

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN
BY-LAW NO. 2016 - 48

Being a By-law to adopt a Workplace Violence and Harassment Policy and Program.

WHEREAS Section 32 of the *Occupational Health and Safety Act, R. S.O. 1990, c. O.1*, as amended, requires that an employer prepare policies and programs with respect to workplace violence and harassment;


AND WHEREAS the Corporation of the Municipality of Magnetawan is committed to the health, wellbeing and safety of its workers and to providing a work environment in which all workers are treated with respect and dignity;

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan enacts as follows:


1. **THAT** the Magnetawan Workplace Violence Policy (Schedule 'A'), the Magnetawan Workplace Harassment Policy (Schedule 'B'), and the Magnetawan Workplace Violence and Harassment Program (Schedule 'C') be adopted as attached;
2. **THAT** the attached Policies and Program be posted in a conspicuous place in the workplace; and
3. **THAT** the attached Policies and Program be reviewed and updated by staff on an annual basis.

READ A FIRST, SECOND, AND THIRD TIME, passed, signed and the Seal of the Corporation affixed hereto, this 14th day of December, 2016

**THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**



Mayor



Clerk-Administrator

Council MTG. of Dec. 14/16
Agenda Item # 8.1.

SCHEDULE 'A' to BY-LAW 2016-48
MAGNETAWAN WORKPLACE VIOLENCE POLICY

The Municipality of Magnetawan is committed to the prevention of workplace violence, and as an employer, is ultimately responsible for worker health and safety. We will take whatever steps are reasonable to protect our workers from workplace violence from all sources.

The *Occupational Health and Safety Act, R.S.O. 1990, c. O.1*, as amended, defines **Workplace Violence** as:

- (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.

Violent behaviour in the workplace is unacceptable from anyone. This policy applies to all Magnetawan workers, Department Heads and the employer; clients; contractors; and other employers. Everyone is expected to uphold this policy and to work together to prevent workplace violence. Management will adhere to this policy and the supporting program. Managers are responsible for ensuring that measures and procedures are followed by workers and that workers have the information they need to protect themselves.

There is a workplace violence and harassment program that implements this policy. It includes measures and procedures to protect workers from workplace violence, a means of summoning immediate assistance, and a process for workers to report incidents of violence in the workplace.

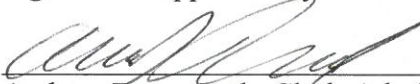
The Municipality of Magnetawan, as the employer, will ensure that this policy and the supporting program are implemented and maintained. All workers and supervisors will receive appropriate information and instruction on the contents of the policy and program.

Every worker must work in compliance with this policy and the supporting program. All workers are encouraged to raise any concerns about workplace violence and to report any violent incidents or threats as per the Workplace Violence and Harassment Program. The employer pledges to investigate and deal with all incidents and complaints of workplace violence in a fair and timely manner, respecting the privacy of all concerned as much as possible

If a worker needs further assistance they may contact their Health and Safety Representative:

- Outdoor Workers – Ian Gordon, 705-387-3947
- Indoor Workers – Nancy Field, 705-387-3947, admin@magnetawan.com

Signed and Approved by:


Andrew Farnsworth, Clerk-Administrator

December 8, 2016
Date

SCHEDULE 'B' to BY-LAW 2016-48

MAGNETAWAN WORKPLACE HARASSMENT POLICY

The Municipality of Magnetawan is committed to providing a work environment in which all workers are treated with respect and dignity. Workplace harassment will not be tolerated from any person in the workplace including workers, supervisors, members of the public and other employers or contractors.

WORKPLACE HARASSMENT means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome or workplace sexual harassment. Workplace sexual harassment means:

- a. engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b. making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

Reasonable action taken by the employer or Department Head relating to the management and direction of workers or the workplace is not workplace harassment.

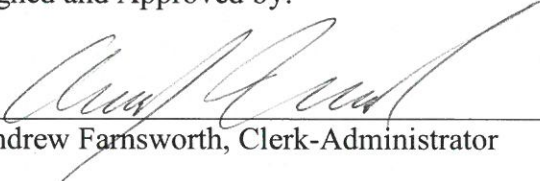
Workers are encouraged to report any incidents of workplace harassment to their Department Head. Management will investigate and deal with all complaints or incidents of workplace harassment in a fair, respectful and timely manner. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

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

If a worker needs further assistance they may contact their Health and Safety Representative:

- Outdoor Workers – Ian Gordon, 705-387-3947
- Indoor Workers – Nancy Field, 705-387-3947, admin@magnetawan.com

Signed and Approved by:



Andrew Farnsworth, Clerk-Administrator

December 8, 2016

Date

SCHEDULE 'C' to BY-LAW 2016-48

MAGNETAWAN WORKPLACE VIOLENCE AND HARASSMENT PROGRAM

The Municipality of Magnetawan is committed to providing a work environment in which all workers are treated with respect and dignity and can conduct their work in a safe manner, without the threat of violence and harassment.

