



Staff Report

Administration – Human Resources

Report To: COW- Admin, Corp and Finance, SI, Comm. Services
Meeting Date: October 27, 2025
Report Number: ADM.25.069
Title: Whistleblower Policy
Prepared by: Sarah Traynor, Manager of Human Resources

A. Recommendations

THAT Council receive Staff Report ADM.25.069, entitled “Whistleblower Policy”;

AND THAT Council approve the new Corporate Policy entitled “Whistleblower, POL.COR.25.XX” as attached to the report;

AND THAT Council approve revisions to the “Employee Code of Conduct, POL.COR.25.02” and “Respect in the Workplace, POL.COR.24.02” policies to include a reference to the availability of the Whistleblower reporting tool for staff, as attached to this report.

B. Overview

This report is seeking Council approval of a new corporate Whistleblower policy for Town employees.

C. Background

At the [January 27, 2025, Council Meeting](#), Council provided the following direction to staff:

THAT Council of the Town of The Blue Mountains receives for information and consideration, the following recommendation from the Accountability and Transparency Committee dated December 20, 2024:

THAT the Accountability and Transparency Committee acknowledges that they have provided comments to Sarah Traynor in response to the Employee Whistleblower Policy.

AND THAT the Accountability and Transparency Committee requests Council to direct staff to pause work on the Employee Whistleblower Policy until the Staff Code of Conduct Policy has been approved, CARRIED

AND THAT Council direct staff to pause work on the Employee Whistleblower Policy until the Staff Code of Conduct Policy has been approved.

The motion is Carried.

The new Employee Code of Conduct, POL.COR.25.02, was approved by Council on July 14, 2025 ([Staff Report ADM.25.046](#)).

D. Analysis

The Whistleblower Policy provides Town employees with a secure and anonymous method to report waste or misconduct within the Municipality, particularly benefiting those who fear retaliation or are uncomfortable using standard reporting channels. This policy ensures that employees can confidentially report concerns about waste, fraud, or inappropriate conduct at work, with protections in place to prevent reprisals against those who come forward.

It is important to note that all Town employees are expected to report workplace misconduct, breaches of Town policies, procedures and by-laws, as well as wasteful, fraudulent or inappropriate behaviour in the workplace. The Whistleblower Policy does not replace procedures set out in the Employee Code of Conduct or other Town policies. Reporting procedures outlined in those policies should be adhered to, unless there are circumstances requiring the independence of the Whistleblower Policy.

Encouraging safe reporting of unethical practices through the Whistleblower policy helps prevent fraud and misuse of resources, enhances workplace morale by ensuring a fair environment, and strengthens public trust by demonstrating the Town's commitment to ethical governance. To ensure impartial oversight and prevent bias, staff recommend contracting a third-party to perform all Whistleblower Program Administrator responsibilities in section 7 and follow-up responsibilities in the procedures section of the draft policy.

Additionally, the Occupational Health and Safety Act (OHSA) requires employers to provide third-party reporting mechanisms for workplace harassment when the "alleged harasser" is the employer. The Whistleblower Program Administrator also fulfills this requirement. Should an employee use the reporting form to report an OHSA violation, the Administrator will forward the complaint to the appropriate authority within the Town. The Whistleblower Program Administrator does not investigate harassment allegations directly; these allegations are referred back to the employer for investigation.

Staff reviewed the draft Whistleblower Policy with the consultant that provides Whistleblower Program Administrator services and incorporated their feedback into the revised draft.

The Town's Respectful Workplace policy, POL.COR.24.02, has been updated to incorporate the availability of the Whistleblower reporting tool. The Town's new Employee Code of Conduct policy and Complaint and Investigation Procedure, POL.COR.25.02, was also updated to incorporate the availability of the Whistleblower reporting tool.

Upon Council approval of the Whistleblower Policy and related budget for a third-party administrator, staff will collaborate with the consultant to implement the program. This process will include rolling out the program and providing training for leaders and staff, with a launch date set for January 2026.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders.

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

F. Environmental Impacts

N/A

G. Financial Impacts

The budget for administering the Whistleblower Program includes an annual base fee of \$1,000 plus HST, covering the setup and hosting of an online reporting form. Any time spent administering the program, specifically handling submitted reports, is billed at a rate of \$100 per hour plus HST. The annual base fee and a contingency for additional administration fees have been added to the HR operating budget for 2026.

H. In Consultation With

Jennifer Patton, Human Resources/Health and Safety Advisor

Adam Smith, Chief Administrative Officer

I. Public Engagement

The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Sarah Traynor, Manager of Human Resources hr@thebluemountains.ca.

