



ZERO TOLERANCE POLICY

TO MAINTAIN A SAFE AND SECURE
WORK ENVIRONMENT FOR ALL

May 2013

1. INTRODUCTION

The *Zero Tolerance Policy — To Maintain a Safe and Secure Work Environment for All* of the Municipality of the Township of Wentworth has been adopted to help maintain, with the necessary collaboration from all relevant parties, a safe and secure work environment for all.

The Policy is based on various legislative provisions, in particular, those which recognize that the Municipality, in its capacity of employer, has the obligation to prevent and put a stop to behaviours or practices that undermine the dignity, health, and safety of its employees, regardless of the nature of their function or their position in the hierarchy.

1.1. Values

This Policy is based on the key values subscribed to by the Municipality with regard to health and safety in the workplace. It believes in:

- 1- promoting personal dignity;
- 2- protecting the physical and psychological well-being of municipal employees;
- 3- respectful treatment of municipal employees and the various individuals who have dealings with the Municipality;
- 4- ensuring the safety of municipal employees.

These values shall guide the Employer in its application of the Policy, with a view to protecting both individual and public interests.

1.2. General Principles

The Municipality:

- 1- places priority on preventing violence in the workplace so as to preserve and maintain the dignity and well-being of its employees;
- 2- believes that ensuring the health and safety of employees in the workplace is a responsibility that first and foremost concerns elected officials, without overlooking employees' contribution in this regard;

- 3- recognizes that mutually courteous relations between citizens, elected officials, and employees provide a reasonable assurance of respect for employees and guarantee the creation of a safe, secure, and violence-free work environment;
- 4- believes that prevention in the workplace depends primarily on the ability of individuals to recognize and designate certain behaviours as problematic and as potentially leading to violence.

1.3. The Objectives

The purpose of the Policy is to:

- 1- provide information on, and raise people's awareness of, violence in the workplace in all its forms;
- 2- prevent such violence, or put a stop to it, as the case may be;
- 3- provide the necessary assistance when incidences of violence occur;
- 4- resolve any violent situations that arise.

2. INTERPRETATION

Unless the context requires otherwise, the words used in this Policy shall be interpreted according to their customary usage, with the exception of the following words and expressions:

- 1- **General Manager:** includes, where applicable, the function of Secretary-Treasurer.
- 2- **Disciplinary action:** a measure imposed for the purpose of correcting an employee's wrongful behaviour. Wrongful behaviour is manifested, in particular, when an employee fails to comply with the standards of conduct inherent in the responsibilities pertaining to his or her position, or with a statute or regulation, a policy, or an administrative directive. The formal disciplinary action taken is noted in the employee's file.
- 3- **Immediate superior:** a person who represents the first level of authority above the employee and who exercises control at work. The immediate superior of a general manager is the mayor.
- 4- **Violence:** in addition to physical violence, violence includes intimidation; abuse of power; explicit, implicit, or veiled threats; defamation; verbal threats; disturbances of the peace; forcible entry into the home; invasion of privacy; indecent behaviours, discriminatory behaviours and remarks; and any form of vandalism; by way of example, violence may take a number of forms, including the following:

- a) **physical violence**: includes, in particular, the use of physical force or any means likely to undermine a person's dignity and/or physical or psychological well-being; physical or sexual assaults, as well as threats of such acts, also constitute physical violence;
- b) **sexual violence**: includes, in particular, any unwanted conduct, verbal comment, action, or gesture of a sexual nature toward a person, including the threat of such behaviours, whether in public or in private; it implies a notion of coercion or refusal, even implicit, and is applicable regardless of the context or nature of the relationship between the parties involved;
- c) **sexist violence**: includes, in particular, any conduct, verbal comment, action, or gesture that is based on sex or sexual characteristics and that undermines or is capable of undermining a person's dignity and/or physical or psychological well-being;
- d) **racist violence**: includes, in particular, any conduct, verbal comment, action, or gesture that is based on race, colour, descent or national or ethnic origin, and that undermines or is capable of undermining a person's dignity and/or physical or psychological well-being;
- e) **homophobic violence**: includes, in particular, any conduct, verbal comment, action, or gesture, negative attitude or aversion toward homosexuals, and toward homosexuality in general and everything associated with it, that undermines or is capable of undermining a person's dignity and/or physical or psychological well-being.

Insults, coarse language, and shouting are unacceptable behaviours.

3. APPLICABILITY

3.1. The Municipality's Commitment

The Municipality undertakes to provide its employees with a work environment in which respect is shown for each individual. Violence shall not be tolerated in the workplace by any person, at any time, or for any reason whatsoever. No one has the right to inflict violence on another person either at work or in any work-related situation. Regardless of its form, violence in the workplace is unacceptable and shall not be tolerated by the Municipality under any circumstances.

