

**THE CORPORATION OF THE TOWNSHIP OF PELEE**

**BY-LAW: 2019-09**

**"ADOPTION OF HUMAN RESOURCE POLICIES"**

**(February 25, 2019)**

A by-law to adopt human resource policies

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**WHEREAS** the Municipal Act 2001, as amended, states that the powers of a municipal corporation are to be exercised by by-law;


**AND WHEREAS** the Council of The Corporation of the Township of Pelee wishes to adopt human resource policies;

**NOW THEREFORE** the Council of The Corporation of the Township of Pelee does hereby enact as follows:

1. That by-law 2016-10 "Code of Conduct for Council and Committee" is rescinded and replaced by policy number 2019-02-01 "Code of Conduct for Members of Municipal Council and Council's Local Boards and Committee Members.
2. That "Workplace Violence Prevention Policy" dated 2010-06-07 is rescinded and replaced by policy 2019-02-03 "Workplace Harassment Prevention Policy", and 2019-02-04 "Workplace Violence Prevention Policy".
3. That policy 2019-02-02 "Council-Municipal Staff Relationship Policy" be adopted in accordance with Section 270(1)(2.1) of the *Municipal Act, 2001*.
4. That this by-law shall be cited as the "Adoption of Human Resource Policies" (February 25, 2019).
5. That this by-law shall come into force and take effect on the date of passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 25th day of February, 2019.**

  
\_\_\_\_\_  
MAYOR, Raymond Durocher

  
\_\_\_\_\_  
CAO/Clerk, John Maddox

**Township of Pelee**

**Human Resources Manual**

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**Subject: Code of Conduct for Members of Municipal Council and Council's Local Board and Committee Members (hereinafter referred to as "Members")**

**Policy #:** 2019-02-01

**Date Approved:** February 25, 2019

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**POLICY STATEMENT**

The Corporation of the Township of Pelee (Township) is committed to facilitate a quality relationship between Members and Township employees and officers. Members have important obligations and responsibilities to those they represent, service and interact with in connection with carrying out the roles and duties attending a Member's office. A Member's conduct and behaviour in terms of ethics and interpersonal conduct and communications are regulated by legislative acts including the *Municipal Act*, the *Public Inquiry Act*, the *Occupational Health and Safety Act*, the *Ontario Human Rights Code*, *Freedom of Information and Protection of Privacy Act*, and the *Municipal Conflict of Interest Act*.

**PURPOSE**

The purpose and intent of this Code of Conduct is as follows:

- i. to establish guidelines for ethical conduct required of Members;
- ii. to establish guidelines to encourage and ensure interpersonal conduct communications and interactions consistent with legal requirements (i.e. *Occupational Health and Safety Act*, *Ontario Human Rights Code*);
- iii. to establish guidelines that meet the mandate of Bill 68 amendments to Section 223.3 and others the *Municipal Act*;
- iv. to provide mechanisms to ensure accountability and compliance with the required ethical and interpersonal conduct standards of this Code of Conduct.

## **APPLICATION**

### **A. GENERAL STANDARDS OF CONDUCT**

1. Members shall conduct themselves at all times in a manner that:
  - i. is consistent with and advances the interests of the community they serve;
  - ii. is consistent with the well-being and interests of the Township;
  - iii. is consistent with the Township's interest in transparency and accountability;
  - iv. reflects a diligent and impartial exercise of the office held to the best of the Member's knowledge and ability;
  - v. reflects the Member's adherence to obligations in connection with avoidance of conflicts of interest;
  - vi. is consistent with the legal deliverables governing interpersonal interactions (*i.e. civil and respectful, free from harassment or discrimination, free from violence or the threat of violence*).

### **B. ETHICAL BEHAVIOUR: CONDUCT REQUIREMENTS**

#### **1. Foster Respect for Decision-Making Process**

All Members shall accurately and adequately communicate the attitudes and decisions of the Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.

#### **2. Strict Adherence to Obligations Regarding Avoiding Conflict of Interest**

Members have strict obligations to avoid conflicts of interest by taking the following steps whenever a member has a direct or indirect pecuniary interest in any matter that is before Council in a meeting where the member is present:

- i. disclose the general nature of the Member's interest prior to any consideration of the matter in the meeting;
- ii. refrain from participating in the discussion of the matter or in any vote on the matter;
- iii. refrain from attempting to influence the voting on the matter of question, before, during or after the meeting.

All Members have important ethical and statutory obligations to adhere to the steps outlined above to ensure avoidance of any conflict of interest in connection with carrying out the obligations of the Member's office.

While the Integrity Commissioner may provide general interpretation of the *Municipal Conflict of Interest Act* (MCIA), it is expected that Members seek independent legal advice on a specific question for individual compliance with the Act.

### **3. Release of Confidential Information Prohibited**

Members have a duty to hold in strict confidence all information concerning matters dealt with at closed meetings. Members shall not, either directly or indirectly, release, make public or in any way divulge any such information or any aspect of the closed deliberations to anyone, unless expressly authorized by Council or required by law to do so.

Members shall not release information in contravention of the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

Members shall not misuse confidential information (information that they have knowledge of by virtue of their position as Councillor, Board or Committee Member which is not in the public domain, including e-mails and correspondence from other Members of Council, Board or Committee Member or third parties) such that it may cause detriment to the Township, Council or others, or benefit or detriment to themselves or others.

### **4. Release of Information to Public and Media**

Members acknowledge that official information related to decisions and resolutions made by Council will normally be communicated to the community and the media by the Council as a whole or the Head of Council or by his or her designate.

