

CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

BY-LAW NO. 25-16

BEING a By-Law to adopt a policy on "Respect in the Workplace - Workplace Violence and Harassment" for the Village of Merrickville-Wolford.

WHEREAS the Council of the Corporation of the Village of Merrickville-Wolford deems it appropriate to adopt a policy on "Respect in the Workplace - Workplace Violence and Harassment" for the Village of Merrickville-Wolford;

AND WHEREAS the *Occupational Health and Safety Act*, R.S.O. 1990 Part III.1, as amended, authorizes municipalities to adopt such a policy;

AND WHEREAS the Council of the Corporation of the Village of Merrickville-Wolford did adopt a Personnel Policy on August 23, 2004, being By-Law 14-04;

AND WHEREAS sections 6.4 to 6.84 (inclusively) of the Personnel Policy deal with harassment,

NOW THEREFORE the Council of the Corporation of the Village of Merrickville-Wolford enacts as follows:

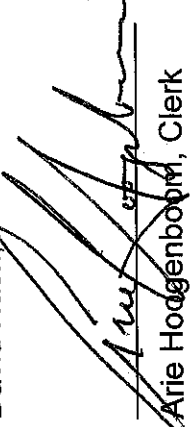
1. To adopt the policy on "Respect in the Workplace - Workplace Violence and Harassment", attached as Schedule "A".
2. The policy shall be known as the "Respect in the Workplace Policy".
3. Sections 6.4 to 6.84 (inclusively) of the Personnel Policy are rescinded.

Read a first and second time this 26th day of September, 2016.

Read a third and final time and passed this 26th day of September, 2016.



David Nash, MAYOR



Arie Hodgenboom, Clerk

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Schedule "A" to By-Law 25-16

RESPECT IN THE WORKPLACE

WORKPLACE VIOLENCE AND HARASSMENT POLICY

PURPOSE

The Corporation of the Village of Merrickville-Wolford ("the Village") is committed to providing and maintaining a workplace environment that is based on respect for the dignity and rights of everyone in the organization. It is the Village's goal to provide a healthy and safe work environment that is free from any form of harassment or violence.

SCOPE

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

This policy applies in all Village workplaces, as defined below, and which may include:

- The workplace
- During work-related travel
- At restaurants, hotels or meeting facilities that are being used for business purposes
- In company owned or leased facilities
- During telephone, e-mail or other communications; and
- At any work related social event, whether or not it is company sponsored

All workers shall receive a copy of this policy and sign a copy for their personnel file, confirming that they have read and understand the policy (see Schedule "B").

DEFINITIONS

1. Workplace Harassment

Workplace harassment means,

- a) 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
- b) workplace sexual harassment.

2. Workplace Sexual Harassment

Workplace sexual harassment means,

- 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, or
- b) 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.

3. What isn't Harassment

A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

4. Workplace Violence

Workplace violence means,

- 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 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.

Violence that occurs outside the normal workplace but which has an impact on the working environment, including working relationships, may also be considered violence in the workplace.

5. Worker

Includes all full-time employees, part-time employees, non-union employees, elected officials, committee appointees, contractors, interns, supervisors and managers who perform work for the Village.

6. Workplace

Any land, premises, location or thing at, upon, in or near which a worker works.

DUTIES

THE VILLAGE

The Village will not tolerate or condone workplace harassment or violence. The specific duties of the Village, which shall be carried out or delegated by the CAO/Clerk, are as follows:

1. **Review of Written Policy:** The Village shall review the policy with respect to workplace violence and workplace harassment as often as is necessary, but at least annually.
2. **Posting of Policy:** This policy shall be in written form and shall be posted at a conspicuous location in the workplace.
3. **Assessment of Risks of Violence:** The Village 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 continues to protect workers from workplace violence and advise the health and safety representative of the results of such assessments.
4. **Information and Instruction:** The Village 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.

5. Information – Workplace Violence: The Village 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 his or her work and the risk of workplace violence is likely to expose the worker to physical injury. The Village shall not disclose more personal information than is reasonably necessary in the circumstances to protect a worker from physical injury.

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

- a. Creating a safety plan;
- b. Contacting the police;
- c. Establishing enhanced security measures such as a panic button, code words, and door and access security measures;
- d. Screening calls and blocking certain email addresses;
- e. Creating new telephone extensions and e-mail addresses;
- f. Setting up priority parking or providing escorts to your vehicle;
- g. Adjusting your working hours and location so that they are not predictable; and
- h. Facilitating your access to counseling through community programs.

7. 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 and malicious 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.

SUPERVISORS

Supervisors are expected to assist in creating a violence and harassment-free workplace and to immediately contact their supervisor if they receive a complaint of workplace harassment or violence or witness or are aware of harassing or violent behavior. Supervisors must also take every reasonable precaution to protect employees from workplace violence, including evaluation of a person's history of violent behavior to determine whether and to whom this employee poses a risk.

