



[Code of Conduct](#)

**CODE OF CONDUCT**

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## **1. Purpose**

1.1 The purpose of this Policy is to:

1.1.1 Set out the Township's expectations for the conduct of the Members of the LHFS to ensure that all Members adhere to the ethical standards and behaviours expected of them by the residents of the Township;

1.1.2 Ensure that the decisions of the Township and LHFS, with respect to the Members of the LHFS, are at all times fair, equitable, and transparent, and form a sound basis on which decisions respecting the conduct of the Members of the LHFS are made; and

1.1.3 Outline the high standards of practices expected of LHFS Members. The code of conduct will represent general standards that aim to be comprehensive, but not exhaustive.

## **2. Policy Statement**

2.1 The residents of the Township recognize the importance of the LHFS and the dedication provided by those who are willing to serve as volunteer firefighters. Further, the Township is committed to providing the best possible emergency services for the residents of the Township. An essential element of this goal is to ensure that all Members of the LHFS are:

2.1.1 Aware of the expectations that the Township has with respect to the behaviour of Members of the LHFS;

2.1.2 Fully cognizant not only of these expectations, but also the consequences should these standards of behaviour, as set out herein, be breached; and

2.1.3 Treated appropriately, consistently and with fairness in terms of the application of this Code of Conduct.

### **3. Application of Policy**

3.1 The Fire Chief, in consultation with the Clerk Administrator, as required, will have the primary responsibility for the implementation, interpretation, and enforcement of this Code of Conduct. The Fire Chief will also rely on Officers for the implementation and enforcement of the Code.

3.2 This policy shall apply to all Members of the LHFS including Officers, the Fire Chief, and Deputy Fire Chief.

3.3 Should this policy conflict with a collective agreement of a bargaining unit employee, or any Township policy for a bargaining unit/non-bargaining unit employee, then the collective agreement or Township employment policy shall prevail.

3.4 It is the responsibility of every Member affected by this policy to read it, be familiar with it, agree to the terms of the Code of Conduct, and be guided by same.

3.5 Any amendments to this policy shall be posted and/or distributed to all LHFS Members.

### **4. Definitions**

4.1 “Clerk Administrator” means the person appointed by Council as the Clerk Administrator for the Township of Lanark Highlands.

4.2 “Family” and “Relative” shall include immediate family; i.e., spouse (includes common-law or same sex), mother, father, sons, daughters, brothers, sisters and in-laws (i.e. mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law.)

4.3 “LHFS” means the Township of Lanark Highlands Fire Service.

4.4 “Member” means any person employed in, or appointed to, the Fire Department and assigned to undertake Fire Protection Services, and includes Officers, and Volunteer Firefighters.

## **5. General**

5.1 Members of the LHFS are expected to:

5.1.1 Conduct themselves, on and off duty, in a manner that does not reflect negatively on the LHFS;

5.1.2 Show courtesy and respect at all times in dealing with members of the public and fellow firefighters;

5.1.3 Be respectful and conscious of each Member's safety and welfare; and

5.1.4 Recognize that they serve in a position of public trust that requires stewardship in the honest and efficient use of publicly owned resources, including uniforms, facilities, vehicles and equipment and that these resources are protected from misuse and theft.

5.2 The Fire Chief of the LHFS, or his/her designate, is responsible to Council, through the Clerk Administrator, for the proper administration and operation of the LHFS and for the discipline of its Members and, in doing so, may make such general orders and departmental policies and procedures as may be necessary for the care and protection of the department and its efficient operation, provided such general orders and rules do not conflict with the provisions of any by-laws of the Township or LHFS.

5.3 All Members shall familiarize themselves with, and follow, all Standard Operating Guidelines, Standard Operating Policies and Procedures (SOP/SOG), including the operational guideline pertaining to Incident Command. Any disciplinary action in response to a failure on the part of a Member to follow these policies, procedures and guidelines rests with the Fire Chief in accordance with this Code of Conduct and will be based on the circumstances, with consideration for the safety of the Members.

5.4 All orders given by an Officer must be complied with and their authority shall not be questioned unless the Member believes that there is a safety concern. Every Member shall understand that they are entirely under the direction of the Officer in charge or senior person of the LHFS. While on duty at emergencies, in station, at training, on parade or while acting as a Member of the LHFS in any manner, all orders given by the Officer in charge must be immediately acted upon and implicitly obeyed.

5.5 Failure to respect the LHFS Chain of Command is grounds for disciplinary action in accordance with this policy, up to and including dismissal for cause.