### **5. Acceptance of Gifts Prohibited**

The stipend paid to each Member of Council; is intended to fully remunerate Members for service to the Township. Members of Council, Boards or Committees shall not solicit, accept, offer or agree to accept a commission, reward, gift, advantage or benefit of any kind, personally or through a family member or friend, which is connected directly or indirectly with the performance or duties of office.

Members are not precluded from accepting:

- i. personal gifts, normal hospitality among persons doing business, benefits, rewards, commissions or advantages from any person or organization not connected directly or indirectly with the performance of duties of office;

- ii. political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
- iii. food and beverages at banquets, receptions, ceremonies or similar events;
- iv. services provided without compensation by persons volunteering their time;
- v. food, lodging, transportation and entertainment provided by other levels of governments or by other local governments, boards or commissions;
- vi. a reimbursement of reasonable expenses incurred in the performance of duties or office;
- vii. a reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations;
- viii. token gifts such as souvenirs, mementos and commemorative gifts that are given in recognition of service on a committee, for speaking at an event or representing the Township at an event; and
- ix. gifts that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.

Members shall return any gifts or benefits which exceed these limits, along with an explanation why the gifts or benefits cannot be accepted.

## **6. Engaging in Incompatible Activity Prohibited**

Members shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties in the public interest.

Without limiting the generality of the foregoing, Members shall not:

- i. use any influence of office for any purpose other than official duties;
- ii. act as an agent before Council or any committee, board or commission of council;
- iii. solicit, demand or accept the services of any corporate employee, or individual providing services on a contract for service, for re-election purposes during hours in which the employee, or individual providing services under a contract for service, is in the paid employment of the Township;
- iv. use any information gained in the execution of office that is not available to the general public for any purpose other than for official duties;

- v. place themselves in a position of obligation to any person or organization which might reasonably benefit from special consideration or may seek preferential treatment;
- vi. give preferential treatment to any person or organization in which a Member or Members of Council have a financial interest;
- vii. influence any administrative or Council decision or decision-making process involving or affecting any person or organization in which a Member or Members of Council have a financial interest; and
- viii. use Township materials, equipment, facilities or employees for personal gain or for any private purpose.

## 7. **Avoidance of Waste**

Members shall avoid waste, abuse and extravagance in the provision of use of public resources and shall expose fraud and corruption of which the Member of Council and Council's Local Board and Committee Member is aware.

## C. **INTERPERSONAL CONDUCT AND COMMUNICATIONS: REQUIREMENTS**

### **General:**

Members have important legal responsibilities and accountabilities in connection with the tone and substance of interpersonal interactions, conduct or communications pursued in the context of carrying out the activity attending a Member's office.

The purpose of this section of the *Code of Conduct* and the appendices policies is to ensure that Members governed by this *Code of Conduct* understand and comply with standards of conduct required at law in terms of their interpersonal interactions, communications and conduct.

The Township and Members, as agents of the Township share important obligations for ensuring compliance with required standards of interpersonal conduct and interactions. A failure to adhere to the required Standards of Conduct can expose both the Township and individual Members to potential liabilities.

### 1. **Human Rights Guarantees: *The Obligation to Treat Every Person with Dignity, Understanding and Respect and Avoid Harassment and Discrimination***

The *Ontario Human Rights Code* extends equality rights guarantees in the context of employment and the delivery of services. A Municipal Government is both an employer and service provider. As a result, the interactions and conduct of Members governed by this *Code of Conduct* generally occur in the context of providing services or interacting with employees.

In connection with such interactions, Members have a legal obligation to ensure adherence to equality rights guarantees. Members have an obligation to ensure that all individuals dealt with are treated with dignity and respect, and not exposed to harassment or discrimination as prohibited by the *Human Rights Code*.

As a Member your obligations in this regard extend to anyone you deal with in the context of employment or delivery of services; including but not necessarily limited to the following: other Members of Council, Committee Members, Local Board Members, Township Employees, individuals providing services, contractors, students and the public.

**(a) Not to Discriminate**

In compliance with the *Human Rights Code*, Members shall not discriminate against anyone on the basis of their 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. Definitions of "age", "disability", "family status", "record of offences", "same-sex partnership status" shall be found in the *Human Rights Code*.

**(b) Not to Engage in Harassment**

In accordance with the *Human Rights Code*, Members shall not expose anyone to conduct representing harassment. Harassment includes engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

Without limiting the generality of the definition of "*harassment*", Members shall not:

- i. make racial, homophobic, sexist or ethnic slurs;
- ii. display pornographic, homophobic, sexist, racist or other offensive or derogatory material;
- iii. make leering (suggestive staring) or other offensive gestures;
- iv. make written or verbal abuse or threats;
- v. vandalize the personal property of others;
- vi. commit physical or sexual assault;
- vii. make unwelcome remarks, jokes, innuendoes or taunting statements about a person's physical appearance, racial background, colour, ethnic origin, place or origin, citizenship, ancestry, creed (religion or belief), sex, sexual orientation,

age, record of offences, marital status, same-sex partnership status, family status, disability (physical or mental);

- viii. make unwelcome remarks, insulting gestures or jokes which cause embarrassment or awkwardness;
- ix. refuse to converse or interact with anyone because of their racial or ethnic background, colour, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability;
- x. make unnecessary or unwanted physical contact, including touching, patting or pinching; and
- xi. demand sexual favours or requests.

Harassment which occurs in the course of or related to the performance of duties by Members is subject to this policy and appendices policies.

