

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW No. 2022-053

BEING a by-law to repeal By-law No. 2018-081 and to adopt a Workplace Violence and Harassment Policy.

WHEREAS the *Municipal Act, 2001*, c. 25 s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001*, c. 25 s. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS Council did, on the 26th day of September, 2018, pass By-law No. 2018-081 to adopt a Workplace Violence and Harassment Policy;

AND WHEREAS Council deems it advisable to adopt an updated Workplace Violence and Harassment Policy for the Township of South Stormont.

NOW THEREFORE Council of the Township of South Stormont enacts as follows:

1. That the Workplace Violence and Harassment Policy, attached hereto and forming part of this by-law, be adopted effective July 13, 2022.
2. That By-law No. 2018-081 is hereby repealed.

READ AND PASSED in open Council signed and sealed this 13th day of July, 2022.

Mayor



U/Clerk



	TOWNSHIP OF SOUTH STORMONT
	Title: Workplace Violence and Harassment Policy Schedule "A" to By-law No. 2022-053
	Policy Category: Health and Safety
	Effective Date: July 13, 2022
	Revision Date:

1 POLICY STATEMENT

1.1 The Township is committed to providing a safe and healthy workplace. The Township will treat any complaint of workplace harassment or violence as a serious matter.

2 PURPOSE

2.1 The purpose of this policy is to establish measures and procedures to respond to risks, complaints, and instances of workplace violence and/or harassment. This policy is intended to ensure all complaints are handled in a timely and equitable manner.

3 SCOPE

3.1 This policy applies to all workers and addresses instances of workplace violence or harassment perpetrated against workers by members of the public.

DEFINITIONS

"Committee Appointee" includes any appointee to any committee of the Township or any person acting for the Township on any committee.

"Domestic Violence" means the exercise of physical force that could cause physical injury, an attempt to exercise physical force that could cause physical injury, or a statement or behavior that is reasonably interpreted by its target as a threat to exercise physical force that could cause physical injury by a person who has a personal relationship with a worker, such as a spouse or former spouse, current or former intimate partner or a family member.

"Elected Official" includes any elected official.

"Health and Safety Representative (HSP)" mean an employee selected by the workplace or by fellow employees. The representative has many of the powers of the Joint Health and Safety Committee as per the *Occupation Health and Safety Act, 1990 (OHSA)*.

“Joint Health and Safety Committee (JHSC)” consists of management and worker representatives working together to improve occupational safety and health in their workplace.

“Member of the Public” means any individual who is in the workplace who is not a worker.

“Worker” includes all full-time employees, part-time employees, union employees, non-union employees, elected officials, worker or management representatives of the Joint Health and Safety Committee, Health and Safety Representatives, volunteers, contractors, consultants, interns, supervisors and managers who perform work for the Township.

“Workplace” means any land, premises, location or thing at, upon, in or near which a worker works.

“Workplace Harassment” means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or workplace sexual harassment;

Workplace harassment does not include a reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace.

“Workplace Sexual Harassment” means engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, making a sexual solicitation or advance

or

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.

“Workplace Violence” means The exercise of physical force by a person against or a worker, in a workplace that causes or could cause physical injury to the worker; An attempt to use physical force against a worker, in a workplace, that could cause physical injury to the worker and/or a statement or behavior that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

4 GENERAL RESPONSIBILITIES OF WORKERS

- 4.1 **Compliance:** It is the responsibility of all workers to comply with this policy at all times to protect themselves and others in the workplace from workplace violence and harassment.
- 4.2 **Cooperation:** It is the responsibility of all workers to fully cooperate in any investigation of complaints or incidents or breaches of this policy.
- 4.3 **Training:** It is the responsibility of all workers to participate in any training session conducted by the Township regarding this policy.

5 GENERAL RESPONSIBILITIES OF THE TOWNSHIP

- 5.1 **Written Policy:** The Township shall prepare a policy with respect to workplace violence and workplace harassment. This document satisfies that duty.
- 5.2 **Review of the Written Policy:** The Township shall review the policy with respect to workplace violence and workplace harassment as often as is necessary, but at least annually.

It shall be the responsibility of the Joint Health and Safety Committee and Health and Safety Representatives to undergo a review of this policy as often as is necessary, but at least annually and make recommendations to the CAO in accordance with that review.

- 5.3 **Posting of Policy:** This policy shall be in written form and shall be posted at a conspicuous location in the workplace.

It shall be the responsibility of the Director or Supervisor of any Township workplace to ensure this policy is posted at a conspicuous location within their department.

- 5.4 **Assessment of Risks of Violence:** The Township shall assess the risks of workplace violence that may arise in the workplace and reassess as often as is necessary to ensure that this policy and the program implementing this policy continue to protect workers from workplace violence.

