will provide employees and members of Council with education and training opportunities for appropriate approaches to managing violent and abusive behavior.

### POLICY

It shall (**SHALL means that you are required to do something (the direction is Mandatory- it is not optional)**), be the policy of the City of Quinte West to take immediate action in the event of an act of violence occurring against municipal employees, contractors of the City, volunteers, students, visitors or any person engaged in business with the City while the carrying out his/her duties on behalf of the organization.

Violence in the workplace is not acceptable under any circumstances and will not be tolerated. The City of Quinte West will take all reasonable and practical measures to prevent violence and protect employees from acts of violence. Any violation of this



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policy by any member of staff will result in disciplinary action, up to and including termination of employment.

Incidents of workplace violence against an employee or member of Council may be reported to the police for investigation and legal action if warranted.

An employee who is a victim of workplace violence will be treated with respect, confidentiality and consideration. The City will support the employee's right by providing immediate medical and emotional assistance as required.

**Any act of violence must be reported to management immediately.**

### SCOPE and APPLICATION of POLICY

This policy applies to all Municipal employees regardless of position, classification or union membership. This policy also applies to all persons who attend a Municipal workplace including, but not limited to, all visitors, contractors, vendors and delivery persons.

- For the purposes of this policy, a Municipal workplace includes all places where Municipal business occurs and includes all:
  - Municipal buildings ( whether owned or leased ) and surrounding perimeter including parking lots, sidewalks, and driveways ( Municipal Grounds );
  - Company vehicles;
  - Offsite locations where Municipal business occurs;
  - Municipal-sponsored functions and recreational or social events whether taking place on Municipal Grounds or elsewhere; and
  - Travel for Municipal business.

### DEFINITIONS

For the purposes of this policy, Workplace Violence constitutes any action, conduct, threat or gesture towards an employee in their work place that can reasonably be expected to cause harm, injury or illness to that employee. This could include



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psychological illness or stress-related illness. Violence in the workplace falls generally into three categories:

- Verbal abuse or aggression, such as threats, very offensive language, bullying, teasing, ridicule or an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to a worker.
- Damage to property, such as vandalism or throwing objects; and
- Physical assault includes but is not limited to hitting, shoving, pushing, kicking, sexual assault, murder and suicide in the workplace.

Workplace violence can occur at off-site municipal business-related functions, at social events related to work, in client's homes, or away from work resulting from work (e.g. a threatening call to an employee's home from a member of the public). Workplace violence may be in the form of employee to employee or public to employee (employee to public).

### PROCEDURE – Reporting – Investigation

#### a) When Workplace Violence Has Occurred

1. The employee, or if necessary, a co-worker is to inform the Manager/Supervisor/Lead hand, Manager of Human Resources or the CAO at the earliest opportunity. Where the Manager/Supervisor/Lead hand has been contacted, he/she shall inform the Manager of Human Resources and the CAO that Workplace Violence or assault has taken place. (please use the Workplace Violence Flow Chart H-S-41-4 for reference)
2. In the case of an actual assault, the employee shall receive immediate medical attention where warranted and medical verification of the assault shall be obtained.
3. The Manager of Human Resources and CAO will conduct an immediate investigation into any violence using the **Workplace Violence Incident Reporting Form H-S-41-1**, establishing facts and questioning witnesses.



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**Workplace Violence Investigation & Analysis Form H-S-41-5** is to be used as a guideline at a minimum.

4. Important: the CAO may at any time appoint a designate to investigate an incident of workplace violence on his/her behalf.

b) Responding to Assaults or Incidents of Workplace Violence

1. Where the assailant is an employee of the Municipality, the Manager/Supervisor/Lead hand, Manager of Human Resources or CAO shall immediately reassign the employee out of the presence of the assaulted employee or **remove them from the workplace**. If the alleged assailant is uncontrollable, the Manager/Supervisor/Lead hand, Manager of Human Resources or CAO shall call the police **immediately**, for assistance.
2. Where the alleged assailant is not an employee of the City, the Manager/Supervisor/Leadhand, Manager of Human Resources or CAO shall telephone the police and request that an investigation be made, in addition to the investigation made by the Manager of Human Resources and CAO.
3. The Manager of Human Resources and CAO shall make a written report of the events, times and witnesses. A copy of this report shall be made available to the employee.
4. Where the investigation establishes that an assault has taken place and that the assailant is an employee, the employee shall be disciplined in a manner that is consistent with the City's Code of Discipline.
5. Where the investigation of a first offence establishes that an assault has taken place and that a pattern of violence had been established prior to the first assault, the CAO may recommend to Council that the employee be immediately discharged.

