The Corporation of The Municipality of Hastings Highlands

Bylaw 2025-022

To Amend Bylaw 2024-053 To Adopt a Policy with Respect to the Municipal Health and Safety Program

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Whereas the *Municipal Act,* S.O. *2001,* as amended, allows a Municipality to pass Bylaws respecting matters in its jurisdiction;

And Whereas the Municipality of Hastings Highlands is committed to providing policies, procedures and appropriate measures to protect the health and safety of its workers, in accordance with the *Occupational Health and Safety Act, R.S.O. 1990*;

And Whereas the Municipality of Hastings Highlands has updated its Workplace Violence and Harassment Policy to ensure alignment with current Health and Safety legislation;

And Whereas the Council of the Corporation of the Municipality of Hastings Highlands deems it appropriate to amend Bylaw 2024-053;

Now Therefore, The Council of The Corporation of The Municipality of Hastings Highlands Enacts As Follows:

1. **That** Chapter 20 entitled 'Workplace Violence and Harassment Policy' as contained within Schedule 'A' of the Health and Safety Policy Manual which forms part of Bylaw 2024-053 is hereby amended by deleting it in its entirety, and replacing it with Schedule '1' to this Bylaw contained herein; and

2. **That** all former bylaws, namely Bylaw 2021-085 pertaining to this matter are hereby repealed.

Coming Into Force

1. **That** this bylaw shall come into force and take effect on the 19th day of March, 2024.

Enacted and **Passed** in Council this 19th day of March, 2025.

_____ _____

Tony Fitzgerald, Mayor Suzanne Huschilt, Municipal Clerk

Schedule '1'

Municipality of Hastings Highlands - Corporate Policies and Procedures			
DEPARTMENT: Administration			**POLICY #:**
POLICY: Workplace Violence and Harassment Policy			
DATE: Nov 2021	**REV. DATE:** Mar.19, 2025	**COVERAGE:** Employees, Members of Council, Volunteers, Contractors, Public	**PAGE #:** 1-21

1. Policy Statement

1.1 The Municipality of Hastings Highlands (the "Municipality") is committed to providing an environment free from all forms of violence, harassment, discrimination and disrespectful behaviour. The Municipality expects and promotes respectful interactions, which show regard for the rights, dignity, health and safety of all.

This policy is consistent with the provisions of the Ontario *Human Rights Code* and the *Occupational Health and Safety Act* and shall be read in conjunction with any applicable collective agreement provisions.

1.2 The Municipality will not tolerate, ignore, or condone Workplace Violence, Workplace Harassment, Discrimination or any pattern of inappropriate or disrespectful behaviour that a reasonable person would consider humiliating, demeaning, offensive or intimidating. The Municipality considers such conduct to be a serious offence which may result in disciplinary action up to and including termination of employment for just cause.

2. Definitions

2.1 In this policy and its related programs, the following terms have the following meanings:

"Complainant" is the individual who reports the act/incident and completes the Act/Incident Report Form.

"**Discrimination**" is differential treatment based on a personal characteristic protected under the *Human Rights Code* which has an adverse impact on an individual or group. Protected personal characteristics under the *Human Rights Code* include race, ancestry, place of origin, colour, ethnic origin, citizenship,

creed (including religion), sex (including pregnancy), sexual orientation, gender identity, gender expression, age, record of offences, marital status (including same-sex partnership/marriage), family status or disability (including perceived disability).

"**Discriminatory Harassment**" is engaging in a course of vexatious comment or conduct, including virtually through the use of information and communications technology, that is known or ought reasonably to be known to be unwelcome and that relates to a protected personal characteristic under the Ontario *Human Rights Code* (see the definition of Discrimination).

Examples of Discriminatory Harassment include:

- comments, jokes or behaviour that belittles or ridicules a person or group in relation to one of the protected personal characteristics;
- imitating a person's accent, speech or mannerisms;
- persistent or inappropriate questions about whether a person is pregnant, has children or plans to have children; or
- comments or jokes about age, sexual orientation, or other protected personal characteristics.

"**Domestic Violence**" is the exercise of physical force that could cause physical injury, an attempt to exercise physical force that could cause physical injury, or a statement or behavior that is reasonably interpreted by its target as a threat to exercise physical force that could cause physical injury, by a person who has a personal relationship with another person, such as a spouse or former spouse, current or former intimate partner, or a family member.

