MUNICIPALITY OF LAKELAND RIDGES



POLICY P-005
WORKPLACE HARASSMENT AND VIOLENCE POLICY

1. POLICY OBJECTIVE

The Municipality of Lakeland Ridges referred to as "Lakeland Ridges" is committed to providing a work environment where all workers are treated with respect and dignity. Workplace harassment or violence will not be tolerated from any person in the workplace including customers, clients, other employers, supervisors, co-workers, members of the public, Mayor, Councillors and volunteer firefighters.

All employees of Lakeland Ridges including temporary employees, students, subcontractors, Councillors and volunteer firefighters are to adhere to this code of practice, report an incident of harassment or violence as soon as possible and will not be penalized or disciplined for reporting an incident or for participating in an investigation.

2. AUTHORITY

This policy has been implemented by the authority of the Council of Lakeland Ridges, NB.

3. POLICY STATEMENT

3.1 As an employer, Lakeland Ridges is mandated by law to provide a harassment-free and violence-free work environment for all its employees. This mandate is carried out by management, departments heads, supervisors, etc. The employer strives to provide a harassment-free and violence-free work environment through education – raising employee awareness and appreciation of workplace harassment and violence and, by dealing with situations of which it becomes aware. Any member of management who, knowing of harassment and/or violence, fails to effectively deal with workplace harassment and violence assumes responsibility for such action and will be subject to discipline for condoning the offensive behaviour.

3.2 The employer is liable for workplace harassment and violence with which it does not deal effectively. The *Humans Rights Act*, RSNB 2011, c 171 of the province of New Brunswick and the *Canadian Human Rights Act*, RSC, 1985, c.H-6, make employers responsible for the harassing, discriminatory or violent conduct of their employees. Therefore, when an employee files a complaint under the *Humans Rights Act,* the employer becomes a co-respondent to the complaint. This policy recognized the employer's responsibility.

3.3 Harassment and violence in the workplace are forms of discrimination. It is unwelcomed and unwanted. It affects the individual's ability to learn and work productively. It can be an expression of abuse of power, authority, or control and is coercive in nature. It is offensive, degrading and threatening. It affects not only the individual's ability to work and learn but self-esteem and sense of well-being as well.

3.4 Management is responsible to take appropriate preventative or corrective action and to put a stop to any harassment and/or violence they are aware of, even if a complaint is not filed. Failure to take appropriate action may result in disciplinary measures being imposed on management as well as the offending person.

3.5 Prevention and reporting of harassment and/or violent situations are the responsibility of all personnel. Any person who believes that a colleague has experienced or is experiencing workplace harassment and/or violence or retaliation for having brought forward a complaint is encouraged to notify the Clerk and/or Mayor. In addition, certain personnel are given specific responsibility under this policy; failure to carry out those responsibilities may constitute a violation of the policy.

3.6 Harassment and violence in the workplace will not be tolerated and management must take appropriate action to protect their employees and others in the workplace. Harassment and violence in the workplace constitute a disciplinary infraction and discipline up to and including dismissal may result.

3.7 The abuse of one's authority and position, to intimidate, coerce, or harass is forbidden. All managers and supervisors are responsible for his/her employee's work environment.

3.8 This policy is not intended to limit or constrain the employer's right to manage. Performance reviews, work evaluations and disciplinary measures taken by the employer for any valid reason does not constitute harassment in the workplace.

4. PURPOSE

4.1 The purpose of this Workplace Harassment and Violence Policy is:

a) to maintain a working environment that is free from all types of harassment and violence;

b) to alert all employees and management to the fact that workplace harassment and violence is against the law; to set out the types of behaviour that may be considered offensive;

c) to establish a process for receiving complaints of harassment and violence and to provide a mechanism to deal with those complaints effectively;

d) to provide an example of the steps that can be taken towards maintaining a working environment in which all employees treat each other with mutual respect.

5. DEFINITIONS

5.1 Harassment:

Harassment means any improper behaviour by any person employed with Lakeland Ridges that is directed to any employee or group of employees and which a person knew or ought reasonably to have known to be unwelcome.

For the purpose of this policy, harassment in the workplace includes personal and sexual harassment, poisoned work environment, discrimination and abuse of authority.

5.2 Personal Harassment includes, but is not limited to:

a) **Verbal Harassment:** comments used on the following conduct or material based on any of the protected grounds: stereotypes, name-calling, insults, threats; slurs; crude, degrading, suggestive, or unwelcome remarks; offensive songs or tapes; jokes or innuendoes based on any of the protected grounds. (See Section 5.8 for the list of Protected Grounds)

b) **Physical Harassment:** unwelcome physical touching or solicitation; threatening or rude gestures; physical intimidation; coercion or assault; insulting actions or practical jokes based on any of the protected grounds.

c) **Written or Graphic Materials:** graffiti; unwanted notes or letters; displaying or distributing derogatory or offensive materials, pictures, jokes or cartoons based on any of the protected grounds.

d) **Avoidance or Exclusion:** of any group or individual based on:
   i. any of the protected grounds
   ii. inaction on the part of a person who receives a complaint
   iii. a person's witnessing to an event that is the subject of a formal complaint

5.3 Sexual Harassment:

Sexual harassment is a particularly objectionable conduct or comment which cannot be tolerated. Sexual harassment means any conduct, comment, gesture, or contact of a sexual nature:

a) that might reasonably be expected to cause offence or humiliation; or

b) that is used as a condition of employment, an opportunity for training or promotion, receipt of services or a contract

c) inquiries or comments about a person's sex life

d) telephone calls with sexual overtones

e) gender-based insults or jokes causing embarrassment or humiliation

f) repeated unwanted social or sexual invitations

g) inappropriate or unwelcome focus/comments on a person's physical attributes or appearance

h) degrading remarks about either sex

i) leering

j) unfair evaluations or reprimands; reduced working hours; overwork; dismissals, discipline or refusals to hire, when they are in retaliation for refusing to submit to sexual harassment

5.4 Poisoned Work Environment:

A poisoned work environment is characterized by any activity or behaviour, not necessarily directed at anyone in particular, that creates a hostile or offensive workplace. A poisoned work environment can exist even if employees agree to participate in demeaning behaviour or voice no objections.