3.2 Scope

This Policy applies to all employees of the Municipality. It concerns the relationships between the Employer's representatives (elected or non-elected) and employees and co-workers, and between employees and citizens or visitors. It also applies to subcontractors and suppliers, and more generally, to any person who has dealings with the Municipality.

The Policy applies regardless of the relationship between the victim and the person displaying the violent behaviour. It also applies in the context of work-related activities, both on the work premises and elsewhere and during or outside normal working hours. Lastly, it applies during training activities, representations made on behalf of the Municipality, and social activities.

4. OBLIGATIONS

4.1 The Employer

The Employer's general obligation consists of striving to ensure that all employees benefit from a violence-free workplace. This obligation translates first into a duty to take all reasonable measures to prevent violence from occurring.

When such a situation occurs despite the measures taken, the Employer shall take action as quickly as possible to put a stop to it.

To meet these obligations, the Employer undertakes to:

- 1- raise employee awareness of the importance of preventing these types of behaviours;
- 2- ensure that employees benefit from a violence-free workplace;
- 3- when such behaviour has been reported or a complaint has been filed in this regard, inform the employee and witnesses of how this Policy will be applied and of the support measures available, such

- as an Employee Assistance Program (EAP), insurance coverage, and CSST and CLSC resources;
- 4- implement sanctions against employees working in any capacity whatsoever or against any person who contravenes this Policy.

4.2 The Employee

All employees of the Municipality, in any capacity whatsoever, bear responsibility for promoting the existence of a safe and secure workplace, and have a duty to conduct themselves in a respectful manner and to adopt behaviours free from all forms of violence.

Any employee who believes that he or she has been a victim of or witness to violence shall take the following actions:

- 1- If the employee is able to speak to the alleged offender, inform the person of his or her disapproval and ask the person to stop the behaviour,
- 2- Report any act of violence to his or her immediate superior or, if an act of violence is committed by the latter, to the General Manager;
- 3- Report any act of violence to the Mayor if an act of violence is committed by the General Manager;
- 4- Cooperate in any investigation conducted into a complaint about violence in the workplace when so required.

4.3 The Immediate Superior

The immediate superior (the Mayor, in cases involving the General Manager) to whom a breach of the *Zero Tolerance Policy* has been reported shall ensure the confidentiality of the process, unless he or she is required to disclose certain facts in the context of an investigation, disciplinary or administrative measures, or a dispute.

The immediate superior shall assist the complainant or the witness and provide him or her with the appropriate

support. He or she shall also act in an equitable and diligent manner.

More specifically, he or she shall:

- 1- put a stop to a stop to all forms of violence as soon as he or she is witness to such situations;
- 2- assist the complainant in disclosing any such incident, if applicable;
- 3- immediately inform the “designated person” of any problem raised with respect to application of the Policy.

5. PROCEDURE FOR HANDLING A REPORT OR COMPLAINT

5.1 Designated person

For the purposes of this section, the “designated person” who is to receive reports or complaints is the General Manager of the Municipality. If the General Manager is involved in the complaint, the victim shall address the Mayor of the Municipality.

5.2 Ask the harasser to stop

If the victim is able to, he or she shall inform the offender that his or her behaviours, gestures, or words are offensive, and that, in his or her opinion, they constitute violence within the meaning of this Policy.

It is essential that the victim take notes on all pertinent facts such as words, gestures, dates, times, locations, and witnesses.

5.3 Report the violence

If the violence recurs or if the victim is unable to speak directly to the offender, he or she shall inform his or her immediate superior or the “designated person.”

Once a person has reported an incidence of violence, the “designated person” asks him or her what happened and when, how often it occurred, and if anyone else was present, and records the substance of this conversation.

If the victim so desires, he or she asks the “designated person” to help him or her communicate with the other party or to speak with the other party on his or her behalf before filing a formal complaint.

5.4 File a complaint

If the victim does not want the “designated person” to take informal steps with the other party, or if this process does not yield the desired outcome, the victim may file a formal complaint. This complaint shall be filed within 90 (ninety) days of the last manifestation of the reported conduct, unless a shorter time limit is likely to be applicable in a given workplace.

The victim shall be informed of, and consent to, the submission of the alleged facts of violence in writing to the person targeted by the complaint in order to give the latter the opportunity to respond.

The “designated person” may propose a settlement, in particular, through conciliation or mediation, or further investigate the complaint by taking the following steps:

- 1- Obtain all relevant information from the complainant;
- 2- Conduct a preliminary analysis of the complaint’s admissibility in light of the facts alleged by the complainant, and if necessary, put temporary protective measures in place;
- 3- Inform the person who is accused of the violence of the alleged facts and obtain his or her response;
- 4- Meet with the witnesses;
- 5- Assess whether, on a balance of probabilities, violence did occur;
- 6- Recommend corrective actions, sanctions, and any other appropriate measures.

