

ABUSE POLICY

1. PURPOSE

The purpose of this Policy is

- To protect Councillors, workers, and volunteers and to foster a workplace that is safe from all forms of harassment, abuse, and violence.
- To identify and inform Councillors, workers, and volunteers of behaviours that are unacceptable.
- To establish a mechanism for receiving complaints.
- To set out steps for reporting a complaint once received.
- To provide for corrective or remedial action.

The intention of this Policy is to support those who experience or witness abuse. The Policy prohibits reprisals against individuals, acting in good faith, who report incidents of abuse, harassment or violence or act as witnesses. Council and *Supervisors* will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further violence. Reprisal is defined as any act of retaliation, either direct or indirect.

2. POLICY STATEMENT

The Township of O'Connor is committed to fostering a workplace that promotes a safe and healthy work environment. The Township will not tolerate any form of physical, *sexual*, *emotional*, *verbal*, or *psychological* abuse, nor any form of neglect or harassment.

3. SCOPE

This policy shall apply to but is not limited to Council Members, *Supervisors*, Employees, Volunteers, members of the public and independent contractors.

4. **DEFINITIONS**:

"BAD FAITH" is defined as but not limited to a deliberate or malicious filing of an abuse report with the knowledge that it has no basis.

"COMPLAINANT" is defined as the person who has made a complaint about another individual who they believe committed an act of abuse, violence, or *harassment* against them.

"RESPONDENT" is defined as the person whom another individual has accused of committing an act of abuse, violence, or *harassment*.

"SUPERVISOR" is defined as a person who has charge of a *workplace* or authority over a worker.



"WORKER" is defined as a person who performs work or supplies services for monetary compensation including Council members, employees, and Volunteer Fire Department members.

"WORKPLACE" is defined as any land, premises, location, or thing at, upon, in or near which a *worker* works.

"EMOTIONAL ABUSE" is defined as but not limited to a chronic attack on an individual's self-esteem. It can take the form of name calling, threatening, ridiculing, berating, intimidating, isolation, hazing, habitual scapegoat, blaming.

"PSYCHOLOGICAL ABUSE" is defined as but not limited to communication of an abusive nature, sarcasm, exploitive behaviour, intimidation, manipulation, and insensitivity to race, sexual preference or family dynamics.

"PHYSICAL ABUSE" is defined as but not limited to the use of intentional force that can result in physical harm or injury to an individual. It can take the form of slapping, hitting, punching, shaking, pulling, throwing, kicking, biting, choking, strangling or the abusive use of restraints.

"SEXUAL ABUSE" is defined as but not limited to any unwanted touching, fondling, observations for sexual gratification, any penetration or attempted penetration with a penis, digital or object of the vagina or anus, verbal or written propositions or innuendos, exhibitionism or exploitation for profit including pornography.

"VERBAL ABUSE" is defined as but not limited to humiliating remarks, name calling, swearing at, taunting, teasing, continual put downs.

"NEGLECT" is defined as but not limited to any behaviour that leads to a failure to provide services which are necessary such as withdrawing basic necessities as forms of punishment, failing to assess and respond to changes in health status and refusing or withdrawing physical or emotional support.

"HARASSMENT" is defined as but not limited to any unwanted physical or verbal conduct that offends or humiliates, including gender-based harassment. It can be a single incident or several incidents over time. It includes threats, intimidation, display of racism, sexism, unnecessary physical contact, suggestive remarks or gestures, offensive pictures or jokes. Harassment will be considered to have taken place if a reasonable person ought to have know that the behaviour was unwelcomed.

"DISCRIMINATION" is defined as treating a person unequally, rather than treating the person fairly based on individual merit. Discrimination can be either intentional or unintentional and is usually based upon personal prejudices and stereotypical assumptions related to at least one of the grounds set out in the Ontario Human Rights Code.