The Health and Safety Representatives and the Township's Joint Health and Safety Committee shall assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of the work. The assessment shall take into account circumstances that would be common to similar workplaces and circumstances specific to the workplace as

well as possible mitigation that the employer can provide. A reassessment of the risks of workplace violence shall be conducted as often as is necessary to ensure that the policy continues to protect workers from workplace violence.

The results of all risk assessments and reassessments shall be submitted to the Fire Chief (for the fire department) and to the Human Resources Coordinator for all other workplaces. The CAO shall undertake an annual review of the results of the risk assessments in consultation with the Directors, the Joint Health and Safety Committee and the Health and Safety Representatives.

- 5.5 **Information and Instruction:** The Township shall provide workers with information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace violence and harassment.

It shall be the responsibility of the CAO to ensure all workers are provided appropriate instruction and information regarding the Workplace Violence and Harassment Policy and Program.

- 5.6 **Information – Workplace Violence:** The Township shall provide information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if the worker can be expected to encounter that person in the course of their work and the risk of workplace violence is likely to expose the worker to physical injury. The Township shall not disclose more personal information than is reasonably necessary in the circumstances to protect a worker from physical injury.

In circumstances where the risk of workplace violence is not imminent, it shall be the responsibility of the CAO to determine what personal information, if any, shall be provided to workers to protect them from physical injury.

In circumstances where the risk of workplace violence is imminent, the worker with information about the risk shall disclose the personal information that is reasonably necessary to protect a worker from physical injury.

- 5.7 **Precautions – Domestic Violence:** If the Township becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the Township shall take every precaution reasonable in the circumstances for the protection of the worker. This could include but is not limited to:

- Creating a safety plan
- Contacting the police
- Establishing enhanced security measures such as a panic button, code words, and door and access security measures
- Screening calls and blocking certain email addresses
- Setting up priority parking or providing escorts to your vehicle

5.8 **Reprisal:** This policy prohibits reprisals against workers who have made good faith complaints, provided information regarding a complaint or incident of workplace violence or harassment or who have followed the procedures outlined in the policy. Any worker who must leave the workplace due, in their opinion, to an imminent threat of violence will not be penalized with a loss of pay or other penalties.

Employees who engage in reprisals or threats of reprisals may be disciplined up to and including dismissal from employment.

In order to protect employees from possible reprisals identifying information about any individuals involved shall not be disclosed unless the disclosure is necessary for the purpose of investigation or taking corrective action or is otherwise required by law.

A worker who makes a false complaint or otherwise abuses this policy may be disciplined up to and including dismissal from employment. Such discipline is not a reprisal or breach of this policy.

5.9 **Program:** The Township shall develop and maintain a program to implement this policy with respect to Workplace Violence and Workplace Harassment.

The Program implementing this policy follows.

CONTACT

For more information on this policy, contact: Chief Administrative Officer

Schedule A: Workplace Violence Program

CONTROL OF RISKS

1. If the CAO and/or Director/Supervisor are notified of risks of workplace violence, they shall take all reasonable precautions in the circumstances to control the risks that are likely to expose a worker to physical injury. This could include but is not limited to:
 - a) Removing an individual from the workplace
 - b) Creating a safety plan
 - c) Contacting the police
 - d) Establishing enhanced security measures
 - e) Screening calls and blocking certain email addresses
 - f) Setting up priority parking

SUMMONING IMMEDIATE ASSISTANCE

2. Any worker who witnesses or experiences workplace violence or who feels in imminent danger shall:
 - a) ensure they are in a safe location which may include leaving the workplace;
 - b) if, in their opinion, the situation warrants, contact the police by dialing 911;
 - c) follow the reporting procedures that follow.

REPORTING WORKPLACE VIOLENCE

3. A worker shall report acts of workplace violence to the immediate Director/Supervisor by completing an Incident Report Form (Schedule "C") as soon as is reasonably possible. The Director/Supervisor shall be responsible for forwarding the complaint to the CAO.
4. If the worker does not have a Director/Supervisor or if the immediate Director/Supervisor is the alleged perpetrator of the incident, the worker can submit the Incident Report Form directly to the CAO.

5. If the CAO is the alleged perpetrators, the Incident Report Form can be forwarded to the Mayor. The Mayor (or designate) will take the place of the CAO in the procedures that follow.

