

The Corporation of the Township of Gillies



Title: Abuse Policy	
Created: January 16, 2023	Last Revision: January 30, 2023
Department Human Resources	Review Frequency As required
Policy # 66	Resolution # 2023-25

1.0 Purpose

- a. To maintain an environment that is free from abuse
- b. To identify the behaviours that are unacceptable
- c. To establish a mechanism for receiving complaints
- d. To establish a procedure to deal with complaints
- e. To provide guidance on the appropriate process to recognize, investigate, and respond to abuse

This policy shall be consulted whenever there is a concern about abuse. The Township of Gillies Harassment Policy #27 shall be consulted whenever there is a concern about harassment.

2.0 Scope

This Policy applies to Council, managers, employees, employees' relatives, volunteers, members of the public, independent contractors, and any other person that the Township of Gillies employees may come into contact with during the course of their duties.

3.0 Policy Statement

The Corporation of the Township of Gillies understands that they can be held vicariously liable for the inappropriate and intentional actions of Council, employees, volunteers, visitors, and independent contractors.

The Corporation of the Township of Gillies does not tolerate any form of physical, sexual, emotional, verbal, or psychological abuse, nor any form of neglected harassment.

4.0 Definitions

The forms of abuse referred to in the policy statement are defined so that all individuals bound by the policy have a clear understanding of the behaviours that will not be tolerated.

Bad Faith is defined as but not limited to a deliberate or malicious filing of an abuse report with the knowledge that it has no basis

Physical Abuse is defined as but not limited to the use of intentional force that can result in physical harm or injury to an individual. It can take the form of slapping, hitting, punching, shaking, pulling, throwing, kicking, biting, choking, strangling or the abusive use of restraints.

Sexual Abuse is defined as but not limited to any unwanted touching, fondling, observations for sexual gratification, any penetration or attempted penetration with a penis, digital or object of the vagina or anus, verbal or written propositions or innuendos, exhibitionism or exploitation for profit including pornography.

Emotional Abuse is defined as but not limited to a chronic attack on an individual's self-esteem. It can take the form of name calling, threatening, ridiculing, berating, belittling, intimidating, isolating, hazing, habitual scapegoat, blaming.

Verbal Abuse is defined as but not limited to humiliating remarks, raised or confrontational voice, name calling, swearing at, taunting, teasing, continual put downs.

Psychological Abuse is defined as but not limited to communication of an abusive nature, sarcasm, gas-lighting, exploitive behaviour, intimidation, manipulation, and insensitivity to race, sexual preference, or family dynamics.

Neglect is defined as but not limited to any behaviour that leads to a failure to provide services which are necessary such as withdrawing necessities as forms of punishment, failing to assess and respond to changes in health status and refusing or withdrawing physical or emotional support.

5.0 Governing Legislation

5.1 Provincial Law

- Other legislation that may be considered with this Policy, but not limited to includes:
- Child and Family Services Act
- Child Care and Early Years Act
- Human Rights Code
- Criminal Code
- Retirement Homes Act
- Regulated Health Professionals Act
- Ministry of Long-Term Care Act

The most recent versions of Municipal Policy shall be the guiding document.

5.2 Municipal Policy

- Township of Gillies Harassment Policy

The most recent versions of Municipal Policy shall be the guiding document.

6.0 Responsibility

6.1 Department Heads Role and Responsibility

Department Heads (i.e. Managers) will adhere to this policy and the supporting program. Department Heads are responsible for ensuring that measures and procedures are followed by employees and that employees have the information they need to protect themselves. Department Heads will receive all complaints or incidents of abuse in a fair, respectful, and timely manner. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect employees, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

6.2 Employee's Role and Responsibility

Every employee must work in compliance with this policy and the supporting program. All Township employees are encouraged to raise any concerns about abuse and to report any abuse as defined in this Policy. There will be no consequences to an employee for reporting abuse unless complaints are vexatious or otherwise made in bad faith.

6.3 Council's Role and Responsibility

Council shall develop and maintain a written program to implement the policy with respect to abuse.

In the event that a Council meeting does not occur within five (5) days from when the complaint is received, the Reeve shall call a special meeting.

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The Reeve has the authority to place the alleged abuser on indefinite, paid administrative leave pending any investigation into the alleged abuse, or for any other reason related to the alleged abuse.