Examples of a poisoned work environment include, but are not limited to: graffiti, belittling, sexual, racial, or religious insults or jokes where someone of the targeted sex, race or religion is present; abusive treatment of an employee and the display of pornographic or other offensive material.

5.5 Abuse of Authority:

Harassment also includes abuse of authority where an individual improperly uses the power and authority inherent in a position to endanger a person's job, undermine the performance of that job, threaten a person's economic livelihood, or in any way interfere with or influence a person's career.

Examples of abuse of authority include but are not limited to such acts or misuse of power as intimidation, threats, blackmail or coercion.

5.6 Discrimination includes, but is not limited to:

a) differential treatment having an adverse impact on an individual on the basis of any of the protected grounds;

b) any action or policy which has an adverse impact on an individual based on any of the protected grounds;

c) use of stereotyped images of language (including jokes and anecdotes) which suggest that all or most employees of a particular group of people are the same, thereby, denying their individuality as persons, where such conduct has the purpose or effect of substantially or unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

5.6.1 There are four types of discrimination that have been identified for the purpose of this policy:

a) **Direct discrimination:** Discrimination of a person acting on his/her own behalf.
Example: An employee refusing to work with a person because of his/her race.

b) **Indirect discrimination:** Discrimination that is carried out through another person.
Example: A supervisor who instructs employees not to assist employees of a certain group.

c) **Discrimination by association:** This type of discrimination takes place when a person is denied equal treatment for associating with a member of a particular group.
Example: An employer who refuses a promotion to a Caucasian employee because that employee has an Asian partner.

d) **Systemic discrimination:** Systemic or adverse discrimination occurs when a uniform practice has a disproportionate adverse effect on a minority and the needs of the minority are not reasonably accommodated even though this could be done without causing undue hardship. This type of discrimination does not involve an intent to discriminate nor a difference in treatment.
Example: A 5'10" height requirement for the selection of police officers that disproportionately eliminates women and certain racial minority groups.

5.7 Workplace:

The workplace includes but is not limited to the physical work site, washrooms, cafeterias, training sessions, business travel, conferences, work related social gatherings, locker rooms, vehicles, etc.

It also includes any place where actions of an employee, whether on duty or not, will have such serious repercussions on the work environment as to seriously affect relationships between employees.

5.8 Protected Grounds:

Protected grounds are listed in the New Brunswick Human Rights Act as race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation, or sex.

5.9 Employees:

Employees include all permanent, temporary, contract and part-time employees as well as employees who become former employees after the effective date of the policy.

5.10 Complainant:

The complainant is the individual against whom the alleged harassment or violence has taken place and/or is the individual who has lodged either an informal or formal complaint relating to the harassment situation or violent situation.

5.11 Respondent:

Respondent means any employee against whom a complaint has been lodged.

5.12 Violence:

Workplace violence is defined as the attempted or actual use of physical force against an employee, or any threatening statement or behaviour that gives an employee reasonable cause

to believe that physical force will be used against the employee, and includes sexual violence, intimate partner violence and domestic violence.

Some examples are: statements or behaviour threatening physical force against an employee, arguments, property damage, sabotage, pushing, physical assault, and anger-related incidents.

"Intimate partner violence" means violence committed against a person by another person who is or has been in an intimate personal relationship with the person and includes the following:

a) abusive, threatening, harassing or violent behaviour used as a means to psychologically, physically, sexually or financially coerce, dominate and control the other members of the relationship; and

b) deprivation of food, clothing, medical attention, shelter, transportation or other necessities of life.

6. RIGHTS AND RESPONSIBILITES

6.1 A Shared Responsibility:

It is recognized the Lakeland Ridges has the primary responsibility and the accountability to achieve a harassment-free and violence-free workplace.

The Clerk shall ensure that this policy is implemented and followed by all employees.

Although all management levels and all employees share responsibility for understanding and preventing harassment and violence in the workplace, it is important to recognize that management carries more responsibility than other employees.

6.2 Municipality of Lakeland Ridges

Lakeland Ridges, as the employer, is responsible to:

a) Investigate all allegations of discrimination, harassment and violence and ensure appropriate documentation of all complaints.

b) Administer the provisions of this policy and ensure compliance in accordance with provincial legislation.

c) Provide education on harassment, violence, and discrimination to all staff.

d) Ensure that all employees are familiar with this policy and the procedure for handling complaints under the policy.

e) Take corrective and/or disciplinary action as required.

f) Ensure that the complainant and the respondent are informed, in writing, of the outcome of the investigation, including any disciplinary action to be taken, as soon as possible.

g) Provide status reports on the investigation at any time to the complainant to respondent.

h) Record the disciplinary action taken in the respondent's personnel file.

i) Ensure that under no circumstances will the remedial action taken in relation to the respondent, in a substantiated case, penalize the complainant.

j) Determine the disciplinary action to be taken in the finding of a "bad faith" complaint.

k) Remind both the complainant and the respondent of possible courses of action should one or the other be unsatisfied with the resolution.

l) Handle the investigation, at the CAO level, in situations where the respondent is another employee.

m) Ensure that confidentiality is maintained at all levels of the process through proper handling and filing of information including the identification of the complainant and the respondent.

n) Following the informal/formal complaint process, should additional training be identified, the CAO with ensure the implementation of such training.

o) To achieve co-ordination of the above objectives the Clerk's office will be the main contact.

