

Personnel Standing Committee Meeting Agenda

Date: Tuesday, April 23, 2024, 4:30 pm
Location: Tecumseh Town Hall - Council Chambers
917 Lesperance Road
Tecumseh, Ontario N8N 1W9

Pages

- A. Roll Call**
- B. Call to Order**
- C. Land Acknowledgement**

We acknowledge that we are on land and surrounded by water, originally inhabited by Indigenous Peoples who have travelled this area since time immemorial. This territory is within the lands honoured by the Wampum Treaties; agreements between the Anishinaabe, Haudenosaunee, Lenni Lenape and allied Nations to peacefully share and care for the resources around the Great Lakes. Specifically, we would like to acknowledge the presence of the Three Fires Confederacy Ojibwe, Odawa, Potawatomi and Huron/Wendat Peoples. We are dedicated to honouring Indigenous history and culture while remaining committed to moving forward respectfully with all First Nations, Inuit and Métis.

- D. Disclosure of Pecuniary Interest**
- E. Delegations**
- F. Communications**
- G. Reports**

Recommendation

Moved by _____

Seconded by _____

It is recommended:

That Report CAO-PC-2024-02 entitled “Personnel Policy Review” **be received;**

And that the policies listed below **be recommended** by the Personnel Committee to be repealed by Council at the May 14, 2024 Regular Council Meeting:

Policy No. 8 – Seasonal Employees

Policy No.13 – Definition of “Spouse”

Policy No. 27 – Tecumseh Fire & Rescue, Service Rules of Employee Conduct Policy

Policy No.44 – Jury Duty-Seasonal Employees

Policy No. 49 – Seasonal Staff Wages

Policy No. 74 – Tecumseh Fire & Rescue Services, Attendance at Public Education, Community Functions and Parades

Recommendation

Moved by _____

Seconded by _____

That Report CAO-PC-2024-03 entitled, “Flexible Work Arrangements Policy Update” **be received;**

And that the revisions in Attachment 1 to Report CAO-PC-2024-03 “Flexible Work Arrangement Policy” **be recommended** by the Personnel Committee for approval by Council at the May 14, 2024 Regular Council Meeting.

Recommendation

Moved by _____

Seconded by _____

That Report CAO-PC-2024-04 entitled “Workplace Violence and Harassment Policy Update” **be received**;

And that the current Harassment Policy No. 6, Violence Free Workplace Policy No. 55, and Violence and Harassment in the Workplace Policy No. 68, **be recommended** by the Personnel Committee **for repeal** by Council at the May 14, 2024 Regular Council Meeting;

And further that the newly drafted policies entitled Workplace Harassment Prevention Policy and Program and Workplace Violence Prevention Policy and Program in Attachment 1 and 2 to Report CAO-PC-2024-04 **be recommended** by the Personnel Committee **for approval** by Council at the May 14, 2024 Regular Council Meeting;

And furthermore, it is recommended that Council delegate authority to the Director of People & Culture and Chief Administrative Officer to annually review and, if applicable, revise the Workplace Harassment Prevention Policy and Program and the Workplace Violence Prevention Policy and Program to meet legislative compliance and that, if any significant changes to these policies occur upon review, Administration will prepare and bring an information report to Council outlining the legislative amendments.

H. Motion to move into Closed Session

Recommendation

Moved by _____

Seconded by _____

That the April 23, 2024 Personnel Standing Committee meeting **convene** in closed session in accordance with Section 239 (2)(b) of the *Municipal Act, 2001*, which states that a meeting or part of a meeting may be closed to the public if the subject matter is being considered is:

(b) personnel matters about an identifiable individual, including municipal or local board employees.

I. Unfinished Business

J. New Business

K. Next Meeting

L. **Adjournment**

Recommendation

Moved by _____

Seconded by _____

That there being no further business, the Tuesday, April 23, 2024 meeting of the Personnel Committee Meeting **be adjourned** at pm.



The Corporation of the Town of Tecumseh

Chief Administrative Officer - People & Culture

To: Personnel Committee

From: Michelle Drouillard, Director People and Culture

Date to Council: April 23, 2024

Report Number: CAO-PC-2024-02

Subject: Personnel Policy Review

Recommendations

It is recommended:

That Report CAO-PC-2024-02 entitled “Personnel Policy Review” **be received;**

And that the policies listed below **be recommended** by the Personnel Committee to be repealed by Council at the May 14, 2024 Regular Council Meeting:

Policy No. 8 – Seasonal Employees

Policy No.13 – Definition of “Spouse”

Policy No. 27 – Tecumseh Fire & Rescue, Service Rules of Employee Conduct Policy

Policy No.44 – Jury Duty-Seasonal Employees

Policy No. 49 – Seasonal Staff Wages

Policy No. 74 – Tecumseh Fire & Rescue Services, Attendance at Public Education, Community Functions and Parades

Background

The People & Culture department has conducted an inventory review of active Town Personnel Policies. Based on the review there are several policies that are recommended be rescinded as they are either no longer legally binding, in compliance with provincial/federal legislation or they are a duplicate of Standard Operating Guidelines (SOGs).

Policies No.8, 44, and 49 – Seasonal Employees

The three policies listed above provided terms and conditions for the employment of Seasonal Employees as defined by the Town. The policies were required at the time of approval (2003) as the group of employees was not represented by a labour union. In 2010, CUPE Local 702.13 was certified as the bargaining unit for the Town's seasonal employees. The first Collective Agreement for Local 702.13 was ratified in 2011. The terms and conditions of employment provided by the above policies were therefore nullified as the agreement became a legally binding contract.

Policy No.13 – Definition of “Spouse”

The policy Definition of a “Spouse” is no longer required as the legal definition of a spouse is defined in legislation and included in the contracts and terms of the Town's benefit carriers (including health and pension).

Policies No. 27 and 74 – Fire & Rescue Services Personnel Policies

The two policies duplicate the terms and requirements of the Standard Operating Guidelines (SOG) used currently by Fire Services. At the time the policies were implemented these policies were a mirror of the terms provided by the SOG. All Standard Operating Guidelines are revised from time to time to ensure compliance with regulations, standards, and industry best practices. Maintaining guidelines at the Department level makes updates possible in a timely manner, thereby improving efficiency and adaptability of operations.

Comments

In consideration of current legal contracts, legislation, and Fire Services Standard Operating Guidelines, it is the recommendation of People & Culture that Council rescind policies 8,13, 27, 44, 49, and 74.

Consultations

Community Safety
Legislative Services & Clerk
Chief Administrative Officer

Financial Implications

There are no financial implications.

Link to Strategic Priorities

Applicable	2023-2026 Strategic Priorities
<input type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input checked="" type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

Communications

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Michelle Drouillard, BA Hons., CHRL
Director People & Culture

Reviewed by:

Wade Bondy
Director Community Safety & Fire Chief

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Policy No. 8 – Seasonal Employees
2	Policy No. 27 – Tecumseh Fire & Rescue, Service Rules of Employee Conduct Policy
3	Policy No. 44 – Jury Duty Seasonal Employees

THE CORPORATION OF THE TOWN OF TECUMSEH

POLICY MANUAL

POLICY NUMBER: 8-2003	EFFECTIVE DATE: February 27, 2001
SUPERCEDES: N/A PC – 23/2001 – February 20, 2001 Adopted by Council – February 27, 2001	APPROVAL: PC – 23/2003 – March 17, 2003 Adopted by Council – March 25, 2003
SUBJECT: SEASONAL EMPLOYEES	

PURPOSE:

The general purpose of this policy is to define the terms of “Seasonal Employee” with the Corporation of the Town of Tecumseh.

SCOPE:

1. The phrase “Seasonal Employee” shall mean a person who is employed by the Corporation during the period April 20 to September 10 of any year to perform seasonal work. Seasonal employees are not included in the bargaining unit and the Collective Agreement for C.U.P.E. Locals 701.1 and 701.2 does not apply to seasonal employees. The employment of a seasonal employee shall not result in the layoff of a regular employee or the termination of a probationary employee nor shall a regular employee who is qualified and able to perform the required work be laid off while a seasonal employee is employed by the Corporation to perform that work.

.../2

2. Despite #1 above, the following definition shall also be included:
The phrase “seasonal – parks maintenance employee” shall mean a person who is employed by the Corporation during the period March 15 to December 15 of any year to perform seasonal work in the Public Works Department – Parks Maintenance. Seasonal – parks maintenance employees are not included in the bargaining unit. The employment of a seasonal – parks maintenance employee shall not result in the layoff of a regular employee or the termination of a probationary employee, nor shall a regular employee who is qualified and able to perform the required work, be laid off while a seasonal-parks maintenance employee is employed by the Corporation to perform that work.

Each “Seasonal Employee” will be required to execute the “Offer of Employment” as attached, which forms part of this Policy, prior to the commencement of their duties as a “Seasonal Employee”.

Last Revised – 03/17/03

OFFER OF EMPLOYMENT
SEASONAL EMPLOYEE

The Corporation of the Town of Tecumseh is pleased to offer you a position as a Seasonal Employee with the _____ Department. This offer is conditional on proof of a satisfactory driving record, as evidenced by a copy of your Driver's Abstract, which may be obtained at the Ministry of Transportation Office at 2470 Dougall Avenue, in order for us to make this determination. The Corporation reserves the right to waive this requirement.

Please note that we are offering you a seasonal position for a maximum period of:

- a) April 20 to September 10 or
- b) March 15 to December 15 (Seasonal Parks Maintenance – Public Works Only)

The key terms of your employment are as follows:

- â Start Date: _____ at _____ a.m.;
- â Termination Date (If known) _____
- â Hourly Wage Rate: _____
- â Hours of Work: _____ per week, and/or as scheduled;
- â Holidays: Will be paid pursuant to the Employment Standards Act;
- â Vacation Pay: Will be paid pursuant to the Employment Standards Act;

We will expect you to report to (location) _____.