In making this evaluation, supervisors should consider:

- Whether the person's history of violence was associated with the workplace or work;
- Whether the history of violence was directed at a particular employee or employees in general; and
- How long ago the incidence of violence occurred.

ALL WORKERS

All workers must do their part by ensuring that their behavior does not violate this policy and by fostering a work environment that is based on respect and is free of harassment.

WORKPLACE VIOLENCE PROGRAM

CONTROL OF RISKS

1. If the CAO/Clerk is notified of risks of workplace violence, he/she 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. Separating workers;
 - b. Removing an individual from a Village workplace;
 - c. Creating a safety plan;
 - d. Contacting the police;
 - e. Establishing enhanced security measures;
 - f. Screening calls and blocking certain email addresses; and
 - g. Setting up priority parking.

2. Any worker who becomes aware of a risk of workplace violence shall notify their supervisor or the CAO/Clerk, who shall take the appropriate action to control the risk of workplace violence.

SUMMONING IMMEDIATE ASSISTANCE

3. 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

4. A worker shall report acts of workplace violence to their immediate supervisor as soon as is reasonably possible.

5. If their supervisor is the alleged perpetrator of the incident, the worker shall report the incident to the CAO/Clerk, or the Mayor.
6. When it is reasonable to do so, the worker shall provide a written report of the workplace violence complaint.

INVESTIGATION OF WORKPLACE VIOLENCE COMPLAINT

7. The CAO/Clerk will commence an investigation as quickly as possible. He or she may choose to use either an internal or external investigator, depending on the nature of the incident. If the CAO/Clerk is the alleged perpetrator, the investigation shall be coordinated by the Mayor or the Mayor's designate.
8. The investigation may include:
 - a. Conducting interviews of relevant individuals to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations;
 - b. Reviewing any related documentation; and
 - c. Making detailed notes of the investigation and maintaining them in a confidential file.
9. The Village will keep all complaints confidential, to the extent that it is able to do so. 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. Once the investigation is complete, the investigator(s) will inform the CAO/Clerk (or the Mayor, when applicable) of their findings as to the merits of the complaint.
11. The CAO/Clerk (or the Mayor, when applicable) shall determine what corrective or remedial actions shall be taken, if any, based on the results of the investigation. Such actions may include discipline up to and including termination for cause.
12. The Village may also impose discipline or terminate anyone who brings a false and malicious complaint.

WORKPLACE HARASSMENT PROGRAM

REPORTING WORKPLACE HARASSMENT

1. If you believe that you are being harassed and if you feel comfortable doing so, tell the person to stop or speak directly to the alleged harasser about your concerns.
2. If the harassment continues after you have confronted the individual and you feel comfortable doing so, you may provide him or her with a written statement of the situation. Include specific details of the behaviours you consider to be harassing, your request to the harasser to stop and your expectations that he or she 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.

3. If the harassment persists or if you do not feel comfortable taking any of the above mentioned steps, provide your complaint in writing as soon as possible to the CAO/Clerk. If the CAO/Clerk is the alleged harasser, provide your complaint in writing to the Mayor.

INVESTIGATION OF WORKPLACE HARASSMENT COMPLAINT

4. The CAO/Clerk (or Mayor, where applicable) shall commence an investigation of the incident that is appropriate in the circumstances.
5. The investigation may include:
 - a. Conducting interviews of relevant individuals to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations;
 - b. Reviewing any related documentation; and
 - c. Making detailed notes of the investigation and maintaining them in a confidential file.
6. The Village will keep all complaints confidential, to the extent that it is able to do so. 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.
7. Upon completion of the investigation, the worker and the alleged harasser will 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 the investigation.
8. If a finding of harassment is made, the Village will take appropriate corrective or remedial measures which may include one or more of the following:
 - Discipline, such as a verbal warning, written warning or suspension without pay
 - Termination with or without cause
 - Referral for counseling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect
 - A demotion or denial of a promotion
 - Reassignment or transfer
 - Financial penalties such as the denial of a bonus or performance related salary increase, and
 - Any other disciplinary or corrective action deemed appropriate under the circumstances
9. If there is not enough evidence to substantiate the complaint, corrective measures will not be taken.
10. If you make a complaint in good faith and without malice, regardless of the outcome of the investigation, you will not be subjected to any form of discipline. The Village may, however, impose discipline up to and including termination on anyone who brings a false and malicious complaint.

Schedule "B" to By-Law 25-16

RESPECT IN THE WORKPLACE

WORKPLACE VIOLENCE AND HARASSMENT POLICY

I, the undersigned, acknowledge receiving and having read and understood the "Respect in the Workplace: Workplace Violence and Harassment Policy" of the Village of Merrickville-Wolford.

_____ Date _____ Print name _____ Signature _____

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