6.3 Clerk or Designate:

The Clerk's office is responsible for the implementation and administration of this policy: The Clerk in consultation with the Mayor shall:

a) Appoint qualified individuals as Advisors and investigators as soon as is necessary when an incident happens.

b) Ensure that all employees have copies of and are trained in the Workplace Harassment and Violence Policy. Copies must also be posted in convenient locations for easy but private access.

c) Consult with the Clerk to ensure that all attempts at resolution are being made within a reasonable time frame.

d) Handle all aspects of the Informal Resolution Stage of the complaint procedures including interviews and mediation.

e) Ensure an expedient completion to the investigations by reviewing the findings of the investigations as quickly as possible.

f) Ensure that all Statistical Reports on workplace harassment and violence are filed and a copy forwarded to the Clerk.

g) Keep accurate and confidential records of each situation for two purposes:

i) To be able to hand off all related information to the investigator should a formal complaint investigation occur.

ii) To be able to provide information for a statistical report outlining the information listed in Section 13.2 Administration Procedures – Statistical Reports.

h) Be guided by the options available in Section 6.5.2 and 7.2.4

6.4 All Supervisors:

All Supervisors have authority to prevent or discourage harassment or violence and may be held accountable for failing to do so. Failure to act may be interpreted as condoning misconduct and a contravention of this policy. The accountability extends to anyone in management or supervisory positions. Employers are responsible for management and supervisory actions (or inactions). The employer may share liability with managers and others in founded complaints.

Supervisors are also responsible for ensuring that the right of both the respondent and the complainant involved in a harassment incident or violent incident are protected. Fair and equitable procedures must be ensured for all parties.

Supervisors are responsible for:

a) Establishing and maintaining a workplace that is free from harassment, discrimination and violence;

b) Refusing to condone harassment, discrimination and violence;

c) Ensuring that no employee is instructed to discriminate against, harass or become violent against another employee or participate in such discrimination, harassment or violence;

d) Ensuring that employees are aware of their rights and responsibilities under this policy and of the mechanisms that are in place to investigate and resolve discrimination, harassment or violence complaints;

e) When approached by a complainant with a discrimination, harassment or violent situation, the manager and/or supervisor shall:

i) Inform the complainant that they may speak to the Clerk, if he/she wishes, to discuss the various options available or to draft a formal complaint if necessary.

ii) Advise complainants that the respondent(s) will be made aware of the complaint.

iii) Intervene on the complainant's behalf, if required, to inform the respondent of the alleged harassment situation or violent situation and seek some type of resolution such as an apology or, at the very least, an end to the conduct.

iv) Advise the respondent(s) that they may speak to the Clerk to clarify options and ramifications of options.

f) Advise employees not to subject any person who is party to any complaint (complainant, witness or respondent to any reprisals.

g) Initiate, in consultation with the Clerk, appropriate remedial procedures as soon as possible, whether or not a complaint has been filed.

h) Protect the confidentiality of all parties and witnesses.

i) Cooperate with complaint investigators.

j) Discipline offenders, where appropriate.

k) Ensure that the workplace is free from being a poisoned work environment.

l) Inform the Clerk that a situation has occurred and outline the solution.

6.5 Complainants:

An employee has the right to file a complaint and to obtain a review of that complaint without fear of retaliation, through the procedures established according to this policy.

An employee may be accompanied by a person of the employee's choice, at no expense to Lakeland Ridges, during any interviews and investigative proceedings.

Employees are encouraged to take assertive action should they feel they are being subjected to any type of discrimination, harassment or violence.

a) Employees are encouraged to make the feelings of harassment or violence known to the respondent immediately by:

i) Advising the respondent that the behaviour is not welcome, is offensive and must cease immediately.

ii) If circumstances are such that advising the respondent in person is uncomfortable or threatening, the complainant may make the cause known by letter. If a letter is used, the complainant should, at the very least, keep a copy and, if possible, send it registered mail keeping the receipt.

iii) Where the complainant does not wish to bring the matter to the attention of the respondent, or where such an approach has been attempted and did not produce a satisfactory result, the complainant may approach the Supervisor Or the Clerk to seek advice on other options.

b) Employees should maintain a record of times, dates, witnesses and the nature of the behaviour should be kept for future reference.

c) Cooperate fully with all stages of the mediation and/or investigation process.

6.5.1 It is the right of the complainant, if so desired, to drop the allegations of harassment, discrimination or violence, made in good faith, without resolution, as long as:

a) The decision was made without coercion.

b) The complainant understands that, where reasonable suspicion or definite evidence of harassment, discrimination or violence exists, the supervisor and/or Chief Administrative Officer will be required to complete the investigation and remedy the situation. In this situation intervention on the part of the supervisor and/or Chief Administrative Officer will occur if the situation is serious in nature.

c) If the complainant wishes to drop a complaint but the respondent insists an investigation proceed for the purpose of establishing that no harassment or violence occurred, an investigation should proceed.