"Investigator" is the person that investigates complaints of Workplace Violence or Workplace Harassment. The Investigator may be the CAO, a Department Head, an individual designated by the CAO, or an external individual/firm retained by the Municipality in appropriate circumstances, including as and when required under the *Occupational Health and Safety Act*.

"Respondent" is the individual against whom a complaint is made.

"**Worker**" includes all employees, elected officials, committee appointees, contractors, volunteers, supervisors and managers who perform work for the Municipality.

"**Workplace**" means any land, premises, location or thing at, upon, in or near which a Worker works.

The Workplace may include work-related social functions (e.g. parties, golf games, etc.), work responsibilities outside Municipality offices, work-related travel and work-related conferences or training sessions (etc.). A Worker's conduct using telephone, e-mail or other communication (including social networking sites, such as Facebook, Twitter, LinkedIn etc.) may be considered conduct at

the Workplace, regardless of the Worker's physical location, depending on the nature of the conduct.

"**Workplace Harassment**" means:

(a) engaging in a course of vexatious comment or conduct against a Worker in a Workplace, including virtually through the use of information and communications technology, that is known or ought reasonably to be known to be unwelcome; or

(b) Workplace Sexual Harassment (as defined below); or

(c) Discriminatory Harassment (as defined above).

Workplace Harassment often consists of repeated behaviour; however, a single incident may constitute Workplace Harassment depending on the severity of the incident.

Examples of Workplace Harassment include:

- unwelcome remarks, slurs, jokes, taunts, questions, suggestions, whether related to a protected ground under the *Human Rights Code* or otherwise;
- unwelcome sexual remarks, leering (suggestive staring) or other offensive gestures, invitations, or requests (including persistent, unwanted contact after the end of a relationship);
- displaying or distributing explicit, or other offensive or derogatory material;
- oral or written abuse;
- engaging in practical jokes or hazing that embarrass or demean someone;
- engaging in patronizing or condescending behaviour;
- excluding or ignoring someone;
- humiliating an individual in front of others; or
- undermining or sabotaging someone's performance or work or threatening his/her career.

Workplace Harassment does NOT include:

- consensual banter with appropriate subject matter, if everyone involved is in agreement and comfortable;
- employees flirting with each other or becoming involved in a romantic or personal relationship, as long as the relationship is welcome and consensual;

- managerial measures to correct performance deficiencies, such as placing someone on a performance improvement plan;
- management imposing discipline for workplace infractions;
- management requesting medical documents in support of an absence from work;
- normal workplace conflict that may occur between individuals; or
- differences of opinion between co-workers.

Note that behaviour may begin as consensual but become Workplace Harassment if an individual begins to feel uncomfortable with the behaviour and the behaviour continues even after that person has expressed their discomfort, or if others involved should have known that the person was uncomfortable.

"**Workplace Sexual Harassment**" means:

(a) engaging in a course of vexatious comment or conduct against a Worker in a Workplace, including virtually through the use of information and communications technology, 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.

A person of any sex can be a victim of Workplace Sexual Harassment and Workplace Sexual Harassment can occur between individuals of the same or different sexes.

Examples of Workplace Sexual Harassment include:

- persistent leering (suggestive staring) or other obscene/offensive gestures;
- unwanted and inappropriate physical contact such as touching, kissing, patting, pinching, or brushing up against a person;
- unwelcome sexually oriented remarks, invitations, requests, jokes, gestures
- unwelcome sexual flirtations, advances, or propositions;
- inquiries or comments about a person's sex life;
- demands or requests for sexual favours, especially by a person who is in a position of authority, whether express or implied;
- displaying sexually offensive materials; or
- sexual assault.

"**Workplace Violence**" means:

(a) the exercise of physical force by a person against a Worker, in a Workplace, that causes or could cause physical injury to the Worker;

(b) an attempt to exercise physical force against a Worker, in a Workplace, that could cause physical injury to the Worker; or

(c) a statement or behaviour that it is reasonable for a Worker to interpret as a threat to exercise physical force against the Worker, in a Workplace, that could cause physical injury to the Worker.

