

THE CORPORATION OF THE
TOWNSHIP OF LANARK HIGHLANDS

BY-LAW NO. 2018-1497

**BEING A BYLAW TO ADOPT A
'SEXUAL VIOLENCE AND HARASSMENT IN THE WORKPLACE
POLICY'**

WHEREAS Sections 8 and 9 of the *Municipal Act, 2001* provides the municipality with the powers of a natural person and the authority to govern their affairs as they consider appropriate;

AND WHEREAS the Council of the Corporation of the Township of Lanark Highlands deems it expedient and in the public interest to adopt a Sexual Violence and Harassment in the Workplace Policy for the municipality;

NOW THEREFORE the Corporation of the Township of Lanark Highlands enacts as follows:

1. **THAT** the Sexual Violence and Harassment Policy Statement attached hereto as Schedule 'A' be and is hereby adopted.
2. **THAT** Schedule 'A' hereto shall be made part of this By-law as fully as if recited herein.
3. **THAT** this By-law shall supersede any and all By-laws and/or policies deemed to be inconsistent.
4. **THAT** amendments to the "Sexual Violence and Harassment in the Workplace Policy" shall not require an amendment to this By-law but may be approved by motion of Council.
5. **THAT** this By-law shall come into force and effect immediately upon the passage thereof.

READ a FIRST, SECOND and THIRD TIME Short this 8th day of May, 2018.

Mayor, Brian Stewart

Clerk Administrator, Allison Vereyken



SECTION	NUMBER
H	2(A)

**SUBJECT: HUMAN RESOURCES –
SEXUAL VIOLENCE & HARASSMENT IN THE
WORKPLACE POLICY**

1.0 PURPOSE

- 1.1 This policy defines behaviour that constitutes sexual workplace violence and harassment, and explains procedures for reporting and resolving such incidents. This policy is designed to familiarize all workplace parties with the related terminology as well as their individual responsibilities for prevention and corrective action. To establish this policy, the Township is following legislation governing workplace sexual violence and harassment in Ontario:

The Occupational Health and Safety Act
The Criminal Code of Canada
The Ontario Human Rights Code
The Workplace Safety and Insurance Act, 1997
The Compensation for Victims of Crime Act

The Township of Lanark Highlands recognizes the potential for sexual violence and harassment in the workplace. We will therefore make every reasonable effort to identify all potential sources of such risk to eliminate or minimize them through our workplace sexual violence and harassment prevention protocol. The Township will not tolerate any type of sexual violence or harassment within the workplace or during work related activities.

2.0 SCOPE

- 2.1 This policy applies to the conduct of all individuals in the workplace, including council members, employees, clients, contractors, volunteers, students, visitors and others. For the purpose of this policy, the workplace includes all locations or situations in which activities of the Township of Lanark Highlands business are carried out including but not limited to:

- Activities in the workplace.
- Work assignments outside the workplace.
- Work-related social functions.
- Work-related travel

- 2.2 The Township, its representatives and every worker has a responsibility to ensure a healthy, safe and respectful work environment and to report any violations of this policy.

- 2.3 The Township, its representatives and every worker has a responsibility to ensure a healthy, safe and respectful work environment which means the right to call the police at any time that they feel there is a threat of sexual violence and/or harassment in the workplace.



SECTION	NUMBER
H	2(A)

3.0 DEFINITIONS

For the purpose of this policy:

- 3.1 **“Workplace Sexual Harassment”** – been established as i) engaging in a course of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought to be reasonably known to be unwelcome; or ii) 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 to reasonably know that the solicitation is unwelcome.

4.0 VIOLENCE AND/OR HARASSMENT NOT TOLERATED

- 4.1 The Township of Lanark Highlands believes in the prevention of workplace sexual violence and harassment and promotes a violence and harassment-free workplace in which all people respect one another and work together to achieve common goals.
- 4.2 Any act of sexual violence or harassment committed by or against any Township worker is unacceptable and will not be tolerated.

5.0 RESPONSIBILITIES

All individuals in the Township of Lanark Highlands are responsible for the reporting of sexual violence or harassment in order to enable the Township to take appropriate action.

- 5.1 The Employer:
- 5.1.1 Review the policy and procedures in consultation with the Health and Safety Committee on an annual basis to ensure that it is relevant and compliant with the needs of the Township and its employees.
 - 5.1.2 Ensure that measures and procedures in the sexual violence and harassment prevention policy is carried out.
 - 5.1.3 Ensure compliance by all who have a relationship with the organization’s employees, such as elected officials, physicians, contractors, volunteers, etc.
 - 5.1.4 Make this policy available to all employees in the workplace and providing information on this policy to all affected persons.
 - 5.1.5 Establish and deliver training and education on sexual violence and harassment prevention, identification and the reporting process for incidents of sexual violence and harassment as needed.
 - 5.1.6 Investigate all reports or threats of sexual violence and/or harassment in a prompt, objective and sensitive way.



SECTION	NUMBER
H	2(A)

5.1.7 Take necessary corrective actions and response measures.

5.2 Managers, Supervisors & Representatives:

5.2.1 Understand, comply and enforce this policy within the Township of Lanark Highlands and ensure that employees are aware of the contents of this policy.