6.5.2 Before making a decision on how to proceed, the complainant may seek advice and assistance from any or all of:

a) Any Other person the complainant chooses

b) The supervisor(s)

c) A person at any level above the immediate supervisor

d) The Advisor(s)

e) The appropriate collective bargaining unit

f) The New Brunswick Human Rights Commission

g) Clerk Of Lakeland Ridges

6.6 Respondents:

Employees against whom a complaint has been lodged are entitled to and shall:

a) Be informed as soon as practical that a complaint has been filed;

b) Be presented with a statement of allegations and be afforded an opportunity to respond to them;

c) Have the right to speak to an impartial Advisor, to review options;

d) Be accompanied by a person of the respondent's choice, at no expense to Lakeland Ridges, during any interviews and investigative proceedings;

e) Co-operate fully with all stages of the mediation and/or investigation process.

6.7 Witnesses:

a) Employees are obligated to meet with the Clerk and/or the Investigators and to cooperate with all those responsible for the investigation of the complaint.

b) No employee shall be subject to retaliation because that employee has participated as a witness.

c) Employees are obliged to maintain confidentiality with respect to the investigation.

6.8 Advisors:

If necessary, the employer will provide access to properly trained advisors. Advisors will provide information on the process to follow.

6.9 Investigators:

Investigators are qualified individuals who:

a) Are selected and trained to conduct harassment, discrimination and violence investigations;

b) Have the responsibility to present findings to the Clerk and/or Mayor.

The rights and responsibilities of the Workplace Harassment and Violence Investigators include:

a) Acceptance and review of all complaints filed as a result of workplace harassment, discrimination or violence;

b) Informing the complainant and the respondent as soon as possible that the complaint is being investigated.

c) Investigating complaints including interviewing all witnesses as well as the complainant(s) and the respondent(s).

d) Keeping the Clerk apprised of the investigation; its progress and its resolutions. Where the Clerk is the subject of the complaint, the results will be referred to the Mayor of Lakeland Ridges.

e) Where the investigator feels that the matter requires Criminal Code or Provincial Statute investigation, the matter should be referred to Lakeland Ridges for assignment to the appropriate police investigating agency. The complainant has the right to choose whether or not to lodge a complaint with police.

f) Handle all matters pertaining to the investigation in the strictest confidence.

g) On the conclusion of an investigation a report will be provided to the Clerk.

h) Complete the final report and recommendations within 3 months of the formal complaint being filed. An extension will only be considered under exceptional circumstances.

6.10 Implementation, Reviews and Updates:

In establishing and implementing this policy, the Clerk with consultation of WorkSafe NB and the council, will also review this policy yearly.

6.11 Code of Practice for Managing Workplace Violence:

Lakeland Ridges is committed to protecting employees from Workplace Violence. Workplace Violence will not be tolerated from anyone in the workplace, including Customers, other employers, supervisors, co-workers and members of the public.

"Violence" in a place of employment, means the attempted or actual use of physical force against an employee, or any threatening statement or behaviour that gives an employee reasonable cause to believe that physical force will be used against the employee, and includes sexual violence, intimate partner violence and domestic violence.

Worker's must report any violent incidents to the Clerk's office or the Mayor.

The Clerk's office will investigate and deal with all complaints or incidents of workplace violence fairly, respectfully and timely. The name of anyone involved in a violent incident or a description of the incident will not be disclosed unless it is:

a) Necessary to investigate the incident

b) Required to take corrective measures in response to the incident

c) Required by law

An investigation's results will be provided to the affected employees by the Clerk. Corrective measures identified in the investigation will be carried out by the Clerk and the affected department. Notices will be put on employee bulletin boards with any new or revised procedures.

All employees of Lakeland Ridges including managers, supervisors, temporary employees, members of Council, firefighters, students and subcontractors must adhere to this code of practice, report a violent incident as soon as possible and will not be penalized or disciplined for reporting an incident or for participating in an investigation. All employees will receive training on the code of practice at the start of their employment and when the code is updated. All measures identified to mitigate violence will be added to the monthly inspection program.

7 PROCEDURES

The following procedures may be utilized by the complainant whether the complainant has experienced the harassment, discrimination or violence or believes that a colleague has been harassed or discriminated against.

INTERNAL

7.1 Informal Resolution Stage:

7.1.1 Informal resolution of complaints is encouraged. An employee may request the assistance of his or her supervisor or any other person in the informal resolution of a workplace harassment or violence complaint. This approach may include a mediation process to assist the parties in voluntarily reaching an acceptable solution. Any employee who feels that he/she has been subjected to harassment, violence, discrimination, or retaliation for having brought forward a complaint of workplace harassment, discrimination or violence is encouraged to communicate his or her concerns directly to the respondent by telling the person that the behaviour is **unwelcome and must stop**.

This communication may take one of the following forms:

- verbally, preferably in the presence of a witness
- in writing, preferably by registered mail keeping a copy of the letter and registered mail receipt
- by requesting that the Supervisor and/or Clerk provide a Workplace Harassment and Violence Training session for that individual(s) if the employee feels that this would correct the situation.
- In the event the harassment or violence complaint is against the Clerk, it shall be reported through the Mayor. The Mayor will follow the same steps outlined in this policy by substituting the Mayor where the Clerk is listed throughout this policy.