Council will receive all complaints or incidents of abuse in a fair, respectful, and timely manner. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect employees, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

6.4 Media Representative

The Media Representative shall be the Reeve, Deputy Reeve, or Clerk. If either of those individuals are directly involved or in conflict with the complaint Council shall determine a Media Representative. The rights of individuals shall be respected and private information kept confidential at all times.

7.0 Procedure

7.1 Abuse Reporting Form

A standard reporting form is available at the Municipal Office, or from a Department Head. Reports are also available in electronic format.

The Abuse Incident Report is attached to this Policy as Form A. The Investigative Report on Abuse is attached as Form B.

Employees are encouraged to report any incidents of abuse.

7.2 Procedure for employees who feel they are being abused

- a) To the point that they feel comfortable to do so, an employee who believes they are a victim of abuse should indicate clearly and firmly to the person engaging in abusing behaviour that the comment or conduct is unwelcome and must stop. The employee should keep a written record of all incidents, including dates, times, places, behaviours, witnesses, and the effects or impact on them personally.
- b) All workers are encouraged to report any incidents of abuse. Employees who feel that they are victims of abuse or who witness abuse has a right and responsibility to report their concerns to their supervisor, or any Department Head. If the Department Head is the subject of the complaint, the Employee may report his or her concerns to the Reeve or Deputy Reeve in the Reeve's absence. Supervisors and Department Heads who are aware of, or who ought reasonably to be aware of abuse taking place in their department, have an obligation to take appropriate action.

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- c) An employee who wishes to initiate a formal complaint shall first take the matter up with their immediate supervisor. If the situation is not resolved, the employee may file a written complaint with the Department Head. If the complaint involves the Department Head, written submission should be made to the Reeve, or in the Reeve's absence the Deputy Reeve.
- d) If a written complaint is received by the Department Head, a copy shall be provided to the Reeve, or the Deputy Reeve in the Reeve's absence, as soon as possible.
- e) Upon receiving a complaint, an investigation will ordinarily be initiated within five (5) working days following receipt of the complaint, or as soon as possible thereafter. The process will include gathering information from both the Complainant and the Respondent, interviewing any witnesses and key people, and documenting the findings in a report.

The Investigator will prepare a separate one-page Decision that will state only the following:

- the name of the Complainant and the date of the complaint;
 - the name of the person the complaint was made against;
 - that the complaint was investigated;
 - whether the evidence substantiates the complaint;
 - whether the evidence does not substantiate the complaint; or
 - the evidence is inconclusive and accordingly there is no finding of harassment.
- f) The Employer will, in turn, provide both the Complainant and the Respondent with the Investigator's decision. The Employer may also provide them such detail as may be essential to implement the Decision.
 - g) In the event the allegations are not substantiated, there will be no negative consequences for the Complainant, the alleged abuser, or any witnesses. Where there is reasonable evidence that abuse has occurred, corrective or remedial action will be determined by the seriousness of the policy violation found by the investigation and the need to protect the Complainant or any witnesses from reprisals. Corrective or remedial action could include apology, education, demotion, discipline (up to and including dismissal), or some combination of these actions.
 - h) If in the course of an investigation, an employee is found to have falsely or frivolously accused another employee, the Complainant will be subject to disciplinary action up to and including termination.

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- i) A Department Head's role is to receive the complaint only, not to investigate the complaint. All results of abuse investigations shall be reported to Council in closed session or, if Council has provided otherwise, to the person appointed to receive these results.

If an employee who has made the complaint will be required to work with the employee who is the subject of the complaint, before the investigation can begin, the employee may refuse to work. Department Heads must always protect the employees.

7.2 When the complaint involves a Supervisor, Department Head or a Councillor

When a complaint involves a Supervisor, Department Head or a Councillor, the complaint shall be submitted directly to the Reeve, or to the Deputy Reeve in the Reeve's absence. The Reeve, working with Council, may determine how best to proceed with the investigation outlined above.

7.3 When the complaint involves the Reeve

When a complaint involves a Reeve, the complaint shall be provided to the Deputy Reeve. The Deputy Reeve, working with Council, may determine how best to proceed with the investigation outlined above.