5. **GOVERNING LEGISLATION**

Provincial Legislation that may be considered with the Policy:

- Human Rights Code, RSO 1990, c H.19
- Criminal Code, RSC 1985, c C-46
- Occupational Health and Safety Act, R.S.O. 1990, c. O.1

Municipal Policies that may be considered with this Policy:

- 2.6 Health and Safety Policy
- 2.7 Progressive Discipline Policy
- 2.9 Policy for Employee Code of Conduct
- 3.10 Policy for Workplace Harassment/Violence
- 3.12 Policy for Employee and Family Assistance Program (EFAP)
- 3.14 Anti-Stigma Policy
- 3.17 Code of Conduct for Council Members
- 1404 Standard Operating Guideline (SOG) Progressive Discipline

6. PREVENTATIVE MEASURES

Preventative measures taken to prevent abuse in the *workplace* will start with review of this Policy and other related polices, as outlined in Section 5, on an annual basis. By reviewing these Policies, *workers* will realize what behaviour (e.g., violence, intimidation, bullying, *harassment*, etc.) is inappropriate and unacceptable in the *workplace*. This Policy will also encourage employees to report such incidents and will show that Council is committed to fairly addressing incidents involving violence, *harassment* and other unacceptable behaviour.

Council has also adopted a Code of Conduct for both Employees and Council Members that is made available upon hire or election and is reviewed annually. The Township's Volunteer Fire Department members are provided with SOG 1404, guidelines for Progressive Discipline.

All efforts will be made to ensure that *workers* are aware that any type of abuse, as defined in this Policy, will not be tolerated and that disciplinary action will be taken that may lead to termination of employment or dismissal from duties of the *Respondent*.

SIGNS OF ABUSE

There is a misconception that abuse is obvious, however it is often subtle, slow, and devious mistreatment that is overlooked and ignored. Abuse can be subtle and not-so subtle.



Subtle Signs

- ➤ Isolation/Exclusion Intentionally excluding someone or making them feel socially or physically isolated from a group.
- Ignoring Purposefully ignoring, avoiding, or not paying attention to someone.
- Intimidation Overt or veiled threats, fear-inducing communication and/or behaviour.
- Discrimination unjust or prejudicial treatment of different categories of people, especially on the grounds of ethnicity, age, sex, or disability.
- Deceit Repeatedly lying, not telling the truth, concealing the truth, deceiving others to get one's way, and creating false hopes with no plans to fulfil them.
- Rationalization Constantly justifying or defending behaviour or making excuses for acting in a particular manner.
- Minimization Minimizing, discounting, or failing to address someone's legitimate concerns or feelings.
- Diversion Dodging issues, acting oblivious or playing dumb, changing the subject to distract away from the issue, cancelling meetings, and avoiding people.
- ➤ Shame and Guilt Making a *worker* constantly feel that they are the problem, shaming them for no real wrongdoing, or making them feel inadequate and unworthy.
- ➤ Pitting workers against each other Unnecessarily and deliberately pitting employees against one another to drive competition, create conflict, or establish winners and losers or to encourage workers to turn against one another.
- Removal of responsibility Removing someone's responsibilities, changing their role, or replacing aspects of their job without cause.
- ➤ Impossible or changing expectations Setting nearly impossible expectations and work guidelines and changing those expectation to set up the *worker* to fail.
- Constant change and inconsistency Constantly changing expectations, guidelines, and scope of assignments and not following through on things said.
- ➤ Mood swings Frequently changing moods and emotions.
- Criticism Constantly criticizing someone's work or behaviour, usually for unwarranted reasons.
- ➤ Withholding information Intentionally withholding information from someone or giving them the wrong information.

Not-So-Subtle

Aggression – Yelling or shouting at a *worker*, exhibiting anger or aggression *verbally* or non-*verbally*.



