

	<b>TOWN OF CARMAN</b>	<b>POLICY NO. 007</b>
	<b>ADOPTED BY: Resolution No. 004/24</b>	<b>Last Updated: Jan 2024</b>
	<b>DATE: January 2 2024</b>	<b>Page: 1 of 7</b>
	<b>TITLE: Respectful Workplace Policy</b>	<b>Department: All</b>

**Purpose**

The Town of Carman is committed to an environment free from abuse. The purpose of this Policy is to stress the importance of that commitment by educating individuals about abuse, outlining how the Town will work to prevent abuse, and how abuse or suspected abuse can be reported and addressed by the Town.

**Respectful Workplace Policy**

At the Town of Carman, we are committed to providing a safe and respectful work environment for all staff and the public. No one may be harassed, and no one has the right to harass anyone else, at work or in any situation related to employment with this organization. This policy is a step toward ensuring that our workplace is a respectful and safe place for all of us, free from harassment and abuse.

**Zero Tolerance Statement**

The Town has zero tolerance for any type of abuse.

**Definitions of Abuse**

The following description of “Child”, “Youth” and “Vulnerable Population” and any other defined terms that are at the discretion of the Town include, but are not limited to:

- **Child** is defined as anyone under the age of majority. Manitoba: 18-years-old.
- **Youth** is defined as the period between childhood and legal age of majority.
- **Vulnerable Population** is defined as populations that include: racial and ethnic minorities, children, the elderly, socioeconomically disadvantaged people, and those people with physical or mental health conditions.

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

- **Physical Abuse** is defined as, but not limited to any intentional act, causing injury or trauma to another person. 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, bullying, threatening, ridiculing, berating, intimidating, isolating, hazing, habitual scapegoat, blaming.
- **Verbal Abuse** is defined as, but not limited to, humiliating remarks, name calling, swearing at, taunting, teasing, continual put downs. The use of harsh words, abuse of trust, embarrassing people in public and threatening in the form of words.
- **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.
- **Cultural Identity/Spiritual Abuse** is defined as abuse targeting a victim's cultural or spiritual identity to inflict suffering or as a means of control.
- **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. Neglect may include the failure to provide sufficient supervision, nourishment, or medical care, or the failure to fulfill other needs for which the victim cannot provide themselves.
- **Harassment** is defined as, but not limited to, any unwanted physical or verbal conduct that demeans, humiliates, or embarrasses a person, including gender-based harassment.

There are two main types of harassment. One type includes inappropriate conduct in any form about a person's: • age, race • creed, religion • sex, sexual orientation • marital status, family status, economic status • political

belief, association or activity • disability, size, weight, physical appearance • nationality, ancestry or place of origin.

A second main type relates to what is sometimes referred to as “bullying” behaviour that may involve: • repeated humiliation or intimidation that adversely affects a worker’s psychological or physical well-being • a single instance so serious that it has a lasting, harmful effect on a worker  
Harassment may be written, verbal, physical, a gesture or display, or any combination of these. It may happen only once, but often happens repeatedly.

Harassment will be considered to have taken place if a reasonable person ought to have known that the behaviour was unwelcome.

### **What is not harassment?**

Reasonable actions by managers or supervisors to help manage, guide or direct workers or the workplace are not harassment. Appropriate employee performance reviews, counselling or discipline by a supervisor or manager is not harassment.

### **Employee rights and responsibilities**

Employees are entitled to work free of harassment.

Employees have the responsibility to treat each other with respect. We ask that any employee who experiences harassment or sees another person harassed reports it to the appropriate person.

Employees are responsible to co-operate in the investigation of a harassment complaint. Anyone who investigates or gives evidence in a complaint investigation is asked to keep details confidential until the investigation is complete.

All employees have the right to file a complaint with the Manitoba Human Rights Commission.

### **Employer responsibilities**

Management must ensure, as much as possible, that no employee is harassed in the workplace.

Management will take corrective action with anyone under their direction who harasses another person.

Management will not disclose the name of a complainant or an alleged harasser or the circumstances of the complaint to anyone except where disclosure is:

- necessary to investigate the complaint

- a part of taking corrective action
- required by law

The harassment prevention policy does not discourage or prevent anyone from exercising their legal rights. The Town of Carman, its managers and supervisors are responsible for keeping a safe work environment, free of harassment. If you are a manager and you become aware of harassment you must do everything in your power to stop it, whether or not a complaint is made.