Examples of Workplace Violence include:

- physically aggressive behaviours including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, throwing an object at someone, physically restraining someone or any other form of physical or sexual assault;
- displays of aggression that cause an individual fear of bodily harm;
- verbal threats to attack an individual;
- intimidating behaviour, such as stalking; or
- wielding an object as a weapon or in a threatening way.

Violence that occurs outside the Workplace but which has an impact on the working environment, including on working relationships, may also be considered Workplace Violence.

3. Scope

3.1 This policy applies to all Workers and addresses Workplace Violence and Workplace Harassment from all sources in the Workplace, including from other Workers and members of the public.

4. Responsibilities

4.1 <u>Municipality Responsibilities</u>

- The Municipality will prepare and maintain a written policy with respect to Workplace Violence and Harassment.
- The Municipality will review the policy with respect to Workplace Violence and Harassment as often as is necessary, but at least annually.
- The Municipality will post a copy of the policy with respect to Workplace Violence and Harassment at a conspicuous location in the Workplace.
- The Municipality will assess the risks of Workplace Violence that may arise in the Workplace and reassess as often as is necessary to ensure that the Workplace Violence and Harassment Policy, and the programs implementing the policy, continue to protect Workers from Workplace Violence. The

assessment will take into account circumstances that would be common to similar workplaces, circumstances specific to the Workplace, and possible mitigation of risk that the Municipality can provide.

- The Municipality will provide Workers with information and instruction that is appropriate for the particular Worker on the contents of this policy and programs with respect to Workplace Violence and Workplace Harassment.
- The Municipality will work to prevent incidents from taking place by providing information and education, and by using corrective action and/or discipline where appropriate.
- The Municipality will thoroughly investigate complaints in an objective, sensitive and timely manner with due regard for personal confidentiality.
- The Municipality will take necessary action against those who are found to have engaged in Workplace Violence or Workplace Harassment, or who have otherwise violated the terms of this policy or the programs implementing this policy, up to and including dismissal from employment.
- The Municipality will provide information, including personal information, related to a risk of Workplace Violence from a person with a history of violent behaviour if the Worker can be expected to encounter that person in the course of his or her work and the risk of Workplace Violence is likely to expose the worker to physical injury. The Municipality will not disclose more personal information than is reasonably necessary in the circumstances to protect a Worker from physical injury.
- If the Municipality becomes aware, or ought reasonably be aware, of Domestic Violence that would likely expose a Worker to physical injury that may occur in the Workplace, the Municipality will take every precaution reasonable in the circumstances for the protection of the Worker.
- The Municipality will develop and maintain programs to implement the Workplace Violence and Harassment Policy.

4.2 Worker Responsibilities

- Workers will refrain from engaging in Workplace Violence and Workplace Harassment.
- Workers will report incidents of Workplace Harassment or Workplace Violence if they become aware of such incidents.
- Workers will comply with this policy at all times to protect themselves and others in the Workplace from Workplace Violence and Workplace Harassment.
- Workers will fully co-operate in any investigation of complaints, incidents, or breaches of this policy.

- Workers will participate in any training conducted by the Municipality regarding this policy or its related programs.

4.3 Department Heads/Supervisors

In addition to their responsibilities as Workers, Department Heads/Supervisors have the following additional responsibilities.

- Department Heads/Supervisors will foster respectful interactions in the Workplace through the provision of information, training, clear expectations and modeling appropriate behaviour.
- Department Heads/Supervisors will not condone or ignore inappropriate Workplace behaviour.
- Department Heads/Supervisors will provide information regarding the Workplace Violence and Harassment Policy.
- Department Heads/Supervisors will demonstrate and promote the maintenance of confidentiality.
- Department Heads/Supervisors take active steps to establish and maintain a Workplace free of Workplace Violence and Workplace Harassment.

5. No Reprisal

5.1 This policy prohibits reprisals against Workers who have made good faith complaints, provided information regarding a complaint or incident of Workplace Violence or Workplace Harassment, or followed the procedures outlined in the applicable program.

Disciplinary action up to and including dismissal from employment for cause may be imposed against a Municipality employee found to have engaged in retaliation/reprisal.

