



Rural Municipality of West River Resolution

Title: Abuse, Neglect and Harassment Policy 2023-01

Motion Carried	_____	Motion No	2023-16
Motion Lost	_____	Date	February 15, 2023
Motion Withdrawn	_____	Council Meeting No	2023-02
Moved by Councillor Shaun MacArthur	_____		
Seconded by Councillor Lillian MacCannell	_____		

WHEREAS

According to the Municipal Government Section (68) (2) (a), a Council may develop policies respecting services and programs, and shall evaluate, on a regular basis, the services and programs for relevancy, effectiveness and efficiency, and

WHEREAS

To comply with the Occupational Health And Safety Act, Chapter O-1.01, Workplace Harassment Regulations, which came into force on July 1, 2020, and

WHEREAS

This resolution bears the recommendation of the Committee of the Whole as discussed at a meeting held on February 2, 2023,

BE IT RESOLVED

The Council for the Rural Municipality of West River approves the (Appendix A, attached hereto, forming a part of this resolution) Abuse, Neglect and Harassment Policy 2023-01.

I certify that this is a true copy of the resolution.

Helen Smith-MacPhail

Laala Jahanshahloo

Mayor _____

Chief Administrative Officer _____

Appendix A

Rural Municipality of West River Abuse, Neglect and Harassment Policy Policy # 2023-01

BE IT ENACTED by the Council of the Rural Municipality of West River as follows:

1. Title

- 1.1 This Policy shall be known as, and may be cited as the " Abuse, Neglect and Harassment Policy."

2. Policy Statement

- 2.1 The Rural Municipality of West River is committed to preventing abuse, neglect and harassment in the workplace and promoting a safe workplace. Every employee is entitled to employment free of abuse, neglect and harassment. Maintaining such an environment is a responsibility shared by each Council member, Chief Administrative Officer, employee, supervisor, volunteer and the Municipality.

3. Purpose

- 3.1 Abuse, neglect and harassment will not be tolerated in the workplace or any work-related setting, including work-related conferences, travel, and municipality-sponsored events and activities. The Rural Municipality of West River will make every reasonable and practicable effort to ensure that no individual is subjected to workplace abuse, neglect and harassment. The Municipality will investigate any incidents of abuse, neglect and harassment and take corrective action to address the incidents.

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4. Scope

- 4.1 This Policy applies to all Council members, full-time, part-time, seasonal, temporary, hourly, and salaried employees, volunteers, independent contractors, agents, applicants and representatives of the Municipality when conducting business or performing duties or services on behalf of the Municipality (regardless of location).
- 4.2 While attending a Municipality workplace, members of the public, visitors and individuals conducting business with the Municipality, including but not limited to contractors, consultants, vendors, or delivery persons, are expected to refrain from any form of abuse, neglect and harassment.

5. Definitions

- 5.1 **"Abuse"** means a behaviour that scares, isolates, or controls another person. Abuse may be a pattern or a single incident, including definitions (5.7), (5.8), (5.17), (5.20), (5.20), (5.24), and (2.26).
- 5.2 **"Chief Administrative Officer/ CAO"** means the administrative head of a municipality appointed by the Council under subsection 86 (2)(c) of the Municipal Government Act.
- 5.3 **"Complainant"** means who has been subjected to the alleged abuse, neglect and harassment.
- 5.4 **"Complaint"** means an incident(s) of alleged abuse, neglect and harassment reported pursuant to the terms of this Policy.
- 5.5 **"Council"** means the Mayor and other members of the Council of the Municipality.
- 5.6 **"Discriminatory Harassment"** means any inappropriate conduct, comment, display, action or gesture by an individual that is made based on race, creed, religion, colour, gender identity, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin or any other ground prohibited by provincial human rights legislation and constitutes a threat to the health and safety of a worker.

