

**THE MUNICIPAL CORPORATION OF NORTH ALGONA WILBERFORCE
TOWNSHIP**

BY-LAW NUMBER 2020-34

Being a by-law to rescind By-law 2018-04 the Respect in
the Workplace Policy (Workplace Harassment and Violence),
and to Enact a new Workplace Harassment Policy.

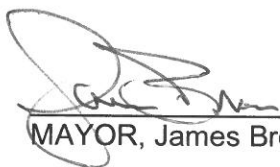
WHEREAS the Council of the Corporation of North Algona Wilberforce Township
deems it expedient to enact a new Workplace Harassment Policy.

NOW THEREFORE the Corporation of North Algona Wilberforce Township **ENACTS
AS FOLLOWS:**

1. **THAT** Council hereby rescinds By-law 2018-04 in its entirety.
2. **THAT** Council hereby adopts the Workplace Harassment Policy dated March 03,
2020.
3. **THAT** the Mayor and the CAO/OM/Acting Clerk be and they are hereby
authorized to sign on behalf of North Algona Wilberforce Township the
Workplace Harassment Policy, attached hereto and marked as Schedule "A" to
this By-Law.
4. **THAT** this By-Law shall come into force and take effect upon the date of final
passing thereof.

Read a First and Second Time this 03rd day of March 2020

Read a Third Time and Passed this 03rd day of March 2020



MAYOR, James Brose

ACTING CLERK, Andrew Sprunt



naw@nalgonawil.com

WORKPLACE HARASSMENT POLICY 2020

February 2020



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POLICY

The Township of North Algona Wilberforce 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 Councillors, residents, customers, clients or any person interacting with a worker.

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 advances 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 unwelcome.

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

Workers are encouraged to report any incidents of workplace harassment to their supervisor, in the case of the complaint being against the supervisor the worker will directly inform the Chief Administrative Officer.

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, he or she may contact the one of the two Worker Health and Safety Representatives.

Signed or Approved by: _____

Date: _____

Workplace Harassment Program

The Township of North Algona Wilberforce 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 customers, clients, other employers, supervisors, workers, service providers, contractors, delivery persons and members of the public.

The workplace harassment program applies to all Councillors, workers, managers, supervisors, temporary employees, students and subcontractors.

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:

- 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 supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

2. Reporting Workplace Harassment

a. How to Report Workplace Harassment

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

The report of the incident should include the following information:

- i. Name(s) of the worker who has allegedly experienced workplace harassment and contact information
- ii. Name of the alleged harasser(s), position and contact information (if known)
- iii. Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
- iv. Details of what happened including date(s), frequency and location(s) of the alleged incident(s)
 - a) Any supporting documents the worker who complains of harassment may have in his/her possession that are relevant to the complaint.

- b) List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.

b. Who to Report Workplace Harassment To

An incident or a complaint of workplace 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.

Report a workplace harassment incident or complaint to the supervisor/manager. If the worker's supervisor or reporting contact is the person engaging in the workplace harassment, contact Chief Administrative Officer (CAO). If the CAO is the person engaging in the workplace harassment, contact the Clerk (Note: The person designated as the reporting contact should not be under the direct control of the alleged harasser.)

The Chief administrative Officer shall be notified of the workplace 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 Chief Administrative Officer, an external person qualified to conduct a workplace harassment investigation who has knowledge of the relevant workplace harassment laws will be retained to conduct the investigation.

All incidents or complaints of workplace 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.

3. Investigation

a. Commitment to Investigate

The Township of North Algona Wilberforce will ensure that an investigation appropriate in the circumstances is conducted when the employer, human resources, a manager or supervisor becomes aware of an incident of workplace harassment or receives a complaint of workplace harassment.

b. Who Will Investigate?

The Chief Administrative Officer will determine who will conduct the investigation into the incident or complaint of workplace harassment. If the allegations of workplace harassment involve The Chief Administrative Officer, the employer will refer the investigation to an external investigator to conduct an impartial investigation.

c. Timing of the Investigation

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

d. Investigation Process

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

- i. The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
- ii. The investigator must thoroughly interview the worker who allegedly experienced the workplace harassment and the alleged harasser(s), if the alleged harasser is a worker of the employer. If the alleged harasser is not a worker, the investigator should make reasonable efforts to interview the alleged harasser.
- iii. The alleged harasser(s) must be given the opportunity to respond to the specific allegations raised by the worker. In some circumstances, the worker who allegedly experienced the workplace harassment should be given a reasonable opportunity to reply.
- iv. The investigator must interview any relevant witnesses employed by the employer who may be identified by either the worker who allegedly experienced the workplace harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified.
- v. The investigator must collect and review any relevant documents.
- vi. The investigator must take appropriate notes and statements during interviews with the worker who allegedly experienced workplace harassment, the alleged harasser and any witnesses.
- vii. The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker who allegedly experienced the workplace harassment, the response from the alleged 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 harassment was found or not.

e. Results of the Investigation

Within 10 days of the investigation being completed, the worker who allegedly experienced the workplace harassment and the alleged harasser, if he or she is a worker of the employer, will 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 harassment.

f. Confidentiality

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace 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 harassment, the alleged harasser(s) and any witnesses should not to 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 will be kept confidential. g. Handling Complaints
During the investigation period the complainant will not be forced to work with the harasser, alternate work accommodation will be made at the request of the complainant. If the complainant is comfortable in the work environment with the presence of the harasser accommodation will not be made. If the harasser is the complainant's supervisor alternate supervision and work accommodation will be provided by the employer. In the event that the harasser is a non-employee the worker will not be placed in a situation of contact or interaction with the harasser.

The Employer will bypass the investigation process and remove the harasser from the workplace forthwith if conduct is found to be a violation of the criminal code and is being investigated by law enforcement services. In the event the harasser is found guilty of an assault under the criminal code the harasser's employment will be immediately terminated.

4. Record Keeping

The employer (human resources or designated person) will keep records of the investigation including:

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

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

Date created: _____

Annual review date: _____

Workplace Harassment Complaint Form

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

Name of alleged harasser(s) and contact information, if available:

Details of the Complaint of Workplace Harassment:

Please describe in as much detail as possible the bullying and 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) (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.

Signature: _____

Date: _____