You will be reporting to (Director) _____, who will be your immediate supervisor during your employment with the Corporation. Please wear approved safety footwear (where applicable).

You may indicate your acceptance of this offer by signing and returning the original of this letter, along with necessary payroll documents (including TD-1, Automatic payroll information, including void cheque and Personal Data sheet) to (Director) _____.

Should you have any questions or concerns regarding any part of this offer, please feel free to contact the undersigned.

Yours truly,
(Department Director)

ACCEPTANCE OF OFFER:

This will indicate my acceptance of this offer of employment as detailed herein.

Date:
Offerofemploymentmst

Signature
Revised – 03/17/03

THE CORPORATION OF THE TOWN OF TECUMSEH

POLICY MANUAL

POLICY NUMBER: 27/03	EFFECTIVE DATE: July 25, 2000
SUPERCEDES: N/A SFC 9/2000 Adopted by Council: July 25, 2000	APPROVAL: (PC 31/2003) Adopted by Council: May 13, 2003
SUBJECT: TECUMSEH FIRE/RESCUE SERVICE RULES OF EMPLOYEE CONDUCT POLICY	

Purpose

This policy is to outline the rules of conduct for the volunteer firefighters and employees of the Tecumseh Fire/Rescue Service. These general guidelines outline appropriate and expected conduct.

Scope

The following rules are not exhaustive but provide members of the Tecumseh Fire/Rescue Service (the “Department”) with general guidelines regarding appropriate and expected conduct:

1. Members shall respond to alarm calls in a timely fashion, ready for duty.
2. Members shall remain with their company at the scene of an alarm call unless they are assigned to special duty by a superior officer or directed, by a superior officer to return to the fire station.
3. Members shall report at the prescribed time for training sessions and maintenance sessions and other duties as assigned from time to time and shall remain on duty until properly relieved from duty by a superior officer.
4. Any member of the Department who, as of January 1, 2000, resided outside of the boundaries of the Town of Tecumseh, will be permitted to continue to be a member of the Department provided he/she does not subsequently move further outside of the boundaries of the Town of Tecumseh. Except as provided in the preceding sentence, all members of the Department must reside within the boundaries of the Town of Tecumseh as a condition of being a member of the Department; provided that exceptions might be made, on a case by case basis, due to exceptional circumstances.
5. Every member shall notify the officer in charge of any change in his/her address or telephone number within twenty four hours of such change.
6. Members must be in possession of an Ontario Class “DZ” (air brake endorsement) valid licence as a minimum standard to drive Department vehicles.
7. All traffic laws applicable to Fire/Rescue vehicles shall be obeyed and extreme caution shall be exercised at all times in operation of Department vehicles.
8. All equipment shall be tested in accordance with the posted orders issued for that purpose.
9. Members shall, in the course of the performance of their duties, wear the full issue of protective clothing, including waterproof coat, hose key and belt, rubber boots, gloves and any other specialized protective gear as required, unless otherwise authorized by the officer in charge.

10. Members shall show respect and courtesy at all times in dealing with the public.
11. Members shall show courtesy and address superior officers by their departmental rank. Abbreviations shall not be used.
12. When an officer above the rank of Captain addresses a member, said member shall stand and remain standing until dismissed.
13. Telephones and other property and equipment of the Department shall not be used for other than department business.
14. No member shall, directly or indirectly, solicit or accept from anyone, gifts, money or other articles as a reward for services rendered in the carrying out of his/her duties.
15. No member shall, without the permission of the Director of Fire Services, sell tickets or solicit advertising, subscriptions, gifts or other contributions for any purpose whatsoever while on duty or in uniform.
16. No member shall loiter the approaches of the fire stations or in the vicinity of the fire stations unless he/she is on duty.
17. Members shall not hold social events or meetings in the fire stations without previously obtaining written permission from the Director of Fire Services.
18. With the exception of drivers, mechanics or management personnel duly authorized and designated to fulfill this duty, no member of the Department shall start, repair or put into action any equipment of the Department.
19. No member shall smoke in/on any equipment or in any area of the fire stations, except such areas as are designated smoking areas.
20. No member shall supply any information regarding the operations of the Department unless specifically authorized to do so in writing by the Director of Fire Services.

21. When any property of any nature (including money, jewelry, etc.) belonging to a third party is found by a member in the performance of his/her duties, the member shall turn all such property over to the Police Officer on the scene. In the absence of the Police, the member must turn all such property over to the Senior Fire Officer on the scene.
22. No member shall use profane, immoral or indecent language or conduct him/herself in any manner which might be prejudicial to the good reputation, order or discipline of the department.
23. All verbal or written communications and report shall be transmitted by a member to his immediate superior who shall deal with such communications in the manner prescribed by the department.
24. Members shall ensure that no Department property or equipment in his/her charge or possession is loaned or given to any person without the permission, in writing, of the Director of Fire Services.
25. Every member injured while on duty shall immediately report the injury (no matter how minor) to the officer in charge, who shall forthwith submit a written report thereof to the Director of Fire Services and shall ensure, if necessary, that the appropriate forms are completed as required by the ***Workplace Safety and Insurance Act***.
26. Every member involved in an accident while on duty shall immediately report the accident to the officer in charge, who shall forthwith submit a written report thereof to the Director of Fire Services and shall ensure, if necessary, that the appropriate forms are completed as required by the ***Workplace Safety and Insurance Act***.
27. Every member exposed to any hazardous material shall have this fact entered on his/her file including the name of the hazardous material and the nature and duration of his/her possible exposure to the hazardous material.
28. No member shall make false statements on his/her personnel record or on any other record or report.

29. No member shall engage in horseplay, scuffling, running or throwing things while on duty
30. No member shall assault, threaten, intimidate, coerce or interfere with other members of the Department while on duty.
31. No member shall post, deface, or remove posted notices, signs or writings in any form on bulletin boards or on Department property without the specific approval, in writing, of the Director of Fire Services.
32. No member shall carelessly use, misuse or abuse any property or equipment of the Department.
33. Members shall obey all safety rules and safety practices.
34. Harassment of any kind (including sexual harassment), of any person is absolutely prohibited.
35. No member shall possess, consume, sell or offer for sale any intoxicant, alcohol or non-prescription drug while on Department property or on duty.
36. No member shall report for duty while he/she is under the influence of an intoxicant, alcohol or non prescription drug.
37. No member shall commit any act of theft or deliberately destroy any property of the Department.

THE CORPORATION OF THE TOWN OF TECUMSEH

POLICY MANUAL

POLICY NUMBER: 44/03	EFFECTIVE DATE: January 28, 2003
SUPERCEDES: N/A	APPROVAL: PC #10/03 – January 22, 2003 Adopted by Council – January 28, 2003
SUBJECT: PROVISION FOR WAGES TO FULL TIME SEASONAL EMPLOYEES WHILE SERVING AS A JUROR OR WITNESS IN ANY COURT	

PURPOSE:

- 1.01 The general purpose of this policy is to provide for pay to full time seasonal employees where they are required to serve as a juror or witness in any court or who is required by subpoena to attend a court of law or coroner's inquest on a previously scheduled day of work.

SCOPE:

- 2.01 This policy applies to all of the Corporation's employees that are categorized as full time seasonal employees, and who, were previously scheduled by their respective Director to report for work.

ENTITLEMENT:

- 3.01 Upon receipt of written request to the respective Director, along with proof of request to serve as a juror or witness in any court, or where said employee is required by subpoena to attend a court of law or coroner's inquest, the Corporation of the Town of Tecumseh shall grant a leave of absence to an employee who serves as a juror or witness in any court or who is required by subpoena to attend a court of law or coroner's inquest. The employee shall endorse over to the Corporation the payment received by the employee for service as a juror or witness, excluding payment for travel, meals, or other expenses. The employee shall provide to the Corporation proof of service and the amount received for services.
- 3.02 The provision for leave of absence shall be with regular wages, less statutory deductions, only wherein the employee was previously scheduled by their respective Director to work a shift on the day required to serve as a juror or witness in any court or where required by subpoena to attend a court of law or coroner's inquest.



The Corporation of the Town of Tecumseh

Chief Administrative Officer - People & Culture

To: Personnel Committee

From: Michelle Drouillard, Director People and Culture

Date to Council: April 23, 2024

Report Number: CAO-PC-2024-03

Subject: Flexible Work Arrangements Policy Update

Recommendations

It is recommended:

That Report CAO-PC-2024-03 entitled, “Flexible Work Arrangements Policy Update” **be received**;

And that the revisions in Attachment 1 to Report CAO-PC-2024-03 “Flexible Work Arrangement Policy” **be recommended** by the Personnel Committee for approval by Council at the May 14, 2024 Regular Council Meeting.

Background

In an effort to support staff in maintaining healthy work-life integration, this policy was approved by Council ([RCM-238/22](#)) and came into effect on August 9, 2022.

The purpose of the Flexible Work Arrangements Policy is to identify flexible work options between the employer and an employee where both parties agree to voluntarily alter place or hours of work on a conditional basis, subject to operational requirements and the provisions outlined in this policy.

Administration has reviewed the policy and is recommending an amendment that will expand the ‘Work from Home’ options to include unionized employees. Unionized

employees in the past have utilized the work from home practice, however this is not formalized in the current policy.

As part of the 'People Strategy', new ways of working are being considered that contribute to a changed work culture considering how and where our employees are most productive and the Town's evolving business needs.

Administration also understands the importance of keeping up with employment trends to attract and retain the best candidates, so we can continue to deliver superior public service to our residents. Therefore, the revisions to the policy to enhance the ability of eligible unionized positions to work from home supports a more inclusive workplace and enhances the Town's ability to recruit and retain employees in a modern workplace.

Comments

Flexible Work Arrangements outlined in the policy include 'Work from Home' options which allow for employees to work remotely from their place of residence and 'Flex-time' options which allow for the alteration of start and end times of the work.