6. Confidentiality

6.1 Identifying information about any individuals involved shall not be disclosed unless the disclosure is necessary for the purpose of protecting Workers, investigation, taking corrective action, or otherwise required by law.

7. Bad Faith Complaints and Malicious Reporting

7.1 In the event a complaint is found to have been made in bad faith, with malicious intent, or in abuse of this policy or its related programs in order to harm another, the Complainant may be subject to corrective action and discipline (if an employee) up to and including dismissal from employment for cause.

Corrective and disciplinary action for bad faith complaints/malicious reporting will depend on the seriousness of the situation and is not a reprisal under this policy or a breach of this policy.

8. Reports to Authorities

8.1 Acts of Workplace Violence or Workplace Harassment that may be considered criminal offences (such as stalking, uttering threats, or sexual or physical assault) will be reported to the police.

Workplace Violence Program
Under the Workplace Violence and Harassment Policy

1. Purpose

1.1 To implement the Municipality's Workplace Violence and Harassment Policy with respect to Workplace Violence.

2. Definitions

2.1 The defined terms set out in in the Municipality's Workplace Violence and Harassment Policy apply when used in this program.

3. Control of Risks

3.1 If a Department Head/Supervisor is notified of a risk of Workplace Violence, including a risk of Domestic Violence that would likely expose a Worker to physical injury that may occur in the Workplace, they shall take all reasonable precautions in the circumstances to control the risks that are likely to expose a Worker to physical injury. The precautions could include, but are not limited to:

- separating Workers;
- removing an individual from the Workplace;
- creating a safety plan;
- contacting the police or other authorities;
- establishing enhanced safety measures;
- screening calls and blocking certain email addresses; and/or
- setting up priority parking.

4. Summoning Immediate Assistance

4.1 Any Worker who witnesses or experiences Workplace Violence or who feels in imminent danger shall:

- ensure they are in, or remove themselves to, a safe location;
- if, in their opinion, the situation warrants, contact the police and other appropriate emergency services by dialing 911; and
- report the matter to their supervisor as soon as reasonably possible.

5. Reporting A Complaint Of Workplace Violence

5.1 A Worker shall formally report acts/incidents of Workplace Violence to their Department Head as soon as is reasonably possible. Department Heads will inform the CAO of all Workplace Violence complaints. The CAO will be consulted as necessary during the investigation and resolution determination process.

If the Worker's Department Head is the alleged perpetrator of the incident, the Worker can submit a complaint directly to the CAO.

If the CAO is the alleged perpetrator, the complaint can be submitted directly to the Mayor.

5.2 Complainants are encouraged to use the Workplace Violence and Harassment Complaint Form (attached at Appendix 'A') to document the details of their complaint.

5.3 A Complainant should ensure that the following information is contained in the complaint:

(a) the Complainant's name and contact information;

(b) the Respondent's name, position (if a Worker) and contact information (if known);

(c) the name(s) of individuals that have been subjected to the behaviour complained of;

(d) the names of any witness(es) (if any) or other person(s) with relevant information to provide about the incident(s) and contact information (if known);

(e) the details of the incident(s) including what happened, date(s), frequency and location(s) of the incident(s);

(f) any supporting documents the Complainant has that are relevant to the complaint; and

(g) a list of any documents a witness, or another person (including the Respondent) may have in their possession that are relevant to the complaint.

6. Workplace Violence Investigation Procedure

6.1 It is the responsibility of all Workers to fully co-operate in any investigation.

6.2 Upon receiving a complaint of Workplace Violence, the recipient of the complaint (Department Head, CAO, or Mayor, as applicable) will initiate an investigation typically within three (3) days of having received the complaint, or as soon as practicable. The Municipality may take such administrative steps as it deems necessary for the protection of a Worker.

6.3 Where the complaint involves the CAO or a member of Council, or in other circumstances deemed appropriate by the Municipality, including as and when required under the *Occupational Health and Safety Act*, an external Investigator will be retained.

6.4 The Investigator will schedule an interview with the Complainant to discuss and clarify the complaint and/or incident and identify steps the Complainant has taken to resolve the matter, if any. The Complainant may be accompanied by a

support person if necessary, provided that the support person cannot have been a direct witness to the incident(s).

