

THE CORPORATION OF THE TOWN OF LATCHFORD

BY-LAW NO 2023-022

BEING a By-law to establish a policy with respect to workplace violence and workplace harassment under Bill 168 - Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace).

WHEREAS the Occupational Health and Safety Act, R.S.O. 1990 sets out the rights and duties for occupational health and safety of all parties in the workplace;

AND WHEREAS Bill 168 - Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace), an Act to amend the Occupational Health and Safety Act, R.S.O. 1990, enacted as Chapter 23 of the Statutes of Ontario, 2009, will become law June 15, 2010;

AND WHEREAS B111168 - Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace), with respect to violence and harassment in the workplace and other matters states that:

Section 32.0.1 (1) An Employer shall,

(a) prepare a policy with respect to workplace violence;

(b) prepare a policy with respect to workplace harassment; and

(c) review the policies as often as is necessary, but at least annually.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF LATCHFORD HEREBY

ENACTS AS FOLLOWS:

1. **THAT** the Town of Latchford Workplace Violence and Workplace Harassment Policy be hereby adopted as Schedule "A" attached and forming part of this by-law.
2. **THAT** this By-law comes into force and effect on the day of passing thereof.
3. **THAT** all other By-laws and resolutions, or parts thereto, contrary hereto or inconsistent herewith, be and the same are hereby repealed.

READ a first and second time this and **third time** and finally passed this day 26th Of September 2023


Mayor, Sharon Gadoury-East


Clerk-Treasurer, Jaime Allen

Schedule "A" to By-law #2023-022

WORKPLACE HARASSMENT and WORKPLACE VIOLENCE POLICY

Application

The Workplace Harassment and Workplace Violence Policy applies to permanent staff members, as well as summer students, contracted employees, members of Council, and volunteers.

WORKPLACE HARASSMENT

Workplace Harassment means engaging in a course of bothersome comments or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

Harassment is against the law

The Canadian Human Rights Act and the Canadian Labour Code protect workers from harassment. The Criminal Code protects workers from physical and sexual assault. Workers have the right to live and work without being harassed, if you are harassed, you can do something about it.

Employees' Responsibilities

All employees have the responsibility to treat each other with respect, and to speak up if they or someone else is being harassed. All employees have a responsibility to report harassment to the appropriate person. All employees are responsible for respecting the confidentiality of anyone involved in a harassment complaint. In Latchford a complaint may be filed in the Clerk's Office with the Clerk-Treasurer, and all complaints will be forwarded to Council. If the problem is with the Clerk-Treasurer, the complaint may be filed directly with a Councillor or the Mayor. All complaints should be submitted in a sealed envelope and addressed to the Clerk- Treasurer or to Council or the Mayor as the case may be.

Supervisors' Responsibilities

Each supervisor is responsible for fostering a safe working environment, free of harassment. Supervisors must set an example for appropriate workplace behaviour, and must deal with situations of harassment immediately on becoming aware of them, whether or not there has been a complaint. Courts may impose penalties on the employer and the supervisor, even if neither of them was actually involved in or aware of the harassment but should have known about it. A supervisor that did nothing to prevent harassment or to mitigate its effects may find her or himself facing financial and legal consequences.

What is harassment?

Harassment is any behaviour that demeans, humiliates, or embarrasses a person, and that a reasonable person should have known would be unwelcome. It includes actions, comments, or displays. It may be a single incident or continue over time.

Some examples of harassment include:

- unwelcome remarks, slurs, jokes, taunts, or suggestions about a person's body, clothing, race, national or ethnic origin, colour, religion, age, sex, marital status, family status, physical or mental disability, sexual orientation, pardoned conviction, or other personal characteristics;
- unwelcome sexual remarks, invitations, or requests (including persistent, unwanted contact after the end of a sexual relationship);
- displays of sexually explicit, sexist, racist, or other offensive or derogatory material;

- written or verbal abuse or threats;
- practical jokes that embarrass or insult someone;
- leering (suggestive staring) or other offensive gestures;
- unwelcome physical contact, such as patting, touching, pinching, hitting;
- patronizing or condescending behaviour (including Council Meetings and conduct between members of Council);
- humiliating an employee in front of co-workers;
- abuse of authority that undermines someone's performance or threatens her or his career (including statements made in jest);
- vandalism of personal property; and/or
- physical or sexual assault.

What isn't harassment?

Consensual banter or romantic relationships, where the people involved agree with what's happening, are not harassment. Appropriate performance reviews, counseling, discipline, or constructive criticism and recommendations to improve job performance by a supervisor or manager are not harassment.

Where harassment happens

Work-related harassment can take place in the workplace itself, or outside of the workplace in a situation that is in some way connected to work. For example, employees (and clients) must be protected from harassment during delivery trips, off-site meetings, business trips, and any other event or place related to employment or when the employee is present in the course of employment.