5.2.2 Identify potential threats of workplace sexual harassment and violence and alert staff to the potential hazardous situations.

5.2.3 Address any and all incidents of sexual harassment or violence in the workplace that they become aware of, even if an employee has not lodged a formal complaint.

5.2.4 Ensure employees are aware of who to contact regarding concerns about this policy or reporting an incident.

5.2.5 Take immediate action when necessary, including but not limited to, calling the police and/or ambulance services.

5.2.6 Investigate all reports of workplace sexual violence and harassment using the investigation protocol.

5.2.7 Treat as confidential, all information regarding incidents of workplace violence and harassment.

5.2.8 Take action to prevent workplace sexual harassment or violence from occurring, including but not limited to identifying and preventing inappropriate behaviour as defined by this policy and demonstrate a willingness to discuss concerns with workers.

5.3 Employees/Workers:

5.3.1 Understand and comply with this policy and respect the rights of all workers, contractors, clients, volunteers, students and program participants.

5.3.2 Report any violations of this policy to your immediate supervisor/manager.

5.3.3 Co-operate during investigations of sexual harassment or violence complaints.

5.3.4 Seek support when confronted with threats of sexual harassment or violence.

5.3.5 Communicate this policy to all affected persons.

6.0 INCIDENT REPORTING & INVESTIGATION

6.1 Employees must be aware that when a complaint is lodged the manager/supervisor or designate will conduct an investigation that includes interviews with the complainant, the alleged offender and any witness which may result in disciplinary actions up to and



SECTION	NUMBER
H	2(A)

including discharge, or action through the courts. The Township will conduct an investigation into all incidents or complaints of sexual harassment or violence in the workplace. There will be no reprisal

of threat of reprisal against any employee making a complaint in good faith or participating in an investigation.

6.1.1 Employees are to report all incidents of sexual harassment or violence to their immediate supervisor/manager in oral and written form. This initial report can be made confidentially at the employee's request. If the manager or supervisor is absent the report should be made to the acting manager or supervisor or to the Clerk Administrator.

6.1.2 Should the report of sexual harassment or violence be against the employee's immediate supervisor/manager, the employee should make this report orally and in writing to the appropriate manager or Clerk Administrator.

6.1.3 Should a complaint be directed against the position of Clerk Administrator or the Mayor and/or Council the procedure is as follows:

Complaint against the Clerk Administrator:

You may present your complaint in an oral and written presentation to the Mayor. The Mayor will investigate the complaint and then present it to Council as appropriate.

Complaint against the Mayor and/or Council:

You may present your complaint in an oral and written presentation to the Clerk Administrator.

6.1.4 Information about an incident or complaint, including identifying information of the individuals involved, will not be disclosed unless necessary for investigation or corrective action purposes.

6.1.5 Any complaint made with a malicious intent or in bad faith is regarded as a serious offence and is subject to disciplinary actions.

6.1.6 When a complaint has been received in writing, the manager/supervisor or designate will acknowledge receipt of the complaint and commence appropriate action within 2 (two) working days or 36 (thirty-six) hours using the utmost discretion to maintain confidentiality and to respect the rights and dignity of all parties involved.

6.1.7 Employees maintain the right to file a grievance with the appropriate bargaining unit, or to pursue complaints under other available processes (ie. Criminal Court, the Ontario Human Rights Code).



SECTION	NUMBER
H	2(A)

7.0 RESPONSE AND INVESTIGATION

- 7.1 Following the report of an incident or complaint of sexual harassment and or violence the manager/supervisor with the assistance of the Clerk Administrator shall:
- 7.1.1 Co-ordinate an immediate investigation when any incident or potential incident of sexual harassment or violence is reported, in order to assess the risk or continued risk to Township employees:
 - 7.1.1.1 Investigations may include interviews with the employee, significant other, supervisors and other employees; a review of previous incidents if available and consultations with the Health and Safety Committee.
 - 7.1.1.2 Where a Bargaining Unit member is the subject of an investigation, an appropriate Bargaining Unit representative is included as a member of the investigating team.
 - 7.1.1.3 Where a Bargaining Unit employee makes a claim against any employee outside of the Bargaining Unit, the Bargaining Unit representative (see (ii) above) will not be involved in the investigation meetings.
 - 7.1.2 If violence or threats are found to have occurred, take immediate steps to eliminate the risk and any possible recurrence.
 - 7.1.3 Develop or recommend and monitor the implementation of an action plan until there is a final resolution of the risk of violence.
 - 7.1.4 Document any information received or action taken in a separate file and take measures to protect the confidentiality of this information.
 - 7.1.5 Advise managers and supervisors on how to minimize the risk of violence associated with performance appraisals, disciplinary measures and terminations and on courses relating to the management of violent and abusive behaviour.
 - 7.1.6 Coordinate the provision of assistance to employees who were the target of violence or witnesses to violence and who may suffer adverse effects from the situation.
 - 7.1.7 Ensure that all employees receive a copy of this policy and coordinate general training as well as specific training in response to identified needs.



SECTION	NUMBER
H	2(A)

8.0 POLICY REVIEW

- 8.1 This policy shall be reviewed and, where deemed appropriate, revised at least annually.