

**CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION**

**BY-LAW # 10-07-440**

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BEING a by-law to implement a Workplace Harassment Program and Workplace Harassment Prevention Program

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**WHEREAS** pursuant to Occupational Health and Safety Act and Bill 168 every municipality shall pass a Workplace Harassment Program and Workplace Harassment Prevention Program Policy;

**NOW THEREFORE** the Council of the Corporation of the Township of Whitewater Region enacts that:

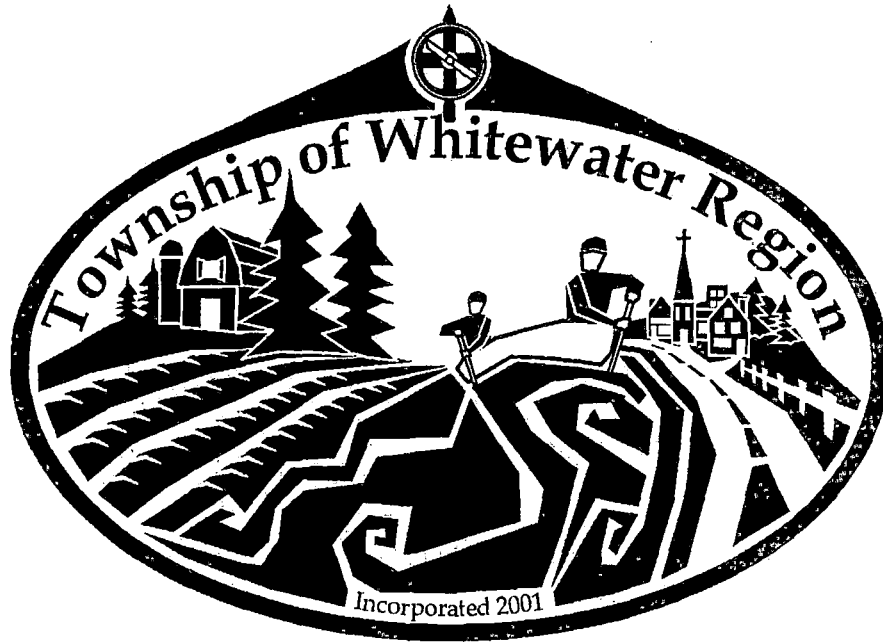
1. That the Workplace Harassment Program and Workplace Harassment Prevention Program Policies as attached hereto as Schedule "A" be hereby established for the Municipal Council of the Corporation of the Township of Whitewater Region.
2. Be it further enacted, that all bylaws, or parts thereof, and all or any Resolutions of Council contrary thereto, or inconsistent herewith, be the same are hereby repealed.
3. This bylaw shall come into force and be effective upon passing thereof

READ a First, Second and finally passed on the Third Reading this 7<sup>th</sup> day of July, 2010

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CAO/CLERK

# TOWNSHIP OF WHITEWATER REGION



## WORKPLACE HARASSMENT PROGRAM

## **POLICY STATEMENT:**

The Corporation of the Township of Whitewater Region is committed to the prevention of harassment and inappropriate behaviour in the workplace and promotes a harassment free workplace in which all people respect one another and work together to achieve common goals. Any act of harassment committed by or against any member of our workplace or member of the public, is unacceptable conduct that will not be tolerated.

### **Scope**

This policy applies to all Municipal employees and all activities that occur while on Municipal premises or while engaging in Municipal business, activities, or social events.

### **Purpose**

The purpose of the policy is to ensure that:

- a) individuals are aware of and understand that acts of harassment and inappropriate behavior are considered a serious offence for which necessary action will be taken;
- b) those subjected to acts of harassment are encouraged to access any assistance they may require in order to pursue a complaint; and
- c) Individuals are advised of available recourse if they are subjected to, or become aware of, situations involving harassment.

### **Municipal Commitment**

The Township of Whitewater Region is committed to:

- a) investigating reported incidents of workplace harassment in an objective and timely manner;
- b) taking necessary action to respond to those incidents; and
- c) Providing support for complainants.