7.1.2 Where the complainant does not wish to bring the matter to the attention of the respondent, or where such an approach has been attempted and did not produce a satisfactory result, the complainant may approach the Supervisor or the Clerk to seek advice on other topics.

7.1.3 At any point in the Informal Resolution Stage the complainant may seek advice from any of the sources listed in Section 6.5.2.

7.1.4 If the Informal Resolution Stage is not successful or if the situation warrants omission of this stage, the Clerk will provide information on the Formal Resolution Process.

7.1.5 At the Informal Resolution Stage, it is not necessary that the complainant present his or her concerns or allegations in written form in order for them to be acted upon. It is sufficient to invoke the procedures outlined in this policy even though the complainant presents such concerns or allegations verbally. It is important that the person receiving the complaint makes notes on the circumstances and reports them to facilitate resolution.

7.2 Formal Resolution Stage:

7.2.1 Any employee may choose the formal resolution process either as a first step; on the advice of the Clerk, or, if the informal resolution process was not successful. Although the employer is committed to responding to all complaints, it is recognized that complaints not filed within a reasonable time (l year) may be difficult to investigate or substantiate.

7.2.2 To proceed to the Formal Resolution Stage, the complaint must be submitted in writing, on the approved Harassment and Violence Complaint Form, refer to Appendix "A" and signed by the complainant before the investigation can begin. It should give an accurate account of the incident(s) of harassment, discrimination and/or violence including times, places and parties involved. When completed, the complaint is submitted to the Clerk.

7.2.3 If the complainant deems it appropriate, a complaint may be filed using one or more of the "Other Options" listed in Section 8

7.2.4 On receipt of a complaint, the Clerk shall request that Lakeland Ridges obtain an investigator from the Private Sector.

7.2.5 The respondent against whom a complaint has been filed shall be informed, in writing, of the complaint, including the nature of the allegations and afforded an opportunity to respond.

7.2.6 Where there is a direct reporting relationship between the complainant and the respondent, it may be in the best interest of all parties for them to be physically and hierarchically removed from one another for the period of the investigation. Where no reporting relationship exists, the supervisor, in consultation with the Clerk, shall determine if the parties should be physically removed for the period of the investigation. When possible, the respondent will be the party to be relocated for the duration of the investigation.

7.2.7 The investigator shall report the findings, in writing, to the Clerk who shall determine whether an employee has committed an act or acts constituting harassment, discrimination or violence.

7.2.8 If the complaint is not founded but through the Course Of the investigation certain workplace problems are identified, the Investigators may recommend appropriate action to the Clerk.

8 OTHER OPTIONS

External

8.1 Complaints to the New Brunswick Human Rights Commission:

At any point in the complaint procedures, the complainant has the right to file a complaint with the New Brunswick Human Right Commission.

New Brunswick Human Rights Act complaints should normally be filed within one year from the time the harassment or violence occurred. This does not, however, preclude the filing of the complaint at any time. Complaints are investigated by the New Brunswick Human Rights Commission. For more information, the complainant may call the New' Brunswick Human Rights Commission in the local area or provincially at (506) 453-2301.

8.2 Complaints under the Criminal Code:

Sexual and Other forms of assault are covered under the Criminal Code. In these instances, the police can be asked to investigate. Sexual and other forms of assault are serious criminal

offenses that should be reported to the police, either directly or through any of the options included in Section 6.5.2

8.3 Grievance Procedures:

At any time throughout the complaint procedure, the complainant has the right to file a grievance with the appropriate department.

9 CONFIDENTIALITY

All information regarding discrimination, harassment or violence complaints shall remain confidential, at all levels. This confidentiality clause includes, but is not limited to, all files, notes, memos, correspondence, and the identities of the complaint and respondent. Information will not be disclosed except as required by law.

An employer shall not disclose to any person the identity of a person who is involved in an incident of violence or harassment, or the circumstances related to the incident, other than when the disclosure is:

a) Necessary in order to investigate the incident.

b) Required in order to take corrective measures in response to the incident,

c) Required by law.

10 NO RETALIATION

Retaliation in any form against any party involved in a discrimination, harassment or violence investigation is strictly prohibited. For the purposes of this policy, retaliation against employee:

- For having invoked the policy (whether on behalf of him or herself, or another individual), or;
- For having been identified as the respondent, or;
- For having participated or cooperated in any investigation under this policy, or;
- For having been associated with a person who has invoked this policy or participated in these proceedings;

will be considered as workplace harassment and subject to investigation and, where warranted, disciplinary action.

11 SANCTIONS

11.1 As discrimination, workplace harassment and violence are serious matters, appropriate disciplinary action will be imposed where the complaint is substantiated. Each case will be assessed on its own merits and sanctions may range from written warnings to dismissal.

11.2 A sanction must attempt to restore the complainant's feelings of well-being, and the condition or circumstances he/she would have been in, had the discrimination, harassment or violence not occurred. Examples: position, seniority level, pay scale, benefits, etc.

11.3 Where a Supervisor/Clerk is found to be condoning discrimination, harassment or violence, disciplinary action will be taken.

11.4 Where an investigation results in a formal warning or the imposition of discipline, the information will be placed in the respondent's personnel file for a period of two (2) years or as recommended by the investigator.

12 REDRESS

12.1 When the decision regarding a workplace harassment, violence or discrimination investigation is rendered, the complainant(s) and respondent(s) will be informed of both the decision and their right to appeal the results of the investigation.