## **2. Personal and Psychological Harassment: OHSA**

### **General: Prohibition of Psychological and Personal Harassment**

Health and Safety Legislation has identified and prohibited the potential health risk of “**personal harassment**” or “**psychological harassment**” in workplaces. Members must ensure that their interaction and personal communications and conduct are constructive, civil and respectful; devoid of any content or tone that would constitute “**personal harassment**” or “**psychological harassment**”.

## **3. Avoid Personal or Psychological Harassment**

*Personal and Psychological Harassment* includes unwelcome words and/or actions that are known or should have been known to be *embarrassing, humiliating or demeaning*. Such conduct can include but is not limited to the following:

- i. remarks, jokes, comments, innuendo that demean, ridicule, intimidate or offend;
- ii. bullying;
- iii. repeated offensive or intimidating phone calls, e-mails, verbal outbursts;
- iv. yelling and screaming, rude demeaning remarks;
- v. volatile displays of temper or anger;
- vi. exposing people to foul, abusive or obscene language.



Members are required to ensure that they interact and communicate in a manner that is respectful and consistent with the well-being of those they deal with. Members must ensure that their interactions and communications are free of any conduct that would be considered *personal or psychological harassment*.

#### 4. Prohibition of Violence

##### **General: Obligation to avoid any conduct representing violence or a threat of violence to a worker**

Health and Safety Legislation has introduced serious and significant obligations to ensure the removal of the risk of violence and threat of violence in Ontario workplaces. Members must ensure that they avoid any interactions, communications or conduct with employees that would constitute "**Workplace Violence**". Township Employees have rights and recourse if exposed to any threat of violence or act of violence in connection with work or work-related activity; including conduct by or interactions with Members of Council, Council's Local Board or Committee Members.

#### 5. Avoid Violence or Conduct Constituting a Threat of Violence

**Workplace violence** is defined as *the exercise of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker*. To appreciate the broad nature of the definition of violence, it is important to understand that violence includes the following:

- i. **an attempt to exercise force that could cause physical injury** (*Note: does not have to cause injury*);
- ii. **a statement or behaviour that could reasonably be interpreted as a threat to exercise physical force** (*Note: verbal threats will constitute violence*).

Examples:

- a verbal threat, attack or physical conduct
- threatening notes, e-mails, voice mail communications
- shaking a fist or other threatening physical gestures
- wielding an object such as a weapon at an individual

Members are required to ensure that they avoid any interactions, communications, conduct or gestures that would constitute a threat of violence or violence.

## Appendix 3

### COMPLAINT PROTOCOL

1. Any Member of Council, staff or the public that believes they have experienced or witnessed conduct in contravention with the *Code of Conduct* may file a complaint and request an investigation.
2. All complaints shall be in writing and signed by an identifiable individual.
3. A complaint shall set out reasonable and probable grounds for the allegation that the member has contravened the *Code of Conduct* and include a support affidavit that sets out the evidence in support of the complaint.
4. The complaint protocol information package shall be available at the Township Clerk's Office.



**Appendix 4**

**Code of Conduct Complaint Protocol – Formal Complain Procedure**

Please note that signing a false affidavit may expose you to prosecution under Sections 131 and 132 or 134 of the Criminal Code, R, S, C, 1985, c. C-46, and also to civil liability for defamation.

Affidavit of \_\_\_\_\_  
(full name)

I, \_\_\_\_\_ of the \_\_\_\_\_  
(full name) (City, Township, etc.)

of (municipality of residence) \_\_\_\_\_ in the Province of  
Ontario,

**MAKE OATH AND SAY (OR AFFIRM):**

1. I have personal knowledge of the facts as set out in this affidavit, because

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(insert reasons e.g. I work for .....I attended the meeting at which.....etc.)

2. I have reasonable and probable grounds to believe that a Member of Township of Pelee Municipal Council, \_\_\_\_\_ (specify name of Member), has contravened section(s) \_\_\_\_\_ (specify section[s] of the *Code of Conduct*). The particulars of which are as follows:

(Set out the statements of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space, please attach the materials as Exhibits A, B, etc. and attach them to this affidavit and mark each additional page as 2 of 2, 2 of 3, etc. at the top right corner.)

\_\_\_\_\_  
\_\_\_\_\_

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3. This affidavit is made for the purpose of requesting that this matter be reviewed and for no other purpose.

SWORN (or AFFIRMED) before me at  
The Township of Pelee in the  
Province of Ontario

\_\_\_\_\_  
(Commissioner of Oath)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Complainant Signature)

\_\_\_\_\_  
(Date)

## Township of Pelee

### Human Resources Manual

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**Subject:** Council-Municipal Staff Relationship Policy

**Policy #:** 2019-02-02

**Date Approved:** February 25, 2019

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### **POLICY STATEMENT**

The Corporation of the Township of Pelee (Township) promotes a respectful, tolerant, harassment-free relationship and workplace between Members of Council and the officers and employees of the Township. These relationships are guided by the *Code of Conduct from Members of Council and Local Boards*, the *Procedural By-Law*, the *Workplace Harassment and Workplace Violence Prevention Policies*. The Council-Municipal Staff Relationship Policy is in accordance with Section 270 of the *Municipal Act, 2001*.

### **PURPOSE**

This policy provides guidance on how the Township ensures a respectful, tolerant and harassment-free relationship and workplace between Members of Council and the officers and employees of the Township.

### **APPLICATION**

In accordance with Section 270 of the *Municipal Act, 2001*, this policy applies to Members of Council.