Courts presume that employers and managers are responsible for being aware of harassment in their organization and may penalize them accordingly. Managers who ignore harassment leave themselves and their employer open to legal consequences and will be disciplined.

### **Governing Legislation**

This policy references the applicable legislation that gives grounds to the entity's abuse policy. Examples of legislation include:

- Child and Family Services Act, CCSM c C80
- The Community Childcare Standards Act, CCSM c C158
- The Human Rights Code, CCSM c H175
- Criminal Code of Canada, RSC 1985, c C-46
- The Regulated Health Professions Act, CCSM c R117

### **Procedures applying to complaints of harassment**

Reports of abuse that are shared confidentiality with an individual by a Child, Youth or a member of any Vulnerable population requires the individual to report the incident to parents/guardians, The Town of Carman, The Association of Manitoba Municipalities, or the Program Administrator. Individuals must respond to such reports in a non-judgmental, supportive, and comforting manner, but must also explain that the report may need to be escalated to the proper authority, which may include the Child, Youth or member of the Vulnerable Populations; parent/guardian, or in cases of an ongoing threat of abuse, the police.

In addition, any disclosure (disclosed or observed) of abuse must be reported to CFS if the incident involves a "Child" or "Youth". Any report of abuse may need to be reported directly to the police if the individual is in danger.

### **Procedures applying to reports of abuse or molestation**

Reports of abuse that are shared confidentiality with an individual by a Child, Youth or a member of any Vulnerable Population requires the individual to report the incident to parents/guardians, The Municipality, or the Program Administrator. Individuals must respond to such reports in a non-judgemental,

supportive, and comforting manner, but must also explain that the report may need to be escalated to the property authority, which may include the Child, Youth, or member of the Vulnerable Population's parent/guardian, or in cases of an ongoing threat of abuse, the police. In addition, any disclosure (disclosed or observed) of abuse must be reported to CFS if the incident involves a "Child" or "Youth". Any report of abuse may need to be reported directly to the police if the individual is in danger.

### **Screening**

The Town will regularly monitor those Individuals who have access to or interact with Children and/or a Vulnerable Population member. This will include adherence to the Municipality's hiring protocols for Vulnerable Populations and include:

- Criminal record check
- Vulnerable persons and child abuse registry check

Screening is to take place upon initial employment, and every two years thereafter.

### **Investigative & Disciplinary Procedures**

Disclosure of abuse (disclosed or observed) will undergo an investigation that will determine applicable disciplinary action. The details of the investigation will be kept on record with the town and will be disclosed as necessary to parties to the investigation. Details of the investigation will include:

- The role of the alleged assailant within the organization
- Action taken as a result of the disclosure (i.e.: Suspended with/without pay, terminated, moved to another position)
- Action required by individuals within the town
- Resolution of the complaint – counselling, disciplinary action
- Appeal process (if applicable)
- Identification of false allegations
- Documentation procedures

This all must be made available for any civil or criminal proceedings.

### **Media Representative**

The Town will appoint a "media representative" to respond to any and all inquiries from any media outlet (television, radio, newspapers, social media) and all staff are to refer any media personnel to the "media representative" for response.

### **Training**

The Town will provide training to all staff that includes safety and handling of "Child" and "Vulnerable Population" as defined above.

Resources are available from the Province of Manitoba and other sources.

**Confidentiality**

The company and its managers will not identify a complainant, an alleged harasser, or any circumstances about a complaint, to anyone, except:

- when it is necessary in investigating the complaint
- if it is part of disciplinary action
- where required by law
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**Retaliation**

Anyone who retaliates in any way against a person who has complained of harassment, given evidence in a harassment investigation, or been found guilty of harassment, will be considered to have committed harassment and will be subject to corrective or disciplinary actions.

This Policy rescinds the Town of Carman’s Abuse & Molestation Policy 2023.

*I acknowledge that I have received, read, and understand the abuse policy and/or have had it explained to me. I understand, the liability of the Town could extend to me in my role as a Municipal representative.*

*I understand that it is my responsibility in my role with the Town of Carman, to adhere to all processes and responsibilities contained in this policy, and agree to report any incidents of abuse (disclosed or observed) as set forth in this policy.*

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of CAO or Person representing the Entity    Date

Additional resources to be reviewed for information on Abuse in Manitoba:

- Manitoba Child and Family Services
- Provincial Advisory Committee on Child Abuse
- Manitoba network for the Prevention of Abuse of Older Adults
- Manitoba Abuse Registries <https://www.gov.mb.ca/fs/abuseregistires.html>