



DISCOVER. GROW. BELONG.

Title: Workplace Anti-Violence & Harassment Policy	Date Approved: January 9, 2024
Policy #: HR 03-2024	Council Resolution #: 15-2024
Department: Human Resources	Revision:
Rescinds:	

Policy brief & purpose

The Town of Carberry is committed to building and preserving a safe, productive and healthy working environment for its employees based on mutual respect. In accordance with *Manitoba's Workplace Safety and Health Regulation with respect to violence and harassment in the workplace*, Town of Carberry does not condone or tolerate acts of harassment against or by any employee. The Town of Carberry believes that every employee is entitled to work free of harassment.

Our Workplace Anti-Violence and Harassment Policy is not meant to stop free speech or to interfere with everyday interactions. However, what one person finds offensive, others may not. Usually, harassment can be distinguished from normal, mutually acceptable socializing. It is important to remember it is the perception of the receiver of the potentially offensive message be it spoken, a gesture, a picture or some other form of communication which may be deemed objectionable or unwelcome that determines whether something is acceptable or not.

Preamble

This policy operates in addition to other policies, regulations and administrative directives for employees, as may be determined from time to time by council or the chief administrative officer.

Where any provision of this policy is inconsistent with a collective agreement or employment contract that applies to that employee, the provision of the collective agreement or employment contract applies.

Scope

This policy applies to all our employees, contractors, volunteers and partners who access our premises.

Definitions

Harassment

Inappropriate conduct by a person on the basis of one of these protected grounds is considered harassment under the Manitoba legislations.

Under the legislation the other types of harassment are those behaviours or actions which have an adverse effect on a worker's physiological or physical wellbeing. This may be a repeated



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offence or a single occurrence which has a lasting effect. This type of behaviour is sometimes known as bullying and is considered unacceptable by Town of Carberry.

Harassment is still considered a workplace matter even if it takes place out of the physical work environment and/or during off hours.

Reasonable Conduct

Reasonable actions by managers designed to help manage or guide workers such as reviews, counselling and processes outlined in our discipline procedures are not considered to be harassment.

Violence means (a) the attempted or actual exercise of physical force against a person; and (b) any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person (Province of Manitoba, 2006). Examples of threats or acts of violence include but are not limited to the following:

- physical and sexual assault
- property damage and vandalism
- swearing and verbal abuse
- threats or intimidation

Policy

The Town of Carberry is committed to providing a safe and healthy work environment free from violence, threats of violence, discrimination, harassment, intimidation and any other misconduct. Similarly, weapons are strictly prohibited from the Town's premises and violators will be subject to discipline action and the incident will be reported to the police. This policy prohibits physical or verbal threats, with or without the use of weapons, discrimination, intimidation, or violence in the workplace.

It is a violation of Town of Carberry's Workplace Antiviolence and Harassment Policy for anyone to knowingly make a false complaint, or to provide false Information about a complaint. Individuals who violate this Policy are subject to disciplinary and/or corrective action, up to and including termination of employment.

This Policy prohibits reprisals against individuals, acting in good faith, who report incidents of workplace violence or act as witnesses. Management will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further violence. Reprisal is defined as any act of retaliation, either direct or indirect.

The Town of Carberry will ensure that all employees are trained and educated on violence and harassment and that they are clear about the roles and responsibilities as well as this policy and its procedures. In addition, a copy of this policy will be made available to all employees.

In accordance with workplace rights set out under the Human Rights Code, every employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of:

- race, creed, religion, colour



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- sex, sexual orientation, gender-determined characteristics
- marital status, family status, source of income
- political belief, political association, political activity
- disability, physical size or weight
- age, nationality, ancestry or place of origin

As stated in the Manitoba Workplace Safety and Health Regulation in regards to workplace harassment, every employee has the following rights:

- The right to work free of harassment, and;
- The right to file a complaint with the Manitoba Human Rights Commission.

As legislated, any complaint filed must be made within six (6) months of the date of the last incident of harassment.

