

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH/CARDINAL**

BY-LAW NO. 2019-25

**“A BY-LAW TO ADOPT A WORKPLACE VIOLENCE AND HARASSMENT
PREVENTION POLICY”**

WHEREAS Part III.0.1 of the Occupational Health and Safety Act, RSO 1990, c.0.1, as amended, requires municipalities to adopt and maintain a policy with respect to the prevention of workplace violence and harassment;

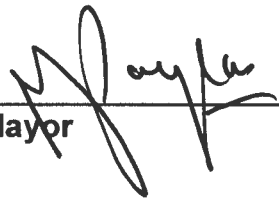
AND WHEREAS the Council of the Corporation of the Township of Edwardsburgh Cardinal deems it advisable to adopt the aforementioned policy;

NOW THEREFORE the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

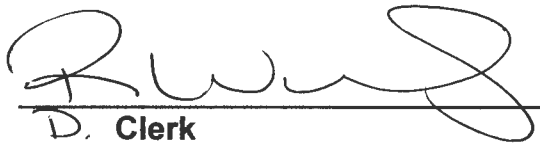
1. The Township of Edwardsburgh Cardinal recognizes that all Representatives working for or representing the Township are entitled to a safe work environment that is free from violence, harassment, and sexual harassment. We are committed to the following actions to ensure their protection from these hazards:
 - a) Develop a written prevention program to implement this policy in consultation with the Joint Health and Safety Committee. Review and update the program annually or more often as required.
 - b) Assess the risks of workplace violence that may be expected due to the nature of the workplace, the type of work performed, and conditions of work.
 - c) Provide support and assistance to Township Representatives who have been exposed to workplace violence, harassment, or sexual harassment. This includes measures and procedures to ensure that all incidents are reported to an uninvolved member of Township management or Authority.
 - d) Promptly investigate all reported incidents of workplace violence and harassment to determine if contraventions of this policy occurred. Investigations will be performed by competent persons who are not involved with the reported incidents. Corrective actions will be administered as required to correct behaviors and prevent reoccurrences.
 - e) Not permit reprisals against anyone who raises a complaint of workplace violence, harassment, or sexual harassment in good faith.
 - f) Communicate this policy and the accompanying prevention program to all Township Representatives.
2. All Township Representatives are required to abide by and support this policy. This includes not taking part in any violent or harassing behaviors towards others, exercising authority with care, notifying persons if you feel that their behavior is offensive, and reporting all incidents of workplace violence, harassment, and sexual harassment, truthfully and in good faith.
3. Through this policy, we will share a greater understanding of workplace respect, and provide a safer and more enjoyable workplace for all.
4. The prevention program, as described in Schedule “A” attached hereto and forming part of this by-law, is hereby adopted.
5. That all other by-laws previously passed that are inconsistent with the provisions of this by-law are hereby repealed.
6. That this by-law shall come into force and take effect on the date of passing.

Read a first and second time in open Council this 27th day of May, 2019.

Read a third and final time, passed, signed and sealed in open Council this 27th day of May, 2019.



Mayor



D. Clerk

1. Purpose

To outline the responsibilities and actions necessary to minimize hazards of workplace violence, workplace harassment, and workplace sexual harassment at the Township of Edwardsburgh Cardinal (Township). This procedure details methods for responding to incidents or complaints of workplace violence or workplace harassment in accordance with the Township's Violence and Harassment Prevention Policy.

2. Scope

This procedure applies to all Township Representatives, encompassing all activities that occur on Township premises or while engaging in any Township business, activities, or functions.