### **Definition**

"Harassment" is defined by the *Ontario Health & Safety Act* as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

Harassment may also include such inappropriate behaviours, conduct, comments or activities, based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same sex partnership status, family status or disability which are not directed at a specific individual, but nonetheless generate a degrading or offensive work environment for others. Some examples include: displaying of material that is sexually explicit or degrading, racist, ethnic or religious in a degrading or derogatory manner; use of patronizing behaviour or language which reinforces stereotypes and undermines self-respect or adversely affects work performance or work conditions.

Harassment does not include appropriate direction, evaluation, or discipline by a manager or supervisor, stress associated with the performance of job duties, friendly teasing or bantering that is mutually acceptable and friendly or romantic behaviour that is welcome and mutual.

"Municipal Employees" means and includes all full time, Part time, on call personnel as well as students, summer students, volunteers and Elected Officials or any other person acting on behalf of the Municipality.

## **Prohibited Conduct**

No employee or any other individual affiliated with the Municipality shall subject any other person to workplace harassment or allow or create any conditions that may promote inappropriate behaviours from occurring. Any employee of the Municipality that subjects another employee or member of the public to workplace violence may be subject to disciplinary action up to and including dismissal.

No person shall subject any municipal employee to any act of harassment or inappropriate behaviours at any time. Any person engaging in harassment or acting inappropriately towards any employee or other person affiliated with the municipality shall be subject to whatever recourse is available under the Criminal Code.

## **Management Responsibilities**

It is the duty of all Supervisors to:

- a) Act respectfully towards other individuals while at work and participating in any work-related activity;
- c) Promote a professional workplace;
- d) Ensure that this policy is explained to all employees that are supervised or managed;
- f) Ensure that employees understand who to contact regarding concerns about the policy or when reporting an incident;

## **Employee Responsibilities**

As an employee you are responsible:

- a) to act respectfully towards other individuals while at work and participating in any work-related activity;
- b) To co-operate with any efforts to investigate and resolve matters arising under this policy.

## **Complaint Procedure**

- a) Any incident where an employee is the subject of workplace harassment shall be immediately reported to the department supervisor for investigation.
- b) Any Employee who witnesses an incident of workplace harassment shall immediately report such incident to the department supervisor immediately.

## **Confidentiality**

Strict confidentiality is required to properly investigate an incident and to offer appropriate support to all parties involved. Any individual who becomes a victim or aware of an incident of harassment should not disclose the details of the incident to any person except those involved in the investigation of the incident. Gossiping about an incident seriously undermines the privacy of all parties involved and as such will not be tolerated

## **Non-Retaliation**

All persons involved in the processing of a complaint will ensure that the Complainant is neither penalized nor subjected to any prejudicial treatment as a result of making the complaint. Disciplinary action will be taken against any person who takes any reprisal against a person who reports workplace harassment.

### **Investigation**

Upon receipt of a formal complaint of workplace harassment or inappropriate behaviour the department supervisor in consultation with the CAO and workplace health & safety representative decided who will conduct the investigation into the complaint.

The Investigator once named shall immediately:

- a) advise the Complainant of the investigation: and
- b) Advise the respondent in verbally and in writing that an investigation has been initiated: and
- c) advise all parties to the investigation that they may have representation;
- a) conduct the investigation in accordance with the principles of natural justice; and
- b) Explore all allegations by interviewing the Complainant, the Respondent, and others who may have knowledge of the incident(s) or circumstances that led to the complaint, or are responsible for the workplace.

The investigator shall prepare a written report of the investigation's finding, and forward that report to the CAO within fourteen (14) working days from the date of the complaint. This report shall show that there is:

- a) sufficient evidence to support a finding of violation of this policy, or
- b) insufficient evidence to support a finding of violation of this policy

### **Corrective Action and Discipline**

If the Department head in consultation with the CAO decides to act on the report from the investigator the following conditions should be considered when determining corrective action:

- a) The impact of the incident on the Complainant;
- b) The nature of the incident;
- c) The degree of aggressiveness or physical contact;
- d) The period of time and frequency of the incidents;
- e) The vulnerability of the Complainant.