5.6 No Member shall consume alcoholic beverages or use a prescription or non-prescription drug while on duty that may impair his/her ability to perform the duties required of them. Furthermore, Members shall not respond to an emergency, training session, assigned duty or any other department function or activity when his/her ability

is impaired by any such beverages or drug nor shall they be permitted to remain on duty if found to be impaired, by the Officer in charge. If a Member is required, due to a medical condition, to consume a prescription medication that impairs his/her ability to perform his/her duties, he/she shall notify LHFS in advance and LHFS shall determine whether the Member's medical needs can be accommodated.

## **6. Respect in the Workplace**

6.1 The LHFS expects every member to abide by the terms of the Occupational Health and Safety Act and the "Respect in the Workplace Policy and Procedures (Harassment and Violence)" that forms part of this Code of Conduct and is set out in Appendix "B".

## **7. Conflict of Interest**

7.1 Members must disclose and take reasonable steps to avoid any conflict of interest (real or apparent) in connection with their employment with the LHFS.

7.2 A conflict of interest is defined as any circumstance that interferes with, or potentially may interfere with, the Member's obligations as a Member of the LHFS. In considering whether a conflict of interest exists, the relationship of the Member and his or her Family and Relatives with suppliers, contractors and other third parties who deal with the Township should be considered. If a Member has any doubt about whether or not he or she is in a conflict of interest position, he or she should consult with the Fire Chief. In all cases where a conflict of interest may exist, the Township may or may not provide the affected Member the opportunity to remedy the conflict of interest.

## **8. Confidential Information**

8.1 No Member shall supply information which may be of a sensitive or confidential nature, relating to the LHFS, to any person, including any member of the press, unless authorized by the Fire Chief. If a Member is uncertain as to whether information may be of a sensitive or confidential nature, he/she shall discuss the matter with the Fire Chief before any disclosure is made.

8.2 Some examples of confidential information for which care should be exercised are:

- Items under litigation
- Personnel matters
- Information which infringes upon the right of privacy of another
- Sources of complaints about a variety of matters where the identity of the complainant is given in confidence
- Information about suppliers which might be useful to competitors
- Items under negotiation
- Information supplied in support of license applications, etc., where such information is not part of public documentation
- Schedule of prices in contract tenders

## **9. Communications, Media Relations and Social Media Conduct**

9.1 The official spokespersons for the LHFS shall be the Fire Chief, and/or his or her designate, if specific information is requested. Prior approval for any media comments or public relations activities should be sought from these officials.

9.2 No Member shall supply information relating to the LHFS, whether it is administrative or operational in nature, to any person, unless authorized by the Fire Chief, and Members shall refer all such requests for information to the Fire Chief.

9.3 All communications (internal/external) regarding department or municipal actions are open and free to the public under the *Municipal Freedom of Information and Protection of Privacy Act*. Therefore, all communications shall not:

- Use profane language or contain obscene content
- Support or advertise commercial services, entities or products
- Be obscene;
- Discuss or encourage illegal activity
- Contain information that may compromise the safety and security of the public or public systems
- Contain disrespectful or disparaging content towards staff, public, Council, or other fire service members

9.4 No Member shall, in a public forum, social media, etc., express a comment or opinion respecting the operations or policies of the LHFS, which could be seen to compromise the interests or integrity of the LHFS, the Township or Council. Similarly, Members must use caution to ensure these interests are not compromised by the use of Township or LHFS letterhead and email addresses.

9.5 It is not the intent of this Code of Conduct to restrict the ability of Members to express a personal opinion on matters of general interest. In such cases, the Member must make it clear that the comment is being made in their capacity as a private citizen, and not as a representative of the LHFS.

9.6 A Member who, in any way, publishes or otherwise makes known in a public forum, false or inflammatory comments about the LHFS, Township staff or Council, shall be in breach of the Code of Conduct.

9.7 Members shall conduct themselves on social media in a manner that conforms to this Code of Conduct. Members must not use social media in a manner that would harm the reputation of the LHFS. Such conduct includes but is not limited to slurs, derogatory comments, or insults.

## **10. Use of Municipal Property**

10.1 Municipal property shall not be used by Members for personal use unless through prior approval of the Fire Chief.

10.2 No Member shall hold social events in a LHFS fire station without the previous authorization of the Fire Chief.

10.3 No Member may borrow, lend or remove any LHFS equipment without the prior written approval of the Fire Chief.

10.4 Every Member shall be responsible for the loss or damage of any equipment or items issued to him/her if it is found that the loss or damage was the result of carelessness or improper use. Members may be subject to disciplinary action as a result of a loss or damage, which may include assessing a penalty for payment of the loss or damage.