'Work from Home' arrangements include working from home with a minimum of two anchor days per week or five anchor days on a biweekly basis. Anchor days are days the employee is required to be in the workplace. 'Flex-time' arrangements consider modification of start and end times of the workday by up to half an hour.

Administration has amended the policy, so that 'Work from Home' work arrangements are available to all Town of Tecumseh employees. Previously these arrangements were only available to management and non-union administrative employees. "Flex-time" arrangements remain available only to management and non-union administrative employees. Unionized employees' hours of work are stipulated in the Collective Agreements. This policy may be reviewed and altered in the future based on workplace trends.

Flexible Work Arrangements will not work for every position, employee, or department. Therefore, all Flexible Work Arrangement Requests will continue to be assessed for eligibility using an established Job Function Assessment Tool which considers roles, responsibilities, work exigencies and a thorough assessment of the job function.

The need for Town of Tecumseh equipment (hardware and software) requirements will be reviewed and assessed as per the 'Use of Town of Tecumseh Equipment' process in the Flexible Work Arrangements Policy.

Consultations

All Departments

Financial Implications

Additional financial implications are not anticipated.

Link to Strategic Priorities

Applicable	2023-2026 Strategic Priorities
<input type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input checked="" type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

Communications

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Amanda Schram, CHRL
People & Culture Advisor

Reviewed by:

Michelle Drouillard, BA Hons., CHRL
Director People & Culture

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	112 - Flexible Work Arrangements Policy – Update April 2024



The Corporation of the Town of Tecumseh

Policy Manual

Policy Number:	112
Effective Date:	May 14, 2024
Supersedes:	RCM 238/22 – August 9, 2022
Approval:	Click or tap here to enter text.
Subject:	CAO-PC-2024-03 - Attachment 1 - 112 Flexible Work Arrangements Policy

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1. Policy Statement

- 1.1 A policy to identify flexible work options between the employer and an employee where both parties agree to voluntarily alter place or hours of work on a conditional basis, subject to operational requirements and the provisions outlined in this policy. The employer and/or employee may terminate any flexible work arrangement at any time with an appropriate notice period.

2. Application

- 2.1 Option A (Defined in Section 5.0) – To all Town of Tecumseh employees.
- 2.2 Option B (Defined in Section 5.0) - To all Town of Tecumseh Non-Union employees.

3. Purpose

- 3.1 The Town of Tecumseh is committed to supporting staff in maintaining healthy work life integration. This policy is based on the need to maintain consistent and transparent processes in the consideration and administration of flexible work arrangement options where necessary and at the discretion of management.
- 3.2 The Town of Tecumseh seeks to achieve flexibility with full consideration for roles, responsibilities, and accountabilities. Considerations are different for every role so not every flexible option will work for every employee or for every department within the organization.
- 3.3 The Flexible Work Arrangements Policy operates outside of extenuating circumstances associated with COVID 19 or any other emergency situations that necessitate unique work arrangements.

4. Definitions

- 4.1 **“Anchor Days”** Designated days that an employee must be present at the office or in the workplace as determined by Management.
- 4.2 **“Flex-Time”** An arrangement whereby employees’ scheduled work hours are varied - usually altering the start and end times of their working day - without modifying the length of the standard workday or work week.
- 4.3 **“Working from Home”** An arrangement whereby employees work remotely, usually from their place of residence.

5. Process

5.1 Options

Option	Description
A - Work from Home	Work from home with a minimum of two anchor days per week and five anchor days biweekly where employees must be present at the office or in the workplace (regular schedule – not ‘one off’s).
B - Flex-Time	Flex the start and end time of the work day up to half an hour (regular schedule – not ‘one off’s). This may be considered on an exception basis.

5.2 Flexible Work Arrangement Requests

- 5.1.1 Employees interested in flexible work arrangements and that meet the application requirements (2.0), must submit requests to their Manager/Director for consideration and determination of qualification. Requests will be assessed on the merits of the individual submission as well as work exigencies and an assessment of the job function in order to determine if the role qualifies for Working from Home and/or Flex-Time.
- 5.1.2 For Option B, the Manager/Director has the discretion to consider and initiate flexible work arrangements that satisfy the definitions of the standard workday and the standard work week as prescribed in Policy 12 (Non-Union Provision of Benefits Policy) and as specified in the respective employment agreements. The Hours of Work for unionized employees are defined in the Collective Agreement and cannot be altered.
- 5.1.3 When considering requests for flexible work arrangements the Manager/Director, in consultation with the Director of People & Culture, will take into account:
- the business needs of the department or division;
 - restrictions regarding scheduling capacity;
 - supervision of work;

- d. departmental hours of operation;
- e. service level impacts on departmental clients;
- f. the needs of the individual employee who made the request;
- g. the effect on co-workers and their ability to do their work;
- h. the requested duration of the flexible work arrangement; and
- i. any occupational health and safety issues which may be a factor in the health and safety of the employee, co-workers, and clients.

5.3 Job Function Assessment Tool

All requests will be reviewed and assessed by the respective department Director and People & Culture using the Job Function Assessment Tool to determine the requestor's eligibility for flexible working arrangements.

5.4 Approval

Where flexible work arrangements are approved, the Employee and the respective Manager or Director will sign a Flexible Work Arrangement Agreement prepared by People & Culture, outlining the employee's responsibilities and the terms and conditions of the flexible work arrangement as well as the safety checklist established for the Town of Tecumseh. The signed agreements will be kept in the employee's personnel file.

5.5 Use of Town of Tecumseh Equipment

5.1.4 As stipulated in the Town of Tecumseh Flexible Work Arrangement Agreement, the Town will determine and provide the necessary equipment (hardware and software) needed to perform the employee's daily work assignments.

5.1.5 Use of necessary equipment will be assessed, and Information Technology (IT) protocols will be reviewed with each job function to provide the appropriate guidance on acceptable and unacceptable use of the Town of Tecumseh's IT resources and system security requirements during flexible work arrangements.

5.6 Discontinuing Flexible Work Arrangements

If the flexible work arrangement is negatively affecting the employee and/or departmental productivity, costs, or operational needs, either party

may discontinue the flexible work arrangement at any time with an appropriate notice period that will be established in an agreement. Should there be a dispute regarding the termination of the arrangement, the matter may be escalated to the Director, People & Culture for final determination.

6. Administration, Review and Compliance with Applicable Law

This Policy will be administered by the Director, People & Culture and, based on the Director's advice, may be amended from time to time by the Corporation. The Director's advice will be based on relevant circumstances and good judgement. At all times, the review and amendment of this policy will be in accordance with the *Occupational Health and Safety Act*, the Ontario Human Rights Code, all other applicable law, and collective agreements.



The Corporation of the Town of Tecumseh

Chief Administrative Officer - People & Culture

To: Personnel Committee

From: Michelle Drouillard, Director People and Culture

Date to Council: April 23, 2024

Report Number: CAO-PC-2024-04

Subject: Workplace Violence and Harassment Policy Update

Recommendations

It is recommended:

That Report CAO-PC-2024-04 entitled “Workplace Violence and Harassment Policy Update” **be received**;

And that the current Harassment Policy No. 6, Violence Free Workplace Policy No. 55, and Violence and Harassment in the Workplace Policy No. 68, **be recommended** by the Personnel Committee **for repeal** by Council at the May 14, 2024 Regular Council Meeting;

And further that the newly drafted policies entitled Workplace Harassment Prevention Policy and Program and Workplace Violence Prevention Policy and Program in Attachment 1 and 2 to Report CAO-PC-2024-04 **be recommended** by the Personnel Committee **for approval** by Council at the May 14, 2024 Regular Council Meeting;

And furthermore, it is recommended that Council delegate authority to the Director of People & Culture and Chief Administrative Officer to annually review and, if applicable, revise the Workplace Harassment Prevention Policy and Program and the Workplace Violence Prevention Policy and Program to meet legislative compliance and that, if any significant changes to these policies occur upon review, Administration will prepare and bring an information report to Council outlining the legislative amendments.

Background

In the process of conducting a departmental policy review, Administration discovered that there are three active policies related to Violence and Harassment in the Workplace. Policy No.6, Harassment Policy, Policy No. 55, Violence Free Workplace, and Policy No. 68, Violence and Harassment in the Workplace. The date of Policy No. 68, Violence and Harassment in the Workplace, suggests it is the most current policy version and that Policy No. 6 and Policy No. 55 should have been repealed when it came into effect. Having multiple policies active is causing confusion within the organization.

In reviewing the policies, deficiencies were found in multiple areas that could leave the Town vulnerable if a Violence or Harassment complaint were to be brought forward. The revised policies include extensive definitions as provided by the Occupational Health & Safety Act (OHSA) and a template for reporting complaints. As well, as required under the Act, comprehensive programs including regular training have been developed and are included as an appendix to the policy.

Ensuring these policies are kept current and compliant is a legislative requirement but also falls in line with the People Strategy Objective of Deliver Excellence in HR Core Services with a focus on Efficiency and Effectiveness – Operations and Compliance. In addition, the policies and programs are a foundational pillar that support the structure of the service experience “engaging Team Tecumseh in a vibrant, healthy, and inclusive workplace.”

Comments

Per Part III.0.1 – Violence and Harassment, of the Ontario Health & Safety Act, employers are required to prepare a policy and develop a program for both Workplace Violence and Harassment. The policies must be reviewed at least annually by the employer and posted in a conspicuous place in the Workplace.

Due to the unique requirements for each program, Administration has created two comprehensive policies, a Workplace Violence Prevention Policy and Program and a Workplace Harassment Prevention Policy and Program, to supersede the three current active policies.

These policies and programs were drafted using our current Policy, best practices in line with the Ontario Health & Safety Act (OHSA) requirements, and in consultation with the Town’s employment legal counsel.

The Workplace Harassment Prevention Policy and Program states:

The Corporation of the Town of Tecumseh (Town) is committed to providing a respectful work environment and maintaining a Workplace that is harassment-free and recognizes

its obligations with respect to harassment under the *Ontario Human Rights Code* and *Ontario Occupational Health and Safety Act*. This document formally establishes this commitment, which is implemented through the Workplace Harassment Prevention Program (see Appendix A).