Application of this Policy

The Town of Carberry will ensure as much as is possible that no employees are subjected to harassment during their course of work with Town of Carberry. We will not tolerate any form of harassment or discrimination against any Individual, including job candidates, employees, managers, or clients, on any grounds. This commitment applies to such areas as training, performance, assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.

Every Town of Carberry employee shall be held personally accountable and responsible for enforcing this policy and must make every effort to prevent discrimination and/or harassing behaviour. As such, employees must report every incident of harassment immediately-whether it was observed, happened to them personally, or if the problem was reported to them.

For the purposes of this policy, violence and harassment can occur:

- At the workplace;
- At employment-related social functions;
- In the course of work assignments outside the workplace;
- During work-related travel;
- Over the telephone, if the conversation is work-related; or
- Elsewhere, if the person harassed is there as a result of work-related responsibilities or a work-related relationship

Violence Risk Assessment

The Town of Carberry will conduct a risk assessment of the work environment, with a Workplace Safety and Health Committee member or representative, in an effort to identify any issues related to potential harassment and violence which may impact the organization and employees. The Town will institute measures to control any identified risks to employee safety where they cannot be completely eliminated. Any risk that is identified in the workplace shall be communicated to employees including the extent and nature of the risk.



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When conducting a risk assessment, the Town of Carberry will take into consideration the employees in the workplace (age, gender, personalities, types of interactions etc.) and the workplace itself (employees working alone, lighting, workplace design, layout etc.). The Town of Carberry will also look at the history of violence in the workplace including, but not limited to the number of violent incidents, type of jobs performed, triggers for previous incidents, etc.

The risk assessment shall include a thorough review of records and reports such as:

- Security reports;
- Employee incident reports;
- Staff perception surveys;
- Safety and health inspection reports;
- First aid records; and
- Other related records.

History of Violence

The Town of Carberry will communicate all possible information relating to a person with a history of violence where:

- Employees may reasonably be expected to come into contact with the person in the performance of their job duties.
- There is a potential risk of workplace violence as a result of interactions with the person with a history of violence.

The Town of Carberry will only disclose personal information that is deemed reasonably necessary to protect employees from harm.

Steps to Eliminate or Reduce the Risk of Violence

The Town of Carberry will annually assess the risk for workplace violence or more often should the need arise.

Further, Town of Carberry will create Safe Work Procedures to inform and train all employees regarding the risk of workplace violence.

Annual Report

On an annual basis, the Town of Carberry shall produce a written report on violent incidents, including:

- Records of incidents of violence in the workplace, if any;
- Results of any investigation into an incident of violence in the workplace, including a copy of any recommendations for control measures or for changes to the Workplace Harassment & Violence Prevention Policy and a copy of the report prepared under Part 2 s.2.9 of the Regulation;
- Description of control measures put in place following into an incident (Workplace Safety and Health Division, 2011).



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Reporting Procedures

Town of Carberry Immediate Assistance Procedures:

If you believe you have been harassed you may:

- Confront the harasser personally, or in-writing, clearly stating the unwelcome behaviour/action and requesting that it stop immediately; or
- Discuss the situation with the harasser's supervisor, your supervisor or any other supervisor.

Any employee who feels discriminated against or harassed can and should, in all confidence and without fear of reprisal, personally report the occurrence to their supervisor or a manager.

Formal Procedure

If you believe you have been harassed you may make a written complaint to the management team. The written complaint must be delivered to the CAO and include the following information:

- The date and time of each incident you wish to report.
- The name of the person(s) involved in the incident(s).
- The name of any person or persons who witnessed the incident(s).
- A full description of what occurred.

Investigating Reports of Violence or Harassment

Once a written complaint has been received, the Town of Carberry will complete a thorough investigation. Harassment should not be ignored as silence can, and often is, interpreted as acceptance. Employees will not be demoted, dismissed, disciplined or denied a promotion, advancement or employment opportunities because they rejected sexual advances or because they lodged a complaint when they honestly believed they were being harassed or discriminated against.