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- 5.7 **"Emotional Abuse"** is defined as but not limited to a chronic attack on an individual's self-esteem. It can be name-calling, threatening, ridiculing, berating, intimidating, isolating, hazing, habitual scapegoating, or blaming.
- 5.8 **"Financial Abuse"** includes fraud and extortion and where a person has control over another person's access to economic resources.
- 5.9 **"Harassment"** means any action, conduct or comment that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment, including definitions (5.6), (5.13), (5.16), (5.18), (5.23), and (5.28).
- 5.10 **"Investigator"** means an individual named by the Chair of the Committee of the Whole to investigate, through fact-finding, formal complaints of abuse, neglect and harassment.
- 5.11 **"Municipality"** means the Rural Municipality of West River.
- 5.12 **"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.
- 5.13 **"No Intention Harassment"** means harassment can exist even where there is no intention to harass or offend another. Every individual must take care to ensure his or her conduct is not offensive to another.
- 5.14 **"Online Harassment "** includes all types of harassment using phones, emails, any social media platformer any other virtual communication platforms. It can happen during work hours as well as outside of them, including but not limited to the following actions:
- i. Sharing personal details and information without consent;
 - ii. Unauthorized use of the computer, mobile or assigned login credentials;
 - iii. False messages, indecent or harassing telephone calls, email or any other kind of communication;

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- iv. Disclosing any matter which caused defamatory libel;
 - v. Incites hatred;
- 5.15 **"Other Prohibited Behaviour"** means the Municipality recognizes that certain conduct while being inappropriate and/or disruptive, may fall short of the definition of "abuse, neglect and harassment" within the meaning of this Policy and/or applicable legislation. At its discretion, the Municipality may determine that disruptive or inappropriate conduct falling short of abuse, neglect, and harassment still warrants some form of corrective and/or disciplinary action.
- 5.16 **"Personal Harassment"** means inappropriate conduct, comment, display, action, gesture, or writing characterized by intentional harm that may involve repeated conduct or a serious incident that causes a lasting harmful effect on the employee. Including but not limited to:
- i. Verbal actions (threats, name-calling, humiliation, insults, racial or sexual comments, offensive jokes, constant criticism, ostracism, intimidation, yelling, cursing)
 - ii. Social exclusion (spreading rumours, ridicule or malicious gossip, ignoring, excluding or refusing to work or to cooperate with or acknowledge others)
- 5.17 **"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.
- 5.18 **"Physical Harassment or Violence"** means inappropriate, unwelcome physical contact includes but is not limited to:
- i. Threats of violence
 - ii. Physical actions (punching, kicking, biting, hitting, or shoving)
 - iii. Threatening behaviour/physical intimidation

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- iv. Destruction of property/throwing things
- 5.19 **"Protection"** means when a harassment complaint is made in good faith; regardless of the outcome, the complainant and anyone providing the information will be protected from all forms of retaliation from co-workers and superiors.
- 5.20 **"Psychological or Mental 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.
- 5.21 **"Reasonable Action"** means harassment does not include any reasonable actions taken by the Municipality, a manager or a supervisor relating to the performance, management and direction of an individual's work or the workplace. This includes, but is not limited to, day-to-day management or supervisory decisions, job assessment and evaluation, performance discussions, expectations for work productivity and quality, and disciplinary action.
- 5.22 **"Respondent"** means who is alleged to have abused, neglected or harassed a complainant.
- 5.23 **"Retaliation Harassment"** means retaliation harassment includes the suggestion of retaliation in respect to a complaint made under this Policy is any action with a negative impact that is taken or threatened or suggested against a person in whole or in part because that person:
- i. Files a complaint pursuant to this Policy; or
 - ii. Associates with a person who filed a complaint pursuant to this Policy; or
 - iii. Participates in any way in an investigation of a complaint pursuant to this Policy;
or
 - iv. Reports any failure to follow through with a decision flowing from an investigation pursuant to this Policy.
- 5.24 **"Sexual Abuse"** is defined as but not limited to any unwanted touching, fondling, observations for sexual gratification, any penetration or attempted penetration with a

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penis, digital or object of the vagina or anus, verbal or written propositions or innuendos, exhibitionism or exploitation for profit including pornography.