### **POLICY REQUIREMENTS**

The relationship between Members of Council and the officers and employees of the Township is guided by the following principles:

#### Council Code of Conduct

1. Members have a duty to treat each other and staff with respect and dignity and without abuse, bullying or intimidation.

2. Members have a duty to ensure that the Township's work environment is free from discrimination and harassment.
3. Members are to recognize that officers and employees serve Council and the community and work for the Township under the direction of the Clerk. Members have no individual capacity to direct officers and employees to perform specific functions. Council provides direction through the decisions as recorded in the minutes and resolutions of Council.
4. Members shall not subject officers or employees to threats, discrimination or harassing behaviour.
5. Members shall make inquires via the Clerk.
6. Members shall recognize and respect the professional capacities of Township employees having separate legal and ethical obligations for the conduct under which they operate. Members shall refrain from conduct that may deter, interfere or unduly influence employees in such a manner as to result in them violating professional, legal or ethical obligations.

#### Employee Code of Conduct

7. Employees of the Township must be professional, polite, courteous and respectful in their interactions with each other, clients, residents, community agencies, contractors, suppliers and the public.
8. Employees shall deal with all Members of Council in an objective, respectful and impartial manner. Employees must recognize that elected officials are responsible for the establishment of policy and staff are responsible for putting policy to action through the Clerk.

#### Workplace Harassment & Workplace Violence Prevention Policies

9. The Township is committed to the creation of a workplace climate that reflects cooperation, understanding, and mutual respect. Workplace harassment, violence or discrimination is not tolerated.

#### Commitment to a Civil Workplace Environment and Workplace Interactions

10. The Township is committed to securing, maintaining, enforcing and reinforcing a workplace environment and workplace communications and interactions that are civil, respectful and valuing of all members of our workplace community.

## **COMPLIANCE**

For Members of Council-The Integrity Commissioner may investigate complaints against members related to this policy.

For employees of the Township-The Clerk may investigate complaints against employees related to this policy.

## **RESPONSIBILITIES**

Members of Council and Township staff are responsible for adhering to the parameters of this policy.

## **POLICY MANAGEMENT**

The Clerk is delegated the authority to make administrative changes to this policy that may be required from time to time due to legislative changes or if, in the opinion of both of them, the amendments do not change the intent of the policy.

## **LEGISLATIVE AUTHORITY**

Section 270 of the *Municipal Act, 2001*, as revised by Bill 68 requires Council to adopt and maintain a policy with respect to the relationship between Members of Council and the officers and employees of the Township. The Council-Staff Relations Policy identifies the legislation, policies, procedures and practices that the Municipality complies with in order to promote a respectful relationship between Members of Council and the officers and employees of the Township.

## **The Township of Pelee**

### **Human Resources Policy**

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**Subject:** Workplace Harassment Prevention

**Policy #:** 2019-02-03

**Date Approved:** February 25, 2019

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### **POLICY STATEMENT**

The Corporation of the Township of Pelee (Township) condemns harassment, denigration, discriminatory actions, and the promotion of hatred. The Township will not tolerate, ignore, or condone discrimination or harassment and is committed to promoting respectful conduct, tolerance and diversity at all times. All employees are responsible for respecting the dignity and rights of their co-employees and the public they serve. Appropriate disciplinary, remedial, and/or legal action will be taken according to the situation.

### **PURPOSE**

The policy and its supporting guidelines are intended to:

1. Maintain a work environment free from workplace harassment;
2. Provide a definition of workplace harassment and sexual harassment;
3. Identify the roles and responsibilities of management and staff to maintain a workplace free of harassment; and
4. Establish measures and procedures for employees and Members to report incidents of workplace harassment and for the Township to investigate and manage incidents or complaints in a manner that is appropriate to the circumstances.

### **APPLICATION**

The *Workplace Harassment Prevention Policy* applies to all employees, contactors for the Township, seasonal employees, clients and customers of Township services,



Members of Council/boards/committees (Members), volunteers, any person engaged in business with the Township, and visitors to Township property.

The Township's *Workplace Violence Prevention Policy* should be consulted regarding actual, attempted or threatened acts of violence.

## **DEFINITIONS**

Workplace means all Township facilities and work sites, including vehicles and any other land, premises, locations or things at, upon, in or near where the business of the Township is conducted. Included in this definition are Township-related activities, including sanctioned social functions, or business performed at any other location away from the Township, during or outside of normal working hours.

The *Occupational Health and Safety Act* defines workplace harassment as engaging in a course of vexatious comment or conduct against an employee in a workplace that is known or ought reasonably to be known to be unwelcome. This definition includes workplace sexual harassment.

This may include, but is not limited to:

- slurs or derogatory remarks;
- threats;
- inappropriate jokes, innuendos, name-calling, teasing;
- insulting gestures;
- practical jokes which result in embarrassment;
- displaying pin-ups, pornography, racist, homophobic or other offensive materials;
- use of electronic communications such as the internet and e-mail to harass;
- actions that invade privacy;
- spreading rumours that damage one's reputation;
- refusing to work with another;
- condescending or patronizing behaviour;
- abuse of authority which undermines performance or threatens employment.

There is no legal obligation for an individual to tell a harasser to stop. The fact that a person does not explicitly object to harassing behaviour, or appears to be going along with it does not mean that the behaviour is not harassing or that it has been consented to.

Workplace harassment often involves a course or grouping of behaviours. However, a single serious incident of such behaviour that has a lasting harmful effect on an employee may also constitute workplace harassment.