#### **No Reprisal**

Workplace violence and this policy are serious matters. This policy prohibits reprisals against employees who have made good faith complaints or provided information



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regarding a complaint or incident of workplace violence. Employees who engage in reprisals or threats of reprisals may be disciplined up to and including termination.

Reprisal includes:

- Any act of retaliation that occurs because a person has complained of or provided information about an incident of workplace violence
- Intentionally pressuring a person to ignore or not report an incident of workplace violence; and intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of workplace violence.

### **Domestic Violence**

Any employee experiencing violence outside of the workplace (i.e. domestic violence) that may create a risk of danger to themselves or others in the workplace is **“encouraged”** to report such violence so that the Municipality can take reasonable preventable steps.

### **Confidentiality**

In our daily work we are in the unique and responsible position of having access to and being aware of an array of highly sensitive personal, medical and workplace information. This information comes to us directly from individuals or third parties associated with them and their work. Information we have received of a personal nature will be disclosed to other parties or colleagues **“only”** when it is legally required or essential to the operation of the Municipality, and then on a strict need-to-know basis.

## RESPONSIBILITY

### **Employer**

1. The Employer shall take reasonable preventative measures to protect employees and others in Municipal Workplaces from Workplace Violence.
  - The employer shall conduct the OHSCO Risk Assessments



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2. To ensure that a workplace violence assessment is conducted using the Workplace Violence Hazard Assessment Form H-S-41-2.
3. To develop procedures to address the workplace violence risks identified in the workplace assessments.
4. Consult with the JHSC, Human Resources and appropriate Security to assess the risk assessments and develop practical steps to eliminate or minimize identified risks.
5. To ensure that employees are trained in this policy.
6. To post the Emergency Numbers (Form H-S-11-2), and City Hall Emergency Safety Floor Plans (1A,1B,2A,2B)
7. To ensure that this policy is communicated to contractors and other persons who attend Company Workplaces.
8. To establish a process for reporting and responding to incidents of workplace violence.
9. To ensure that the policy is posted and reviewed at least annually.

#### **Important:**

The employer shall within four (4) days of an occurrence where a person is disabled from performing their usual work or require medical attention because of an incident of workplace violence at a workplace give written notice of the occurrence containing the prescribed information and particulars to the Health & safety Committee and the Ministry of Labour.

#### **Manager/Supervisor/Leadhand**

1. Ensure that all employees conform to and respect the Workplace Violence Policy.
2. Perform and record annual training of employees.
3. Review procedure with all employees during orientation training.



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4. Annually review Violence in the Workplace Policy with their department and conduct an annual survey with employees for any new hazards that could enhance the chance of workplace violence. The Supervisor is to use the Supervisor Workplace Violence Survey Form H-S-41-3.
5. Verify that all contractors and others who attend Municipal Workplaces are aware of this policy.
6. To encourage employees to report complaints or incidents of workplace violence.
7. To respond to all complaints or incidents of workplace violence in a professional manner appropriate for the circumstances of the complaint or incident and to promptly report all complaints or incidents they receive.

### Employee

1. All employees will comply with this policy at all times to protect themselves and others in the workplace from workplace violence.
2. All employees will complete a Workplace Violence Hazard Assessment Form H-S-41-2.
3. All employees will immediately notify their supervisor or other designated person of any incident of workplace violence whether the notifying worker is the victim or not. In the case of an extreme or imminent threat of physical harm to themselves or any person from workplace violence, the worker should contact the police.
4. All employees shall participate in training regarding this policy and procedures directed at workplace violence risks in the workplace.