6.5 The complaint will then be investigated. The investigation may include interviews of the Respondent, the individual(s) alleged to have been subjected to the behaviour complained of (if other than the Complainant), and any other individuals that may have knowledge of the matters included in the complaint (such as witnesses to events). There may also be further interviews of the Complainant. The Investigator may also collect and review documents relevant to the allegations and issues raised in the complaint.

6.6 Any unionized employee that is interviewed may be accompanied by a union representative.

6.7 In the event an individual refuses to, or otherwise does not, participate in the investigation, the Investigator may proceed with, and conclude, the investigation without hearing from that individual. The Investigator may draw such inferences as the Investigator sees fit from an individual's non-participation and the surrounding circumstances.

6.8 The Investigator will document the evidence obtained through the investigation and any results of the investigation and conclusions drawn by the Investigator. The Investigator will draw conclusions on the "balance of probabilities" (more likely than not) standard.

6.9 The Investigator will prepare a written report and deliver it to the CAO (or Mayor, as applicable). The report will contain a summary of the complaint, the results of the investigation, whether there was a breach of any policy/policies, and recommendations, if any, the Investigator makes for corrective action if the Investigator has been asked to make such recommendations.

6.10 The CAO (or Mayor together with Council, as applicable), will review and consider the Investigator's report and will make a decision with respect to corrective actions to be taken, if any.

6.11 The following individuals will be informed, in writing, of the results of the investigation and of any corrective action that has been taken or will be taken as a result of the investigation:

- The Complainant;
- The individual(s) that was/were allegedly subjected to the behaviour complained of; and
- The Respondent.

<u>Confidentiality</u>

6.12 In order to preserve the integrity of investigations, witnesses may be required to sign a confidentiality statement recognizing the importance of maintaining the confidentiality of the matters discussed with respect to the investigation. A sample Confidentiality Statement is attached at Appendix 'B'.

6.13 Witnesses must keep the investigation process and any information shared (verbally or in writing) confidential and not discuss such matters during or after the process with anyone including co-workers or any other persons on staff, with the exception of the Investigator and the CAO (if not a party in the investigation), and those with whom they are entitled by law to discuss such matters (e.g. legal counsel, authorities).

7. Post-Complaint Resolution/Investigation Steps

7.1 The Municipality may implement a plan to monitor the behaviour of individuals and the dynamics between those impacted following a complaint and/or investigation. The plan will be developed by applicable Department Heads/Supervisors to follow up periodically for six months after the resolution of the complaint or conclusion of the investigation. This measure is set to guard against potential retaliation, prevent future issues and evaluate the effectiveness of resolution strategies.

8. Record Retention

8.1 All records related to meetings, interviews or any part of the investigation will be treated as confidential and not be disclosed, except as required by law. Documentation related to the investigation will be retained as a separate file. Records may be subject to release under the *Municipal Freedom of Information and Protection of Privacy Act* or legal proceedings. Copies of any disciplinary action will be placed in the employee's file.

Workplace Harassment Program
Under the Workplace Violence and Harassment Policy

1. Purpose

1.1 To implement the Municipality's Workplace Violence and Harassment Policy with respect to Workplace Harassment.

2. Definitions

2.1 The defined terms set out in in the Municipality's Workplace Violence & Harassment Policy apply when used in this program.

3. Informal Procedure

3.1 If a Worker believes that they are being subjected to Workplace Harassment, the Worker is encouraged to address the situation directly with the alleged harasser, if they feel comfortable doing so. Although this may be difficult to do, telling the alleged harasser that their actions are unwelcome is often enough to stop the behaviour.

3.2 If the behaviour continues after the Worker has attempted to address the behaviour directly with the individual, the Worker may provide the individual with a written statement of the situation. The Workers should include specific details, including:

- the behaviours the Worker considers to be Workplace Harassment;
- a request to the alleged harasser to stop;
- the Worker's expectation that the alleged harasser will discontinue the behaviour; and
- the next steps that the Worker will take if the behaviour does not stop (e.g. filing a formal complaint).

The Worker should retain a copy of the written statement provided to the alleged harasser.