This policy is not intended to interfere with constructive feedback regarding performance or operational directives provided to employees by the Clerk or department managers.

Examples of workplace harassment may include a pattern of:

- frequent angry shouting/yelling or blow-ups;
- regular use of profanity and abusive language;
- verbal or e-mail threats (not including threats to exercise physical force which are covered by the workplace violence policy), intimidation;
- intimidating behaviours i.e. slamming doors, throwing objects;
- targeting individual(s) in humiliating practical jokes;
- excluding, shunning, impeding work performance;
- spreading gossip, rumours, negative blogging, cyberbullying;
- retaliation, bullying, sabotaging;
- unsubstantiated criticism, unreasonable demands;
- frequent insults and/or name calling;
- public humiliation;
- communication that is demeaning, insulting, humiliating, mocking;
- intent to harm; or,
- a single, serious incident that has a lasting, harmful impact.

Workplace harassment does not include:

- legitimate performance/probation management;
- appropriate exercise and delegation of managerial authority;
- operational directives;
- a disagreement or misunderstanding;
- conflict between co-employees;
- work related change of location, co-employees, job assignment;
- appropriate discipline;
- less than optimal management;
- a single comment or action unless it is serious and has a lasting harmful effect;
- rudeness unless it is extreme and repetitive; or,
- conditions in the workplace that generate stress (technological change, impending layoff, a new boss, friction with other employees, workload, etc.).

Workplace sexual harassment means:

- (a) engaging in a course of vexatious comments or conduct against an employee 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 employee and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

This may include, but is not limited to:

- a sexual advance or solicitation from anyone if the person knows or ought to know the advance is unwelcome - especially if the advance is from a person in a position to give or deny a benefit, to engage in a reprisal, or if a threat of reprisal is made if the advance is rejected;
- sexually suggestive or obscene remarks or gestures;
- leering (suggestive staring) at a person's body;
- unwelcome physical contact;
- having to work in a sexualized environment (bragging about sexual prowess, or discussions about sexual activities);
- circulation or posting of sexist jokes or cartoons, display of pin-up calendars or other objectifying images;
- negative stereotypical comments based on gender, sex or sexual orientation;
- gender related comments about an individual's physical characteristics or mannerisms and/or behaviours that reinforce traditional heterosexual gender norms; or,
- exercising power over another person, making them feel unwelcome or putting them 'in their place' – motivated by sexual interest

This policy is not intended to interfere with normal social interaction between employees.

## **RESPONSIBILITIES**

Employees and Members are encouraged to report any incidents of workplace harassment to the Clerk and complete a Workplace Harassment Complaint Form. If the incident involves the Clerk the employee or Member shall report the incident to the Mayor or in his/her absence the Deputy Mayor.

Management will investigate and deal with all complaints or incidents of workplace harassment in a fair, respectful and timely manner. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect employees and Members, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

Managers, employees and Members are expected to adhere to this policy, and will be held responsible by the employer for not following it. Employees and Members are not to be penalized or disciplined for reporting an incident or for participating in an investigation involving workplace harassment.

If an employee or Member needs further assistance, he or she may contact the municipal health and safety representative, or Human Rights Legal Support Centre at 1-866-625-5179

## **REPRISAL**

This policy prohibits reprisals against individuals, acting in good faith, who report incidents of workplace violence or act as witnesses. Management will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or violence. Reprisal is defined as any act of retaliation, either direct or indirect.

## **REPORTING WORKPLACE HARASSMENT**

### **1. How**

An incident or a complaint of workplace harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner. Employees can report incidents or complaints of workplace harassment verbally or in writing. When submitting a written complaint, please use the workplace harassment complaint form in Appendix 1. When reporting verbally, the reporting contact, along with the employee complaining of harassment, will fill out the complaint form.

The report of the incident should include the following information:

- i. Name(s) of the employee who has allegedly experienced workplace harassment and contact information;
- ii. Name of the alleged harasser(s), position and contact information (if known);
- iii. Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known);
- iv. Details of what happened including date(s), frequency and location(s) of the alleged incident(s);
- v. Any supporting documents the employee who complains of harassment may have in his/her possession that is relevant to the complaint; and
- vi. List any documents a witness, another person or the alleged harasser may have in their possession that is relevant to the complaint.

### **2. Who**

Report a workplace harassment incident or complaint to the Clerk. If the incident or complaint involves the Clerk report to the Mayor and in his/her absence the Deputy Mayor.

An investigation that is appropriate in the circumstances will be conducted. If the incident or complaint involves the Clerk, an external person qualified to conduct a

workplace harassment investigation who has knowledge of the relevant workplace harassment laws will be retained to conduct the investigation.

All incidents or complaints of workplace harassment shall be kept confidential except to the extent necessary to protect employees, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

## **INVESTIGATION**

### **1. Commitment to Investigate**

The Township will ensure that an investigation appropriate in the circumstances is conducted when the Clerk becomes aware of an incident of workplace harassment or receives a complaint of workplace harassment.

### **2. Who Will Investigate**

The Clerk will conduct the investigation into the incident or complaint of workplace harassment. If the allegations of workplace harassment involve the Clerk, the investigation will be conducted by the Mayor and in his/her absence the Deputy Mayor.