The Workplace Violence Prevention Policy and Program states:

The Corporation of the Town of Tecumseh (Town) is committed to providing a safe work environment and maintaining a Workplace that is violence free and recognizes its obligations with respect to violence under the Ontario *Occupational Health and Safety Act*. This document formally establishes this commitment, which is implemented through the Workplace Violence Prevention Program (see Appendix A).

Administration understands the importance of providing a safe and respectful work environment. These updated policies and programs ensure the Town meets legislative requirements, provides clear definitions and timelines, and simplifies reporting practices. The new policies and programs provide a foundation for the Town to enhance and improve its current training program at both the worker and supervisor levels.

Consultations

All Departments
Employment Legal Counsel
Joint Health & Safety Committee

Financial Implications

There are no direct cost implications associated with these Policies. Good health and safety practices/procedures, as well as employee training, all help to prevent workplace injuries. Workplace injuries can create financial implications as a result of loss of work and employee health care.

Link to Strategic Priorities

Applicable	2023-2026 Strategic Priorities
<input type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input checked="" type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

Communications

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

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People & Culture Advisor

Reviewed by:

Michelle Drouillard, BA Hons., CHRL
Director People & Culture

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	CAO-PC-2024-04-Attachment 1- 128 Workplace Harassment Prevention Policy and Program
2	CAO-PC-2024-04-Attachment 2- 129 Workplace Violence Prevention Policy and Program



The Corporation of the Town of Tecumseh

Policy Manual

Policy Number:	128
Effective Date:	April 24, 2024
Supersedes:	Policy 6 - Harassment Policy 68 - Violence and Harassment in the Workplace
Approval:	RCM (RCM **/24)
Subject:	CAO-PC-2024-04-Attachment 1- 128 Workplace Harassment Prevention Policy and Program.docx

1. Purpose

The Corporation of the Town of Tecumseh (Town) is committed to providing a respectful work environment and maintaining a Workplace that is harassment-free and recognizes its obligations with respect to harassment under the Ontario Human Rights Code and *Ontario Occupational Health and Safety Act*. This document formally establishes this commitment, which is implemented through the Workplace Harassment Prevention Program (Appendix A).

2. Scope

- 2.1 This Policy applies to all employees of the Town including all supervisory and managerial employees, members of Council, student workers, volunteers, and employees of consultants and contractors.
- 2.2 This Policy applies at all Town work locations. It should be noted that Workplace Harassment can occur at off-site business-related functions (ex. conferences, site visits, social outings relating to work)

3. Cross-References

- 3.1 *Ontario Occupational Health & Safety Act*
- 3.2 Ontario Human Rights Code
- 3.3 The Town's Workplace Harassment Prevention Program (Appendix A)

4. Definitions

- 4.1 "Employer," as defined by the *Occupational Health & Safety Act* means a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor, or subcontractor to perform work or supply services.
- 4.2 "Supervisor," as defined by the *Occupational Health & Safety Act* means a person who has charge of a Workplace or authority over a Worker.
- 4.3 "Worker," includes the Town's employees, student workers, and any person recognized by the Town as a volunteer; as defined by the *Occupational Health & Safety Act* means any of the following:
 - a) A person who performs work or supplies services for monetary compensation.
 - b) A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.
 - c) A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university, private career college or other post-secondary institution.
 - d) Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation.
- 4.4 "Workplace" as defined by the *Occupational Health & Safety Act* means any place means any land, premises, location, or thing at, upon, in or near which a Worker works.
- 4.5 "Workplace Harassment," as defined by the *Occupational Health and Safety Act* means:

- a) engaging in a course of vexatious comment or conduct against a Worker in a Workplace that is known or ought reasonably to be known to be unwelcome, or
 - b) Workplace Sexual Harassment.
- 4.6 “Workplace Sexual Harassment” is further defined by the *Occupational Health and Safety Act* as:
- a) engaging in a course of vexatious comment or conduct against a Worker in a Workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
 - b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the Worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.
- 4.7 The Town also considers a sexual solicitation or advance, to any Worker, regardless of their position, when the person knows or ought reasonably to know that the solicitation or advance is unwelcome, to be a form of Workplace Sexual Harassment.
- 4.8 Depending on the circumstances, harassment can take many forms. Refer to the Town’s Workplace Harassment Prevention Program for further examples.
- 4.9 A single incident may constitute Workplace Harassment as defined in this Policy, depending on the circumstances.
- 4.10 Workplace Harassment does not include performance management by a Supervisor. Reasonable action taken by the Employer or Supervisor relating to the management and direction of Workers is not Workplace Harassment.

5. Procedures

- 5.1 All acts of Workplace Harassment are strictly prohibited. This Policy also prohibits reprisals against workers acting in good faith who report incidents of Workplace Harassment or who have acted as witnesses in connection with one or more reports of Workplace Harassment. The Town will use reasonable efforts to prevent reprisals and threats of reprisal.

- 5.2 Reporting and investigation procedures for complaints of Workplace Harassment by Workers are outlined in the Town's Workplace Harassment Prevention Program.
- 5.3 All complaints or incidents of Workplace Harassment will be dealt with and investigated in a fair, respectful, and timely manner, in accordance with the Workplace Harassment Prevention Program.
- 5.4 All Workers are expected to adhere to this Policy, as well as the supporting Workplace Harassment Prevention Program. Individuals will be held responsible by the Town for non-compliance, in accordance with all applicable laws, collective agreements, or other Town policies and procedures.
- 5.5 The Town may also initiate criminal or civil proceedings against individuals who engage in Workplace Harassment.
- 5.6 Information provided about a complaint or incident will not be disclosed except as necessary to protect Workers, to investigate the complaint, to take corrective action, or as otherwise required.

6. Responsibilities

- 6.1 The Town is committed to protecting all Workers and shall take reasonable precautions to prevent Workplace Harassment.
- 6.2 Every Worker must work in compliance with this Policy and the supporting program. Supervisors are responsible for ensuring that measures and procedures are followed by Workers and that Workers have the information they need to protect themselves.
- 6.3 Do not ignore harassing behavior. If you witness or experience harassment, report the situation to a Supervisor or the Workplace Violence & Harassment Coordinator. Workers have an obligation under the *Occupational Health and Safety Act* to report harassment and other hazards in the Workplace. Reference the Workplace Harassment Prevention Program for applicable procedures, including the prohibition of reprisals.
- 6.4 False and frivolous accusations of harassment are serious offences. Workers that abuse the Workplace Harassment Prevention Program may be disciplined up to and including dismissal from employment. Reference the Workplace Harassment Prevention Program for further details on bad faith allegations.

7. Contact Information

- 7.1 Further assistance regarding the Workplace Harassment complaint process can be provided by the People & Culture Department. The Workplace Harassment & Violence Coordinator is the People & Culture Advisor and can be reached at 519-735-2184 x179.

8. Review and Posting of Policy

- 8.1 Council delegates authority to the Director of People & Culture and Chief Administrative Officer to annually review and, if applicable, revise the Policy and Program to meet legislative compliance and that, if any significant changes to these policies occur upon review, Administration will prepare and bring an information report to Council outlining the legislative amendments.
- 8.2 This Policy shall also be reviewed in consultation with the Joint Occupational Health & Safety Committee (JHSC), as often as is deemed necessary, but at least annually. This Policy shall be posted in a conspicuous place in the Workplace at all times.

Appendix A - Workplace Harassment Prevention Program

1. Purpose

- 1.1 The Town of the Town of Tecumseh (Town) is committed to providing a safe work environment and maintaining a workplace that is free of Workplace Harassment as required by the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1. This document supplements the Town's Workplace Harassment Prevention Policy and outlines the responsibilities associated with this program. The program will be reviewed annually by the Town, in consultation with the Town's Joint Health and Safety Committee, to ensure that it adequately implements the Town's Workplace Harassment Prevention Policy and will be revised as necessary.
- 1.2 The purpose of this program is:
 - a) To take every precaution reasonable in the circumstances to prevent Workplace Harassment.
 - b) To provide guidelines on:
 - i. how to develop preventative measures
 - ii. how to report and investigate Workplace Harassment
 - iii. how to follow-up on incidents
 - c) To assist Workers in addressing Workplace Harassment.

2. Scope

- 2.1 This program applies to all employees of the Town including all supervisory and managerial employees, members of Council, student workers, volunteers and employees of consultants and Contractors.
- 2.2 This program applies at all Town work locations. It should be noted that Workplace Harassment can occur at off-site business-related functions (ex. conferences, site visits, social outings relating to work).
- 2.3 Incidents of violence, or threats of violence should be responded to in accordance with the Town's Workplace Violence Prevention Program.
- 2.4 Additionally, this program applies to Workplace Harassment through the use of social media. For the purposes of this program, "social media" should be broadly understood to include blogs, wikis, microblogs,

message boards, chat rooms, electronic newsletters, online forums, social networking sites, and other sites, applications, and services that enable users to create and/or share information and/or content online or to participate in social networking.

3. Definitions

- 3.1 “Workplace Harassment”, as defined by the *Occupational Health and Safety Act* means:
- a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
 - b) Workplace Sexual Harassment
- 3.2 “Workplace Sexual Harassment”, is further defined by the *Occupational Health and Safety Act* as:
- a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
 - b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.
- 3.3 The Town also considers a sexual solicitation or advance, to any worker, regardless of their position, when the person knows or ought reasonably to know that the solicitation or advance is unwelcome, to be a form of Workplace Sexual Harassment.
- 3.4 The definition of Workplace Harassment is broader than harassment as defined by the Human Rights Code. Examples of Workplace Harassment under this definition may include, but are not limited to:
- a) Unwelcome words or actions that are known or ought reasonably to be known to be offensive, embarrassing, humiliating, or demeaning to a worker or group of workers.
 - b) Behaviour that intimidates, isolates, or discriminates against a worker or group of workers.