10.5 No Member shall make financial gain from the use of or sale of Municipal property, including computer programs, technological innovations or other patentable items, either while a Member of the LHFS or thereafter. All such property shall remain in exclusive ownership of the Township.

## **11. Gifts and Benefits**

11.1 Firefighters may not accept or provide any gift, entertainment, benefit, favour, or obligation in exchange for special consideration or influence, or where it may be perceived to be in exchange for special treatment.

## **12. Fraud/Breach of Trust**

12.1 Members shall not engage in behaviour that is fraudulent or that constitutes a breach of trust with the LHFS or the Township. Such conduct includes but is not limited to:

- a. Using deceit to gain a personal advantage, pecuniary interest or benefit for oneself;
- b. Illegally obtaining money, including the solicitation or acceptance of bribes or favours;
- c. Intentionally providing false or incomplete information to LFHS or the Township;
- d. Intentionally circumventing LHFS or Township policies or procedures to gain a personal advantage for oneself and/or others;
- e. Planning or participating in a theft of LHFS or Township property, or the use of said property to aid or conduct a theft of any kind;
- f. Inappropriate personal use of or intentional damage of LHFS or Township property;
- g. Undertaking any other illegal activity.

## **13. Political and Community Activity**

13.1 To ensure public trust, Members must be, and appear to be, impartial and free of undue political influence in the exercise of their official duties. Members engaged in political activities must take care to separate those personal activities from their official positions.

13.2 Members of the LHFS, except the Fire Chief, may run for Council of the Township of Lanark Highlands, in accordance with provisions of the Municipal Elections Act. Members may become involved in other municipalities' elections as well as Provincial and Federal elections.

## **14. Enforcement**

14.1 All LHFS members shall read, understand and accept the terms of this Code of Conduct and sign an acknowledgement that they have done so, a copy of which is to be placed in each member's personnel file. This Acknowledgment is found in Appendix "A" herein.

14.2 The observance of this Code of Conduct shall be a condition of employment with the Fire Services. Breaches of the Code of Conduct will provide grounds for disciplinary action including, in serious cases, dismissal for cause.

14.3 All LHFS Members are responsible for ensuring that this Code of Conduct is respected and enforced at all times.

14.4 Where a Member has some reason to be concerned about a possible breach of this Code of Conduct, the Fire Chief shall be consulted immediately. All such complaints or allegations are to be held in total confidence pending review and/or investigation.

14.5 Conflict of interest matters concerning the Fire Chief shall be referred to the Clerk Administrator.

14.6 The Fire Chief, or Clerk Administrator if subsection 14.5 is applicable, is responsible for ensuring that any such allegations of breaches of the Code of Conduct are properly and thoroughly investigated and appropriate action taken.

## **15. Investigations**

15.1 Depending on the nature and severity of the infraction, the Fire Chief may decide to undertake a formal investigation using either internal (or external with the approval of the Clerk Administrator) resources. The Member may be placed on a leave of absence with pay pending the outcome of any investigation into an alleged infraction of this Code of Conduct, but will have an opportunity to respond to any allegations respecting a breach made against him or her during the course of the investigation.

## **16. Disciplinary Actions/Protocol**

16.1 Any Member under an investigation for any breach of this Code of Conduct shall be given a reasonable opportunity to explain his/her action so that all facts and/or circumstances may be identified and recorded.

16.2 In accordance with the principle of progressive discipline, the severity of discipline will typically increase as the number of incidents increases and/or depending on the nature of the transgression. The LHFS retains the right to repeat or skip steps based on the facts and circumstances of each incident.

16.3 It is possible that, based on the nature, severity and other circumstances of the incident, as well as the number of incidents, dismissal with cause will be appropriate.

16.4 The steps of progressive discipline include:

- Verbal warning
- Written warning
- Suspension
- Dismissal with cause

16.5 Any Member subject to any of the above disciplinary actions shall be entitled to receive the following information, as applicable:

- Description of the infraction
- Warning that repetition of the infraction or other unsatisfactory conduct shall result in more severe disciplinary action, including suspension or dismissal with cause
- Length of suspension, if applicable

16.6 The Fire Chief may determine the appropriate disciplinary action for breaches of this Code of Conduct up to, but not including, dismissal and shall ensure that the Clerk Administrator is informed of such action in accordance with the Establishing and Regulating By-Law.