Workplace violence and harassment will not be tolerated from any person in the workplace including workers, supervisors, members of the public or other employers or contractors.

The workplace violence and harassment program applies to all workers including Department Heads, temporary employees, students and subcontractors.

Risks of violence and harassment in the workplace will be included in the monthly workplace health and safety inspections as conducted by Health and Safety Representatives.

Unionized workers are encouraged to involve their CUPE representative at any point in the process of reporting an incident of violence or harassment or during the investigation process.

This policy will form part of the training package for new and returning workers and will be reviewed annually with all workers.

1. Workplace harassment

Workplace harassment means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome or workplace sexual harassment.

Workplace sexual harassment means:

- engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

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

2. Workplace Violence

The *Occupational Health and Safety Act, R.S.O. 1990, c. O.1*, as amended, defines Workplace Violence as:

- the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker, or
- 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. Measures and Procedures to Control the Risk of Workplace Violence

Department Heads and the Employer shall work with workers in an ongoing manner to address any concerns with risks of violence in the workplace.

The following is a list of procedures to assist workers in recognizing and mitigating potential risks of workplace violence.

3.1. Office

- workers shall not invite anyone to enter into the office, beyond the front counter, unless that person has been so authorized through policy or specifically by the Department Head;
- workers shall keep all public entrances to the office locked outside of business hours;
- workers shall keep all worker-only entrances locked at all times;
- workers shall not work alone in the office unless so authorized by the Department Head.

3.2. Outdoor

- workers shall avoid working alone whenever possible;
- workers shall keep a reasonable distance between themselves and the vehicles of members of the public, and should avoid placing themselves in the path of such vehicles, including leaning into vehicle windows or doors;
- workers shall maintain a reasonable distance between themselves and members of the public whenever possible;
- workers shall maintain radio or other means of communication at all times

4. Sources of Workplace Violence

Communication is a key component of preventing workplace violence. All Department Heads must ensure that workers are aware of potential risks of violence and must act accordingly.

Violence in the workplace can originate from many different sources. In the Municipality of Magnetawan, the following risks may arise to contribute to workplace violence:

- interactions with coworkers;
- interactions with relatives or through other personal relationships; and
- interactions with members of the public who are encountered in the office or out in the Municipality.

5. Procedure for Summoning Emergency Assistance due to Workplace Violence

Emergency assistance is available by dialing 911 from any telephone.

For all workplaces if a person is critically injured or killed, or if the worker is under the threat of violence, a worker should dial 911 for immediate assistance. The person calling should make sure that they do not put themselves or others in danger and make the call as soon as it is safe to do so.

All workplaces shall have immediate access to at least one of the following devices:

- landline telephone
- cell phone
- radio or pager

6. Procedure for Reporting Non-Emergency Workplace Violence and Harassment

6.1. When to report workplace violence and harassment

An incident or a complaint of workplace violence or harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

6.2. How to report workplace violence and harassment

Workers can report incidents or complaints of workplace violence or harassment verbally or in writing. When submitting a written complaint, please use the workplace violence and harassment complaint form (*see Appendix 'A' as attached*). When reporting verbally, the reporting contact, along with the worker reporting the violence or harassment, will fill out the complaint form.

The report of the incident should include the following information:

- Name of the worker who has allegedly experienced workplace violence or harassment and their contact information
- Name of the alleged assailant/harasser, their position and contact information (if known)
- Names of any witnesses or other person with relevant information to provide about the incident and contact information (if known)
- Details of what happened including:
 - dates, frequency and locations of the alleged incident;
 - any supporting documents the worker who complains of violence or harassment may have in their possession that are relevant to the complaint; and
 - a list of any documents that a witness, another person or the alleged assailant/harasser may have in their possession that are relevant to the complaint.

6.3. Who to report workplace violence and harassment to

- 6.3.1.** Report a workplace violence or harassment incident or complaint to the Department Head. If the Department Head or a Member of Council is the person engaging in the workplace violence or harassment, contact the Clerk-Administrator. If the Clerk-Administrator is the person engaging in the workplace violence or harassment, contact Judy Kosowan, Clerk/CAO, Ryerson Township, 705-382-3232.
- 6.3.2.** If a worker is unsure of who to report to, the worker shall report the incident to the Health and Safety Representative. The Health and Safety Representative shall report the incident to the appropriate person according to the procedure outlined in 6.3.1.
- 6.3.3.** The Clerk-Administrator shall be notified of the workplace violence or harassment incident or complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances. If the incident or complaint involves a member of Council or the Clerk-Administrator, an external person qualified to conduct a workplace violence and harassment investigation who has knowledge of the relevant workplace violence and harassment laws will be retained to conduct the investigation.