### **3. Timing of the Investigation**

The investigation must be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

### **4. Investigation Process**

The investigator will, at minimum, ensure the following:

- i. The investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation;
- ii. Thoroughly interview the employee who allegedly experienced the workplace harassment and the alleged harasser(s), if the alleged harasser is an employee of the Township. If the alleged harasser is not an employee, the investigator should make reasonable efforts to interview the alleged harasser;
- iii. Provide the alleged harasser(s) the opportunity to respond to the specific allegations raised by the employee. In some circumstances, the employee who allegedly experienced the workplace harassment should be given a reasonable opportunity to reply;

- iv. Interview any relevant witnesses employed by the Township who may be identified by either the employee who allegedly experienced the workplace harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the Township if there are any identified;
- v. Collect and review any relevant documents;
- vi. Take appropriate notes and statements during interviews with the employee who allegedly experienced workplace harassment, the alleged harasser and any witnesses; and,
- vii. Prepare a written report summarizing the steps taken during the investigation, the complaint, and the allegations of the employee who allegedly experienced the workplace harassment, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace harassment was found or not.

## **5. Results of the Investigation**

Within 10 days of the investigation being completed, the employee who allegedly experienced the workplace harassment and the alleged harasser, if the he/she is an employee of the Township, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the Township to address workplace harassment.

## **6. Confidentiality**

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect employees, to investigate the complaint or incident, to take corrective action or otherwise as required by law. While the investigation is on-going, the employee who has allegedly experienced harassment, the alleged harasser(s) and any witnesses should not to discuss the incident or complaint or the investigation with each other or other employees or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

All records of the investigation will be kept confidential.

## **7. Interim Action**

In certain circumstances, it may be necessary to take immediate measures. In such a case, interim measures shall be determined by the Clerk, or if the complaint is against the Clerk, the Mayor and in his/her absence the Deputy Mayor. Interim measures may include but are not limited to relocating the alleged harasser(s) or placing said party on a non-disciplinary suspension with pay (only applicable to salary employees), pending the resolution of the complaint or outcome of the investigation.

## **8. Corrective and/or Disciplinary Action**

Where a finding of workplace violence has been made, the Clerk will determine the appropriate disciplinary action. If the Clerk is the aggressor, the determination of appropriate disciplinary action will be made by the Mayor and in his/her absence the Deputy Mayor.

Where it is determined that corrective action or disciplinary action is to be taken against an employee of the Township, such action may include, but is not limited to, the following:

- an apology
- education/training
- written warning
- suspension/leave without pay
- demotion
- transfer
- termination of employment

Where it is determined that corrective action is to be taken against Member(s) of Council, volunteers (including committee members), individuals contracted by the Township, clients or customers, the Township will take such corrective action as is reasonable in the circumstance and permitted by law to ensure that the workplace violence or domestic violence in the workplace stops.

## **RECORD KEEPING**

The Clerk will keep records of the investigation including:

- (a) a copy of the complaint or details about the incident;
- (b) a record of the investigation including notes;
- (c) a copy of the investigation report (if any);
- (d) a summary of the results of the investigation that was provided to the employee who allegedly experienced the workplace harassment and the alleged harasser, if an employee of the Township;

(e) a copy of any corrective action taken to address the complaint or incident of workplace harassment.

All records of the investigation will be kept confidential. The investigation documents, including this report should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law. Records will be kept for 5 years.



**Appendix 1**

**Workplace Harassment Prevention Complaint Protocol-Workplace Harassment  
Complaint Form**

Please note that signing a false affidavit may expose you to prosecution under Sections 131 and 132 or 134 of the Criminal Code, R, S, C, 1985, c. C-46, and also to civil liability for defamation.

Affidavit of \_\_\_\_\_  
(full name)

I, \_\_\_\_\_ of the \_\_\_\_\_  
(full name) (City, Township, etc.)

of (municipality of residence) \_\_\_\_\_ in the Province of  
Ontario,

**MAKE OATH AND SAY (OR AFFIRM):**

1. I have personal knowledge of the facts as set out in this affidavit, because

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(insert reasons e.g. I work for....I was on Township property when....etc.)

2. I have reasonable and probable grounds to believe that,  
\_\_\_\_\_ (specify name of alleged harasser), has  
contravened the *Workplace Harassment Prevention Policy*. The particulars of  
which are as follows:

(Set out the statements of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space, please attach the materials as Exhibits A, B, etc. and attach them to this affidavit and mark each additional page as 2 of 2, 2 of 3, etc. at the top right corner.)

\_\_\_\_\_  
\_\_\_\_\_

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3. This affidavit is made for the purpose of requesting that this matter be acted upon in the manner outline in the Workplace Harassment Prevention Policy.

SWORN (or AFFIRMED) before me at  
The Township of Pelee in the Province of Ontario

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(Commissioner of Oath)

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(Date)

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(Complainant Signature)

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(Date)

## **The Township of Pelee**

### **Human Resources Policy**

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**Subject:** Workplace Violence Prevention

**Policy #:** 2019-02-04

**Date Approved:** February 25, 2019

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#### **POLICY STATEMENT**

Workplace violence and domestic violence in the workplace will not be tolerated. The Corporation of the Township of Pelee (Township) is committed to working with its employees in providing a safe work environment and the prevention of workplace violence and domestic violence in the workplace. The Township will take all reasonable and practical steps to prevent violence and protect our employees from acts of violence. Appropriate disciplinary, remedial, and/or legal action will be taken according to the situation.

#### **PURPOSE**

The policy and its supporting guidelines are intended to:

1. Maintain a work environment free from workplace violence;
2. Provide a definition of workplace violence;
3. Identify the roles and responsibilities of management and staff to maintain a workplace free of actual, attempted or threatened acts of violence;
4. Establish measures and procedure for summoning immediate assistance when workplace violence occurs or is likely to occur; and,
5. Establish measures and procedures for employees and Members of Council to report incidents of workplace violence and for the Township to investigate and manage incidents or complaints in a manner that is appropriate to the circumstances.