- ➤ Intrusion Tampering with someone's personal belongings, intruding on someone by unnecessarily lurking around their desk, stalking, spying or pestering someone.
- Coercion Aggressively forcing or persuading someone to say or do things against their will or better judgement.
- Punishment Undeservedly punishing a worker with physical discipline, psychologically through passive aggression or emotionally through isolation.
- ➤ Belittling Persistently disparaging someone or their opinions, ideas, work, or personal circumstances in an underserving manner.
- ➤ Embarrassment Embarrassing, degrading, or humiliating an employee publicly in front of others.
- Revenge Acting vindictive towards someone, seeking unfair revenge when a mistake happens and retaliating against a *worker*.
- ➤ Threats Threatening unwarranted punishment, discipline, termination, and/or *physical*, *emotional*, or *psychological* abuse.
- ➤ Offensive communication Communicating offensively by using profanity, demeaning jokes, untrue rumours or gossip or *harassment*.
- Campaigning Launching an overt or underhanded campaign to "oust" a person out of their job.
- ➤ Blocking advancement or growth Impeding an employee's progression, growth, and/or advancement.

7. **RESPONSIBILITIES**

7.1 Council's Role and Responsibility

Council shall develop and maintain a written program to implement this Policy with respect to abuse.

Council will ensure that all employees are trained and educated on *harassment*, violence and *harassment* and that they are clear about the roles and responsibilities as well as this policy and its procedures. In addition a copy of this policy will be made available to all employees.

Council will receive all complaints or incidents of abuse 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.

7.2 <u>Supervisor's Role and Responsibilities</u>

Supervisors will adhere to this Policy and the supporting program.

Supervisors will ensure that Workers are provided with a copy of the Employee Code of Conduct and the Workplace Harassment/Violence



Policy and ensure that they understand what behaviour will not be tolerated in the *Workplace*.

Supervisors are responsible for ensuring that measures and procedures are followed by *Workers*, and that *Workers* have the information they need to protect themselves.

Supervisors will receive all complaints or incidents of abuse 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.

7.3 Worker Role and Responsibility

Every *Worker* and volunteer must work in compliance with this Policy and the supporting program. All *Workers* and volunteers are encouraged to raise any concerns about abuse and to report any abuse as defined in this Policy. There will be no consequences to a *Worker* for reporting abuse unless complaints are vexatious or otherwise made in *bad faith*.

8. **CONFIDENTIALITY**

Council and *Supervisors* will do everything they can to protect the privacy of the individuals involved and to ensure that *Complainants* and *Respondents* are treated fairly and respectfully. Council and *Supervisors* will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law. Neither the name of the person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever, unless such disclosure is necessary for an investigation or disciplinary action. Council and *Supervisors* will also provide appropriate assistance to any employee who is victim of abuse.

All interviews with the *Complainant*, *Respondent* and witnesses will be done in an area that will ensure confidentiality and anonymity of both the *Complainant* and the investigation process.

9. <u>ABUSE REPORTING PROCEDURES</u>

Once a complaint is lodged, the investigator will arrange to meet with the *Complainant* to explain the investigative procedure and to review this policy. The investigator will then schedule a meeting with the *Respondent* in order to inform him/her that a complaint has been lodged against them, what the nature of the complaint is and what procedure will be followed to address the complaint.



9.1 Abuse Reporting Form

The Abuse Reporting Form, hereto attached as Schedule "A" will be available at the Municipal Office, or from a *Supervisor*.

9.2 Investigative Reporting on Abuse

The Investigative Reporting on Abuse, hereto attached as Schedule "B" will be available at the Municipal Office.

9.3 <u>Decision – Report to Council</u>

The Decision – Report to Council, hereto attached as Schedule "C" will be made available to Council by Investigator.