5.25 **"Sexual Harassment"** means a prohibited ground of discriminatory harassment, which may include conduct, comment, gesture or contact of a sexual nature that is offensive, unsolicited or unwelcome. Sexual harassment may include, but is not limited to, the following:

- i. A direct or implied threat of reprisal for refusing to comply with a sexually oriented request;
- ii. Unwelcome remarks, jokes, innuendoes, propositions or taunting about an employee's body, attire, sex or sexual orientation;
- iii. Making sexual comments or asking sexual questions;
- iv. Displaying pornographic or sexually explicit pictures or materials;
- v. Unwelcome physical contact;
- vi. Displaying sexual posters;
- vii. Sending explicit text messages or emails;
- viii. Inappropriate gestures;
- ix. Unwelcome invitations or requests, direct or indirect, to engage in behaviour of a sexual nature;
- x. Refusing to work with or have contact with individuals because of their sex, gender or sexual orientation;
- xi. Quid pro quo sexual harassment (when a supervisor offers benefits to an employee that are contingent on the employee's agreeing to engage in sexual conduct);

5.26 **"Verbal Abuse"** is defined as but not limited to humiliating remarks, name-calling, swearing at, taunting, teasing, and continual put-downs.

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6. Rights and Responsibility

- 6.1 Everyone mentioned in Section (4) of this Policy has the right to an abuse, neglect and harassment-free work environment.
- 6.2 No individual shall participate in or encourage the abuse, neglect and harassment of another individual. All individuals must cooperate with abuse, neglect and harassment complaint investigations and keep all information confidential in accordance with this Policy.
- 6.3 The Municipality, Council members, and the Chief Administrative Officer will take all complaints of abuse, neglect and harassment f seriously. The Municipality is committed to implementing an abuse, neglect and harassment-free environment and will make every reasonably practicable effort to ensure that no individual is subjected to abuse, neglect and harassment, whether it is from a Council member, supervisor, co-worker or non-employee such as a member of the public.
- 6.4 Everyone mentioned in Section (4) of this Policy will be subjected to reprimand, reprisal or discrimination for reporting an abuse, neglect and harassment complaint in good faith.
- 6.5 This Policy is not intended to discourage, prevent, or preclude a complainant from exercising their legal rights under any other law or filing a complaint under the PEI Human Rights Act.
- 6.6 Everyone who has been mentioned in Section (4.1) must sign "Acknowledgment and Declaration" (Appendix A).

7. Complaints Procedure

- 7.1 If anyone mentioned in Section (4) of this Policy feels they have been subject to workplace abuse, neglect and harassment, the first step may be informal ways to resolve the issue. It may include, but is not limited to, asking the person to stop the behaviour or arranging for mediation to help the people involved reach an acceptable resolution.

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- 7.2 If anyone mentioned in Section (4) of this Policy feels they have been subject to workplace abuse, neglect and harassment and the complaint could not be resolved by informal process, she/he/they must notify CAO or Mayor immediately to file a formal complaint. A formal complaint form (Appendix B) is available at the Municipality's office and must be completed to initiate the formal process.
- 7.3 If the respondent is a Council member, please refer to the Rural Municipality of West River Bylaw Code of Conduct (Bylaw 2021-02) along with the duties and the definitions contained in this Policy for the procedure for dealing with matters.

8. Informal Complaint Process

- 8.1 An individual who believes that he or she has been the subject of conduct that is in violation of this Policy is encouraged, where possible:
- i. To clearly and firmly make it known to the offending individual that the conduct is unwelcome and must stop; and
 - ii. To attempt to resolve the issue by direct discussion with the offending individual.
- 8.2 Depending on the nature and severity of the alleged conduct and subject to the consent of the individual reporting the harassment, the Municipality may first try to resolve the issue informally.
- 8.3 An individual who believes that they have been the subject of conduct violating this Policy may report the matter to the CAO.
- 8.4 If the CAO is accused of abuse, neglect and harassment, then the matter may be reported to Mayor.

9. Formal Complain Process

- 9.1 Where the informal process is unsuccessful, or the individual does not feel comfortable addressing the issue directly, the individual should document the details of the alleged

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abuse, neglect and harassment using the Formal Complaint Form (Appendix B) and submit a written report to the CAO.

- 9.2 If the CAO is the accused, then the written report may be submitted to Mayor.
- 9.3 The individual receiving the written report or designate will notify the respondent of the written report and provide the respondent with information concerning the circumstances of the written report.
- 9.4 If there is a sufficient basis in the written report or if the Municipality otherwise deems it necessary, the CAO or designate will conduct a formal investigation into the conduct contained in the written report in a prompt, fair and impartial manner.

