

THE CORPORATION OF THE
TOWNSHIP OF MATACHEWAN
BY – LAW 2017-16

A bylaw to adopt a Workplace Violence and Harassment Policy

Whereas Section 25 of the Occupational Health and Safety Act sets out the standards and procedures employers must follow for its employees;

And Whereas the Council for the Township of Matachewan deems it important to establish a Workplace Violence and Harassment Policy;

Now Therefore be it resolved that the Council of the Corporation of the Township of Matachewan enacts as follow:

1. The Workplace Harassment Policy attached hereto as Schedule "A" is hereby approved and adopted.

2. This By-Law shall come into force and take immediately on the passing thereof.

READ a first and second and third time, and finally enacted and passed in open Council this 30th day of November, 2017. Signed, sealed and numbered 2017-16.


Mayor


CAO-Clerk-Treasurer

DEPARTMENT HEAD/CAO USE			
NAME OF INVESTIGATOR		NAME OF INVESTIGATOR	
DEPARTMENT		DEPARTMENT	
Individuals interviewed (attached an additional page if needed)			
NAME:		NAME:	
CONTACT:		CONTACT:	
DATE OF INTERVIEW:		DATE OF INTERVIEW:	
NAME:		NAME:	
CONTACT:		CONTACT:	
DATE OF INTERVIEW:		DATE OF INTERVIEW:	
Did you find the complaint was substantiated?		O Yes	O No
Describe injuries if any			
Describe nature of threats if any			
Describe property damage if any			
Describe nature of harassment or inappropriate behaviour if any			
Explain what has been done to prevent a recurrence of a similar nature.			
Was disciplinary action taken?		O Yes	O No
Was a record of the action taken placed in employee file		O Yes	<input type="checkbox"/> No
Is follow up or monitoring needed?		O Yes	<input type="checkbox"/> No
Was written notification of the outcome provided to:			
<input type="checkbox"/> Employee who filed the incident report	<input type="checkbox"/> Employee about whom the report was filed	<input type="checkbox"/> Department Head	<input type="checkbox"/> CAO <input type="checkbox"/> Other
NAME:		SIGNATURE:	DATE:
NAME:		SIGNATURE :	DATE:
<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>			

SCHEDULE "B" INCIDENT REPORTING FORM

PERSONAL INFORMATION OF THE INDIVIDUAL FILING THE INCIDENT REPORT			
NAME		PHONE/EX	
DEPARTMENT		EMAIL	
NATURE OF INCIDENT	<input type="checkbox"/> Harassment	<input type="checkbox"/> Violence	<input type="checkbox"/>
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 behaviours	If not why not?		
<input type="radio"/> Yes <input type="radio"/> No	_____		
WITNESS(ES)	PHONE:	NAME:	
	<u>CONTACT</u>	CONTACT:	
What action/result would you like to see as an outcome of this incident?			
NAME:	SIGNATURE :	DATE:	
<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>			
This incident report form should be sent in a sealed envelope to: your Department Head; or the CAO-Clerk Treasurer; or the Mayor; or any two members of Council			

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General Guidelines

Hazard ranking will be based upon the severity of the hazard, the probability of the incident occurring in the workplace, and the frequency of exposure to the hazard. Please refer to the following table regarding numerical application of hazard ratings. Please apply a rating based upon your best judgment of the workplace and workplace hazards.

	1	2	3
Severity	First-Aid required and/or minor property damage	Lost-time injury and or significant property damage	Permanent disability or fatality. Major property damage sustained
Probability of Incident	Unlikely to Occur	Could Occur	Immanent if not Attended to
Frequency of Exposure	Rarely (less than one month)	Often (once a week or more)	Everyday

To compute a total please add columns: severity, probability of incident and the frequency of exposure for each hazard. Total risk is based upon these totals. A total of:

7, 8, 9 = High Risk — requires immediate attention

5 or 6 = Moderate Risk — requires attention.

3 or 4 = Low Risk — Monitor the hazard, ensure risk does not increase.

SCHEDULE "A" — HAZARD RISK ASSESSMENT FORM

This Form must be completed for each work area.

An occupational hazard is a thing or situation with the potential to harm a worker. Occupational hazards can be divided into three categories:

- Safety hazards that cause accidents that physically injure workers;
- Health hazards which result in the development of disease.
- Harassment or violence that take place in or effect employees in the workplace

Please see second page for an explanation of hazard ranking, and total risk.