12.2 Respondents who have been disciplined have the right to lodge a grievance.

13 ADMINISTRATION PROCEDURES

Due to the seriousness of allegations of harassment, discrimination and violence, it is vitally important that all levels of the complaint procedures, the Clerk; the Investigators; the Supervisors; the Mayor follow strict procedures to protect confidentiality and keep accurate records for tracking incidents and their frequency.

13.1 Filing of Written Information and Resolutions:

13.1.1 *All files of the complaint process must be kept in a separate, locked and secure storage area.*

13.1.2 Access to file information is to be restricted to those individuals directly involved with the investigation process.

13.1.3 In the case of founded allegations, the complaint and the sanctions imposed will be included in the respondent's personnel file.

13.1.4 In the cast of unfounded allegations, no record will be included in the respondent's personnel files unless requested by the respondent. This also applies to resolutions reached at the Informal Complaint Stage.

13.1.5 Regardless of whether the allegation is founded or unfounded, no information regarding the complaint will appear in the complainant's file as long as the complaint was made in good faith.

13.1.6 Any discipline imposed as a result of an employee lodging a complaint maliciously or in bad faith shall be documented on that employee's personnel file and shall be retained thereon for two (2) years or as recommended by the investigator.

13.2 Statistical Report:

13.2.1 Each Department Head is required to document, statistically, all of the complaints lodged. Names are **not** to be recorded. Information is captured solely for statistical purposes. One (1) copy of this report is provided to the Clerk of Lakeland Ridges.

13.2.2 These reports shall address:

a) Number of incidents of harassment, discrimination and violence reported;

b) Number of incidents solved at the informal stage and by what methods;

c) Number of incidents that became formal complaints;

d) Types of resolutions at the informal stage;

e) Number of founded allegations at the formal stage;

f) Number of unfounded allegations;

g) Sanctions recommended;

h) Sanctions taken;

i) Number of bad faith complaints and their resolutions.

13.3 Length of Time Information Remains in Personnel Files:

Complaints and sanctions against the respondent; sanctions against the complainant for bad faith allegations; and sanctions against supervisors for condoning harassment, discrimination and violent practices will remain on personnel files for two (2) years or as recommended by the investigator.

13.4 Length of Time Other Information is Kept on File:

All other files and information that have been collected as a result of a complaint being lodged, whether held by the Advisors or the Investigators, shall be retained in accordance with the Municipal Records Authority (MRA). All such files are to be classified **Confidential.**

Council Approved Date: Oct. 14, 2026

Gregory Grant, Mayor

MUNICIPALITY OF LAKELAND RIDGES INCORPORATED Jan 1, 2023

Susan Patterson, CAO/Clerk

APPENDIX "A"

HARASSMENT & VIOLENCE COMPLAINT FORM

Name Of Complainant: _____

Name Of Respondent: _____

Date of Initial Complaint: _____ Date of Complaint: _____

Complaint made to: _____

Supervisor: _____

Details of Complaint: _____

_____

_____

_____

_____

_____

_____

_____

Action Taken at the Informal Stage: _____

_____

_____

_____

Action Taken By: _____ Date: _____

I, _____, the Complainant, wish to lodge a complaint of workplace harassment and/or discrimination and/or violence. I, hereby, authorize the Clerk to conduct whatever investigations are necessary to reach a satisfactory resolution to the complaint. I also, hereby, agree to participate in this investigation to the best of my ability.

Date signed: _____ Signature of Complainant: _____

APPENDIX "B"
EXAMPLES OF HARASSMENT

Personal Harassment

Verbal Harassment:

Extreme:
A supervisor calls an employee into his or her office. The employee has failed to meet a deadline on some work-related assignment. The supervisor begins to yell at the employee:

"You lazy slob. You couldn't get your work done if your life depended on it. I can go out on the street and spit and hit somebody who's more capable than you. Get Out.. .1 don 't want to see your sick face anymore."

Subtle:
A group of people are gathered together for an in-service training session. The group's supervisor is facilitating the training and explaining some new procedure. He or she says to the group:

"What I'm about to explain to you is so simple that even John, here, can understand it."

People in the group laugh, maybe even John laughs, but he feels uncomfortable. The message here, couched in a seemingly humorous comment, is that John is the dumbest person in the group.

Physical Harassment:

Extreme:
Two workers are having a disagreement over an assignment of work duties. There seems to be some confusion as to who is responsible for what. The argument gets heated, when suddenly one person punches the other in the stomach. An altercation ensues.

Moderate:
Two workers are discussing how to get a job done. One gets exasperated and indicates the other worker can do it whatever way he or she feels like doing it. However, when the first worker attempts to leave the scene the second worker steps across that person's direct path, and blocks their exit from the room, then says:

"Where are you going? We're not done talking about this yet."

The first worker has to slip under the other person 's arm to get out the door.

Gesture:
Two workers with longstanding animosities compete for the same promotion. One worker wins and becomes the other person's boss. The successful candidate comes to clear out his or her locker to move into a new office. The other worker sits there glowering. As the newly promoted candidate leaves the room, the other worker glowers and slowly draws a finger across his or her neck. Everyone sees what's going on.

Written/Graphic Materials:

Extreme:
An employee prominently displays a calendar bearing pictures of nude men and women in various sexual poses.

An employee leaves books and tract-type materials that proclaim the Holocaust never happened. Several people of the Jewish faith work in the office.

Avoidance or Exclusion:

Extreme:
A group of employees, that constitute a work unit, plan to have lunch together. They make the plans in front of a new employee and purposefully avoid inviting him or her.