3.3 If a Worker believes that they are being subjected to Workplace Harassment by someone who is not a Worker (e.g. a member of the public) the Worker should report the behaviour to their Department Head. Although the Municipality has limited control over third parties, it will take steps to address the issue and prevent further problems from arising.

4. Reporting Complaints Of Workplace Harassment

4.1 If behaviour is not corrected through informal means, or if a Worker is not comfortable attempting to address the behaviour through informal means, the Worker shall report the behaviour that the Worker believes to be Workplace Harassment to their Department Head/Supervisor as soon as is reasonably possible. Where any Department Head/Supervisor becomes aware of an

allegation of Workplace Harassment, that information should be relayed to the CAO (or Mayor, as appropriate), whether or not a formal report or complaint of Workplace Harassment has been filed.

If the Worker's Department Head is the alleged harasser, the Worker can submit the complaint directly to the CAO.

If the CAO is the alleged harasser, the complaint can be submitted directly to the Mayor.

4.2 Complainants are encouraged to use the Workplace Violence and Harassment Complaint Form (attached at Appendix 'A') to document the details of their complaint.

4.3 A Complainant should ensure that the following information is contained in the complaint:

(a) the Complainant's name and contact information;

(b) the Respondent's name, position (if a Worker) and contact information (if known);

(c) the name(s) of individuals that have been subjected to the behaviour complained of;

(d) the names of any witness(es) (if any) or other person(s) with relevant information to provide about the incident(s) and contact information (if known);

(e) the details of the incident(s) including what happened, date(s), frequency and location(s) of the incident(s) complained of;

(f) any supporting documents the Complainant has that are relevant to the complaint; and

(g) a list of any documents a witness, or another person (including the Respondent) may have in their possession that are relevant to the complaint.

5. Workplace Harassment Investigation Procedure

5.1 It is the responsibility of all Workers to fully co-operate in any investigation.

5.2 Upon receiving a complaint of Workplace Harassment, the recipient of the complaint (Department Head, CAO, or Mayor, as applicable) will initiate an investigation typically within five (5) business days of having received the complaint, or as soon as practicable. The Municipality may take such administrative steps as it deems necessary for the protection of a Worker.

5.3 Where the complaint involves the CAO or a member of Council, or in other circumstances deemed appropriate by the Municipality, including as and when required under the *Occupational Health and Safety Act*, an external Investigator will be retained.

5.4 The Investigator will schedule an interview with the Complainant to discuss and clarify the complaint and/or incident and identify steps the Complainant has taken to resolve the matter, if any. The Complainant may be accompanied by a support person if necessary, provided that the support person cannot have been a direct witness to the incident(s).

5.5 The complaint will then be investigated. The investigation may include interviews of the Respondent, the individual(s) alleged to have been subjected to the behaviour complained of (if other than the Complainant), and any other individuals that may have knowledge of the matters included in the complaint (such as witnesses to events). There may also be further interviews of the Complainant. The Investigator may also collect and review documents relevant to the allegations and issues raised in the complaint.

5.6 Any unionized employee that is interviewed may be accompanied by a union representative.

5.7 In the event an individual refuses to, or otherwise does not, participate in the investigation, the Investigator may proceed with, and conclude, the investigation without hearing from that individual. The Investigator may draw such inferences as the Investigator sees fit from an individual's non-participation and the surrounding circumstances.

5.8 Information obtained about an incident or complaint of Workplace Harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.

5.9 The Investigator will document the evidence obtained through the investigation and any results of the investigation and conclusions drawn by the Investigator. The Investigator will draw conclusions on the "balance of probabilities" (more likely than not) standard.

5.10 The Investigator will prepare a written report and deliver it to the CAO (or Mayor, as applicable). The report will contain a summary of the complaint, the results of the investigation, whether there was a breach of any policy/policies, and recommendations, if any, the Investigator makes for corrective action if the Investigator has been asked to make such recommendations.

5.11 The CAO (or Mayor together with Council, as applicable), will review and consider the Investigator's report and will make a decision with respect to corrective actions to be taken, if any.

5.12 The following individuals will be informed, in writing, of the results of the investigation and of any corrective action that has been taken or will be taken as a result of the investigation:

- The Complainant;

- The individual(s) that was/were allegedly subjected to the behaviour complained of; and
- The Respondent.