## APPLICATION

The Workplace Violence Policy applies to all employees, contactors for the Township, seasonal employees, clients of Township services, Members of Council/boards/committees (Members), volunteers, any person engaged in business with the Township, and visitors to Township property.

The Township's *Workplace Harassment Prevention Policy* should be consulted regarding issues of personal harassment and harassment related to discrimination.

## DEFINITIONS

Workplace means all Township facilities and work sites, including vehicles and any other land, premises, locations or things at, upon, in or near where the business of the Township is conducted. Included in this definition are Township-related activities, including sanctioned social functions, or business performed at any other location away from the Township, during or outside of normal working hours.

The *Occupational Health and Safety Act* defines workplace violence as the exercise of physical force by a person against a employee, in a workplace, that causes or could cause physical injury to the employee. It also includes an:

- attempt to exercise physical force against a employee in a workplace, that could cause physical injury to the employee; and
- a statement or behaviour that a employee could reasonably interpret as a threat to exercise physical force against the employee, in a workplace, that could cause physical injury to the employee

This may include, but is not limited to:

- verbally threatening to attack a employee;
- leaving threatening notes at or sending threatening e-mails to a workplace;
- shaking a fist in a employee's face;
- wielding a weapon at work;
- hitting or trying to hit a employee;
- throwing an object;
- sexual violence against a employee;

- kicking an object the employee is standing on, such as a ladder; or
- trying to run down a employee using a vehicle\* or equipment such as a forklift.

The Township's *Workplace Harassment Prevention Policy* addresses harassment or intimidation (e.g, behaviours that demean, embarrass, or humiliate and are known or would be expected to be unwelcome).

## **RESPONSIBILITIES**

All employees are responsible for preventing and reporting acts of violence that threaten or perceive to threaten a safe work environment.

The Township will:

- i. take reasonable preventative measures to protect employees and others in Township workplaces from violence;
- ii. ensure that workplace violence risk assessments are completed and reported;
- iii. post this policy in a conspicuous location in each workplace;
- iv. establish and maintain a process for reporting and responding to incidents of violence;
- v. ensure that the process for reporting and responding to incidents of violence is communicated, maintained and followed;
- vi. review risk assessments annually;
- vii. communicate this policy and its procedures to all employees;
- viii. ensure that this policy is reviewed at least annually;
- ix. respond promptly to all reports of violence, address immediately all incidents of workplace violence, and not condone or permit any behaviour contrary to this policy;
- x. ensure that all known incidents of workplace violence are investigated to the extent appropriate based on the nature of each incident and the actual or potential threat it posed to employee safety by:
  - a. taking all reasonable and practical measures to minimize or address risks identified by the incident, and
  - b. documenting the incident, its investigation, and corrective action taken.

- xi. Ensure employees are made aware of their rights to:
- have workplace violence incidents investigated when they are reported;
  - report incidents of physical assault or threats of physical assault to the police;
  - support from management when reporting incidents of physical assault or threats of physical assault to the police (e.g. time for interactions with the police and making accessible to the police information in the employer's possession with respect to the incident);
  - take all reasonable and practical measures to protect employees, acting in good faith, who report workplace violence or act as witnesses, from reprisal or further violence; and,
  - take every precaution reasonable in the circumstances for employee protection if they become aware, or ought reasonably to be aware, that domestic violence that would likely expose an employee to physical injury may occur in the workplace.
- xii. Management will:
- understand and uphold the principals of this policy; and
  - take all reasonable and practical measures to minimize or eliminate risks identified through the risk assessment process.
- xiii. All employees and Members of Council will:
- maintain a safe work environment, whenever possible;
  - not engage in or ignore violent, threatening, intimidating or other disruptive behaviours;
  - report promptly to the Clerk, any incident where the employee is subjected to, witnesses, or has knowledge of workplace violence, or has reason to believe that workplace violence may occur. If the incident involves the Clerk, reports should be made to the Mayor and in his/her absence to the Deputy Mayor.

## **REPRISAL**

This policy prohibits reprisals against individuals, acting in good faith, who report incidents of workplace violence or acts as witnesses. Management will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further violence. Reprisal is defined as any act of retaliation, either direct or indirect.

**CONTROLLING THE RISKS OF WORKPLACE VIOLENCE** (identified in the risk assessment as likely to expose an employee to physical injury)

**EMERGENCY RESPONSE MEASURES**

An employee or Member who:

1. is the victim of violence;
2. believes they have been threatened with violence; or
3. witnesses an act or threat of violence towards anyone else shall:

In the context of an emergency situation where there is immediate danger, the employee or Member shall contact the Ontario Provincial Police by dialing 9-1-1, and may take whatever emergency steps are available and appropriate to protect himself/herself from immediate harm, such as leaving the area.

**REPORTING INCIDENTS OF WORKPLACE VIOLENCE**

An employee or Member who:

1. is the victim of violence;
2. believes they have been threatened with violence;
3. witnesses an act or threat of violence towards anyone else shall take the following steps:
  - If the situation is not one of immediate danger, the employee or Member shall report the incident to the Clerk as soon as possible and complete the Township Workplace Harassment/Violence Complaint Form.
  - If the situation is not one of immediate danger, and the incident involves the Clerk the employee or Member shall report the incident to the Mayor or in his/her absence the Deputy Mayor as soon as possible and complete the Township's Workplace Violence Complaint Form.