For the purposes of this section the following definitions apply:

Complainant - The person who has made a complaint about another individual who they believe committed an act of violence or harassment against them.

Respondent - The person whom another individual has accused of committing an act of violence or harassment.

The investigation will include:

- Informing the accused of the complaint.
- Interviewing the complainant, any person(s) involved in the incident and any identified witnesses.
- Interviewing any other person(s) who may have knowledge of the incident(s).
- Statements from all parties involved will be taken and a decision will be made.



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- If necessary, the Town of Carberry may employ outside assistance or request the use of our legal counsel.
- Where it is determined that harassment has occurred, a written report of the remedial action will be given to the employees concerned.

A copy of the complaint, detailing the complainant's allegations, shall be provided to the respondent(s) and contain the following information:

- The respondent is invited to reply in writing to the complainant's allegations.
- The reply will be made known to the complainant before the case proceeds.

The Town of Carberry will take all measures to prevent any unnecessary disclosure of the incident and the identities of the parties.

If the complainant decides not to lay a formal complaint, Senior Management may decide that a formal complaint is required, which will be based on the investigation of the incident, and will file such document(s) with the person(s) against whom the complaint is laid.

If it is determined that personal harassment has occurred, appropriate disciplinary measures will be taken immediately.

In addition to the steps taken by the Town of Carberry, employees reserve the right to file a complaint with the Manitoba Human Rights Commission. This complaint is required to be made within six (6) months of the date of the last incident.

Seeking Immediate Assistance

Canada's Criminal Code deals with matters such as violent acts, threats, and behaviours such as stalking. The police should be contacted immediately when an act of violence has occurred in the workplace or when someone in the workplace is threatened with violence. If an employee feels threatened by a co-worker, volunteer, contractor, student, vendor, visitor or client/customer then an immediate call to "911" is required.

The Right to Refuse Unsafe Work

- This is a legal right of every worker. The Town of Carberry is committed to ensuring a safe workplace.

Special Circumstances

Should an employee have a court order, also known as a restraining order or "no-contact" order, against an individual, the employee is encouraged to notify their supervisor, manager or CAO of the situation and provide a copy of the order. This will be required particularly in situations where the employee strongly feels that the aggressor may attempt to violate the order and contact the employee of the Town of Carberry. Any information received and disclosed will be held by the Town of Carberry with the utmost confidentiality.

If the Town of Carberry is aware that domestic violence is likely to expose an employee or the workplace to harassment, violence, injury or risk, management will take every reasonable precaution to protect the individual and the workplace.



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If any visitor to the Town of Carberry is seen with a weapon, or is known to possess one, makes a verbal threat or assault against an employee or another individual, employee witnesses are required to immediately contact 911, their immediate supervisor, and the CAO.

Fraudulent/Malicious Complaints

This Anti-Violence Policy must never be used to bring fraudulent or malicious complaints against employees. It is important to realize that unfounded/frivolous allegations may cause both the accused person and the company significant damage. If it is determined by the company that any employee has knowingly made false statements regarding an allegation related to violence or harassment, immediate disciplinary action will be taken. As with any case of dishonesty, disciplinary action may include immediate dismissal without notice.

Disciplinary Measures

If it is determined by the company that any employee has been involved in the harassment, violence or discrimination of another employee, immediate disciplinary action will be taken, up to and including immediate dismissal without notice.

Confidentiality

All records of harassment or violence, and subsequent investigations, are considered confidential and will not be disclosed to anyone except to the extent required by law. The Town of Carberry will do everything it can to protect the privacy of the individuals involved and to ensure that complainants and respondents are treated fairly and respectfully.

This policy has not been created and its intent is not to discourage employees from exercising all other legal rights afforded to them under any other law.

In cases where criminal proceedings are forthcoming, the Town of Carberry will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

Revisions

Council may, at its discretion and by resolution, amend this policy.

Adopted by Resolution of Council # 15-2024 at Carberry, Manitoba, this 9th day of January, 2024.