INVESTIGATION OF WORKPLACE VIOLENCE COMPLAINT

6. The CAO or designate shall commence an investigation of the incident to determine the merit of the claim typically within 3 days of receiving the Incident Report Form or as soon as practicable. The investigation may include interviewing the individual filing the incident report, the individual against whom the report was made and any witnesses to the incident. The Township may engage the services of an external investigator in appropriate circumstances.
7. Any identifying information about any individuals involved in the incident shall not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.
8. The CAO shall provide written notice within 1 week of the completion of the investigation to the complainant and the respondent, if they are a worker, of the outcome of the investigation and any remedial or corrective action that has taken place and/or will continue to take place.

DISCIPLINE

9. Where a worker is found to have engaged in conduct that is found to be workplace violence, they will be subject to discipline in accordance with the Township's Disciplinary Procedure.

Schedule B: Workplace Harassment Program

INFORMAL PROCEDURES

1. If a worker believes that they are being harassed and feels comfortable doing so, the worker should address the situation directly with the perpetrator. Although this may be difficult to do, telling the person their actions are unwanted and causing discomfort is often enough to stop the behaviour.

Some of the things that can be said that might stop the behaviour include:

"I don't want you to do that.", "Please stop doing or saying"

"It makes me uncomfortable when you", "I don't find it funny when you"

2. If the harassment continues after the worker has confronted the individual, the worker may want to provide the individual with a written statement of the situation. Include specific details of the behaviours considered to be harassing, a request to the harasser to stop and your expectations that they will stop.

Provide details of the next steps you plan to take if the harassment does not stop e.g., filing a formal complaint. Make sure you keep a copy of this statement for yourself.

It helps to keep a record of any incident(s) of harassment. This includes when the harassment started, what happened, whether there were any witnesses and the response.

3. If a worker believes that someone who is not a worker, as that term is defined herein (e.g., a resident, supplier, etc.), has harassed a worker, please report the harassment to the Director/Supervisor. Although the Township has limited control over third parties, we will do our best to address the issue and prevent further problems from arising.

REPORTING WORKPLACE HARASSMENT

4. If the complaint cannot be resolved informally or if it is too serious to handle on an informal basis, the worker shall report acts of workplace harassment to the immediate Director/Supervisor by completing an Incident Report Form (Schedule "C") as soon as is reasonably possible. The Director/ Supervisor shall be responsible for forwarding the complaint to the CAO.

5. If the worker does not have a Director/Supervisor or if the immediate Director/Supervisor is the alleged perpetrator of the incident, the worker can submit the Incident Report Form directly to the CAO.
6. If the CAO is the alleged perpetrator, the Incident Report Form can be forwarded to the Mayor. The Mayor (or designate) will take the place of the CAO in the procedures that follow.
7. A formal report or complaint of workplace harassment is not necessary to trigger the Employer's obligation to investigate an incident of workplace harassment. Where any Supervisor or Director becomes aware of an incident of workplace harassment, that information should be directed to the CAO and the investigation procedures outlined below should be followed.

INVESTIGATION OF WORKPLACE HARASSMENT COMPLAINT

8. The CAO or designate shall commence an investigation of the incident that is appropriate in the circumstances to determine the merit of the claim typically within 3 days of receiving the Incident Report Form or as soon as is practicable. The investigation may include interviewing the individual filing the incident report, the individual against whom the report was made and any witnesses to the incident. The Township may engage the services of an external investigator in appropriate circumstances.
9. Any identifying information about any individuals involved in the incident shall not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint or is otherwise required by law.
10. The Township shall provide written notice within 1 week of the completion of the investigation to the complainant and the alleged harasser, if they are a worker, of the outcome of the investigation and any remedial or corrective action that has taken place and/or will continue to take place.

DISCIPLINE

11. Where a worker is found to have engaged in conduct that is found to be workplace harassment, they will be subject to discipline in accordance with the Township's Disciplinary Procedure.

Schedule "C" Incident Reporting Form

PERSONAL INFORMATION OF THE INDIVIDUAL FILING THE INCIDENT REPORT			
NAME		PHONE	
DEPARTMENT		EMAIL	
NATURE OF INCIDENT ☐ Harassment ☐ Violence ☐ Other: _____			
INDIVIDUAL NAMED AS INSTIGATING THE INCIDENT			
INCIDENT DETAILS	Date:	Time:	Location:
Explain the incident with as much detail as possible. Attach additional pages if necessary			
Did you ask the individual to stop the behaviour?		If not why not?	
☐ Yes ☐ No			
WITNESS(ES)	NAME:	NAME:	
	CONTACT:	CONTACT:	
What action/result would you like to see as an outcome of this incident?			
<i>Identifying information about any individuals involved shall not be disclosed unless the disclosure is necessary for the purpose of investigation or taking corrective action or is otherwise required by law.</i>			
<i>This Incident report form should be sent in a sealed envelope or via email to your Director and/or CAO</i>			