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

7. Investigation

7.1. Commitment to investigate

The Municipality of Magnetawan will ensure that an investigation appropriate to the circumstance is conducted when the Employer or a Department Head becomes aware of an incident of workplace violence or harassment or receives a complaint of workplace violence or harassment.

7.2. Who will investigate

The Clerk-Administrator will determine who will conduct the investigation into the incident or complaint of workplace violence or harassment. If the allegations of workplace violence or harassment involve a member of Council or the Clerk-Administrator, the reporting contact shall refer the investigation to an external investigator to conduct an impartial investigation.

7.3. Timing of the investigation

The investigation must be completed in a timely manner and generally within 60 days or less unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

7.4. Investigation process

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

- 7.4.1.** The investigator shall ensure that the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator shall remind the parties of this confidentiality obligation at the beginning of the investigation.
- 7.4.2.** The investigator shall thoroughly interview the worker who allegedly experienced the workplace violence or harassment and the alleged assailant/harasser if the alleged assailant/harasser is a worker of the employer. If the alleged assailant/harasser is not a

worker, the investigator shall make reasonable efforts to interview the alleged assailant/harasser if it is safe to do so.

- 7.4.3. The alleged assailant/harasser shall be given the opportunity to respond to the specific allegations raised by the worker. In some circumstances, the worker who allegedly experienced the workplace violence or harassment should be given a reasonable opportunity to reply.
- 7.4.4. The investigator shall interview any relevant witnesses employed by the employer who may be identified by either the worker who allegedly experienced the workplace violence or harassment, the alleged assailant/harasser or as necessary to conduct a thorough investigation. The investigator shall make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified.
- 7.4.5. The investigator shall collect and review any relevant documents.
- 7.4.6. The investigator shall take appropriate notes and statements during interviews.
- 7.4.7. The investigator shall prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker who allegedly experienced the workplace violence or harassment, the response from the alleged assailant/harasser, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace violence or harassment was found or not. The report shall also suggest recommendations to avoid a reoccurrence of the reported incident.

7.5. Results of the investigation

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

7.6. Confidentiality

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace violence or harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the worker who has allegedly experienced violence or harassment, the alleged assailant/harasser and any witnesses should not discuss the incident or complaint or the investigation with each other or other workers or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

All records of the investigation shall be kept confidential.

7.7. Handling complaints

Interim measures that may be taken after the complaint is received and during the investigation shall be determined on a case by case basis by the employer with assistance from the investigator. If the investigation indicates that an employee committed workplace violence or harassment, the employee may be subject to discipline under the Progressive Discipline policy, up to and including termination.

8. Post Investigation Review

Following the completion of the investigation, the Clerk-Administrator, Department Heads and Health and Safety Representatives shall meet to review this policy in light of the investigator’s report. The post-investigation review team may also conduct updated risk assessments.

9. Record keeping

The employer shall keep records of the investigation including:

- a copy of the complaint or details about the incident;
- a record of the investigation including notes;
- a copy of the investigation report;
- a summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace violence or harassment and the alleged assailant/harasser, if a worker of the employer;
- a copy of any corrective action taken to address the complaint or incident of workplace violence or harassment.

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

Records will be kept for seven years

10. Program Updating


The workplace violence and harassment program will be updated annually by the Clerk-Administrator and the Health and Safety Representatives.

Date approved by Council: December 14, 2016

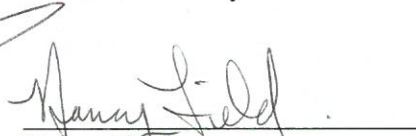
Schedule of Annual Review


Date of Review	Reviewers Initials	Actions Taken
November 21, 2016	<i>NY AK DJ</i>	Plan drafted and reviewed by H&S Reps
, 2017		
, 2018		
, 2019		
, 2020		
, 2021		
, 2022		
, 2023		

Drafted by


 Andrew Farnsworth
 Clerk-Administrator

Initial Review by


 Nancy Field
 Indoor H&S Rep


 Ian Gordon
 Outdoor H&S Rep

APPENDIX 'A'

Workplace Violence and Harassment Complaint Form

Name and contact information of worker who has allegedly experienced workplace violence or harassment (your name):

Name of alleged assailant/harasser and contact information, if available:

Details of the complaint of workplace violence or harassment

Please describe in as much detail as possible the violence or harassment incident(s), including: (a) the names of the parties involved; (b) any witnesses to the incident(s); (c) the location, date and time of the incident(s); (d) details about the incident(s), such as behaviour and/or words used; (e) any additional details. (Attach additional pages if required)

Relevant documents/evidence

Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted. If you are not able to attach documents and they are relevant to your complaint, please list the documents below. If someone else has relevant documents, please note that below.

Worker signature: _____

Date: _____

Reported to (name): _____

(position): _____