Employees or Members who have signed and filed a restraining order or protection order, temporary or permanent, against an individual due to a potential act of violence who would be in violation of the order by coming near them at work, shall immediately supply a copy of the signed order to the Clerk.

## **INTERIM MEASURERS**

In certain circumstances such as where safety is at issue, it may be necessary to take immediate measures. In such a case, interim measures shall be determined by the Clerk, or if the complaint is against the Clerk, the Mayor and in his/her absence the Deputy Mayor, and the Ontario Provincial Police if applicable. Interim measures may include but are not limited to relocating the alleged aggressor, or placing said party on a non-disciplinary suspension with pay (only applicable to salary employees), pending the resolution of the complaint or outcome of the investigation.

## **INVESTIGATION AND OUTCOMES OF INCIDENTS OR COMPLAINTS OF WORKPLACE VIOLENCE**

An investigation will take place within 90 days or less by the Clerk. If the complaint or incident involves the Clerk the investigation will be conducted by the Mayor and in his/her absence the Deputy Mayor.

1. Review the details of the incident or complaint, including any relevant documents, such as;
  - interview(s) with the employee alleging violence or threat of violence has occurred;
  - interview(s) with the alleged aggressor, if he or she is employed by the Township;
  - interview(s) with the alleged aggressor, if her or she is not employed by the Township and it is possible and appropriate;
  - separate interviews with relevant witnesses;
  - other evidence that pertains to the investigation (such as emails, notes, photographs, or videos);
2. Provide a decision about the validity of a complaint or incident;
3. Preparation of a report summarizing the incident or complaint, the steps taken during the investigation, the evidence gathered, and findings;
4. Keep the employee or Member involved informed about the status of the investigation, as well as the alleged aggressor if he/she is also employed by the Township; and
5. In certain circumstance, a Ministry of Labour inspector may order the employer to have an investigation carried out by an "impartial person possessing such knowledge, experience, or qualification as are specified by the inspector".



## **CORRECTIVE AND/OR DISCIPLINARY ACTION**

Where a finding of workplace violence has been made, the Clerk will determine the appropriate disciplinary action. If the Clerk is the aggressor, the determination of appropriate disciplinary action will be made by the Mayor and in his/her absence the Deputy Mayor.

Where it is determined that corrective action or disciplinary action is to be taken against an employee of the Township, such action may include, but is not limited to, the following:

- an apology
- education/training
- written warning
- suspension/leave without pay
- demotion
- termination of employment

Where it is determined that corrective action is to be taken against Member(s) of Council, volunteers (including committee members), individuals contracted by the Township, clients or customers, the Township will take such corrective action as is reasonable in the circumstance and permitted by law to ensure that the workplace violence or domestic violence in the workplace stops.

## **RELATED TO CRIMINAL PROCEEDINGS**

Where criminal proceedings are initiated against a respondent based on the allegations in a complaint of workplace violence that falls within the scope of this Policy, the Township, in accordance with the Policy will conduct its own independent investigation, if possible, into the allegations and make its own determination in accordance with the Policy.

## **CONFIDENTIALITY**

The administration of this Policy will also be in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* and the *Occupational Health and Safety Act*. All complaints received under this Policy will be considered strictly confidential and all information obtained, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the Township to safeguard employees, to conduct a thorough investigation and take appropriate corrective and/or disciplinary action.

## RECORD RETENTION/KEEPING

The Clerk will keep records of the investigation including:

- (a) a copy of the complaint or details about the incident;
- (b) a record of the investigation including notes;
- (c) a copy of the investigation report (if any);
- (d) a summary of the results of the investigation that was provided to the employee who allegedly experienced the workplace violence and the alleged aggressor, if an employee of the Township;
- (e) a copy of any corrective action taken to address the complaint or incident of workplace harassment.

All records of the investigation will be kept confidential. The investigation documents, including this report should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law. Records will be kept for 5 years.

Where an investigation results in a disciplinary action against an employee, a record of such action will be placed in the employee's personnel file.



THE CORPORATION OF THE

*Township Of Pelee*

**Appendix 1**

**Workplace Violence Prevention Complaint Protocol-Workplace Violence Complaint Form**

Please note that signing a false affidavit may expose you to prosecution under Sections 131 and 132 or 134 of the Criminal Code, R, S, C, 1985, c. C-46, and also to civil liability for defamation.

Affidavit of \_\_\_\_\_  
(full name)

I, \_\_\_\_\_ of the \_\_\_\_\_  
(full name) (City, Township, etc.)

of (municipality of residence) \_\_\_\_\_ in the Province of  
Ontario,

**MAKE OATH AND SAY (OR AFFIRM):**

1. I have personal knowledge of the facts as set out in this affidavit, because

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(insert reasons e.g. I work for ....I was on Township property when ....etc.)

2. I have reasonable and probable grounds to believe that,  
\_\_\_\_\_ (specify name of alleged aggressor), has  
contravened the *Workplace Violence Prevention Policy*. The particulars of which  
are as follows:

(Set out the statements of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space, please attach the materials as Exhibits A, B, etc. and attach them to this affidavit and mark each additional page as 2 of 2, 2 of 3, etc. at the top right corner.)

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\_\_\_\_\_

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3. This affidavit is made for the purpose of requesting that this matter be acted upon in the manner outline in the *Workplace Violence Prevention Policy*.

SWORN (or AFFIRMED) before me at  
The Township of Pelee in the  
Province of Ontario

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(Commissioner of Oath)

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(Date)

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(Complainant Signature)

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(Date)