3. Definitions

- 3.1. **Complainant** refers to the person who files a complaint regarding workplace violence or workplace harassment.
- 3.2. **Domestic Violence** means any use of physical or sexual force, actual or threatened, by a person's partner or ex-partner.
- 3.3. **Representative** includes any individual who is employed by or who represents the Township in any capacity, including but not limited to full-time, part-time, and temporary Township staff, and all council members.
- 3.4. **Respondent** refers to the person against whom allegations of workplace violence or workplace harassment have been made.
- 3.5. **Workplace Violence** means any of the following:
 - a. The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
 - b. An attempt to exercise physical force by a person against a worker, in a workplace, that could cause physical injury to the worker,
 - c. A statement or behaviour that it 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.
- 3.6. **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.
Note: Disciplinary actions by management or persons in authority, including counseling, performance reviews, providing or changing work assignments, disciplinary letters or suspensions are not harassment if the actions are done with respect for the employee and without the use of harassing behaviours.
- 3.7. **Workplace Sexual Harassment** means any of the following:
 - a. Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome,
 - b. Making a sexual solicitation or advance where the person making the solicitation or advance knows or ought reasonably to know that the solicitation or advance is unwelcome

4. Responsibilities

- 4.1. **Representatives** are responsible for the following:
 - a. Participate in training or review this procedure and accompanying policy to be aware of all requirements.
 - b. Ensure that their behaviour towards others in the workplace meets the requirements of this procedure, and cooperate with any requests for assistance to investigate or resolve matters arising under this procedure.
 - c. In any instance of workplace violence, immediately take protective measures, notify others, provide assistance, and call for assistance.
 - d. Notify and attempt to resolve situations involving offensive behaviour involving other Representatives.

- e. Report all incidents and complaints of workplace violence, workplace harassment, and workplace sexual harassment to the designated Township person who is not involved in the incident or complaint.

4.2. Employer, Supervisors, and Persons in Authority are responsible for the following:

- a. Prepare and maintain a written policy for workplace violence and harassment prevention and a workplace violence and harassment program, including assessment and control of risks for workplace violence; measures and procedures for employees to summon immediate assistance and report incidents; and measures and procedures for investigating and dealing with incidents or complaints of workplace violence or harassment.
- b. Provide information and instruction to Representatives on the contents of the workplace violence and harassment prevention policy and program.
- c. Undertake identified measures and procedures, and every precaution reasonable to protect employees from violence and domestic violence that may occur in the workplace.
- d. Promptly investigate all reported incidents of workplace violence or harassment, notify involved Representatives of the results, and maintain confidentiality of all personal and confidential information.
- e. Administer discipline for contraventions to the policy or program, including incidents of workplace violence or workplace harassment, false reports or reports made in bad faith, actions not taken as specified, or reprisals against a person who reports or cooperates in an investigation of an incident of workplace violence or workplace harassment.
- f. Ensure that Township service providers and members of the public are aware of acceptable behaviour standards and abide by them when working with Township Representatives.

5. Procedure

5.1. The Township will prepare and maintain policy and programs as follows:

- a. A written policy for workplace violence and harassment prevention shall be written and posted at a conspicuous place in the workplace.
- b. A violence and harassment program shall include measures and procedures for employees to summon immediate assistance and report incidents; and measures and procedures for investigating and dealing with incidents or complaints of workplace violence or harassment.
- c. The policy and program shall be reviewed, annually, or more often if required.

5.2. The Township will prepare and maintain a workplace violence risk assessment as follows:

- a. Be prepared in writing.
- b. Address workplace violence for circumstances that would be common to similar workplaces, and circumstances specific to the workplace.
- c. Include measures and procedures necessary to control the identified risks.
- d. Update the assessment as required to continue to protect Representatives against workplace violence.
- e. Provide copies of completed or updated assessment to the Joint Health and Safety Committee.

5.3. The Township will take measures and procedures to protect Representatives against workplace violence as follows:

- a. Address risks of violence identified in the risk assessment. These may involve changes to layout, furniture, security systems, lighting, work schedules, signage, public access to the workplace, and management of service providers.
- b. Advise Representatives who may be at risk of workplace violence from a person with a history of violent behaviour if the Representative is expected to encounter that person during work, and the risk of workplace violence is likely to expose them to injury. Only disclose the amount of personal information necessary to protect the Representative from physical injury.
- c. Take every precaution reasonable in the circumstances for the protection of the Representative if there is a risk of domestic violence in the workplace.