- c) Bullying, intimidating or offensive jokes or innuendos, displaying or circulating offensive pictures or materials, or offensive or intimidating phone calls.
- d) Repeated words or actions, or a pattern of behaviours, against a worker or group of workers in the Workplace that are known or ought reasonably to be known unwelcome.
- e) Workplace Sexual Harassment

3.5 Examples of behaviour that may constitute Workplace Sexual Harassment include:

- a) Sharing sexually inappropriate images or videos, such as pornography, with co-workers.
- b) Sending sexually suggestive letters, notes, or e-mails.
- c) Displaying inappropriate sexual images or posters in the Workplace.
- d) Telling lewd jokes or sharing sexual anecdotes.
- e) Making inappropriate sexual gestures.
- f) Staring in a sexually suggestive or offensive manner, or whistling ("catcalling").
- g) Making sexual comments about appearance, clothing, or body parts.
- h) Inappropriate touching, including pinching, patting, rubbing, or purposefully brushing up against another person.
- i) Asking sexual questions, such as questions about someone's sexual history or their sexual orientation.
- j) Making offensive comments about someone's sexual orientation or gender identity.

3.6 Workplace Harassment does not typically include:

- a) performance management or disciplinary actions by a supervisor
- b) operational directives
- c) job assignments

- d) inadvertent management errors, or
 - e) a single incident unless grave or harmful
- 3.7 “Complainant”, is any person who is a worker (including any employee whether covered by a collective agreement with the Town or employed under an individual contract of employment), and any person who is a volunteer, all of whom are entitled to submit a complaint under this program.
- 3.8 “Contractor”, is an organization, partnership, or individual engaged by the Town to provide services to the Town either personally or with the assistance of other individuals.
- 3.9 “Respondent”, is the individual or entity about whom allegations have been made.
- 3.10 “Supervisor”, as defined by the *Occupational Health & Safety Act* means, a person who has charge of a workplace and/or authority over a worker. At the Towns, supervisors may include both individuals in designated administrative positions (e.g. Directors, Managers, Supervisors) and individuals who are not in such positions but in particular contexts, may have authority in relation to others.
- 3.11 “Worker”, includes the Town’s employees, student workers, and any person recognized by the Town as a volunteer; as defined in the *Occupational Health and Safety Act* to include:
- a) A person who performs work or supplies services for monetary compensation.
 - b) A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.
 - c) A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, Town, private career college or other post-secondary institution.
 - d) Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation.
- 3.12 “Workplace”, for the purposes of this program, the Workplace includes but is not limited to, all Town work locations and off-site business functions (ex. Conferences, site visits, social outings related to work).

4. Responsibilities

4.1 Shared Responsibilities

To ensure the preservation of a productive, safe, and peaceful working environment:

- a) Everyone involved with the Town shares a responsibility to create and maintain an environment free of Workplace Harassment and to act respectfully to one another.
- b) Every effort must be made to work toward the resolution of complaints by all those affected.
- c) Anyone who witnesses Workplace Harassment is responsible for reporting it and for participating in the investigation of the complaint.

4.2 Supervisor Responsibilities

Supervisors are responsible for understanding what constitutes harassing behaviour and conducting themselves in accordance with the spirit and intent of the Policy. Supervisors shall:

- a) Act respectfully in their interactions with all Workers of the Town.
- b) Communicate to members of their respective areas that Workplace Harassment is not permitted and will not be condoned or ignored.
- c) Demonstrate by leadership and action a commitment to the prevention of Harassment by maintaining an environment free of Workplace Harassment.
- d) Communicate the principles of the Workplace Harassment Prevention Policy and uphold its intent.
- e) Ensure all members of their respective work areas engage in the required training.
- f) Take the steps necessary to put a stop to any harassment of which they are aware, regardless of whether a complaint has been filed.
- g) Take all complaints of harassment seriously.
- h) Promptly and diligently investigate any alleged incident.
- i) Take prompt action to resolve complaints and implement corrective measures.

- j) Encourage and provide opportunity for participation in education and training programs provided by the Town.
- k) Provide information to workers on various support programs/mechanisms available to them (e.g. Employee Assistance Program).
- l) Keep detailed confidential records of any incident of Workplace Harassment and/or investigations and forward to their respective senior management as required.
- m) Be aware of their roles and responsibilities as set out in the *Occupational Health & Safety Act* with respect to workplace harassment.

4.3 People & Culture Department Responsibilities

- a) Ensure that all complaints of harassment are addressed and investigated promptly.
- b) Ensure that any information received, or action taken is maintained in a separate file and take measures to protect the confidentiality of this information.
- c) Assess this Policy on an annual basis with the assistance of senior leadership and the JHSC. All continuous improvements that need to be completed will be brought up at the Joint Health & Safety Committee meetings and documented in the minutes.
- d) Ensure that all Workers are trained on this Policy.

4.4 Worker Responsibilities

- a) Workers shall:
 - i. Act respectfully in their interactions with all Workers of the Town.
 - ii. Serve as role models in the Workplace by promoting a harassment free workplace.
 - iii. Cooperate with the Town in efforts to investigate and resolve matters arising under the program (the worker may choose to request union representation where applicable).
 - iv. Be aware of and abide by the requirements of this program and applicable procedure(s).

5. Reference Documents

- 5.1 Workplace Harassment Prevention Policy
- 5.2 The Town's Policy "Workplace Harassment Prevention" states:

"The Town of the Town of Tecumseh (Town) is committed to providing a respectful work environment and maintaining a workplace that is harassment-free and recognizes its obligations with respect to harassment under the Ontario Human Rights Code and *Ontario Occupational Health and Safety Act*."
- 5.3 Ontario Human Rights Code, R.S.O. 1990, c. H.19, as amended
- 5.4 *Ontario Occupational Health & Safety Act*
- 5.5 Criminal Code of Conduct
- 5.6 The Town's Workplace Harassment/Violence Reporting Form
- 5.7 The Town's Violence Prevention Policy
- 5.8 The Town's Violence Prevention Program

6. Procedure

- 6.1 All workers will be provided information and instruction on the contents of the Policy and program with respect to Workplace Harassment prevention. This training will be completed within one week of commencement of employment and will be repeated on an annual basis.
- 6.2 Workers will receive training in the following:
 - a) Intent and content of the Violence Free Workplace and Harassment Free Workplace Policy and Program.
 - b) How to report an incident of Workplace Harassment or Workplace Sexual Harassment.
 - c) How the employer will investigate and deal with incidents, complaints, or concerns.

Supervisors will receive training in the following:

- a) Intent and content of the Violence Free Workplace and Harassment Free Workplace Policy and Program.

- b) Obligations of supervisors under the Workplace Harassment Prevention Policy and Program and relevant legislation.
- c) Investigation procedures related to harassment incidents and/or complaints.

6.3 No Reprisal

Workplace Harassment and this program are serious matters. This program prohibits reprisals against workers who have made good faith complaints or provided information regarding a complaint or incident of Workplace Harassment.

Persons who engage in reprisals or threats of reprisals may be disciplined up to and including dismissal from employment.

Reprisal includes:

- a) Any act of retaliation that occurs because a person has complained of or provided information about an incident of Workplace Harassment;
- b) Intentionally pressuring a person to ignore or not report an incident of Workplace Harassment; and
- c) Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of Workplace Harassment.

6.4 Bad Faith Allegations

Although false and frivolous accusations of harassment occur in rare instances, such false accusations are serious offences because they may have serious consequences for the Respondent and can create a toxic or poisoned work environment.

The insufficiency of evidence to prove a complaint does not mean that the complaint was submitted in bad faith. A malicious or bad faith complaint means that a person who has made a complaint did so when he/she knew or should clearly have known that it was untrue.

A worker who makes a false complaint or otherwise abuses this program may be disciplined up to and including dismissal from employment. Such discipline is not a reprisal or breach of this Policy.

7. Complaint Process

7.1 Confidentiality

All reports made in the course of action taken pursuant to these procedures shall be considered to be confidential to the parties involved. This does not preclude the discreet disclosure of information in order to elicit facts or to implement and monitor terms of resolution.

Confidentiality of information disclosed at any time pursuant to this Program is maintained to the extent possible and consistent with the Town's need to respond appropriately to the situation, or as otherwise required by law. This means that information about the complaint, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint.

Please note: In accordance with the *Occupational Health & Safety Act*, any report created in the course of a harassment investigation is not considered an occupational health and safety report.

Unionized employees may request union representation as appropriate. All Workers including union representatives will be required to sign a confidentiality agreement related to the process.

7.2 Process

The complaint process will be fair:

- a) The Respondent will be informed of the allegations
- b) The Respondent will be provided the opportunity to respond
- c) A decision will be made by the appropriate level of management in consultation with the Director of People & Culture; or Chief Administrative Officer; if required

Addressing an Incident

There are two ways that an incident, complaint, or concern can be resolved or addressed internally under this program.

The Complainant can:

- Option A: Deal directly with the Respondent to resolve the issue on their own; or

Option B: File a formal complaint to seek resolution.

If the Complainant chooses Option B, the incident should be reported immediately (either verbally or in writing) to the Workplace Violence and Harassment Coordinator as well as the Worker's immediate (or another) supervisor.

The Workplace Harassment & Violence Coordinator is the People & Culture Advisor and can be reached at 519-735-2184 x179.

Reporting a complaint using any of these options does not preclude a Worker from filing a complaint with the Ontario Human Rights Commission or pursuing any other available avenues.

Option A: Dealing Directly with The Respondent

A Worker who experiences harassment should attempt to make it known to the person(s) responsible that the behaviour is offensive and unwelcome, and contrary to the Town's Policy and request that it stop. The Respondent(s) may not realize the behaviour is unwelcome and offensive. In many instances this will stop the offensive behaviour. Workers should keep a record of all attempts at resolving the harassment through informal procedure.