### Health and Safety Committee

- Review the Workplace Violence Hazard Assessments results and provide recommendations to management to reduce or eliminate the risk of violence. They must also review the **Supervisor Workplace Violence Survey Forms H-S-41-3**.
- Review all reports forwarded to the JHSC regarding workplace violence and other incident reports as appropriate pertaining to incidents of workplace violence that result in personal injury or threat of personal injury, property damage, or police involvement



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- Participate in the investigation of critical injuries ( ex. Incidents that place life in jeopardy, result in substantial blood loss, fracture of leg or arm, etc.)
- Recommend corrective measures for the improvement of the health and safety of workers
- Respond to employee concerns related to workplace violence and communicate these to management
- Participate in the review of the policy and guidelines for continuous improvement
  
- In addition, JHSC's may participate in the investigation of reported incidents that result in personal injury or have the potential to result in injury.

### **TRAINING**

All employees of the City of Quinte West will receive in-house training on the Workplace Violence Procedure. Employees will be provided the opportunity to ask questions and provide feedback.

### **COMMUNICATION**

The Workplace Violence Standard will be communicated to all employees through one of the following methods:

- SDS Risk Assist
- Quinte West Intranet
- Health & Safety Boards
- Training Sessions
- Minutes of Meetings
- Tailgate Meetings
- Employee Feedback
- Orientation

### **EVALUATION**

Employees are encouraged to provide feedback on an ongoing basis to assist with improvements to the Workplace Violence Standard.



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A review of the Workplace Violence Standard will take place on an as required basis or sooner if required to determine its effectiveness. The review will be completed by the Joint Health & Safety Committee and Safety Advisory Committee and will include feedback from all employees.

### ACKNOWLEDGEMENT/IMPROVEMENT

Findings from the evaluation process will determine if the Workplace Violence Standard requires modification. Any changes made to the Program will be reviewed with all employees at staff meetings.

The City of Quinte West recognizes that this Workplace Violence Standard is successful due to the participation of all employees carrying out their roles in the Program and providing feedback on how this Program can be improved.

### REFERENCES: OH&S Act sect. 32.0.1 – 32.0.5

#### Forms:

Workplace Violence Incident Report H-S-41-1  
Workplace Violence Hazard Assessment Form H-S-41-2  
Supervisor Workplace Violence Survey Form H-S-41-3  
Workplace Violence Flow Chart H-S-41-4  
Workplace Violence Investigation & Analysis Form H-S-41-5  
Emergency Numbers H-S-11-2  
City Hall Emergency Safety Floor Plans (1A,1B,2A,2B)

Date: 3/11/2021  
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*David Clazie*

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**David Clazie**  
**Chief Administrative Officer**



## HEALTH AND SAFETY STANDARD

### City of Quinte West

#### DATES STANDARD REVIEWED

Revision Number	Date	Change
01	Dec. 13 <sup>th</sup> , 2013	
02	April 10 <sup>th</sup> , 2014	
03	June 10 <sup>th</sup> , 2016	
04	Feb. 1 <sup>st</sup> , 2021	Format change and CAO signature

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## SCHEDULE E

# Bullying in the “Workplace”

## What is workplace bullying?

Bullying is usually seen as acts or verbal comments that could 'mentally' hurt or isolate a person in the workplace. Sometimes, bullying can involve negative physical contact as well. Bullying usually involves repeated incidents or a pattern of behavior that is intended to intimidate, offend, degrade or humiliate a particular person or group of people. It has also been described as the assertion of power through aggression.

## Is bullying a workplace issue?

Currently there is little occupational health and safety legislation in Canada that specifically deals with bullying in the workplace. Quebec legislation includes "psychological harassment" in the "Act Respecting Labour Standards". Some jurisdictions have legislation on workplace violence in which bullying is included. In addition, employers have a general duty to protect employees from risks at work. This duty can mean both physical harm and mental health. Many employers choose to address the issue of bullying as both physical and mental harm can "cost" an organization.