Subtle:
A group of employees plan an after-hours party — they purposefully neglect to call a new employee suspected to be gay. When asked about the omission the following day they apologize and say they didn't know the person's phone number.

Sexual Harassment:
Any unwanted conduct, comment, gesture, or contact of a sexual nature: kissing, leering, suggestive touching, gender-based jokes.

Extreme:
Two employees apply for the same opportunity to receive some professional development. The supervisor calls one of the employees into his or her office and suggests that if the employee consent to a night in a hotel with the boss, then they'll get to go for the professional development.

Subtle:
Two employees are passing each other in narrow hall. One coming from the photocopy room with a bulky armful of papers. They have to turn sideways to get by each other. The empty-handed employee says:

"Why let those papers get between us."

Poisoned Work Environment:

General activity or behaviour not necessarily directed at anyone that creates a hostile or offensive workplace — demanding abusive boss.

Extreme:
A supervisor of a work unit makes high demands of the team. Although he never picks on anyone individually, when productivity goes down, he or she comes to a central area and says demeaning things to the whole group. The supervisor calls them pep talks, but people generally feel deflated after one of these harangues. The group never gets praised when the job is well done.

Moderate:
You work in an area where several people share an office. One of your coworkers is very moody, demanding, and not a team player. When other people share responsibilities for additional tasks you can expect this person to kick up such a fuss that he or she gets overlooked when the jobs get divvied up. Everyone complains, but no one does anything about it. Group morale is very poor.

Abuse Of Authority:
Use of power in a position to threaten or intimidate a person; do this or lose your job.

You are approached by a supervisor, and he or she asks you to do something which you don't feel is quite right or legal. You indicate a view that you would like to be more honest in business practices, but the supervisor blows up. He or she says:

"You'll do what I ask you to do, or otherwise, the next time we sit down to do your employee evaluation things won't go well for you."

Discrimination

Direct Discrimination:
A male police officer is nearing retirement. All his career he has had male partners. Now, since his last partner retired, he is faced with working with a female partner. He is called into the Sergeant's office to meet the new recruit. He takes one look at her and says:

"I'm not working with any woman."

Then the male officer Storms out of the office.

Indirect Discrimination:
Groups of employees are working in an over-the-counter service area for walk-in clients. Services in the municipality are provided in both French and English. The supervisor of the unit is Francophone or Anglophone. The supervisor instructs the employees from his or her ethnic group to not cooperate with the others. He or she says:

"Let them figure out how to do it in their own language.

Discrimination by Association:
A worker in a unit starts dating a person of a different racial group. Employees in the unit normally associate at a local pub on Friday after work. Normally spouses, boyfriends and girlfriends of the workers join this informal gathering. One Friday afternoon the worker who recently started dating the member of a different racial group comes to the gathering with his or her friend. When they sit down, where several tables have been joined together to accommodate the group, three or four people get up and leave. They don't leave the pub; they just sit at the bar.

Systematic Discrimination:
A municipality has a screening process for hiring new employees which includes a General Intelligence Test (GIT). The test was written by middle class people with white, middle-class experiences. Although there is no intention to be discriminatory in the use of this screening tool — because every candidate for

a city job must take the test — the consequence is virtually all candidates from Native backgrounds fail this test. The test is culturally biased and unfairly assesses the intelligence of Native people.

APPENDIX "C"

Tips for Dealing with a Potentially Violent Person

Tips for Verbal Communication:

- Focus your attention on the other person to let them know you are interested in what they have to say.
- Look at the person when they are talking.
- Remain calm and try to calm the other person. Do not allow the other person's anger to become your anger.
- Remain conscious of how you are delivering your words.
- Speak slowly, quietly and confidently.
- Speak simply. DO not rely on official language or complex terminology.
- Avoid communicating a lot of technical or complicated information when emotions are high.
- Listen carefully. Do not interrupt or offer unsolicited advice or criticism.
- Ask if you can take a few "brief notes" to help you retain the information. This conveys that you are interested.
- Encourage the person to talk. Ask questions that require a lengthy explanation as this can defuse the intensity of the interaction. Do not tell the person to relax or calm down.
- Try to understand. Ask questions. Make statements like "help me understand why you are upset". — Once you think you understand, repeat it back to the person so they know you understand.
- Remain open-minded and objective.
- Use silence as a calming tool.
- Use delaying tactics to give the person time to calm down, for example offer a drink of water.
- Identify troublemakers and learn their names.
- Acknowledge the person's feelings. Indicate that you can see they are upset.
- Invite the person to make suggestions. Do not reject these suggestions. Tell the person you will consider them.
- Summarize the issues discussed clearly and precisely and the next steps you will take to resolve the problem before you terminate the conversation.
- Do not look away as if disinterested.
- Do not try to humor the person as this can be interpreted negatively.
- Do not confront.
- Do not challenge.
- Do not antagonize.
- Do not threaten.
- Do not criticize.
- Do not belittle.

Tips for Non-Verbal Behaviour and Communication:

- Use calm body language- relaxed posture with hands unclenched, attentive expression.
- Arrange yourself so that your exit is not blocked.
- Position yourself at a right angle rather than directly in front of the person.
- Give the person enough physical space...this varies by culture, but normally 2-4 feet is considered adequate.

- Get on the Other person's physical level. If they are seated try kneeling or bending over, rather than standing over them.
- Do not pose in a challenging stance, such as:
  -standing directly opposite someone putting your hands on your hips
  -pointing your finger
  -waving your arms
  -crossing your arms
- Do not glare or stare, which may be perceived as a challenge.
- Do not make sudden movements, which can be seen as threatening.
- Do not fight. Walk or run away. Get assistance from your security or police.