16.7 Where the Fire Chief has determined that dismissal is the appropriate disciplinary action in respect of any Member found to have breached this Code of Conduct, the Fire Chief may recommend such disciplinary action to the Clerk Administrator.

16.8 The Clerk Administrator may decide to accept the recommendation of the Fire Chief, in consultation with the Mayor and/or Council at the Clerk Administrator's discretion. In any event, the Clerk Administrator must report any dismissal to Council at the earliest opportunity, setting out the reasons for the dismissal.

## **17. Severability**

- 17.1 The provisions of this Code of Conduct are severable and, if any provision, section or word is held invalid or illegal, such validity or illegality shall not affect or impair any of the remaining provisions, sections or words.

## Declaration of Understanding



# DECLARATION OF UNDERSTANDING & ACKNOWLEDGMENT

**This declaration is required for all members of the Lanark Highlands Fire Service**

I have read and understand the policies, rules and regulations noted herein and further understand that non-compliance with any one or more of these policies, rules and regulations may be cause for disciplinary action up to and including a recommendation for dismissal from the Lanark Highlands Fire Service. I further understand that it is my responsibility to review the Lanark Highlands Fire Services Operational Procedures and Guidelines as printed and posted from time to time in the fire stations.

**I hereby declare:**

1. That I have read and understand the LHFS Code of Conduct and understand the consequences, or potential consequences, associated with a breach of this Code.
2. I am\_\_\_/am not\_\_\_ in a conflict of interest with the Township, and I am aware of no circumstances within the foreseeable future that may place me in a conflict of interest position with the Township.

\_\_\_\_\_  
**Member's Signature**

\_\_\_\_\_  
**Fire Chief's Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Date**

## **APPENDIX “B”**

*The following policy, which is Schedule “D” of the Policy Relating to Human Resource Management for Non Bargaining Unit employees, dated September 18<sup>th</sup>, 2014, is meant to confirm the Township’s commitment to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization, including members of the LHFS. **Any breach in this policy will be considered a breach in the Code of Conduct.***

*For greater clarity, references in the “Respect in the Workplace Policy and Procedures (Harassment and Violence)” to “employee” or “employees” should be read as a reference to “member” or “members” of the LHFS and references to “supervisor” should be read as a reference to the “Fire Chief” or his or her designate as defined in the By-Law to establish and regulate the Corporation of the Township of Lanark Highlands Fire Service.*

## Township of Lanark Highlands – Respect in the Workplace

### **POLICY AND PROCEDURES** **(Harassment and Violence)**

#### **1: Purpose**

The Township of Lanark Highlands is committed to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization. It is the Township's goal to provide a healthy and safe work environment that is free of any form of harassment or violence.

#### **2: Scope**

This policy applies to all employees, volunteers, contractors and consultants. It applies in any location in which you are engaged in work-related activities. This includes, but is not limited to:

- the workplace;
- during work-related travel;
- at restaurants, hotels or meeting facilities that are being used for business purposes;
- in company owned or leased facilities;
- during telephone, email or other communications; and
- at any work-related social event, whether or not it is Township sponsored.

This policy also applies to situations in which you are harassed or subjected to violence in the workplace from individuals who are not employees of the organization, such as customers and suppliers, although the available remedies may be constrained by the situation.

#### **3: Definitions**

In this policy, "CAO" means the Chief Administrative Officer-Clerk or designate and "supervisor" means the Non-Bargaining Unit employee or designate to whom an employee reports. The supervisor of the CAO is Council or the Mayor acting on behalf of Council.

##### **3.1. Discrimination**

Workplace discrimination includes any distinction, exclusion or preference based on the protected grounds in the Ontario Human Rights Code, which nullifies or impairs equality of opportunity in employment, or equality in the terms and conditions of employment.

The protected grounds of discrimination are:

- race, colour, ancestry, citizenship, ethnic origin or place of origin;
- creed, religion;
- age;
- sex (including pregnancy and gender identity);
- sexual orientation;
- gender identity, gender expression;
- family, marital (including same-sex partnership) status;
- disability or perceived disability; and
- a record of offences for which a pardon has been granted under the *Criminal Records Act* (Canada) and has not been revoked, or an offence in respect of any provincial enactment

### **3.2. Sexual Harassment**

Sexual harassment includes conduct or comments of a sexual nature that the recipient does not welcome or that offend him or her. It also includes negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are directed at an individual because of his or her gender.

Both men and women can be victims of sexual harassment, and someone of the same or opposite sex can harass someone else.