The following corrective actions may be considered depending on the particular incident and the factors in the previous paragraph:

- a) Apology;
- b) Training;
- c) Suspension;
- d) Discharge; and / or
- e) Legal action.

### **Record Keeping**

The documents corresponding to the investigation will be kept on file in a secured location, separate from the Complainant and Respondent's personal files, for two years from the date of the incident

### **False Accusations**

If an investigation results in a finding that the Complainant falsely accused the Respondent of workplace harassment knowingly or in a malicious manner, the Complainant will be subject to appropriate sanctions, including the possibility of termination. Such action is considered a violation of the policy, and the investigation results and any sanctions will be recorded in the Municipality's personnel records relating to the Complainant.

### **Complaint Resolution Alternatives**

Nothing in this policy prevents an individual from pursuing other remedies to an incident of workplace harassment such as a criminal or civil action.

### **Assistance**

A Municipality member with questions, concerns or a complaint regarding workplace harassment may Contact the Health & Safety Coordinator for help and advice.

### **Evaluation**

This policy will be reviewed on an annual basis to ensure that it conforms with any changes to the Occupational Health and Safety Act, Code and Regulations and that it continues to address the needs of the Municipality regarding workplace violence.

# WORKPLACE HARASSMENT INVESTIGATION

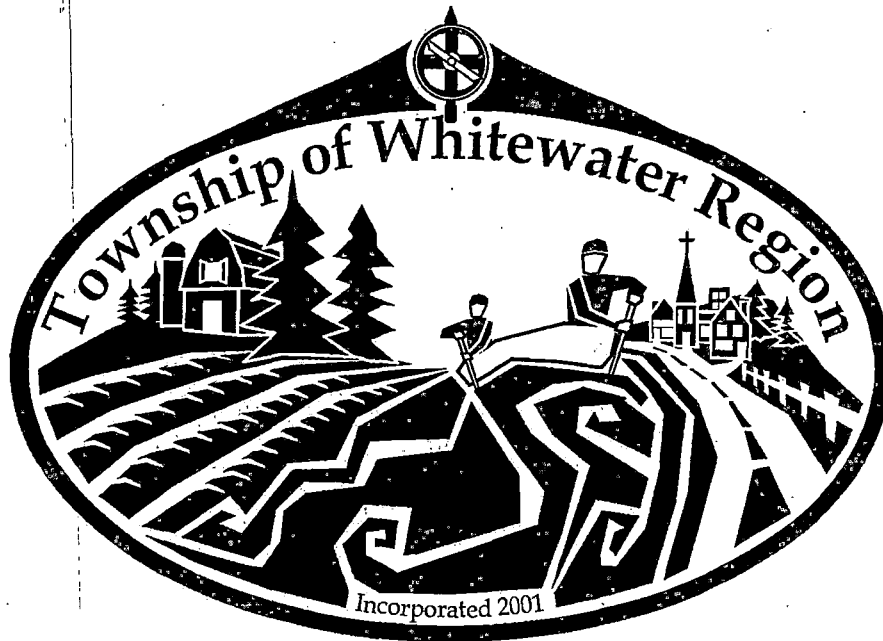
(1)

Complainant Name						
Dept			Date of Incident		Time of Incident	
Type of Incident	Verbal		Other (Explain)			
<b>Description Of Incident</b> Please describe the incident in your own words, describing what happened before during and after the incident.						
Supervisor Incident Reported To:						
<b>Witness's</b>						
Name	Department (If Internal)	(Contact Information)If Required				

Investigation completed by	
Name	Function
Investigation Completed on (d/m/y)	
<u>Findings</u>	
<u>Recommendations</u>	
<u>Follow up Actions</u>	
Submitted to CAO on (d/m/y)	
<u>CAO Recommendations &amp; Actions</u>	



TOWNSHIP  
OF  
WHITEWATER REGION



WORKPLACE HARRASMENT  
PREVENTION PROGRAM

## **Introduction**

The Corporation of the Township of Whitewater Region is committed to the prevention of violence and promotes a violence-free workplace in which all people respect one another and work together to achieve common goals. Any act of violence committed by or against any member of our workplace or member of the public, is unacceptable conduct that will not be tolerated.