The Town recognizes that in some incidents dealing with the Respondent may be difficult or inappropriate, or the employee may have told the Respondent to stop but the offensive behaviour continues. In this case, the Complainant is advised to take immediate action as outlined in Option B.

However, when a Supervisor becomes aware of a concern, he/she must follow the procedure under Option B and ensure that the concerns are addressed and resolved in a prompt and confidential manner, as much as possible.

Option B: Initiating a Formal Complaint

Formal complaints must be filed with the Workplace Violence & Harassment Coordinator, or the appropriate person as listed below (a "Designate"). The formal complaint must be submitted in writing using the Workplace Harassment/Violence Reporting Form.

- a) If the Coordinator is the alleged harasser, the Worker may report the incident to the Director of People & Culture or the Chief Administrative Officer (CAO).

- b) If the Director of People & Culture is the alleged harasser, the Worker may report the incident to the Chief Administrative Officer.
- c) If the CAO is identified as the alleged harasser, then the Coordinator shall engage a third party who is qualified because of knowledge, training, and experience to conduct the investigation.
- d) If the CAO, Coordinator and Director of People and Culture are the alleged harassers, the Worker shall report the incident to Dunk & Associates by email to professionalsupport@systems24-7.com or by phone 1-866-754-8839, who shall in turn on behalf of the Town contract a third party who is qualified because of knowledge, training, and experience to conduct the investigation.
- e) If the alleged harasser is a Member of Council, the Coordinator shall engage a third party who is qualified because of knowledge, training, and experience to conduct the investigation.
- f) In the event the Coordinator alleges harassment by a Worker, the Coordinator shall report the incident to the Director, People & Culture.

Formal complaints will be investigated by the Workplace Violence & Harassment Coordinator, Designate depending on the circumstances. Where a Worker is unable, or under the circumstances it is unreasonable to request a written complaint, assistance will be made available to ensure that the complaint is documented on their behalf. The complaint may be documented by the Workplace Violence & Harassment Coordinator and verified in writing by the Complainant.

The Respondent will be notified of the complaint where it is determined reasonable cause exists.

The Workplace Violence & Harassment Coordinator or Designate will schedule a confidential meeting with the Worker to discuss and clarify the incident and identify steps taken to date.

The Workplace Violence & Harassment Coordinator or Designate will conduct an investigation as outlined in the next section.

8. Investigation Process

- 8.1 When a formal complaint is received, a file will be opened by the Workplace Violence & Harassment Coordinator or Designate. The Coordinator or Designate will ensure that an investigation appropriate in the circumstances is conducted when the employer, director, manager,

supervisor, or people & culture department becomes aware of an incident of Workplace Harassment or receives a complaint of Workplace Harassment.

The Workplace Violence & Harassment Coordinator will determine who will conduct the investigation into the incident or complaint of Workplace Harassment. In some circumstances, the Coordinator or Designate will refer the investigation to an external investigator to conduct and impartial investigation.

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

The person conducting the investigation whether internal or external to the Workplace will, at minimum, complete the following:

- a) The investigator must ensure 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.
- b) The investigator must thoroughly interview the Complainant and the Respondent if the alleged harasser is a worker of the Town. If the alleged harasser is not a worker, the investigator should make reasonable efforts to interview the alleged harasser.
- c) The Respondent(s) must be given the opportunity to respond to the specific allegations raised by the Complainant. In some circumstances, Complainant should be given a reasonable opportunity to reply.
- d) The investigator must interview any relevant witnesses employed by the Town who may be identified by either the Complainant, the Respondent(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 Town if there are any identified.
- e) The investigator must collect and review any relevant documents.
- f) The investigator must take appropriate notes and statements during interviews with the Complainant, Respondent(s), and any witnesses.

- g) The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the Complainant, the response from the Respondent, 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.

8.2 Results of the Investigation

The completed investigation report will be shared with the appropriate senior leadership team and a decision will be made by the appropriate level of management in consultation with the Director of People & Culture; and/or Chief Administrative Officer.

8.3 Harassment Complaint Supported

Where the results of the investigation support a specific complaint of harassment, or where the results suggest the existence of systemic problem(s) in the work environment which caused or contributed to the incident, the following, without limitation, may be recommended forms of remedial action:

- a) Education and training;
- b) Review and modification of policies, procedures, programs, and practices;
- c) Disciplinary action up to and including dismissal;
- d) Documentation on Workers personnel file, as appropriate; and/or
- e) Continuous monitoring.

Where deemed reasonable and appropriate, the Workplace Violence & Harassment Coordinator in consultation with the parties involved in the complaint, may propose, and develop a more comprehensive strategy for the elimination and/or prevention of Workplace Harassment to improve the culture of the overall workplace.

In an effort to ensure that the incident has been addressed, the investigation file will remain open for a reasonable period of time to allow for the monitoring of actions to be taken and subsequent updates, as appropriate, to be placed on the file.

8.4 Harassment Claim Unsupported

Where the results of the investigation do not support the allegations of harassment made by the Complainant, the complaint shall not proceed and there will be no documentation placed in the Worker's file.

Where the results of the investigation do not support the specific complaint, but where the investigation suggests the existence of systemic problems in the work environment which may cause, contribute to, or encourage harassment, the Workplace Violence & Harassment Coordinator may further investigate and make recommendations for change.

8.5 Communication of Investigation Results

Within 10 days of the investigation being completed, the Complainant and the Respondent(s) will be informed in writing of the results of the investigation and any corrective action taken or what will be taken by the employer too address the Workplace Harassment.

9. Record Keeping

The Town 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 Complainant and the Respondent, if a worker of the employer;
- e) a copy of any corrective action taken to address the complaint or incident of Workplace Harassment.

All records relating to the investigation, including all notes and materials and final report will be kept in confidence and shall be filed separate from any personnel files, with the Workplace Coordinator to ensure confidentiality. Records will be kept not less than five years from the conclusion of the investigation.

10. Follow Up

The Workplace Harassment and Violence Coordinator will follow up periodically with both parties and/or their supervisors to ensure that the Workplace is safe

and harassment free, including free from reprisal for having sought protection pursuant to the Act.

11. Contact Information

Further assistance regarding the Workplace Harassment program can be provided by the People & Culture Department. The Workplace Harassment & Violence Coordinator is the People & Culture Advisor and can be reached at 519-735-2184 x179.



The Corporation of the Town of Tecumseh

Policy Manual

Policy Number:	129
Effective Date:	April 24, 2024
Supersedes:	Policy No. 55 – Violence Free Workplace Policy No. 68 – Violence and Harassment in the Workplace
Approval:	RCM (RCM **/24)
Subject:	CAO-PC-2024-04-Attachment 2- 129 Workplace Violence Prevention Policy and Program.docx

1. Purpose

The Corporation of the Town of Tecumseh (Town) is committed to providing a safe work environment and maintaining a Workplace that is violence free and recognizes its obligations with respect to violence under the Ontario *Occupational Health and Safety Act*. This document formally establishes this commitment, which is implemented through the Workplace Violence Prevention Program (see Appendix A).

2. Scope

- 2.1 This policy applies to all employees of the Town including all supervisory and managerial employees, members of Council, student Workers, volunteers and employees of consultants and contractors.
- 2.2 This policy applies at all Town work locations. It should be noted that Workplace Violence can occur at off-site business-related functions (ex. conferences, site visits, social outings relating to work).

3. Cross-References

- 3.1 *Ontario Occupational Health & Safety Act*

3.2 The Town's Workplace Violence Prevention Program (Appendix A)

4. Definitions

- 4.1 "Domestic Violence," is widely understood to be a pattern of behaviour used by one person to gain power and control over another person with whom he/she has or has had an intimate relationship. This pattern of behaviour may include physical violence, sexual, emotional, and psychological intimidation, verbal abuse, stalking and using electronic devices to harass and control.
- 4.2 "Supervisor," as defined by the *Occupational Health & Safety Act* means a person who has charge of a workplace or authority over a Worker.
- 4.3 "Worker", includes the Town's employees, student workers, and any person recognized by the Town as a volunteer; as defined in the *Occupational Health and Safety Act* to include:
- a) A person who performs work or supplies services for monetary compensation.
 - b) A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.
 - c) A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university, private career college or other post-secondary institution.
 - d) Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation.
- 4.4 "Workplace," as defined by the *Occupational Health & Safety Act* means any place means any land, premises, location, or thing at, upon, in or near which a Worker works.
- 4.5 "Workplace Violence," as defined by the *Occupational Health & Safety Act* means any of the following:
- a) The exercise of physical force by a person against a Worker, in a workplace, which causes or could cause physical injury to the Worker,

- b) An attempt to exercise physical force against a Worker, in a workplace, which could cause physical injury to the Worker,
 - c) A statement or behavior 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.
- 4.6 Workplace Violence includes Domestic Violence that could cause physical injury to a Worker in a workplace.
- 4.7 Depending on the circumstances, violence can take many forms. Refer to the Town's Workplace Violence Prevention Program for further examples.

5. Procedures

- 5.1 The Town is committed to protecting all Workers and shall take reasonable precautions to prevent Workplace Violence. The Town will address all reports of Workplace Violence in accordance with the Workplace Violence Prevention Program.
- 5.2 All acts of Workplace Violence are strictly prohibited. All Workers and Supervisors are responsible for completing the mandatory training component of the Workplace Violence Prevention Program.
- 5.3 The Town will hold all Workers and visitors accountable by imposing discipline and other sanctions (up to and including termination and trespass notices) where it is found that violence has or is being threatened to occur. In doing so, the Town will act in accordance with the rights and obligations established by collective agreements and Town policies.
- 5.4 The Town may also initiate criminal or civil proceedings against individuals who engage in Workplace Violence.
- 5.5 In the event of an emergency, to report a threat of violence or to seek assistance individuals may contact Emergency Services at 911. For non-emergencies, individuals may contact their Supervisor or the Workplace Violence & Harassment Coordinator. Reference the Workplace Violence Prevention Program for applicable reporting procedures and the Town's policy prohibiting reprisals.