9.4 Procedure for Workers Who Feel They Are Being Abused

- a) To the point that they feel comfortable to do so, a Worker who believes they are a victim of abuse should indicate clearly and firmly to the person engaging in the abusing behaviour that the comment or conduct is unwelcome and must stop. The Worker should keep a written record of all incidents, including dates, times, places, behaviours, witnesses, and the effects or impact on them personally.
- b) All Workers are encouraged to report any incidents of abuse. Workers who feel that they are victims of abuse, or who witness abuse, have a right and responsibility to report their concerns to their Supervisor. If the Supervisor is the subject of the complaint, the worker may report his or her concerns to the Clerk-Treasurer. Supervisors who are aware of, or who ought reasonably to be aware of abuse taking place in their department, have an obligation to take appropriate action.
- c) A *Worker* who wishes to initiate a formal complaint shall first take the matter up with their *Supervisor*. If the situation is not resolved, the *Worker* may file a written complaint with the *Supervisor*. If the complaint involves the *Supervisor*, written submission should be made to the Clerk-Treasurer.
- d) If a written complaint is received by the *Supervisor* or the Clerk-Treasurer, a copy shall be provided to the Mayor, or Acting Mayor, as soon as possible.
- e) Upon receiving a complaint, an investigation, by the Clerk-Treasurer, will ordinarily be initiated withing five (5) working days following receipt of the complaint, or as soon as possible thereafter. The process will include gathering information from both the *Complainant* and the *Respondent*, interviewing any witnesses and key people, and documenting the finds in a report.
- f) The Clerk-Treasurer will prepare a separate one-page decision that will state only the following:
 - The name of the Complainant and the date of the complaint.



- The name of the person the complaint was made against.
- That the complaint was investigated.
- Whether the evidence substantiates the complaint.
- Whether the evidence does not substantiate the complaint, or
- The evidence is inconclusive and accordingly there is no finding of abuse.
- g) The Clerk-Treasurer will, in turn, provide both the *Complainant* and the *Respondent* with his/her decision. The Clerk-Treasurer may also provide them such detail as may be essential to implement the decision.
- h) In the event the allegations are not substantiated, there will be no negative consequences for the *Complainant*, the alleged abuser, or any witnesses. Where there is reasonable evidence that abuse has occurred, corrective or remedial action will be determined by the seriousness of the Policy violation found by the investigation and the need to protect the *Complainant* or any witnesses from reprisals. Corrective or remedial action could include an apology, education, demotion, discipline (up to and including dismissal), or some combination of these actions.
- i) If during an investigation, a *Worker* is found to have falsely or frivolously accused another *Worker*, the *Complainant* will be subject to disciplinary action up to and including termination.
- j) A Supervisor's role is to receive the complaint only, not to investigate the complaint. All results of abuse investigations shall be reported to Council in closed session or, if Council has provided otherwise, to the person appointed to receive these results.

If a *Worker* who has made the complaint, will be required to work with the *Worker* who is the subject of the complaint, before the investigation can begin, the *Worker* may refuse to work. *Supervisor's* must always protect the *Worker*.

If a *Worker* who has made the complaint, refuses to work with the *Respondent*, arrangements will be made to ensure that the *Complainant* is provided with a workspace that will accommodate them and proceed with the investigation.

9.5 When the complaint involves a *Supervisor* or Council Member

When a complaint involves a *Supervisor* or a Council Member, the complaint shall be submitted directly to the Clerk-Treasurer. The Clerk-Treasurer, working with Council, may determine how best to proceed with the investigation outlined in Section 7.3

If the complaint involves the Clerk-Treasurer, the complaint shall be submitted directly to the Mayor. The Mayor, working with Council, may determine how best to proceed with the investigation outlined in Section 7.3.



9.6 When the complaint involves the Mayor

When a complaint involves the Mayor, the Clerk-Treasurer shall provide the complaint to the Acting Mayor. The Acting Mayor, working with Council, may determine how best to proceed with the investigation outlined in Section 7.3.

9.7 When the complaint involves a member of the Public

When a complaint involves a member of the Public, the complaint shall be submitted to the department *Supervisor*. The *Supervisor* will bring the complaint to the Clerk-Treasurer for review. The Clerk-Treasurer will bring the complaint to Council. Council may determine how best to proceed with the investigation outlined in Section 7.3.

9.8 Recommendation of Corrective or Remedial Action

Council, or the person appointed by Council, will review the results of the investigation, and make recommendations and/or take corrective or remedial action if required. When appropriate, legal advice shall be obtained.

A recommendation could include, but is not limited to:

- Referral to an outside employee assistance program.
- Training programs.
- Health and safety programs.
- Formal apology.
- Verbal warning.
- Written warning.
- 3-day suspension without pay.
- 7-day suspension without pay.
- Termination.