Some examples of sexual harassment are:

- sexual advances or demands that the recipient does not welcome or want;
- threats, punishment or denial of a benefit for refusing a sexual advance;
- offering a benefit in exchange for a sexual favour;
- leering (persistent sexual staring);
- displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic web sites or other electronic material;
- distributing sexually explicit e-mail messages or attachments such as pictures or video files;
- sexually suggestive or obscene comments or gestures;
- unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, clothing, sex or sexual orientation;
- persistent, unwanted attention after a consensual relationship ends;
- physical contact of a sexual nature, such as touching or caressing; and
- sexual assault.

### 3.3. Discriminatory Harassment

Discriminatory harassment includes comments or conduct based on the protected grounds in the *Ontario Human Rights Code*, which the recipient does not welcome or that offends him or her.

Some examples of discriminatory harassment include:

- offensive comments, jokes or behaviour that disparage or ridicule a person's membership in one of the protected grounds, such as race, religion, sex, or sexual orientation;
- 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
- inappropriate comments or jokes about an individual's age, sex, sexual orientation, personal appearance or weight.

Harassing comments or conduct can poison someone's working environment, making it a hostile or uncomfortable place to work, even if the person is not being directly targeted. This is commonly referred to as a poisoned working environment and it is also a form of harassment.

Some examples of actions that can create a poisoned work environment include:

- displaying offensive or sexual materials such as posters, pictures, calendars, web sites or screen savers;
- distributing offensive e-mail messages, or attachments such as pictures or video files;
- practical jokes that embarrass or insult someone; or
- jokes or insults that are offensive, racist or discriminatory in nature.

### 3.4. Workplace Harassment and Bullying

Workplace harassment is a health and safety issue that is covered under the *Occupational Health and Safety Act*.

The *Occupational Health and Safety Act* defines workplace harassment as:

*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.*

Workplace harassment may have some or all of the following components:

- it is generally repetitive, although a single serious incident may constitute workplace harassment if it undermines the recipient's psychological or physical integrity and has a lasting harmful effect;
- it is hostile, abusive or inappropriate;

- it affects the person's dignity or psychological integrity; and
- it results in a poisoned work environment.

In addition, behaviour that intimidates isolates or discriminates against the recipient may also be included.

Some examples of workplace harassment are:

- verbally abusive behaviour such as yelling, insults, ridicule and name calling including remarks, jokes or innuendos that demean, ridicule, intimidate or offend;
- workplace pranks, vandalism, bullying and hazing;
- gossiping or spreading malicious rumours;
- excluding or ignoring someone, including persistent exclusion of a particular person from workplace-related social gatherings;
- undermining someone else's efforts by setting impossible goals, with unrealistic deadlines and deliberately withholding information that should normally be provided and would enable a person to do their job;
- providing only demeaning or trivial tasks in place of normal job duties;
- humiliating someone;
- sabotaging someone else's work;
- displaying or circulating offensive pictures or materials;
- offensive or intimidating phone calls or emails;
- impeding an individual's efforts at promotions or transfers for reasons that are not legitimate; and
- making false allegations about someone in memos or other work related documents.

### *What Isn't Harassment*

Workplace harassment should not be confused with legitimate, reasonable management actions that are part of the normal work function, including:

- supervisory direction and feedback on performance;
- measures to correct performance deficiencies, such as placing someone on a performance improvement plan;
- measures to determine an employee's capability to perform job duties and responsibilities or to examine limitations;
- investigation of workplace incidents or complaints;
- inquiring into or imposing discipline for workplace infractions; or
- requesting medical documents in support of an absence from work.

It also does not include normal workplace conflict that may occur between individuals or differences of opinion between co-workers.

### *The Test of Harassment*

It does not matter whether you intended to offend someone. The test of harassment is whether you knew or should have known that the comments or conduct were unwelcome to the other person. For example, someone may make it clear through their conduct or body language that the behaviour is unwelcome, in which case you must immediately stop that behaviour.

Although it is commonly the case, the harasser does not necessarily have to have power or authority over the victim. Harassment can occur from co-worker to co-worker, supervisor to employee and employee to supervisor.

### **3.5. Workplace and Domestic Violence**

Workplace and domestic violence that may occur in the workplace are health and safety issues, which are covered under the *Occupational Health and Safety Act*.

#### *Workplace Violence*

Workplace violence is defined under the Occupational Health and Safety Act as:

- the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; and
- a statement or behaviour that 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.