In general, there will be differences in opinion and sometimes conflicts at work. However, behavior that is unreasonable and offends or harms any person should not be tolerated.

## What are examples of bullying?

While bullying is a form of aggression, the actions can be both obvious and subtle. It is important to note that the following is not a checklist, nor does it mention all forms of bullying. This list is included as a way of showing some of the ways bullying may happen in a workplace. Also remember that bullying is usually considered to be a pattern of behavior where one or more incidents will help show that bullying is taking place.

Examples include:

- spreading malicious rumours, gossip, or innuendo that is not true
- excluding or isolating someone socially
- intimidating a person
- undermining or deliberately impeding a person's work

- physically abusing or threatening abuse
- removing areas of responsibilities without cause
- constantly changing work guidelines
- establishing impossible deadlines that will set up the individual to fail
- withholding necessary information or purposefully giving the wrong information
- making jokes that are 'obviously offensive' by spoken word or e-mail
- intruding on a person's privacy by pestering, spying or stalking
- assigning unreasonable duties or workload which are unfavorable to one person (in a way that creates unnecessary pressure)
- underwork - creating a feeling of uselessness
- yelling or using profanity
- criticizing a person persistently or constantly
- belittling a person's opinions
- unwarranted (or undeserved) punishment
- blocking applications for training, leave or promotion
- tampering with a person's personal belongings or work equipment.

It is sometimes hard to know if bullying is happening at the workplace. Many studies acknowledge that there is a "fine line" between strong management and bullying. Comments that are objective and are intended to provide constructive feedback are not usually considered bullying, but rather are intended to assist the employee with their work.

If you are not sure an action or statement could be considered bullying, you can use the "reasonable person" test. Would most people consider the action unacceptable?

## How can bullying affect an individual?

People who are the targets of bullying may experience a range of effects. These reactions include:

- shock
- anger
- feelings of frustration and/or helplessness
- increased sense of vulnerability
- loss of confidence
- physical symptoms such as
  - inability to sleep
  - loss of appetite
- psychosomatic symptoms such as
  - stomach pains
  - headaches
- panic or anxiety, especially about going to work
- family tension and stress
- inability to concentrate, and
- low morale and productivity.

## How can bullying affect the workplace?

Bullying affects the overall "health" of an organization. An "unhealthy" workplace can have many effects. In general these include:

- increased absenteeism
- increased turnover
- increased stress
- increased costs for employee assistance programs (EAPs), recruitment, etc.
- increased risk for accidents / incidents
- decreased productivity and motivation
- decreased morale
- reduced corporate image and customer confidence, and
- poorer customer service.

## What can you do if you think you are being bullied?

If you feel that you are being bullied, discriminated against, victimized or subjected to any form of harassment:

DO

- **FIRMLY** tell the person that his or her behavior is not acceptable and ask them to stop. You can ask a supervisor or union member to be with you when you approach the person.
- **KEEP** a factual journal or diary of daily events. Record:
  - The date, time and what happened in as much detail as possible
  - The names of witnesses.
  - The outcome of the event.

Remember, it is not just the character of the incidents, but the number, frequency, and especially the pattern that can reveal the bullying or harassment.

- **KEEP** copies of any letters, memos, e-mails, faxes, etc., received from the person.
- **REPORT** the harassment to the person identified in your workplace policy, your supervisor, or a delegated manager. If your concerns are minimized, proceed to the next level of management.

DO NOT

- **DO NOT RETALIATE.** You may end up looking like the perpetrator and will most certainly cause confusion for those responsible for evaluating and responding to the situation.

## What can an employer do?

The most important component of any workplace prevention program is management commitment. Management commitment is best communicated in a written policy. Since bullying is a form of violence in the workplace, employers may wish to write a comprehensive policy that covers a range of incidents (from bullying and harassment to physical violence).