7.4 When the complaint involves a member of the Public

When a complaint involves a member of the Public, the investigation shall be submitted to the Department Head. The Department Head will bring the complaint to Council for review. Council may determine how best to proceed with the investigation outlined above.

7.5 Recommendations and Disciplinary Action

Council, or the person appointed by Council, will review the results of the investigation and make recommendations and/or take disciplinary action if required.

When appropriate, legal advice shall be obtained.

A Recommendation could include, but is not limited to:

- referral to an outside employee assistance program;
- training programs; and
- health and safety programs
- formal apology

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Disciplinary action could include, but is not limited to:

- verbal warning;
- written warning;
- 3 day suspension without pay;
- 7 day suspension without pay; and
- Termination

Abusers may be subject to Police enforcement depending upon the severity and scenario. Legal advice should be sought by the Employer in these circumstances; however, it may be deemed necessary or urgent to report an incident to the Police prior to legal consultation. An individual always has their own right to contact the police at any time they feel unsafe.

7.6 Employees

Corrective action for abusers may include any of the following, depending on the nature and severity of the abuse:

- a written reprimand;
- a fine;
- a suspension, with or without pay;
- a demotion; or
- a dismissal;
- reporting the incident to the Police.

7.7 Members of Council

Corrective action for members of Council may include any of the following, depending on the nature and severity of the harassment:

- a fine;
- a public censure recorded in the minutes of a Council meeting
- a transfer of portfolios
- other recourse as prescribed by the Municipal Act for improper behaviour or misconduct;
- reporting the incident to the Police.

7.8 Members of Public

If the abuser is a member of the public, the Reeve shall send them a letter to advise them of the Abuse Policy. Corrective action may involve the member of the public being asked to submit a letter of apology.

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Escalation and continuation will be reviewed on a case-by-case basis and could result in a response from the Municipal By-Law Enforcement Officer or the Police.

7.9 Contractors/Suppliers

If the abuser is a contractor or supplier for The Township of Gillies, the Reeve shall advise the owner or manager of the company of the Abuse Policy and that if the behaviour continues, they may be suspended as a supplier to the municipality.

7.10 Unsubstantiated complaints

If there is not enough evidence to support an allegation of abuse, the investigator shall not recommend any penalties or remedies.

7.11 Complaints made in bad faith

In the event that the complaint was made in bad faith the complainant shall be subject to the same penalties as an abuser. The person unjustly accused of abuse shall have their reputation restored and shall be given the benefit of any necessary remedies that would be given in a case of abuse.

7.12 Notification

The employee who has allegedly experienced abuse and the alleged abuser, if they are an employee of the employer, will be informed of the results of the investigation as per the procedure set out in section 6.2.1.

7.0 Training

7.1 Employee Training

The Council for the Township of Gillies is committed to ensuring that this Policy and related information is provided to all employees, including information on how to make a complaint.

8.0 Records

All complaints, investigative results, and any other relevant information regarding an abuse complaint, shall be maintained on file. Such files are subject to the Township's Record Retention Policy but shall not be destroyed while the employee(s) who are subjects of the complaint remain as employees of the Township of Gillies. Previous complaints against the same employee(s) will be reviewed in subsequent complaints.

9.0 Review

This Policy shall be reviewed annually.

This policy is reviewed as often as necessary, but at least annually, to ensure that it adequately implements the policy with respect to abuse.

Incidents of abuse may require review of the Policy more often. If, during the investigation of a complaint, it is found that this Policy should be modified, Council shall make it a priority to change the Policy and communicate that change to the employees.

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Signature page

I understand that abuse has the potential for personal financial liabilities and or police enforcement if necessary _____. (initial)

I acknowledge that during the course of an investigation I may come across highly sensitive and confidential information. Such information is deemed strictly confidential, and I agree that I shall not reveal to any person or entity, or use any of the acquired Information at any time, except as expressly directed by the Township of Gillies, or as may be required by law.
_____ (initial)

I acknowledge that I have received and read the abuse policy and/or have had it explained to me. I understand that it is my responsibility to abide by all the rules contained in this policy and to report any incidents of abuse as set forth in this policy.