- d. Facilitate medical attention and counseling services for Representatives who are directly or indirectly involved in an incident of workplace violence or workplace harassment.
- 5.4. Representatives may attempt to de-escalate situations with unarmed persons who are in an agitated state by listening to concerns, speaking in a calm manner, and maintaining a neutral posture. Representatives should not attempt to argue with, disarm, or overpower any person.
- 5.5. Representatives must take the protective measures and summon assistance for violent situations as follows:
 - a. If de-escalation is not effective or an offender is armed, then immediately seek a safe location away from the offender.
 - b. Take all necessary protective measures against potentially serious violent incidents, including escaping danger, seeking shelter, locking down, or as a last resort, fighting.
 - c. After reaching a safe location, call 911 for police and ambulance support and provide assistance to other Representatives.
- 5.6. If possible, in a situation involving offensive behaviour, Representatives should notify an offending person that their behaviour is offensive and clearly request that the offending behaviour stop. Record details of the situation, including the nature of behaviours, discussions held, dates, times, and names of witnesses.
- 5.7. Representatives must promptly report all incidents of workplace violence, workplace harassment and workplace sexual harassment as Complainants, including all relevant details, actions taken, and names of witnesses, as follows:
 - a. Complainants who are Township Employees report incidents to The Chief Administrative Officer (CAO). If the Respondent is the CAO, then report incidents to the Mayor.
 - b. Complainants who are Council members excluding the Mayor report incidents to the Mayor. If the Respondent is the Mayor, then report incidents to the Deputy Mayor.
 - c. A complainant who is the Mayor reports incidents to the Deputy Mayor. If the Respondent is the Deputy Mayor, then report incidents to another member of Council.
 - d. Reports of incidents must be made truthful and in good faith. A Representative who makes false accusations or statements knowingly or in a malicious manner, or who brings forth a report in bad faith or for vexatious reasons violates this policy and may be subject to corrective actions including disciplinary measures.
- 5.8. If an allegation of workplace harassment is made against a service provider to the Township, the Representative responsible for the service provider shall contact the appropriate authority, inform them of the allegations made, and ensure that the matter is investigated by the service provider and Township Representatives are not subjected to further harassment.
- 5.9. The Township will investigate each reported incident or complaint of workplace violence and workplace harassment as follows:
 - a. Assign a competent and uninvolved person to investigate the incident. The assigned investigator must not be involved, and must be seen to be not involved, with the incident under investigation. Investigators may be a Township employee or an external service provider, such as the Township's Integrity Commissioner.
 - b. Conduct the investigation in a prompt and thorough manner, including documented interviews with the Complainant, the Respondent, and any witnesses to any of the alleged incidents, and reviews of relevant information and documentation.
 - c. Private and confidential information obtained during the investigation or contained in the investigation report, including identifying information about persons involved, must be kept confidential by all participants involved in the investigation and by holders of the investigation report. Confidential information must only be disclosed to persons who require it for the purposes of the investigation, for the administration of corrective actions, or as otherwise required by law.

- d. Township Representatives are advised that unnecessary discussions and speculation about confidential matters is not permitted. Questions regarding the relevance of incidents or investigations to their interests may be addressed through their supervisor.
 - e. At the conclusion of the investigation, the investigator will issue a confidential written report to the appropriate Representative. The report may make a finding of sufficient evidence to support a policy violation, insufficient evidence to support a policy violation, or no policy violation. Recommendations will be provided as appropriate to the findings.
- 5.10. The Township will review all incident investigation reports concerning workplace violence and harassment as follows:
- a. Promptly review and consider investigation reports, recommendations, and other applicable information to determine if and what corrective actions are appropriate for the Representatives involved. Other applicable information may include workplace history or incidents, Township position, severity of the incident, and the Township progressive discipline policy. Corrective actions may include discipline up to and including termination.
 - b. The Complainant and Respondent to the incident will be informed in writing of the results of the investigation and of any corrective action that has, or will be taken as a result of the investigation.
- 5.11. The Township will maintain documentation corresponding to incident investigation on file in a secured location, separate from any personnel files. Records of corrective actions taken will be placed in Representative personnel files.