Abusers may be subject to Police enforcement depending on the severity and the scenario. Legal advice should be sought by Council in these circumstances; however, it may be deemed necessary or urgent to report an incident to the Police prior to legal consultation. An individual always has their own right to contact the police at any time they feel unsafe.

9.9 Corrective or Remedial Action - Supervisors and Workers

Corrective remedial action for abusers may include any of the following, depending on the nature and severity of the abuse:

- A suspension, with or without pay.
- A demotion.
- A dismissal.
- Reporting the incident to the Police.



9.10 Corrective or Remedial Action - Members of Council

Corrective or remedial action for members of Council may include any of the following, depending on the nature and severity of the *harassment*:

- A public censure recorded in the minutes of a council meeting.
- A transfer of portfolios.
- Other recourses as prescribed by the Municipal Act for improper behaviour or misconduct.
- Reporting the incident to the Police.

9.11 Corrective or Remedial Action - Members of the Public

No employee or volunteer should be expected to endure abuse by any member of the public.

If the abuser is a member of the public, the Mayor shall send them a letter to advise them of the Abuse Policy. Corrective action may involve the member of the public being asked to submit a letter of apology.

Escalation and continuation will be reviewed on a case-by-case basis and could result in a response from the Municipal By-law Enforcement Officer or the Police.

9.12 Corrective or Remedial Action - Contractors/Suppliers

If the abuser is a contractor or supplier for the Township of O'Connor, the Mayor shall advise the owner or manager of the company of the Abuse Policy and that if the behaviour continues, they may be suspended as a supplier to the Township.

9.13 Unsubstantiated Complaints

If there is not enough evidence to support an allegation of abuse, the investigator shall not recommend any penalties or remedies.

9.14 Complaints made in Bad Faith

In the event that the complaint was made in *bad faith*, the *Complainant* shall be subject to the same penalties as an abuser. The person unjustly accused of abuse shall have their reputation restored and shall be given the benefit of any necessary remedies that would be given in a case of abuse.



9.15 Notification

The *Worker* who has allegedly experienced abuse and the alleged abuser, if they are a *Worker* of the Township of O'Connor, will be informed of the results of the investigation as per the procedure set out in Section 7.3.

10. TRAINING

The Council of the Township of O'Connor is committed to ensuring that this Policy and related information is provided to all *Workers*, including information on how to make a complaint.

11. RECORDS

All complaints, investigative results, and any other relevant information regarding an abuse complaint, shall be maintained on file. Such files are subject to the Township's Record Retention Policy but shall not be destroyed while the *Worker*, who are the subject of the complaint, remains in the employment of the Township of O'Connor or continues to volunteer in the Township of O'Connor. Previous complaints against the same *Worker* will be reviewed in subsequent complaints.

12. REVIEW

This Policy shall be reviewed as often as necessary, but at least annually, to ensure that it adequately implements the policy with respect to abuse.

Incidents of abuse may require review of this Policy more often. If, during the investigation of a complaint, it is found that this Policy should be modified, Council shall make it a priority to change the Policy and communicate that change to the *Supervisors* and *Workers*.

EFFECTIVE DATE: This policy shall come into effect as of June 26, 2023.

Reference: Resolution #10, June 26, 2023.



Worker Acknowledgement

Abuse Policy

I understand that abuse has the potential for personal financial liabilities and or police enforcement if necessary(initial)
I acknowledge that during the course of an investigation, I may come across highly sensitive and confidential information. Such information is deemed strictly confidential and I agree that I shall not reveal to any person or entity, or use any of the acquired information at any time, except as expressly directed by the Township of O'Connor, or as may be required by law(initial)
I acknowledge that I have received and read the abuse policy and/or have had it explained to me. I understand that it is my responsibility to abide by all the rules contained in this policy and to report any incidents of abuse as set forth in this policy. (initials)
Date
Printed Name
Signature



SCHEDULE "A"