Date _____

_____ (Printed Name)

_____ (Signature)

Signature

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FORM A: Abuse Incident Report Form Use Separate Sheet if More Space is Required for Your Answers

PERSONAL INFORMATION:

(Separate forms to be completed by each person experiencing or witnessing abuse in the workplace).

Name:	Position:
Department (if applicable):	Department Head (if applicable):
Contact Number:	

INCIDENT INFORMATION:

Please describe in as much detail as possible the incident(s) including: a) the name of parties involved; b) any witnesses to the incident(s); c) the location d) details about the incident(s) (behaviour and/or words used); e) any additional details. Additional pages are provided for further details.

Alleged abuser(s):

Contact Information (if available):

Relationship to alleged abuser(s):

Does the alleged abuser(s) involved have a history of previous incidents?

Yes No Don't know

INCIDENT DETAILS:

Date and time of incident:

Date and time incident reported:

Location of Incident:

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Describe the incident in detail:

Is this an ongoing issue? If so, please provide further details.

Were other individuals involved? (e.g., staff, general public, Council, residents, volunteers etc.)

List Witness(es) with contact information

Name

Contact information

1.

2.

3.

4.

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Is there any physical or documentary evidence to support the complaint? (emails, handwritten notes, photographs, etc.) If yes, please provide.

Please provide any other information you think may be relevant, Additional paper is provided to elaborate on details.

REPORTING

Has the complaint been reported to the Department Head? (or Reeve or Deputy Reeve, as appropriate. If yes, please provide name)

Yes No

Date of when reported:

Has the incident been reported to WSIB? If yes, by whom?

Yes No

WSIB Number, if applicable

Date of when WSIB was reported:

Signature of employee

Date

Signature of person who received complaint

Date

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FORM B: Investigation Report on Abuse
Use Separate Sheet if More Space is Required for Your Answers

Investigation Report:	
Name of investigator:	Position:
Date of investigation:	
Police contacted?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, by whom?	
WSIB reports completed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, by whom?	

Background Information:
Name of individual who reported the abuse:
If not same person as above, name of person who allegedly experienced the abuse:
Date of complaint/concern raised:
Name of respondent(s) (alleged abuser). List their position/department. If not an employee, provide details:
Name of employee(s) (complaining or possibly exposed to the abuse) List their position/department: 1. 2. 3. 4.

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Investigation Plan: <i>Plan and conduct the investigation</i>
<ol style="list-style-type: none">1. Obtain the complaint and witnesses statements in writing.2. An investigator needs to interview the individual who allegedly experienced the abuse and the alleged abuser.3. Make a list of possible relevant witnesses. The individual who allegedly experienced the abuse and the alleged abuser should be asked for names of any relevant witnesses4. Interview relevant witnesses. Ask specific questions about what they have observed, are aware of or having personally experienced.5. Collect and review relevant documents from the individual who allegedly experienced the abuse, the alleged abuser, witnesses, and the employer.6. Take detailed notes.7. Keep the investigation confidential. Instruct individual who allegedly experienced the abuse, the alleged abuser, and witnesses not to talk to others about the investigation unless it is necessary, for instance to obtain advice or counselling.

Workplace Abuse Allegations:
Date of first incident:
Date of last incident:
Date of other incident(s): <i>List any subsequent behaviours or conduct</i>

Alleged Abuser(s) Response:
The alleged abuser(s) must have an opportunity to respond to the details of the allegation of abuse.

Interview Relevant Witnesses:
List witnesses. Interview relevant witnesses and make detailed notes.

Collection of Documentation:
List the documents collected for the investigation and how or from whom they were obtained.

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Investigation Result(s):

The Council for the Township of Gillies must ensure that the results of the investigation and any correction action are provided to the individual who allegedly experienced the abuse and the alleged abuser in writing. The investigators summary report should set out who was interviewed, what evidence was obtained and an analysis of the evidence to determine whether abuse occurred. The results of the investigation are a summary of the findings of the investigation. The results must be communicated in writing within ten (10) calendar days of the investigation being concluded to the individual who has experiences the alleged abuse.

Summary of Key Evidence:

Recommended Next Steps:

Please include all supporting documentation. Additional paper is provided to elaborate on details.

Signature of Department Head or
Councillor Who Completed Report

Date Report Completed

Signature of Reeve

Date Reviewed by Council