10. Investigation of Formal Complain

- 10.1 Once the completed complaint form is received, the Municipality will immediately start an investigation.
- 10.2 The complaint will be investigated thoroughly and promptly by assigning an impartial investigator to investigate such matters.
- 10.3 The investigation process may include interviews with the individual reporting the alleged abuse, neglect and harassment, the respondent and, as and to the extent determined by the investigator, others with information relevant to the matters in question.
- 10.4 When the investigation is complete, the investigator will provide a written report for CAO.
- 10.5 All written reports, response statements, witness statements, interview notes and other documentation gathered as part of an investigation will be securely stored in a confidential investigation file.
- 10.6 The Municipality will decide on any action to be taken as a result of the findings of an investigation.
- 10.7 The individual who reported the alleged abuse, neglect and harassment and the respondent would be informed as to the outcome of the investigation.

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- 10.8 Where abuse, neglect and/or harassment are substantiated, the Municipality will take appropriate corrective action and/or disciplinary action.
- 10.9 Where abuse, neglect and/or harassment is not substantiated, no action will be taken against an individual who made the allegation in good faith.
- 10.10 Where a complaint is fraudulent, malicious, or otherwise made in bad faith, the individual who made the allegation of abuse, neglect and/or harassment may be subject to disciplinary or other action.

11. Confidentiality

- 11.1 A governing principle in respect of any matter that is brought forward pursuant to this Policy is confidentiality. Every effort will be made to keep matters confidential. The Municipality holds the ultimate responsibility for determining the resolution of a complaint. Information will be disclosed as necessary during the complaint process to the following extent:
 - i. To protect the safety or security of any individual involved in a complaint; or
 - ii. To protect people not related to Municipality if any reasonable concerns for their safety are identified; or
 - iii. To conduct a proper and fair investigation; or
 - iv. To comply with the law or litigation.
- 11.2 Any party to an investigation who is involved in an alleged incident must not disclose the names of any other party or any circumstances related to the complaint except as necessary to report an incident, investigate a complaint, take action flowing from an investigation, or meet legal requirements, including the Freedom of Information and Protection of Privacy Act.
- 11.3 Materials or written or electronic information related to a complaint or produced in an investigation will be maintained in secure, locked cabinets and offices or in password-

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protected electronic files by those people entitled to handle that information, namely the investigator(s), the CAO and the Mayor.

- 11.4 Disclosure of information contrary to the requirements set out above is a breach of this Policy and may be subject to disciplinary action.

12. Policy Review

- 12.1 The Municipality shall ensure that this Policy is reviewed and, where necessary, revised at least every four years.

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Policy # 2023-01 Appendix A Acknowledgment and Declaration Form

I, _____, acknowledge that I have been provided with a copy of the Rural Municipality of West River Abuse, Neglect and Harassment Policy (the "Policy") and have read and understood it and acknowledge that I will abide by the Policy. I also understand that if I violate the rules set forth by this Policy, I may face disciplinary action according to this Policy.

Dated this ___ day of _____, 20___.

Signature of witness

Print name: _____

Signature of individual

Print name: _____

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Policy # 2023-01 Appendix B Formal Complaint Form

Part A- Complainant Information	
Complainant Name: _____	Date Form Submitted: _____
Submitted to: _____	Complainant Phone #: _____

Part B- Information about the alleged Incident	
Name of the Respondent: _____	Date of Incident: _____
Is the abuse, neglect and/or harassment a repeat occurrence? If yes. Please provide the date of the incidents.	
Has the complainant advised the alleged harasser that they dislike the behaviour and want it to stop? If "No," please explain why. If "Yes" what was the response?	
Was there any witness (es) to the alleged abuse, neglect and/or harassment? If yes, please complete the table below.	

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Policy # 2023-01 Appendix B (Continued) Formal Complaint Form (Continued)

In your own words, describe the conduct, comments or display you found unacceptable. Give details of the date and location of the Incident (s) that is/are the basis of your complaint.

Declaration

I hereby confirm that the statement(s) contained in this complaint are true to the best of my knowledge. I understand that a copy of this complaint will be provided to the alleged harasser(s) for the purpose of investigating this complaint.

Signature: _____

Date: _____

I acknowledge receipt of this complaint.

Name: _____

Job Title: _____

Signature: _____

Date: _____