Description of Work Area:	Assessment Performed By: Name: _____ Signature: _____	Date of Assessment:
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Description of Hazard or Unsafe Work Activity	Severity (1-3)	Probability of Incident Occurrence (1-3)	Frequency of Exposure (1-3)	Total (S+P+F)	Total Risk	Controls in Place			Follow-Up Action Required (If any)
						Engineering (e.g. remove/isolate hazardous material, ventilation, substitute)	Administrative (e.g. establish policy to reduce risk, training)	PPE	

6. If the CAO-Clerk-Treasurer and the Immediate Department head are the alleged perpetrators, the worker can submit the Incident Report Form to the Mayor or any two members of Council. The Mayor (or two members of Council) will follow a procedure similar to that outlined above for the CAO-Clerk-Treasurer. The investigation, reporting and corrective action procedures will be altered accordingly.

INVESTIGATION OF WORKPLACE HARASSMENT COMPLAINT

7. The CAO-Clerk-Treasurer shall commence an investigation of the incident that is appropriate in the circumstances to determine the merit of the claim as soon as is reasonably and practically possible after receiving the Incident Report Form. 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.
8. 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.
9. The Township shall provide written notice within 7 days of the completion of the investigation (or as soon as is reasonably and practically possible) to the complainant and the alleged harasser, if he or she is 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.

CORRECTIVE ACTION

10. The CAO-Clerk-Treasurer will determine what action should be taken as a result of the investigation. If a finding of workplace harassment is made, the Township will take appropriate corrective measures.
11. Corrective measures 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 counselling (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 action deemed appropriate under the circumstances.
12. If you make a complaint in good faith and without malice, regardless of the outcome of the investigation, you will not be subject to any form of discipline. The Township may, however, discipline or terminate anyone who brings a false and malicious complaint.

WORKPLACE HARASSMENT PROGRAM

INFORMAL PROCEDURES

1. If you believe that you are being harassed and you feel comfortable doing so, tell the person to stop. Do so as soon as you receive any unwelcome comments or conduct. Although this may be difficult to do, telling the person you don't like their actions is often enough to stop the behaviour.

Some of the things you can say 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 you have confronted the individual, you may want to 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.

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

3. If you believe that someone who is not a member of our organization, e.g., a customer, supplier, etc., has harassed you, please report the harassment to your 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 issue cannot be resolved informally or if it is too serious to handle on an informal basis, the worker shall make a formal complaint of workplace harassment to the immediate Department Head by completing an Incident Report Form (Schedule "B") or by providing the information requested in that form in a written or verbal statement as soon as is reasonably possible.
5. If the worker does not have a Department Head or if the immediate Department Head is the alleged perpetrator of the incident, the worker can submit the Incident Report Form to the CAO-Clerk-Treasurer.

INVESTIGATION OF WORKPLACE VIOLENCE COMPLAINT

7. The CAO-Clerk-Treasurer shall commence an investigation of the incident to determine the merit of the claim as soon as is reasonably possible and practical after receiving the Incident Report Form. 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.
8. 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.
9. The investigators shall provide written notice within 7 days of the completion of the investigation (or as soon as is reasonably and practically possible) to the complainant and the alleged perpetrator, if he or she is 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.

CORRECTIVE ACTION

10. The CAO-Clerk-Treasurer will determine what action should be taken as a result of the investigation. If a finding of workplace harassment is made, the Township will take appropriate corrective measures.
11. Corrective measures 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 counselling (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 action deemed appropriate under the circumstances.
12. If you make a complaint in good faith and without malice, regardless of the outcome of the investigation, you will not be subject to any form of discipline. The Township may, however, discipline or terminate anyone who brings a false and malicious complaint.

THE TOWNSHIP OF MATACHEWAN
WORKPLACE VIOLENCE AND HARASSMENT PROGRAM

WORKPLACE VIOLENCE PROGRAM

CONTROL OF RISKS

1. If the CAO-Clerk-Treasurer and/or department heads 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. Separating workers
 - b. Removing an individual from the workplace
 - c. Creating a safety plan
 - d. Contacting the police
 - e. Establishing enhanced security measures
 - f. Screening calls and blocking certain email addresses
 - g. Setting up priority parking
2. Any worker who is experiencing domestic violence that is likely to expose the worker or any fellow workers to workplace violence should notify the CAO-Clerk-Treasurer or any Department Head. The Township shall then take all reasonable precautions in the circumstances to control the risks of workplace violence as set out above.

