

1. Policy Statement:

1.1 Miltonvale Park will not tolerate any form of physical, sexual, emotional, verbal, or psychological abuse, nor any form of neglect or harassment. All Council members, employees and all those representing the Municipality must take appropriate action to protect against harassment and abuse in the workplace and in Municipal spaces.

1.2 The objective of this policy is to prevent harassment and abuse, and to provide procedures for the making and resolving of complaints.

2. Governing Legislation

2.1 This policy operates together with, and as a supplement to, the applicable common law and the following statutes, any regulations or other delegated legislation made pursuant to them:

2.1.1 The *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1.,

2.1.2 Criminal Code of Canada, RSC 1985, c C-46

2.1.3 *Human Rights Act*, RSPEI 1988, c H-12

2.1.4 P.E.I. Occupational Health and Safety Act (OSA) and Workplace Harassment Regulations

3. Scope

3.1 All Municipal employees, Council and Committee members, municipal volunteers and users of municipal services and facilities have the right to make complaints under this policy. Any employee also has the right to consult and/or file a complaint with the Prince Edward Island Human Rights Commission. Incidents that are considered to be of a criminal nature will be referred to the RCMP, or appropriate authorities, for investigation purposes. The municipal harassment policy is not intended to discourage, prevent or preclude a complainant from exercising other legal rights under any other law.

4. Definitions

4.1 **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, intimidating, isolating, hazing, habitual scapegoat, blaming.

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

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

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

4.5 **Harassment** is defined as but not limited to any unwanted physical or verbal conduct that offends or humiliates, including gender-based harassment. It can be a single incident or several incidents over time. It includes threats, intimidation, display of racism,

discrimination, sexism, unnecessary physical contact, suggestive remarks or gestures, offensive pictures or jokes. Harassment will be considered to have taken place if a reasonable person ought to have known that the behaviour was unwelcome or could have a harmful effect on a person's psychological or physical health or safety.

4.6 **Complainant** – Person who has lodged a complaint against a perceived harasser or abuser.

4.7 **Respondent** – The person who is the subject of the complaint.

5. **Responsibility and Accountability**

5.1 The Chief Administrative Officer (CAO) and Council are responsible for the operation of the policy and procedure.

5.2 The Mayor, members of Council and the CAO are responsible for fostering a work environment that is free of harassment, responding to complaints immediately, ensuring the investigation is carried out promptly, and disciplining those found to be engaged in harassment.

5.3 The CAO is ordinarily responsible for arranging the investigation of complaints, participating in the decision on a formal complaint, and advising on the action to be taken.

5.4 In the case of a complaint against a member of Council, the Municipality would also refer to the Code of Conduct applicable to Council.

5.5 The Personnel Committee will normally advise Council on a complaint. If a member or members of the Personnel Committee were to be involved in the complaint, an appropriate third party will be temporarily appointed to the Committee by the Mayor or Deputy Mayor to make a recommendation on the complaint.

5.6 The CAO is responsible to assist with the formal and informal complaints.

6. **Abuse Reporting Procedures**

6.1 A complaint made pursuant to this policy shall be made within two months after the alleged contravention of the Policy occurred.

6.2 Confidentiality is essential at all levels of the process, including the investigative and resolution stages. The Municipality will not disclose any identifying information about any person involved or the circumstances relating to the complaint to any person unless it's necessary for the purposes of investigating the complaint, taking corrective action with respect to the complaint, or permitted by law.

6.3 The Mayor or his designated "media representative" will respond to all enquiries from any media (TV, radio, newspapers, etc.) and all staff and Council Members should, if approached by the media, refer all such enquiries to the "media representative".

6.4 Retaliation of any sort or in any form against a person who makes a complaint or against a person who investigates a complaint is prohibited and will be subject to disciplinary action.

6.5 Complaints may be reported and resolved on an Informal or Formal basis.

6.5.1 **Informal Complaints**

6.5.1.1 The complaint is not written and resolved through mediation or a facilitated conversation between the parties.

6.5.1.2 People who believe they have been harassed may approach any staff or Council member to discuss potential means of resolving a complaint and to request assistance in resolving the matter. This method of resolve should consider the wishes of the complainant. Discussion at this stage is considered informal. The CAO or Mayor or Deputy Mayor should be consulted to provide guidance. If the

matter is dealt with satisfactorily to the Complainant, the matter is considered resolved.

6.5.1.3 Informal resolution can include mediation, if the complainant wishes to utilize that process.

6.5.1.4 The CAO will arrange a mediator if mediation is selected as a method of reaching a resolution.

6.5.2 Formal Complaints

6.5.2.1 The written complaint is resolved following investigation, referral to the appropriate decision-maker, and corrective action and/or discipline to remedy the situation.