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.

Employees' Responsibilities

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

Supervisors' Responsibilities (Mayor, Council, and Department Heads)

- Understand and uphold the principles of this policy
- Communicate this policy and its procedures to all employees
- Conduct workplace violence hazard assessments to determine whether the nature of the work or the work environment places, or may place, employees at risk of violence
- Take all reasonable and practical measures to minimize or eliminate risks identified through the hazard assessment process, workplace inspections, or the occurrence of an incident
- Establish a process for reporting, investigating, documenting, and debriefing incidents of violence

- 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.
- Ensure that all known incidents of workplace violence are investigated and to the extent appropriate based on the nature of each incident and the actual or potential threat it posed to worker safety.
- Take **all** reasonable and practical measures to protect workers, acting in good faith, who report workplace violence or act as witnesses, from reprisal or further violence
- Review hazard assessments annually, or as changes to job responsibilities or environments occur, and revise the assessment as needed
- Under Bill 168, employers and supervisors have an obligation to provide information, including personal information, to a worker about a person with "a history of violent behaviour" - if the worker could be expected to encounter that person in the course of his/her work and there is a risk of workplace violence likely to expose the worker to physical injury.
- To take every precaution reasonable in the circumstances" to protect workers from domestic violence that would likely cause physical injury to a worker in the workplace.

Workplace Violence Risks

Certain work factors, processes, and interactions can put people at increased risk from workplace violence. Examples include:

- working with the public
- handling money
- working alone, in small numbers
- working late at night or during early morning hours
- working in a rural setting
- working with minimal supervision

Some Causes of Workplace Violence

- Alcohol and drug abuse
- Gambling addiction and debt
- Financial stress that can be caused by credit card debt or investments gone bad
- Job loss or threatened loss of work, disgruntled employee
- Mental illness
- Family crises such as terminal illness, divorce, or loss of loved one
- Domestic violence and abuse outside of work
- Job strain or disagreements with co-worker(s)

How to Avoid Workplace Violence

- Stay calm and confident during an argument
- Use common courtesy during conversations and do not interrupt
- Listen attentively and politely
- Be respectful of others and acknowledge their feelings
- Help frustrated people with their issues by listing choices, breaking down large projects
- Accept criticism tactfully
- No physical contact with co-workers
- Be aware of body language
- Take a break to calm down, visit the lavatory or to get a cup of water
- Be honest about the work that can be accomplished, and the work that cannot
- Be aware of all exits when dealing with a confrontation

- Keep supervisors aware of any potentially violent situations
- Take **all** threats of violence seriously
- Document incidents of verbal abuse and bullying
- Employees have been asked to keep daily journals to ensure that any incidents are recorded, even if the employee does not feel that it needs to be reported.

COMPLAINT PROCEDURES

Speak up

If you believe you are being harassed, speak up right away. If possible, tell the person that you are not comfortable with their behaviour, and want it to stop. Usually, that will be all you need to do. You can speak to them directly, or write them a letter (date it and keep a copy). In addition, tell someone you trust what is going on. If you feel that confronting the 'harasser' is not an option, report it to a supervisor who can speak to the 'harasser' in a non-confrontational manner.

Keep notes

Record all unwelcome or harassing behaviour. Write down what has happened, when, where, how often, who else was present, and how you felt about it. Write down every instance of harassment.

Report it

If an employee experiences any problems or would like to file a complaint, it must be done in writing, submitted in a sealed envelope, and addressed to council. This is also stated in the Municipal Employee Policy as the appropriate course of action.

Corrective action for harassers

Someone who has harassed another person will be subject to one or more of the following forms of discipline, depending on the severity of the harassment:

- Verbal reprimand and discussion
- A written reprimand;
- A suspension,
- Dismissal

If a complaint, made in good faith, is not addressed by council the employee should contact the Ministry of Labour, North Bay office, at 1-800-461-6325.

All Employees will:

- Maintain a safe work environment, whenever possible
- Not engage in or ignore violent, threatening, intimidating or other disruptive behaviors
- Report promptly to their supervisor (or the appropriate alternative listed in the attached guidelines) 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
- Incidents which are 'hearsay' should not be reported, as gossip often does more harm than good.

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 further violence. Reprisal is defined as any act of retaliation, either direct or indirect.

Appendix Schedule A to Town Of Latchford Bylaw Number 2023-022

Acknowledgement of Understanding and Compliance The undersigned employee of the Town Of Latchford hereby acknowledges receipt of a copy of Bylaw Number 2023-022 to establish a policy to workplace violence and harassment and agrees to abide by its contents. The employee also acknowledges this form will be kept on file with the Town Of Latchford, and a copy of this signed form was retained by the employee themselves.

Printed Name of employee

Signature of employee

Date