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 the immediate Department Head by completing an Incident Report Form (Schedule "B") or by providing the information requested in that form in a written or verbal statement as soon as is reasonably possible.
5. If the worker does not have a Department Head or if the immediate Department Head is the alleged perpetrator of the incident, the worker can submit the Incident Report Form to the CAO-Clerk-Treasurer.
6. If the CAO-Clerk-Treasurer and the Immediate Department head are the alleged perpetrators, the worker can submit the Incident Report Form to the Mayor or any two members of Council. The Mayor (or two members of Council) will follow a procedure similar to that outlined above for the CAO-Clerk-Treasurer. The investigation, reporting and corrective action procedures will be altered accordingly.
 - a. If the incident is against the Mayor or Council, the incident can be reported to an outside investigator by calling:
Jamie Roach - First Source HR at 705-266-5602
(Amended March 20, 2019 by Resolution #19-063 to include 6 a.)

- 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

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.

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.

Cheryl Drummond: _____ Date: _____
Mayor

Annie Kmyta: _____ Date: _____
CAO-Treasurer-Clerk

It shall be the responsibility of each department head to ensure this policy is posted at a conspicuous location within their department.

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.

Each department, under the leadership of the department head, 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. A Risk Assessment Form is attached as Schedule "A" to this policy. 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 CAO-Clerk-Treasurer.

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-Clerk-Treasurer to ensure all workers are provided appropriate instruction and information regarding the Workplace Harassment Policy and Program.

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 his or her 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-Clerk-Treasurer 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.

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:

WORKPLACE SEXUAL HARASSMENT

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

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

- 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;
- 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.

GENERAL RESPONSIBILITIES OF WORKERS

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;
2. Cooperation: It is the responsibility of all workers to fully cooperate in any investigation of complaints or incidents or breaches of this policy.
3. Training: It is the responsibility of all workers to participate in any training session conducted by the Township regarding this policy.

GENERAL RESPONSIBILITIES OF THE EMPLOYER

1. Written Policy: The Township shall prepare a policy with respect to workplace violence and workplace harassment.

This document satisfies that duty.

2. Review of 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 CAO-Clerk-Treasurer to ensure that a review of this policy is conducted as often as is necessary, but at least annually and present a policy to the Mayor on an annual basis for approval and signature.

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

"SCHEDULE A"
THE TOWNSHIP OF MATACHEWAN
WORKPLACE VIOLENCE AND HARASSMENT POLICY

POLICY STATEMENT

The Corporation of the Township of Matachewan ("the Township") is committed to providing a safe and healthy work environment in which all workers are treated with respect and dignity. Workplace violence or harassment will not be tolerated from any person in the workplace, including customers, clients, other employers, supervisors, worker and members of the public as applicable.

SCOPE AND APPLICATION

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

DEFINITIONS

DOMESTIC VIOLENCE

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.

MEMBER OF THE PUBLIC

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, contractors, interns, supervisors and managers who perform work for the Township.

WORKPLACE

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

WORKPLACE HARASSMENT

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.

(Amended to include: 6.a by Resolution #19-063 dated March 20, 2019)



The Corporation of the Township of Matachewan

P.O. Box 177 Matachewan, Ontario P0K 1M0

Date: 20-Mar-19

Resolution: 19- 63

Moved by:

Nelson A Costello

Seconded by:

Guy Dubé

WHEREAS Council is in receipt of an Order from the Ministry of Labour under OHSA 1990, Section 32.0.6(2)(b);

Now therefore, be it resolved that we, the Council of the Corporation of the Township of Matachewan, hereby amend By-Law #2018-17, Schedule 16 Workplace Violence & Harrassment by inserting

#6A If the incident is against the Mayor or Council, the incident can be reported to an outside investigator by calling:

Jamie Roach,
First Source HR
705-266-5602

The investigation, reporting and corrective action procedure will be altered accordingly.

		Councilor	Yea	Nea	PID
CARRIED	<input checked="" type="checkbox"/>	Ms. Commando-Dubé, Mayor			
AMENDED	<input type="checkbox"/>	Mr. Costell, Deputy Mayor			
DEFEATED	<input type="checkbox"/>	Mr. Dubé, Councillor			
TABLED	<input type="checkbox"/>	Ms. Ruck Councillor			
		Mr. Durand Councillor			

Nelson A Costello
Mayor

Guy Dubé
Clerk