6. Responsibilities

- 6.1 The Town is committed to protecting all Workers and shall take reasonable precautions to prevent Workplace Violence.

- 6.2 Every Worker must work in compliance with this policy and the supporting program. Supervisors are responsible for ensuring that measures and procedures are followed by Workers and that Workers have the information they need to protect themselves.
- 6.3 Do not ignore threatening or violent behaviour. If you witness or experience violence or threats of violence, or if you feel that a Worker or visitor is likely to become violent, report the situation to a supervisor, a person in authority, or the Workplace Violence & Harassment Coordinator.
- 6.4 Workers have an obligation under the Occupational Health and Safety Act to report Workplace Violence and other safety hazards in the Workplace. Information provided about a complaint or incident will only be disclosed to the extent necessary to protect Workers, to investigate the complaint, to take corrective action, or as otherwise required by law.

7. Contact Information

- 7.1 Further assistance regarding the Workplace Violence complaint process can be provided by the People & Culture Department. The Workplace Violence & Harassment Coordinator is the People & Culture Advisor and can be reached at 519-735-2184 x179.

8. Review and Posting of Policy

- 8.1 Council delegates authority to the Director of People & Culture and Chief Administrative Officer to annually review and, if applicable, revise the Policy and Program to meet legislative compliance and that, if any significant changes to these policies occur upon review, Administration will prepare and bring an information report to Council outlining the legislative amendments.
- 8.2 This Policy shall also be reviewed, in consultation with the Joint Occupational Health & Safety Committee (JHSC), as often as is deemed necessary, but at least annually. This Policy shall be posted in a conspicuous place in the Workplace at all times.

Appendix A - Workplace Violence Prevention Program

1. Purpose

- 1.1 The Town of the Town of Tecumseh (Town) is committed to providing a safe work environment and maintaining a workplace that is free of Workplace Violence as required by the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1. This document supplements the Town's Workplace Violence Prevention Policy and outlines the responsibilities associated with this program. The program will be reviewed annually by the Town, in consultation with the Town's Joint Health and Safety Committee, to ensure that it adequately implements the Town's Workplace Violence Prevention Policy and will be revised as necessary.
- 1.2 The purpose of this program is to implement the Workplace Violence Prevention Policy by ensuring a safe work environment and maintaining a workplace that is violence free as required by the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1. This is accomplished through the following:
 - a) Conducting risk assessments
 - b) Conducting workplace inspections
 - c) Control of the general risk of Workplace Violence
 - d) Guidelines on summoning immediate assistance
 - e) Guidelines on reporting an act of violence
 - f) Guidelines on investigation procedures for incidents or complaints
 - g) Guidelines on domestic violence

2. Scope

- 2.1 This program applies to all employees of the Town of the Town of Tecumseh (Town) including all supervisory and managerial employees, members of Council, student workers, volunteers and employees of consultants and contractors.
- 2.2 This program applies at all Town work locations. It should be noted that Workplace Violence can occur at off-site business-related functions (ex. conferences, site visits, social outings relating to work).

3. Definitions

- 3.1 “Domestic Violence,” is widely understood to be a pattern of behaviour used by one person to gain power and control over another person with whom they have or had an intimate relationship. This pattern of behaviour may include physical violence, sexual, emotional, and psychological intimidation, verbal abuse, stalking and using electronic devices to harass and control.
- 3.2 “Workplace Violence,” as defined by the *Occupational Health & Safety Act* 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.
- 3.3 “Workplace Violence”, includes Domestic Violence that could cause physical injury to a worker in a workplace.
- 3.4 “Workplace Violence”, includes, but is not limited to:
- a) threatening behaviour - such as shaking fists, destroying property, or throwing objects.
 - b) verbal abuse or verbal or written threats - any expression of an intent to inflict harm.
 - c) physical attacks - hitting, shoving, pushing, or kicking.
- 3.5 “Supervisor”, as defined by the *Occupational Health & Safety Act*, a person who has charge of a workplace and/or authority over a worker. At the Towns, supervisors may include both individuals in designated administrative positions (e.g. Directors, Managers, Supervisors) and individuals who are not in such positions but in particular contexts, may have authority in relation to others.
- 3.6 “Worker”, includes the Town’s employees, student workers, and any person recognized by the Town as a volunteer; as defined in the *Occupational Health and Safety Act* to include:

- a) A person who performs work or supplies services for monetary compensation.
 - b) A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.
 - c) A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, Town, private career college or other post-secondary institution.
 - d) Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation.
- 3.7 “Workplace”, For the purposes of this program, the workplace includes but is not limited to, all Town work locations and off-site business functions (ex. Conferences, site visits, social outings related to work).

4. Responsibilities

4.1 Shared Responsibilities

All Workers are responsible for creating and maintaining a safe workplace to the extent of each person's authority and ability to do so. It is the responsibility of every Worker to assist and co-operate in making the Workplace as safe and secure as possible.

Members of the public, visitors to Town facilities, or individuals conducting business with the Town, are expected to refrain from any form of violence. The Town will take any necessary steps to ensure a Workplace free from violence.

4.2 Supervisor Responsibilities

- a) Support and maintain a Workplace whose objective is to prevent and eliminate Workplace Violence.
- b) Take all reasonable preventative measures to protect Workers and others from Workplace Violence.
- c) Ensure that Workers are aware of their role in helping prevent violence in the Workplace and the content of this policy.

- d) Intervene as appropriate to implement the Town's Workplace Violence Prevention Policy.
- e) Take immediate action where warranted, including, but not limited to, telephoning the Police, Fire Department and Ambulance Services, and summoning Workers certified in First Aid and other back-up resources as needed.
- f) Ensure all members of their respective work areas engage in the required training.
- g) Ensure that all incidents of Workplace Violence are documented, investigated promptly and appropriate action is taken.
- h) Immediately report to the Department Manager or Director and People & Culture Department any direct or veiled threats of violence made to a Worker and any action taken.
- i) Be aware of their roles and responsibilities as set out in the Occupational Health & Safety Act with respect to workplace harassment.

4.3 People & Culture Department Responsibilities

- a) Ensure that all incidents of Workplace Violence are immediately investigated in order to assess the risk or continued risk to Workers of the Town.
- b) If violence or threats are found to have occurred, ensure that immediate steps are taken to eliminate the risk of any possible recurrence.
- c) Ensure the implementation of an action plan until there is a final resolution of the risk of violence.
- d) Ensure that any information received, or action taken is maintained in a separate file and take measures to protect the confidentiality of this information.
- e) Ensure the provision of assistance to Workers who were the target of violence or witness to violence.
- f) Assess this policy on an annual basis with the assistance of senior leadership and the JHSC. All continuous improvements that need to be completed will be brought up at the Joint Health & Safety Committee meetings and documented in the minutes.

- g) Ensure that all Workers are trained on this policy.

4.4 Worker Responsibilities

- a) Comply with this policy and all related procedures at all times for their own protection and the protection of others within the Workplace.
- b) Are encouraged to be alert to the possibility of violence on the part of Workers, former Workers, customers, contractors, and others.
- c) Cooperate fully in any fact gathering interviews which are designed to assess the risk of violence in the Workplace and keep all information concerning the matter confidential.
- d) Report any potential situation or incident of Workplace Violence immediately or as soon as practically possible to their supervisor, department leadership, People & Culture Department, or the CAO.

5. Reference Documents

5.1 Workplace Violence Prevention Policy

The Town's policy "Workplace Violence Prevention Policy" states:
The Town of the Town of Tecumseh (Town) is committed to providing a safe work environment and maintaining a Workplace that is violence free and recognizes its obligations with respect to violence under the *Occupational Health and Safety Act*.

5.2 Ontario Human Rights Code, R.S.O. 1990, c. H.19, as amended.

5.3 *Occupational Health & Safety Act*

5.4 The Town's Workplace Harassment Prevention Policy

5.5 The Town's Workplace Harassment/Violence Reporting Form

5.6 The Town's Report of Accident/Incident Form

6. Procedure

6.1 The Town will investigate and address all threats or incidents of violence in the workplace.

6.2 Risk Assessment

The Workplace Violence & Harassment Coordinator in collaboration with the Joint Health and Safety Committee will prepare and maintain a risk assessment specific to Workplace Violence that is likely to arise from the nature of the workplace, type of work or conditions of work. The Joint Health and Safety Committee will make appropriate recommendations to management with respect to mitigating risks of violence in the workplace. The results of the risk assessment will be used to identify the measures and procedures that may be required to control risks of violence in the workplace. The risk of Workplace Violence should be reassessed as often as is necessary to protect Workers from Workplace Violence. For example, a re-assessment should be undertaken if:

- a) The workplace moves or the existing workplace is renovated or reconfigured.
- b) There are significant changes in the type of work.
- c) There are significant changes in the conditions of work.
- d) There is new information on the risks of Workplace Violence.
- e) A violent incident indicates a risk related to the nature of the workplace, type of work or conditions of work was not identified during an earlier assessment.

Workplace inspections are conducted at least monthly by the Joint Health and Safety Committee to assist in the development of the risk assessment to identify hazards specific to each workplace related to violence and identify the controls that exist or that may be implemented to reduce the levels of risk of Workplace Violence.

6.3 The Need to Summon Immediate Assistance

Workers involved with incidents of Workplace Violence should immediately summon assistance. Whenever a situation in the workplace becomes volatile or escalates into a situation where Workplace Violence is likely to occur, Workers should contact police or emergency assistance.

Workers who are in a situation where Workplace Violence is likely to occur because of threats made by someone in person, over the phone, by e-mail or mail should contact police and emergency assistance.

Workers who need to summon immediate assistance have several options including, but not limited to:

- a) Call 911 for emergency services.

- b) Use code words with co-workers to seek immediate assistance.
- c) Ask for assistance from co-workers or your Supervisor.
- d) Call the Workplace Violence & Harassment Coordinator or a Joint Health and Safety Committee member for immediate assistance.