Acts of violence can take the form of physical contact or threats against a person or persons. They may occur as a single event or may involve a continuing series of incidents. Abuse in any form erodes the mutual trust and confidence that are essential to the Municipalities operational effectiveness. Acts of violence destroy individual dignity, lower morale, promote fear, and break down work unit cohesiveness.

## **Scope**

This policy applies to all Municipal employees and all activities that occur while on Municipal premises or while engaging in Municipal business, activities, or social events.

## **Purpose**

The purpose of the policy is to ensure that:

- a) individuals are aware of and understand that acts of workplace violence are considered a serious offence for which necessary action will be taken;
- b) those subjected to acts of workplace violence are encouraged to access any assistance they may require in order to pursue a complaint; and
- c) Individuals are advised of available recourse if they are subjected to, or become aware of, situations involving workplace violence.

## **Municipal Commitment**

The Township of Whitewater Region is committed to:

- a) investigating reported incidents of workplace violence in an objective and timely manner;
- b) taking necessary action to respond to those incidents; and
- c) Providing support for complainants.

## **Definition**

"Municipal Employees" means and includes all full time, Part time, on call personnel as well as students, summer students, volunteers and Elected Officials or any other person acting on behalf of the Municipality.

"Workplace violence" means the threatened, attempted, or actual conduct of a person that causes or is likely to cause physical injury, whether work related or at a work site.

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

- a) Threatening behavior such as shaking fists, destroying property or throwing objects;
- b) Verbal or written threats that express an intent to inflict harm;

- c) Physical attacks;
- d) Any other act that would arouse fear in a reasonable person in the circumstances.

### **Prohibited Conduct**

No employee or any other individual affiliated with the Municipality shall subject any other person to workplace violence or allow or create conditions that support workplace violence. An Employee of the Municipality that subjects another employee or member of the public to workplace violence may be subject to disciplinary action up to and including dismissal.

No person shall subject any municipal employee to any act of violence at any time. Any person engaging in or threatening violence towards any employee or other person affiliated with the municipality shall be subject to whatever recourse is available under the criminal code.

### **Management Responsibilities**

It is the duty of all Supervisors to:

- a) Act respectfully towards other individuals while at work and participating in any work-related activity;
- b) Aid in the Development of workplace arrangements that minimize the risk of workplace violence;
- c) Promote a non-violent workplace;
- d) Ensure that this policy is explained to all employees that you supervise or manage;
- e. Identify training needs for employees;
- f) Ensure that employees understand who to contact regarding concerns about the policy or when reporting an incident;
- g) Ensure your own immediate physical safety if an incident of workplace violence occurs, then report criminal behavior to the appropriate law enforcement agency;
- h) Ensure the security and safety of all parties involved during an investigation of an incident of workplace violence.

### **Employee Responsibilities**

As an employee you are responsible:

- a) to act respectfully towards other individuals while at work and participating in any work-related activity;
- b) to ensure your own immediate physical safety in the event of workplace violence, then to report the incident to the police or a supervisor or manager as the situation warrants; and
- c) To co-operate with any efforts to investigate and resolve matters arising under this policy.

### **Complaint Procedure**

- a) Any incident where an employee is the subject of workplace violence or feels in danger of violence shall be immediately reported to the department supervisor for investigation.

- b) Any Employee who witnesses an incident of workplace violence or threats of violence shall immediately report such incident to the department supervisor immediately.

## **Confidentiality**

Strict confidentiality is required to properly investigate an incident and to offer appropriate support to all parties involved. Any individual who becomes a victim or aware of an incident of violence should not disclose the details of the incident to any person except those involved in the investigation of the incident. Gossiping about an incident seriously undermines the privacy of all parties involved and as such will not be tolerated

## **Non-Retaliation**

All persons involved in the processing of a complaint will ensure that the Complainant is neither penalized nor subjected to any prejudicial treatment as a result of making the complaint. Disciplinary action will be taken against any person who takes any reprisal against a person who reports workplace violence.