Abuse Incident Report Form



PERSONAL INFORMATION: (Separate forms to be completed by each person	n experiencing or witnessing abuse in the
workplace).	
Name:	Position:
ivaliie.	i osition.
Department:	Contact Number:
INCIDENT INFORMATION: Please describe in	as much detail as possible the incident(s)
including: the name of the parties involved, any	witnesses to the incident(s), the location, details
about the incident(s) (behaviour and/or words us	sed), any additional details.
Alleged Abuser(s):	
Contact Information (if available):	
Relationship to the alleged abuser(s):	
Does the alleged abuser(s) involved have a history o	f previous incidents?
☐ Yes ☐ No ☐ Don't know	
a res a no a borreniew	
INCIDENT DETAILS:	
Date and time of incident:	
Date and time of incident report:	
Location of Incident:	
Describe the incident in detail:	



Is this an ongoing issue? ☐ Yes ☐ No	
If yes, please provide further details.	
Were other individuals involved? (e.g. staff, gene	eral public. Council, residents, volunteers etc.)
(* 3 * * * * * * * * * * * * * * * * * *	. , , , ,
List Witness(es) with contact information.	
Name	Contact
1.	
2.	
3.	
4.	
Is there any physical or documentary evidence to	support the complaint? Yes No
(if yes, please provide details)	
Please provide any other information you think m	nay be relevant.



REPORTING	
Has the complaint been reported to the Department Head	d (or Mayor, if appropriate)
□ Yes □ No	
If yes, please provide name:	
Date of when reported:	
Has the incident been reported to WSIB?	
☐ Yes ☐ No	
WSIB Number (if applicable):	
	
Signature of Employee	Date
Signature of person who received the complaint	



SCHEDULE "B"

Investigation Report On Abuse



THE CORPORATION OF THE TOWNSHIP OF O CONNOR		
INVESTIGATION REPORT		
Name of Investigator:	Position:	
	Police Contacted: ☐ Yes ☐ No	
Date of Investigation:	If yes, name of who contacted Police:	
WSIB reports completed? ☐ Yes ☐ No		
If yes, name of person reporting:		
BACKGROUND INFORMATION		
Name of person who reported the abuse:		
If not the same person as above, name of person who	allegedly experienced the abuse:	
Date of complaint/concern raised:		
Name of Respondent(s) (alleged abuser(s). (List their	position and department)	
Name	Position/Department	
1.		
2.		
3.		
4.		
INVESTIGATION PLAN: Plan and conduct the	e investigation	
 abuser. 3. Make a list of possible relevant witnesses. The the alleged abuser should be asked for names 4. Interview relevant witnesses. Ask specific que having personally experienced. 	al who allegedly experienced the abuse and the alleged e individual who allegedly experienced the abuse and	

- alleged abuser, witnesses, and the employer.

 6. Take detailed notes.
- 7. Keep the investigation confidential. Instruct individual who allegedly experienced the abuse, the alleged abuser, and witnesses not to talk to others about the investigation unless it is necessary, example to obtain advice or counselling.



WORKPLACE ABUSE ALLEGATIONS:			
Date of first incident:			
Date of last incident:			
Date of other incident(s): (List any subsequent behaviours or conduct)			
ALLEGED ABUSER(S) RESPONSE: (The alleged abuser(s) must have an opportunity to respond to the details of the allegation of abuse)			
INTERVIEW RELEVANT WITNESSES: (List witnesses. Interview relevant witnesses and	make detailed notes)		
1.			
2.			
3.			
4.			
COLLECTION OF DOCUMENTS: (List the documents collected for the investigation	and how or from whom they were obtained)		
Document	Provider Name		
1.			
2.			
3.			
4.			
5.			
6.			



INVESTIGATION RESULT(S):	
Summary of Key Evidence:	
Recommended Next Steps:	
Name of Investigator (Print)	
Signature of Investigator	Date Report Completed
Signature of Mayor	Date Reviewed by Council



SCHEDULE "C"

DECISION – REPORT TO COUNCIL



DECISION – REPORT TO COUNCIL

Name of <i>Complainant</i> :
Name of Investigator:
Date of Complaint:
Name of person(s) complaint was made against:
Complaint was investigated: ☐ Yes ☐ No
Evidence substantiates the complaint:
Investigator Signature Date