Making an Emergency Services Call

- a) Avoid delay in making the call.
- b) Remain calm.
- c) Use the phone to dial Emergency Services 911.
- d) When asked by the operator, state the service you require; for example, police, fire, or ambulance.
- e) Let the operator control the conversation. They have standard questions for obtaining critical information from you in a timely and orderly manner.
- f) Clearly state your location and the location of the situation you are reporting using the street address if you know it.
- g) State briefly and clearly what you have observed or why you are calling.
- h) If possible, without exposing yourself to danger, stay on the line until emergency services arrive, unless the operator specifically asks you to hang up.

Be proactive and be prepared. Workers should check with their Supervisor for other methods or procedures to obtain immediate assistance.

Each department has the responsibility to implement measures and procedures specific to that workplace to mitigate Workplace Violence. It is important to recognize that each workplace is different taking into consideration the workplace circumstances and type of work done.

6.4 Right to Refuse Unsafe Work

Under the *Occupational Health & Safety Act*, Workers have the right to refuse unsafe work which they believe may endanger the health or safety of themselves or another Worker. In that instance the Worker should immediately contact their Supervisor, at which point appropriate measures will be taken to protect the Worker and the Workplace Violence &

Harassment Coordinator will investigate the situation. For some Workers, the right to refuse work for any reason, including for Workplace Violence, is limited. Certain Workers who protect public safety cannot refuse work if the danger is an inherent or normal part of their job or the refusal would endanger the life, health, or safety of another person (i.e., firefighters). Work refusals as they relate to Workplace Violence will be resolved based on an objective assessment of risk.

6.5 Disclosure of Persons with a Violent History

Supervisors are required to provide information to a Worker that is reasonably necessary to protect the Worker from physical injury. Three (3) conditions must be present to trigger the duty to warn:

- a) A Worker must be exposed to a risk of Workplace Violence from a person with a “history of violent behaviour;”
- b) The Worker must be expected to encounter that person in the course of his or her work; and
- c) The risk of violence must be “likely” to expose the Worker to physical injury.

Assistance must be sought from the Director, People & Culture prior to disclosing any information.

Since the *Ontario Health & Safety Act* does not provide a definition of “a history of violent behaviour” a single incident could possibly constitute a history of violent behaviour.

It may be difficult to determine the likelihood of physical injury which a Worker may be exposed to. For this reason, each case will be investigated and assessed accordingly.

6.6 Domestic Violence

If a Worker is experiencing Domestic Violence or a Worker has reason to believe that a co-worker is experiencing Domestic Violence that could expose that Worker or another Worker to physical injury in the workplace, the Worker should immediately notify their supervisor or the Workplace Violence & Harassment Coordinator. The Workplace Violence & Harassment Coordinator, in consultation with the department, will develop a safety plan on a case-by-case basis in consultation with the targeted Worker to assist in preventing and responding to the situation. In developing the plan, the Supervisor and Worker may be able to work with the police or other informed community services.

6.7 Special Circumstances

Should a Worker have a legal court order (e.g., restraining order, or “no contact” order) against another individual, the Worker is encouraged to notify their Supervisor, and to supply a copy of that order to the People & Culture Department. This will likely be required in instances where the Worker strongly feels that the aggressor may attempt to contact that Worker at the Town, in direct violation of the court order.

If any visitor to the Town workplace is seen with a weapon (or is known to possess one) and makes a verbal threat or assault against a Worker or another individual, Worker witnesses are required to immediately contact the Police, emergency response services, their Supervisor, or department leadership.

In cases where criminal proceedings are forthcoming, the Town will assist Police agencies, attorneys, insurance companies, and courts to the fullest extent.

6.8 Process for Reporting Workplace Violence

Workers are encouraged to report threatening statements or behaviour that gives one reasonable grounds to believe that there is a potential for Workplace Violence immediately to a Supervisor or the Workplace Violence & Harassment Coordinator. The Workplace Harassment & Violence Coordinator is the People & Culture Advisor and can be reached at 519-735-2184 x179. Such reports may assist in identifying patterns of potential violence and may assist in the prevention of emergency situations in the future.

If there is immediate danger, the Worker would call emergency services and then advise a Supervisor or the Workplace Harassment & Violence Coordinator. If the incident or complaint is brought to the attention of the Supervisor, they will report the incident to the Workplace Violence & Harassment Coordinator using the Harassment/Violence Reporting Form immediately.

A report may be made by many parties including but not limited to:

- a) the actual complainant of alleged Workplace Violence;
- b) another Worker who witnessed the incident(s); and/or
- c) a third-party reporting on behalf of the complainant(s).

6.9 Investigation Process

Once a report is received, the Workplace Violence & Harassment Coordinator or designate will decide who will investigate the incident of Workplace Violence. The investigation will commence immediately.

When a Supervisor receives a report of violence they will:

- a) Ensure any persons involved have received appropriate first aid or medical treatment.
- b) Ensure persons are in a safe place.
- c) Call the police, based on the nature of the violence and concerns of the Workers or others involved in the situation.

Note: Any physical assault in our workplace will be reported to the police. If the Supervisor or Manager is unsure, they should contact the police and the police will then decide whether the incident is a matter for them to handle. If the Workers or other parties involved request to have the police notified, the Supervisor or department leader will do so.

- d) Secure the scene.
- e) Notify Senior Management, the Workplace Violence & Harassment Coordinator and any potentially affected Workers or others about the situation.

Once the Workplace Violence & Harassment Coordinator or designate is notified, they will:

- f) Begin the investigation process immediately.
- g) Members of the investigation team will be made up of competent persons who can be impartial and have knowledge, training and experience regarding Workplace Violence issues and understand relevant legislation. The team will include the Coordinator and may also include Senior Management, other Supervisors, and a designated safety committee member or safety representative. These team members must maintain confidentiality throughout the process. The identities of the people involved will not be disclosed outside the team unless the disclosure is necessary for the purposes of the investigation or as required by law.

In completing the investigation, the team will:

- a. Sensitive interview the victim(s).
- b. Take witness names, contact information and statements.
- c. Attempt to address and resolve the complaint between the parties involved.
- d. Take special considerations for privacy and sensitivity for the victim in the situation.
- e. Determine actions required to prevent re-occurrences and implement controls.
- f. Record all information on the Harassment/Violence Reporting Form.
- g. Meet with the victim and perpetrator to disclose the results of the investigation.
- h. Make changes to the Hazard Assessment and this procedure, as needed.
- i. Only communicate changes to the Hazard Assessment and this procedure through the Safety Committee minutes. All other information collected through the investigation is considered confidential.

6.10 Support Services/Medical Assistance

In the event of an incident of Workplace Violence resulting in physical injury, access to appropriate first aid or medical aid will be provided by a trained individual, as required under the WSIB Act. An Ambulance or Police may be contacted depending on the severity of the injury.

Once the injured Worker has received the required care, the Supervisor will complete a Report of Incident form to ensure proper adjudication of the workplace injury by the WSIB. In cases where other support services are deemed to be required such as access to Employee Assistance Policy (EAP) the immediate Supervisor shall advise and assist the employee to seek such service, and/or initiate the appropriate response.

6.11 Notices

If an incident of Workplace Violence were to result in a death or critical injury as defined in the Occupational Health & Safety Act, the CAO, Director of People & Culture shall immediately notify the Violence & Harassment Coordinator, who will in turn notify the following:

- a. Ministry of Labour;
- b. Joint Health and Safety Committee(s); and
- c. appropriate union, if applicable.

A written report with the circumstances of the occurrence and other prescribed information shall be prepared by the Workplace Violence & Harassment Coordinator and sent to the above groups within 48 hours of the occurrence.

If an incident of Workplace Violence causing injury occurs and the person is disabled from performing his or her usual work or requires medical attention because of an incident of Workplace Violence, but no person dies or is critically injured because of that occurrence, written notice shall be provided to the Town's Joint Health and Safety Committee and appropriate union, if applicable, within four (4) days of the occurrence.

6.12 Training & Prevention for Workplace Violence

All Workers will be provided information and instruction on the contents of the policy and program with respect to workplace harassment prevention. This training will be completed within one week of commencement of employment and will be repeated on an annual basis.

Workers will receive training in the following:

- a) Intent and content of the Violence Free Workplace Policy and Program.
- b) Worker responsibilities and obligations under the policy and program and relevant legislation.
- c) How to summon immediate assistance.
- d) How to report incidents of Workplace Violence.
- e) How the employer will investigate and deal with incidents, threats, or complaints.
- f) How to carry out the measures and procedures that are in place to protect Workers from Workplace Violence.

Supervisors will receive training in the following:

- a) Intent and content of the Violence Free Workplace Policy and Program.

- b) Supervisor responsibilities and obligations under the policy and program and relevant legislation.
- c) How to summon immediate assistance.
- d) How to report incidents of Workplace Violence.
- e) How the employer will investigate and deal with incidents, threats, or complaints.
- f) How to carry out the measures and procedures that are in place to protect Workers from Workplace Violence.

6.13 Confidentiality of Complaints and Investigations

The Town recognizes the sensitive nature of violence complaints and will keep all complaints confidential, to the fullest extent possible. The Town will only release as much information as is necessary to investigate and respond to the complaint or situation or if required to do so by law.

Out of respect for the relevant individuals, it is essential that anyone involved in the formal investigation of a complaint maintain confidentiality throughout the investigation and afterwards.

7. Record Keeping

7.1 The Town 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 copy of any corrective action taken to address the complaint or incident of Workplace Violence.

All records relating to the investigation, including all notes and materials and final report will be kept in confidence and shall be filed separate from any personnel files, with the Workplace Violence & Harassment Coordinator to ensure confidentiality. Records will be kept not less than five years from the conclusion of the investigation.

8. Contact Information

Further assistance regarding the Workplace Violence prevention program can be provided by the People & Culture Department. The Workplace Violence & Harassment Coordinator is the People & Culture Advisor and can be reached at 519-735-2184 x179.