Tips for problem solving

- Try to put yourself in the other person's shoes, so that you can better understand how to solve the problem.
- Ask for their recommendations.
- Repeat back to the person what you feel they are asking of you, to clarify what you are hearing.
- Accept criticism in a positive way. When a complaint might be true, use statements like *"you are probably right"* or *"it was my fault"*. If the criticism seems unwarranted, ask clarifying questions.
- Be honest. DO not make false statements or promises you cannot keep.
- Be familiar with your organization's complaint procedures and apply them fairly.
- Remain professional and take the person seriously. Be respectful.
- Ask for small, specific favours, such as asking the person to move to a quieter area.
- Break a problem or an issue down into smaller units and offer step-by-step solutions so that the person is not overwhelmed by the situation or issue.
- Be reassuring and point out choices.
- Try to keep the persons attention on the issue at hand.
- Try to avoid escalating the situation.
- Find ways to help the person save face.
- Establish ground rules if unreasonable behavior persists.
- State clearly that violence is unacceptable and will not be tolerated in a calm and non-threatening manner.
- Describe calmly the consequences of violent or aggressive behavior.
- Suggest alternatives to violent behavior.
- Avoid issuing commands and making conditional statements.
- Delay the punitive action until you have back-up, or the situation is safer if the nature of the situation involves punishment or sanctions (enforcement).
- Do not take sides or agree with distortions.
- Do not reject the persons demands or position from the start.
- Do not attempt to bargain with a threatening individual. If necessary, terminate the interaction.
- Do not make promises you cannot keep.
- If you feel threatened:
  -try to politely and calmly terminate the interaction in a non-threatening manner, if possible.
  -Know what back-up and advice is available to assist you in handling a difficult individual.
  -Get help.
  -Send for security or someone more senior.
  -Use a silent alarm or use a code word.

-If you threaten to call the police, call.

If you are attacked:

- Make a scene, yell or scream as loud as possible. Try shouting words like STOP, FIRE, or HELP.
- Fall to the ground and roll if you are being pulled along or dragged.
- Blow a whistle, activate your personal security alarm or push the security alarm.
- Give bystanders specific instructions to help you. Single someone out and send them for help, for example *"you in the yellow shirt, call the police"*
- Run to the nearest safe place, a safe office, or an open store.
- Call security or the police immediately after the incident.
- Inform your supervisor or the authorities at your workplace if the attack does not warrant calling the police.
- File an incident report.
- Do not resist if someone grabs your purse, briefcase, deposit bag or other belongings. Throw the item to the ground several feet away from the thief and run in the opposite direction, yelling "*help* " or "*fire* ".
- Do not chase a thief.

Be prepared

- Take a self-defense course.
- Try to imagine yourself responding successfully to different types of attacks. Practice your responses.

Working Off-Site

If you work away from a traditional office setting, you may exercise extra caution. This advice applies to real estate agents, social workers, inspectors, home care or health care providers, service or repair employees, and salespeople. In many cases, you have less or no ability to control your work environment. You may require special training to avoid violence by using conflict resolution and meditation tactics. Nevertheless, the following specific preventative tactics or procedures will minimize or prevent risks associated with working offsite.

- Keep your designated contact informed of your location.
- Have access to a cellphone, two-way radio or car phone at all times.
- Confirm that the phone or radio works at the start of and during your shift.
- Use an established check-in procedure that allows you to manage typical situations you may encounter off-site.

When you encounter unfamiliar premises:

- Check for escape routes and position yourself near an escape route.
- Rehearse mentally what you will do if the client becomes aggressive or hostile.
- Decide what your best preventative tactic will be.
- Stay out of the kitchen or workshop where sharp items are kept.
- Take control of the seating arrangements.
- Seat yourself near the door if possible.
- Maintain a "reactionary gap" between yourself and the client— out of reach of the average person's kicking distance. Increase the gap by sitting at a table. Be aware of the client's proximity at all times.

- Be well prepared for the meeting. Know your subject.
- Rehearse the work and how well you will do it safely.
- Bring two copies if you are referring to written material, so that you can sit across from the client, not beside.
- Terminate the contact in a non-confrontational manner if the client appears to be:
  -under the influence of drugs or alcohol
  -emotionally disturbed or out of control.
- Do not allow yourself to be backed into a corner.
- Leave a clear path to the exit.
- Do not venture too far into the premises; for example, remain near an exit.
- Do not turn your back on the client or enter a room first.

Terminating a Negative Interaction

- Interrupt the conversation firmly but politely.
- Tell the person that you:
  -do not like the tone of the conversation
  -will not accept abusive treatment
  -will end the conversation if necessary
- Tell the person that you will ask him or her to leave the building, or that you will leave (if working off-site).
- End the conversation if the behavior persists.
- Ask the person to leave the building or leave yourself.
- Remove yourself from the scene and inform your manager or supervisor immediately if the person does not agree to leave.
- Advise other staff and have them leave the immediate area.
- Call security or your local police.
- File an incident report.
- Do not return to the meeting if you believe the person poses a physical threat.

ACKNOWLEDGEMENT

I, _____ hereby acknowledge that on _____, I
(Print Name) (Date)
received a copy of Policy P-005 Municipality of Lakeland Ridges' Workplace Harassment and Violence Policy.

_____
(Signature)