A workplace violence prevention program must:

- be developed by management and employee representatives.
- apply to management, employee's, clients, independent contractors and anyone who has a relationship with your company.
- define what you mean by workplace bullying (or harassment or violence) in precise, concrete language.
- provide clear examples of unacceptable behavior and working conditions.
- state in clear terms your organization's view toward workplace bullying and its commitment to the prevention of workplace bullying.
- precisely state the consequences of making threats or committing acts.
- outline the process by which preventive measures will be developed.
- encourage reporting of all incidents of bullying or other forms of workplace violence.
- outline the confidential process by which employees can report incidents and to whom.
- assure no reprisals will be made against reporting employees.
- outline the procedures for investigating and resolving complaints.
- describe how information about potential risks of bullying/violence will be communicated to employees.
- make a commitment to provide support services to victims.
- offer a confidential Employee Assistance Program (EAP) to allow employees with personal problems to seek help.
- make a commitment to fulfill the prevention training needs of different levels of personnel within the organization.
- make a commitment to monitor and regularly review the policy.
- state applicable regulatory requirements, where possible.

## What are some general tips for the workplace?

### DO

- ENCOURAGE everyone at the workplace to act towards others in a respectful and professional manner.
- HAVE a workplace policy in place that includes a reporting system.
- EDUCATE everyone that bullying is a serious matter.
- TRY TO WORK OUT solutions before the situation gets serious or "out of control".
- EDUCATE everyone about what is considered bullying, and whom they can go to for help.
- TREAT all complaints seriously, and deal with complaints promptly and confidentially.
- TRAIN supervisors and managers in how to deal with complaints and potential situations. Encourage them to address situations promptly whether or not a formal complaint has been filed.
- HAVE an impartial third party help with the resolution, if necessary.

### DO NOT

- DO NOT IGNORE any potential problems.
- DO NOT DELAY resolution. Act as soon as possible.

## SPECIAL EVENT/FARMERS' MARKET – FOOD VENDOR NOTIFICATION

**Each food vendor to complete and submit this form by email to: [EHFax1@hpeph.ca](mailto:EHFax1@hpeph.ca) or fax: 613-968-1461**

Event Name and Address: \_\_\_\_\_

Name of Event Organizer: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Date(s) of Event: \_\_\_\_\_

### **Food Vendor Information**

Owner/Operator: \_\_\_\_\_

Telephone Number(s): \_\_\_\_\_ Email: \_\_\_\_\_

Business Name and Address: \_\_\_\_\_

**► Submit a copy of the most recent public health food inspection report (from any health unit) with this form**

List menu items: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Will all food handling occur at the event/farmers' market? Yes ☐ No ☐

If no, where: \_\_\_\_\_ Is this an inspected premises? Yes ☐ No ☐

How will food be transported to the event?

Refrigerated vehicle ☐ Insulated containers with ice ☐ Thermal containers ☐ Other ☐ \_\_\_\_\_

Certified food handler on-site: Yes ☐ No ☐

Hand washing facilities\*: Yes ☐ No ☐ N/A ☐ Details: \_\_\_\_\_

\*(soap, paper towels, potable water, waste water disposal)

Cold holding equipment: Yes ☐ No ☐ N/A ☐ Details: \_\_\_\_\_

Hot holding equipment: Yes ☐ No ☐ N/A ☐ Details: \_\_\_\_\_

Cooking equipment: Yes ☐ No ☐ N/A ☐ Details: \_\_\_\_\_

Probe thermometers: Yes ☐ No ☐ N/A ☐

Utensil washing sinks: Yes ☐ No ☐ N/A ☐ Details: \_\_\_\_\_

Food covered/wrapped: Yes ☐ No ☐ N/A ☐ Details: \_\_\_\_\_

Owner/Operator Signature: \_\_\_\_\_ Date: \_\_\_\_\_

For more information contact Healthy Environments at 613-966-5500 or 1-800-267-2803 ext. 677

We are committed to providing accessible publications, programs and services to all. For assistance please call 613-966-5500; TTY: 711 or email [accessibility@hpeph.ca](mailto:accessibility@hpeph.ca). For more information, please visit [www.hpepublichealth.ca](http://www.hpepublichealth.ca).