## **Investigation**

Upon receipt of a formal complaint of workplace violence the department supervisor in consultation with the CAO and workplace health & safety representative decided who will conduct the investigation into the complaint.

The Investigator once named shall immediately:

- a) advise the Complainant of the investigation: and
- b) Advise the respondent in verbally and in writing that an investigation has been initiated: and
- c) advise all parties to the investigation that they may have representation;
- a) conduct the investigation in accordance with the principles of natural justice; and
- b) Explore all allegations by interviewing the Complainant, the Respondent, and others who may have knowledge of the incident(s) or circumstances that led to the complaint, or are responsible for the workplace.

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- b) Training;
- c) Suspension;
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### **Record Keeping**

The documents corresponding to the investigation will be kept on file in a secured location, separate from the Complainant and Respondent's personal files, for two years from the date of the incident

### **False Accusations**

If an investigation results in a finding that the Complainant falsely accused the Respondent of workplace violence knowingly or in a malicious manner, the Complainant will be subject to appropriate sanctions, including the possibility of termination. Such action is considered a violation of the policy, and the investigation results and any sanctions will be recorded in the Municipality's personnel records relating to the Complainant.

### **Complaint Resolution Alternatives**

Nothing in this policy prevents an individual from pursuing other remedies to an incident of workplace violence such as a criminal or civil action.

### **Assistance**

A Municipality member with questions, concerns or a complaint regarding workplace violence may Contact the Health & Safety Coordinator for help and advice. This information will be kept confidential except in the case of an imminent physical threat in the workplace.

### **Evaluation**

This policy will be reviewed on an annual basis to ensure that it conforms with any changes to the Occupational Health and Safety Act, Code and Regulations and that it continues to address the needs of the Municipality regarding workplace violence.

## WORKPLACE VIOLENCE INVESTIGATION

Complainant Name: _____		
Department: _____		
<u>Type of Incident</u>		
Employee Employee <input type="checkbox"/>	Employee Supervisor <input type="checkbox"/>	Employee Public <input type="checkbox"/> Domestic Reported <input type="checkbox"/> Domestic Suspected <input type="checkbox"/> Other <input type="checkbox"/>
Date of Incident: _____	Time of Incident: _____	
Medical Attention Required: YES <input type="checkbox"/> NO <input type="checkbox"/>	Police Called: YES <input type="checkbox"/> NO <input type="checkbox"/>	
Description of Incident Describe the Incident in your own words		
Supervisor Incident Reported To		
Witness('s)		
Name	Dept (If Internal)	Contact Information

**PRIVATE AND CONFIDENTIAL WHEN COMPLETED**

Investigation Completed By:

Name	Function
Investigation Completed on (d/m/y)	

Findings

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Recommendations

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Submitted to CAO on (d/m/y)

CAO Recommendations & Actions

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ANNEX A

to the workplace Violence Protection Program

WORKPLACE VIOLENCE ASSESSMENT & CONTROLS

Department	Task / Job	Risk	Controls
Administration			
Works			
Recreation			
Water / Sewer			
Bylaw / Pound			

**Municipal Responsibilities under Bill 168**

Responsibility	Completed	
	Yes	no
The development and implementation of a workplace violence policy, to be posted at a conspicuous place in the workplace.	X	
Initiatives to assess and identify the risks of workplace violence particular to the organization.	X	
The development and implementation of measures and procedures to control or minimize the risks identified in the risk assessment process.	In Progress	X
The development of procedures for workers to report incidents of workplace violence or threats of workplace violence; and appropriate investigative procedures	X	
The establishment and communication of procedures for workers to report incidents or threats of violence.	X	
Developing and communicating procedures for the investigation and addressing of incidents of violence or threats of violence.	X	
An obligation to provide a copy of the results of the risk assessment to the Joint Health and Safety committee (or safety representative or workers).	X	
Training obligation: a training obligation with respect to the employer's violence prevention program.	In Progress	