It is defined broadly enough to include acts that may be considered criminal.

Workplace violence includes:

- physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, throwing objects;
- verbal or written threats to physically attack a worker;
- leaving threatening notes or sending threatening emails;
- wielding a weapon at work;
- stalking someone; and
- physically aggressive behaviors 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.

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

Workplace violence may come from many different sources:

- strangers or people with no ties to the workplace;
- clients or customers;
- other employees; and
- intimate relationships outside of work (such as intimate partners, family, friends)

### *Domestic Violence*

If you are experiencing domestic violence that would likely expose you, or other workers, to physical injury that may occur in the workplace, you should inform your supervisor or the CAO so that the Township can take every precaution reasonable to protect you and your co-workers in the circumstances. This may include some or all of the following:

- creating a safety plan;
- contacting the police;
- establishing enhanced security measures such as a panic button, code words, and door and access security measures;
- screening calls and blocking certain email addresses;
- setting up priority parking or providing escorts to your vehicle or to public transportation;
- adjusting your working hours and location so that they are not predictable; and
- facilitating your access to counselling through the Employee Assistance Program or other community programs.

Supervisory staff and the CAO appreciate the sensitivity of these issues and will do their best to assist you as discreetly as possible while maintaining your privacy.

## **4: Preventing Harassment and Violence**

It is the responsibility of the Township and all staff to ensure that we create and maintain a harassment and violence-free workplace and address violence and/or the threat of violence from all possible sources (including customers, clients, employers, supervisors, workers, strangers and domestic/intimate partners).

### **4.1. Township's Commitment**

The Township of Lanark Highlands will do its part by not tolerating or condoning discrimination, harassment or violence in the workplace. This includes making everyone in our organization aware of what behaviour is and is not appropriate, assessing the risk of workplace violence, investigating complaints and imposing suitable corrective measures.

## **4.2. Duties of Supervisors**

Supervisors are expected to assist in creating a harassment-free workplace and to immediately contact the Workplace Respect Committee if they receive a complaint of workplace harassment or violence or witness or are aware of harassing or violent behaviour.

Supervisors must also take every reasonable precaution to protect employees from workplace violence, including evaluating a person's history of violent behaviour to determine whether and to whom this employee poses a risk. In making this evaluation supervisors should consider:

- whether the person's history of violence was associated with the workplace or work;
- whether the history of violence was directed at a particular employee or employees in general; and
- how long ago the incident(s) of violence occurred.

In certain circumstances, supervisors may have a duty to provide information about a risk of workplace violence from a person with a history of violent behaviour (not necessarily an employee) if an employee can be expected to encounter that person during the course of his or her work, and the risk of workplace violence is likely to expose the employee to physical injury. Supervisors will only release as much personal information about the person with a history of violent behaviour as is reasonably necessary to protect the employee from physical injury. Supervisors are required to consult with the Workplace Respect Committee prior to releasing information about a person with a history of violence.

## **4.3. Duties of All Employees and Others covered by this Policy**

Individual employees and others must do their part by ensuring that their behaviour does not violate this policy and by fostering a work environment that is based on respect and is free of harassment.

They are also required to report to their supervisor the existence of any workplace violence or threat of workplace violence.

## **5: Procedure for Investigating and Resolving Harassment Complaints**

### **Step 1: Informal Complaint**

- 1.1 If an employee believes that they are being harassed, the first thing to do is to tell the person to stop. Do so as soon as you receive any unwelcome comments or conduct. Although this may be difficult to do, telling the person you don't like their actions is often enough to stop the behaviour. In certain circumstances you may choose to proceed directly to Step 2.

Some of the things you can say that might stop the behaviour include:

"I don't want you to do that."

"Please stop doing or saying..."

"It makes me uncomfortable when you ..."

"I don't find it funny when you ..."

- 1.2 If the harassment continues after you have confronted the individual, you may want to provide him or her with a written statement of the situation. Include specific details of the behaviours you consider to be harassing, your request to the harasser to stop and your expectations that he or she will stop.

Provide details of the next steps you plan to take if the harassment does not stop e.g., filing a formal complaint at Step 2. Make sure you keep a copy of this statement for yourself.

It helps to keep a record of any incident(s) that you experience. This includes when the harassment started, what happened, whether there were any witnesses and what was your response.

- 1.3 If you believe that someone who is not a member of our organization, e.g., a customer, supplier, etc., has harassed or discriminated against you, please report the harassment to your supervisor.

Although the Township has limited control over third parties, the Township will do its best to address the issue and prevent further problems from arising.