The Municipality may also have recourse to the services of an external resource person to handle the complaint in complete confidentiality and to carry out mediation if the parties consent thereto. The resource person shall then report to the “designated person” and, as the case may be, to City Council.

5.5 Substantiated complaint

If the “designated person” concludes, following the investigation, that the complaint is substantiated, he or she shall report to the members of City Council convened in a small group, recommending the measures and sanctions that he or she deems

appropriate. As needed, City Council meets to adopt any measures required under the circumstances.

5.6 Confidentiality

The Employer and the “designated person” undertake to keep all information concerning the complaint file strictly confidential, subject to the following: this information shall only be used for the purposes of an investigation or to manage corrective actions or sanctions, including disciplinary actions, or if so required by law or the courts.

Employees are also responsible for respecting the confidentiality of this information, subject to disciplinary action up to and including dismissal.

5.7 Judicial procedures

a) Complaints filed with the Commission des normes du travail

At all relevant times, an employee may contact the Commission des normes du travail if he or she considers that the matter involves a case of psychological harassment. Sections 123.6 and 123.7 of the *Act Respecting Labour Standards* stipulate as follows:

“123.6 An employee who believes he has been the victim of psychological harassment may file a complaint in writing with the Commission. Such a complaint may also be filed by a non-profit organization dedicated to the defence of employees’ rights on behalf of one or more employees who consent thereto in writing.”

*“123.7 Any complaint concerning psychological harassment must be filed within **90 days of the last incidence of the offending behaviour.**”*

b) Complaints filed with police authorities

At all relevant times, an employee may contact the Sûreté du Québec authorities to file a complaint pursuant to, in particular, the *Criminal Code*.

5.8 Reprisals

No one shall be subject to threats, intimidation, or discrimination for having filed a complaint in good faith or having collaborated as a witness.

Disciplinary actions will be taken against any person whose complaint proves to have been filed with malicious intent or in bad faith. In such cases, disciplinary actions do not constitute reprisals.

6. SANCTIONS

6.1 The Employee

A breach of the *Zero Tolerance Policy* by an employee may result in a decision by the Municipality to apply all sanctions appropriate to the nature and severity of the breach, while respecting the principle of escalating sanctions if it is necessary to apply it.

The Municipality recognizes this principle and the corrective aspect of discipline in the workplace. It further recognizes that the disciplinary action taken must be fair and reasonable, and commensurate with the alleged wrongful behaviour.

The Municipality may choose not to apply the principle of escalating sanctions, depending on the severity of the alleged wrongful behaviour and the circumstances surrounding these facts. It may also file a formal complaint with the Sûreté du Québec.

6.2 Other Parties

In instances where a complaint pursuant to the Policy concerns a person other than an employee (for example, a citizen, visitor, supplier, or subcontractor), the following measures shall apply:

- 1- administrative warning:** a letter signed by the Mayor, or where required, by the General Manager, which reports the facts and asks the person to stop the behaviours in question;
- 2- formal demand:** a letter sent by the Municipality's attorneys that reports the facts; orders the person to stop his or her behaviours; prescribes, as needed, prevention and employee protection measures that will apply in the future, and notifies him or her that in event of a recurrence, other actions will be taken;
- 3- complaint filed with police authorities:** a complaint filed pursuant to the *Criminal Code*; this type of complaint concerns mainly

assaults, material damage, vandalism, death or bodily injury threats, intimidation, wrongful or disruptive behaviour, or attempts to commit such offences.

7. APPLICATION OF CONTROLS

The General Manager has a duty to apply the *Zero Tolerance Policy* to the other employees of the Municipality. He or she shall inform City Council as soon as a complaint has been submitted or an investigation has begun. In addition, he or she shall:

- 1- identify situations that could potentially give rise to manifestations of violence and take measures to rectify them;
- 2- ensure that each employee of the Municipality benefits from a work environment and relations that respect his or her physical and psychological well-being and that are violence-free;
- 3- support other management personnel in the application of prevention and protection measures, where required;
- 4- ensure that employees who are victims of violence at work and their families receive the necessary support and assistance that is available.

8. DISSEMINATION OF THE POLICY

After its adoption by City Council, a copy of the Policy shall be given to each employee of the Municipality, regardless of his or her position or employment status, along with a letter signed by the Mayor and General Manager of the Municipality. Thereafter, all new employees of the Municipality shall, at the time of hiring, receive a copy of the Policy then in force. In addition, copies shall be made available free of charge at all times at the office of the Municipality.

9. ADOPTION AND COMING INTO FORCE

This Policy was unanimously adopted by City Council on May 6th, 2013, and came into force on that date.

Lastly, to raise all parties' awareness of the objectives of the Policy, it shall be revised as needed and be subject to mandatory

adoption by City Council between the third (3rd) and sixth (6th) months following the scheduled date of the elections for the offices of all members of City Council. It shall then be disseminated again, as stipulated above.