6.5.2.1.1 If the situation is not remedied immediately and/or if the person wishes to file a Formal Complaint for an actual or perceived condition of harassment, he/she may do so by completing the Harassment Complaint Form, attached as Appendix A. This form is to be forwarded to the CAO, Mayor or Deputy Mayor.

6.5.2.1.2 Upon receipt of a formal complaint, the CAO, Mayor or Deputy Mayor will arrange for an investigation of the incident.

6.5.2.1.3 The respondent shall be informed of the complaint, presented with a written statement of the allegations and afforded an opportunity to respond.

6.5.2.1.4 Unless otherwise directed, the investigator shall gather and analyze the information, ensuring the parties are given an opportunity to be heard by the arbiter, explore if the alleged contravention can be resolved by the parties, summarize the findings, and report the findings to the CAO and Mayor within 60 days of their appointment. Any employees and Council members are obligated to cooperate in the investigation of a municipal harassment complaint.

6.5.2.1.5 Failing resolution between the parties, the third-party investigator will provide an investigation update within ninety (90) days of their appointment to the CAO, Mayor or Deputy Mayor, as applicable, and to the complainant and the respondent.

6.5.2.1.6 The third-party investigator will provide a written, confidential report of the findings of the investigation, including findings as to whether there has been a breach of this Policy, to the Mayor, Deputy Mayor, or Personnel Committee, as applicable, and to the complainant and the respondent. The CAO will receive and retain all reports prepared in relation to breaches of the Abuse Policy.

6.5.2.1.7 Based on the findings in the report of the third-party investigator, the Personnel Committee will recommend, and Council will determine whether the respondent has committed an act or acts of harassment and the most appropriate action to resolve the matter.

6.6 Disciplinary Action

- 6.6.1 If considered an act of harassment, discipline will be applied. These could include any of the following:
- 6.6.1.1 Dismiss the complaint;
 - 6.6.1.2 Require an apology to the complainant;
 - 6.6.1.3 Require a Member of Council to remove themselves from a meeting or Committee if conduct is deemed to be inappropriate;
 - 6.6.1.4 Reprimand a Member of Council or employee for a breach of the Abuse Policy
 - 6.6.1.5 Require Training or Counselling to be completed
 - 6.6.1.6 Restorative Justice
 - 6.6.1.7 Adjustment/Reassignment of Duties
 - 6.6.1.8 Suspend the remuneration paid to a Council member in respect of their services as a member of Council for a period of up to 90 days;
 - 6.6.1.9 Impose a fine of not more than \$500 if the respondent is a member of Council;
 - 6.6.1.10 Termination of Employment
 - 6.6.1.11 Impose any other sanction that is deemed appropriate in the professional judgment of the third-party investigator, where so enabled in the law.

7. Complaints Made in Bad Faith:

- 7.1 To falsely accuse someone of harassment is a serious offense. When the allegation is determined to be malicious, disciplinary action deemed appropriate will be taken against the individual making the malicious allegations.

8. Complaints Made in Good Faith:

- 8.1 No disciplinary action will be taken against an employee, Council member or other person for making a complaint of harassment in good faith, whether or not the claim is substantiated.

9. Appeal Process

- 9.1 Any person who has lodged a complaint and/or the respondent has the right to appeal the outcome of the investigation or disciplinary action to the Council, within 21 days of the decision.

10. Awareness

- 10.1 All individuals bound by the policy must be given the opportunity to read the policy and ask any questions.
- 10.2 The policy will be posted on the municipal website, at the municipal office and Miltonvale Community Park.
- 10.3 Municipal Employees and Council Members will be required to acknowledge that the policy has been read and understood.

Rural Municipality of Miltonvale Park Abuse Policy

Signature Page

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.

Name _____ Date _____

Signature _____

Rural Municipality of Miltonvale Park -HARASSMENT COMPLAINT FORM

Complainant's Name: _____

Date: _____ Telephone: _____

Email Address: _____

Please write a description in your own words, of the events that have led you to file this complaint; be as specific as possible about dates and places. If there are any witnesses, please indicate that fact. You may attach additional paper if required.

Information about the Offender:

Name of Offender: _____

Offender's Gender: _____

Department: Position of Offender:

Type of Harassment: (Please indicate all which apply):

Verbal: _____ Psychological: _____

Physical: _____ Sexual: _____

Neglect: _____

Other (Please Describe):

Duration of Harassment (Please indicate days):

Single Incident: Yes _____ No _____

Repeated over several days: Yes _____ No _____ Over several weeks: Yes _____ No _____

Repeated over several months: Yes _____ No _____ Over several years: Yes _____ No _____

Where did the Incident(s) occur? _____

Describe the incident (s): _____

Witnesses to the incident(s): _____

Contact information for witnesses, if known: _____

What action(s) did you take? _____

Signature of Complainant: _____ Date: _____

Date received by Miltonvale Park: _____