### **Step 2: Formal Complaint**

- 2.1 If the complaint cannot be resolved informally or if it is too serious or difficult for you to deal with as an informal process, you may bring a formal written complaint to the CAO who may designate a qualified investigator to look into your complaint. The investigator may be internal or external to the organization. The CAO and/or investigator may also seek specialist or legal advice and adjust the process for handling your complaint as per their advice.

2.2 The investigator will need as much written information as possible from the complainant, including the name of the person you believe is harassing you, the place, date and time of the incident(s), and the names of any possible witnesses. A copy of the Workplace Respect Complaint form is available from the CAO or can be obtained for you by your supervisor. Additional documents may be attached to the form. This form must be used unless it is not readily available in which case your complaint may be submitted in a memo to the CAO with the subject heading "Workplace Respect Complaint"

2.3 Your written complaint to the CAO must be kept strictly confidential. You may, of course, share it in confidence with an employee or legal representative who should be informed by you to keep the matter confidential. Do not discuss the matter with others, particularly potential witnesses. This may interfere with the investigation.

It is important that the CAO receive your complaint as soon as possible so that the problem doesn't escalate or happen again. Once the Township receives your complaint, the CAO will initiate a formal investigation, if it is necessary and appropriate to do so.

2.4 Your written complaint form must be dated and delivered in a sealed envelope addressed to the CAO and marked "Personal and Confidential – To be opened only by the CAO." It must be delivered in a discreet manner.

2.5 Discrimination and harassment are serious matters. Therefore, if you decide not to make a formal complaint, the Township may still need to investigate the matter and take steps to prevent further harassment. For example, the Township may need to continue with an investigation if the allegations are serious or if there have been previous complaints or incidents involving the respondent. Staff may also observe apparent harassment and bring the matter to the attention of the CAO which may require investigation.

2.6 Please note that it is Township policy not to investigate anonymous complaints unless there are extenuating circumstances.

NOTE: Where your complaint is against the CAO, your complaint and envelope must be addressed to the Mayor. The Mayor will follow a procedure similar to that outlined above for the CAO. The investigation, reporting and corrective action procedures will be altered accordingly.

### **Step 3: Investigation Procedure**

3.1 The designated Investigator will commence an investigation as quickly as possible. The Township may choose to use either an internal or external investigator, depending on the nature of the complaint.

3.2 The investigation will include:

- interviewing the complainant and respondent to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations;
- interviewing witnesses, if any;
- reviewing any related documentation; and
- making detailed notes of the investigation and maintaining them in a confidential file

3.3 Out of respect for the relevant individuals, it is essential that the complainant, respondent, witnesses and anyone else involved in the formal investigation of a complaint maintain confidentiality throughout the investigation and afterwards. A breach of confidentiality can also impair an investigation. A flagrant or a repeated breach of confidentiality may in and of itself attract disciplinary action up to and including termination.

3.4 Once the investigation is complete, the Investigator will prepare a detailed report of the findings and submit it to the CAO for review. The CAO may consult with specialists and legal counsel. A summary of the findings will be provided to the complainant and respondent following the CAO's review.

3.5 It is the Township's goal to complete any investigation and communicate the results to the complainant and respondent within thirty days after we receive a complaint, where possible.

#### **Step 4: Corrective Action**

The CAO will determine what action should be taken as a result of the investigation. The CAO will also inform the complainant and respondent of the results of the investigation and whether (but not necessarily what) corrective measures were taken, if any were necessary.

If a finding of harassment is made, the Township will take appropriate corrective measures, regardless of the respondent's seniority or position in the Township.

Corrective measures may include one or more of the following:

- discipline, such as a verbal warning, written warning or suspension without pay;
- termination of employment;
- referral for counselling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect;
- a demotion or denial of a promotion;
- reassignment or transfer;
- financial penalties such as the denial of a merit salary increase; and
- any other disciplinary or corrective action deemed appropriate under the circumstances

If there is not enough evidence to substantiate the complaint, corrective measures will not be taken.

If you make a complaint in good faith and without malice, regardless of the outcome of the investigation, you will not be subject to any form of discipline. The Township will, however, discipline or terminate anyone who brings a false and malicious complaint.

## **6: Procedure for Resolving and Investigating Workplace Violence**

### **6.1. Workplace Violence**

You have the right to refuse work if workplace violence is likely to endanger you. In that instance, please immediately contact your supervisor at which point appropriate measures will be taken to protect you and investigate the situation. You will be moved to a safe place as near as reasonably possible to your normal work station and will need to be available for the purposes of investigating the incident. In some circumstances, you may be provided with reasonable alternative work during normal working hours.