Confidentiality

5.13 In order to preserve the integrity of investigations, witnesses may be required to sign a confidentiality statement recognizing the importance of maintaining the confidentiality of the matters discussed with respect to the investigation. A sample Confidentiality Statement is attached at Appendix 'B'.

5.14 Witnesses must keep the investigation process and any information shared (verbally or in writing) confidential and not discuss such matters during or after the process with anyone including co-workers or any other persons on staff, with the exception of the Investigator and the CAO (if not a party in the investigation), and those with whom they are entitled by law to discuss such matters (e.g. legal counsel, authorities)

6. Post-Complaint Resolution/Investigation Steps

6.1 The Municipality may implement a plan to monitor the behaviour of individuals and the dynamics between those impacted following a complaint and/or investigation. The plan will be developed by applicable Department Heads/Supervisors to follow up periodically for six months after the resolution of the complaint or conclusion of the investigation. This measure is set to guard against potential retaliation, prevent future issues and evaluate the effectiveness of resolution strategies.

7. Record Retention

7.1 All records related to meetings, interviews or any part of the investigation will be treated as confidential and not be disclosed, except as required by law. Documentation related to the investigation will be retained as a separate file. Records may be subject to release under the *Municipal Freedom of Information and Protection of Privacy Act* or legal proceedings. Copies of any disciplinary action will be placed in the employee's file.

APPENDIX 'A'

Workplace Violence and Harassment Complaint Form

Municipality of Hastings Highlands

The Municipality of Hastings Highlands (the "Municipality") is committed to providing an environment free from all forms of violence, harassment, discrimination and disrespectful behaviour. Workers are encouraged to use this form to submit complaints of Workplace Violence or Workplace Harassment.

Section 1 – Information about Individual Filing This Form

Name: _____
Department: _____
Phone: _____
Email: _____

Section 2 – Information about Individual the Complaint Is Against

Name: _____
Department: _____
Phone: _____
Email: _____

Section 3 – Details of Incident(s)/Complaint

Describe in as much detail as possible the Workplace Violence and/or Workplace Harassment incident(s), including: **(a)** the names of any individuals that were subjected to the behaviour; **(b)** any witnesses to the incident(s); **(c)** the date(s), frequency and location(s) of the incident(s); **(d)** details about the incident(s) (what happened, including specific behaviour and/or words used); **(e)** any additional details. Attach additional pages if necessary.

_____
_____
_____
_____
_____

Section 4 – Previous Efforts to Address Behaviour

If you made any previous attempts to address the behaviour, please describe them here, as well as any outcome. Attach additional pages if necessary.

Section 5 – Witnesses or Others with Relevant Information

Please identify any additional witnesses to the incident(s) or other individuals that may have relevant information. Attach additional pages if necessary.

Name: _____
Contact Information: _____

Name: _____
Contact Information: _____

Section 6 – Relevant Documents

Attach any supporting documents (e.g. emails, notes, 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 you believe someone else has relevant documents, please note that below.

Signature: _____
Date: _____

Please submit the completed form as set out in the Workplace Violence Program or Workplace Harassment Program (e.g. Department Head/Supervisor, CAO, or the Mayor).

Additional page in response to Section ___

APPENDIX 'B'

SAMPLE CONFIDENTIALITY STATEMENT

Municipality of Hastings Highlands

I understand that I am taking part in an investigation and, in order to preserve the integrity of this investigation, I sign this statement recognizing the importance of maintaining the confidentiality of the matters discussed with respect to the investigation.

I will keep this process and any information shared (verbally or in writing) confidential and will not discuss these matters during or after the process with anyone including co-workers or any other persons on staff, with the exception of the CAO (if not a party to the investigation) and those with whom I am entitled by law to discuss these matters (e.g. legal counsel, authorities).

I understand that any breach of confidentiality may result in disciplinary consequences up to and including dismissal.

I understand that any act of retaliation as a result of this process will be taken seriously and acted upon by the Municipality with discipline up to and including dismissal.

In addition to maintaining confidentiality, I agree that statements I make verbally or in writing during this process will be true and accurate, to the best of my ability and recollection.

Signed this _____ day of _____, 20___.

Name: _____ Signature: _____

Witness Name: _____ Signature: _____