In appropriate circumstances, we may contact the police or other emergency responders as appropriate, to assist, intervene or investigate workplace violence.

Details about the measures and procedures for summoning immediate assistance will be provided and may include:

- equipment to summon assistance such as fixed or personal alarms, locator or tracking systems, phones, cell phones, etc.;
- emergency telephone numbers and/or email addresses; and
- emergency procedures

Provided the situation is dealt with quickly and the danger to workers is removed, the necessity of work refusal may be alleviated.

### **6.2. Investigation Procedure for Workplace Violence**

#### **Step 1: Reporting**

- 1.1. Employees are required to report the existence of any workplace violence or threat of workplace violence to their supervisor and their supervisor shall immediately inform the CAO.

**NOTE:** Where the supervisor is the respondent, the employee shall report the matter to the CAO. Where the CAO is the respondent, the employee shall report the matter to their supervisor who shall immediately inform the Mayor. The procedures for investigating and taking corrective action will be altered accordingly.

## **Step 2: Investigation**

- 2.1 The CAO will designate an investigator and shall ensure that an investigation is commenced as quickly as possible. The CAO may choose to use either an internal or external investigator, depending on the nature of the incident.
- 2.2 The investigation will include:
- conducting interviews of relevant individuals, including the complainant and respondent, to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations;
  - reviewing any related documentation; and
  - making detailed notes of the investigation and maintaining them in a confidential file.
- 2.3. Once the investigation is complete, the Investigator will prepare a detailed report of the findings and submit it to the CAO for review. The CAO may consult with specialists and legal counsel. A summary of the findings will be provided to the complainant and respondent following the CAO's review and subject to advice received.

## **Step 3: Corrective Action**

The CAO will determine what action should be taken as a result of the investigation.

If a finding of workplace violence is made, the Township will take appropriate corrective measures, regardless of the respondent's seniority or position in the Township.

Corrective measures may include one or more of the following:

- discipline, such as a verbal warning, written warning or suspension without pay;
- termination with or without cause;
- referral for counselling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect;
- a demotion or denial of a promotion;
- reassignment or transfer;
- financial penalties such as the denial of a bonus or performance related salary increase; and
- any other disciplinary action deemed appropriate under the circumstances.

If you make a complaint in good faith and without malice, regardless of the outcome of the investigation, you will not be subject to any form of discipline. The Township may however, discipline or terminate anyone who brings a false and malicious complaint.

## **7: Procedures for Addressing Domestic Violence**

If an employee is experiencing domestic violence that would expose you to physical injury in the workplace or you are experiencing workplace violence or believe that workplace violence is likely to occur, you may seek immediate assistance by contacting the CAO. The CAO will assist in preventing and responding to the situation.

## **8: Confidentiality of Complaints and Investigations**

The Township recognizes the sensitive nature of harassment and violence complaints and will keep all complaints confidential, to the extent that we are able to do so. The Township will only release as much information as is necessary to investigate and respond to the complaint or situation or if required to do so by law.

Out of respect for the relevant individuals, it is essential that the complainant, respondent, witnesses and anyone else involved in the formal investigation of a complaint maintain confidentiality throughout the investigation and afterwards. A breach of confidentiality can also impair an investigation. A flagrant or a repeated breach of confidentiality may in and of itself attract disciplinary action up to and including termination.

## **9: Protection from Retaliation**

The Township will not tolerate retaliations, taunts or threats against anyone who complains about harassment or violence or takes part in an investigation. Any person who taunts, retaliates against or threatens anyone in relation to a harassment or violence complaint may be disciplined or terminated.

## **10: Mediation of Harassment and Violence Matters**

10.1. At any time, where appropriate and in situations that warrant, the parties to a complaint may, by mutual agreement, enter into a mediation process in an effort to resolve the matter. Mediation is a voluntary process.

10.2. Mediation will require the approval of the CAO since costs may be involved. Where the parties agree to mediation, the CAO shall appoint a mediator who may be internal or external to the organization. The mediation process is confidential and shall be explained to the parties prior to their signing an agreement to mediate. At any time either party may withdraw from mediation without stating a reason.

10.3. Since mediated settlements may involve costs or obligations for the Township, a proposed mediated settlement must first be approved by the CAO and, if required, by Township Council prior to the parties entering in the settlement.

**Member's Signature**

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**Date**