J. Attached

1. POL.COR.25.XX Whistleblower Policy Draft
2. POL.COR.24.02 Respectful Workplace Policy - With Whistleblower Reporting Tool Reference
3. POL.COR.25.02 Employee Code of Conduct Policy - With Whistleblower Reporting Tool Reference

Respectfully submitted,

Sarah Traynor
Manager of Human Resources

For more information, please contact:
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Report Approval Details

Document Title:	ADM.25.069 Employee Whistleblower Policy.docx
Attachments:	- Attachment-1-POL-COR-25-XX-Whistleblower-Policy-Draft.pdf - Attachment-2-POL-COR-24-02-Respectful-Workplace-Policy-With-Whistleblower-Reporting-Tool-Reference.pdf - Attachment-3-POL-COR-25-02-Employee-Code-of-Conduct-Policy-With-Whistleblower-Reporting-Tool-Reference.pdf
Final Approval Date:	Oct 16, 2025

This report and all of its attachments were approved and signed as outlined below:

Sarah Traynor - Oct 16, 2025 - 11:02 AM

Adam Smith - Oct 16, 2025 - 4:50 PM



Policy

POL.COR.25.XX Whistleblower Policy

Policy Type:	Corporate Policy (Approved by Council)
Date Approved:	Month, 00, 2025
Department:	Administration
Staff Report:	ADM.25.069
By-Law No.:	Not Applicable

Policy Statement

The Town of The Blue Mountains (the “Town”) is dedicated to fostering transparency, ethical standards, and accountability, ensuring a fair and respectful work environment. The Town’s Whistleblower Policy facilitates anonymous reporting and investigation of resource misuse or serious misconduct when there is fear of reprisal using established channels.

Purpose

The purpose of the Whistleblower Policy is to:

- a) Ensure that all employees, job applicants, volunteers, and students of the Town understand that they have the right to raise concerns or file a complaint where there is an honest belief that employees are engaged in wrongdoing that may adversely affect the Town or the people and groups whom it serves;
- b) Provide employees, job applicants, volunteers, and students of the Town with a system whereby they can disclose any knowledge of actual or intended misconduct which may be wasteful of tax payer's dollars, unethical, illegal or fraudulent; and,
- c) Provide employees, job applicants, volunteers, and students of the Town who provide such disclosure, and are acting in good faith and on the basis of reasonable belief, with protection from any form of retaliation or threat of retaliation when they do provide such disclosure.

Application

The Whistleblower Policy applies to all Town Employees, including, but not limited to, regular full-time, part-time, casual, temporary/contract, students, and volunteers (collectively referred

to as 'Employees' for the purposes of the Whistleblower Policy). The Whistleblower Policy shall be applied in conjunction with all collective agreements, contracts, legislative requirements, and/or standards identified by an Employee's professional affiliation.

The Whistleblower Policy does not replace procedures set out in the Employee Code of Conduct or other Town policies. Reporting procedures outlined in those policies should be adhered to, unless there are circumstances requiring the independence of the Whistleblower Policy.

The Whistleblower Policy applies to all facets of the Town's Employees' duties and responsibilities, including but not limited to duties performed:

- In the workplace;
- At offsite Town meetings, including attendance at board and committee meetings;
- During work-related travel, conferences, seminars, and training;
- At restaurants, hotels, or meeting facilities being used for business purposes;
- In Town-owned or leased facilities;
- During telephone, email, or other communications, including social media;
- While wearing a Town uniform and/or apparel with the Town logo or Town sub-branding; and
- At any Town-organized social event.

This policy does not apply to allegations of violations of the Council Code of Conduct against a member of Council. Reports about the conduct of a member of Council are to be directed to the Integrity Commissioner.

Definitions

Allegation: A claim or assertion that misconduct has occurred that has not yet been proven as true.

Disclosure: Making information known about misconduct through verbal or written means to the appropriate authority.

Employee: Refers to all unionized and non-unionized Town Employees, Managers, Senior Management, Supervisors, the Chief Administrative Officer (the "CAO"), Paid Per Call Firefighters, as well as students and volunteers.

Frivolous/Vexatious: A report submitted by a Whistleblower may be determined to be frivolous or vexatious at any stage if it is obvious or becomes known to the Whistleblower Program Administrator, Manager of Human Resources, CAO or external investigator, that:

- The Whistleblower submitted the report knowing the allegations were false;
- The Whistleblower submitted the report with the sole intention of causing harm to the Respondent;

- The Whistleblower has submitted multiple reports suspected to be frivolous or vexatious and has failed to respond to inquiries from the Whistleblower Program Administrator; or
- Any other reason to suspect the Whistleblower is abusing the Whistleblower Policy.

Good Faith: Refers to any sincere, honest intention or belief.

Lawful Authority: Lawful authority pertains to any person directly or indirectly responsible for supervising an employee; any police or law enforcement agency with respect to an offence within its power to investigate; or any person whose duties include the enforcement of provincial or federal law within their power to investigate. The Whistleblower Program Administrator is a lawful authority for the purposes of this policy.

Misconduct: Refers to any illegal action or violation of Town policy in the opinion of the person reporting the wrongdoing and which may include (but is not limited to) the following:

- A violation of federal, provincial, or local laws or regulations;
- Serious violations of Town policy;
- Negligent, improper or gross mismanagement of Town resources;
- Misuse of client files and information;
- Corruption, fraud, or mismanagement of Town resources, including financial mismanagement or misuse of authority;
- Unauthorized concealment, deletion, alteration or manipulation of computer files;
- Substantial or specific danger to public health and safety; and
- Professional misconduct or incompetence.

Misconduct for the purpose of the Whistleblower Policy also includes any retaliatory measures against any individual who is protected under Town policy.

Report: Refers to information provided by a Whistleblower to the Whistleblower Hotline and/or Manager of Human Resources regarding allegations of misconduct.

Respondent: The subject(s) of a Report made under the Whistleblower Policy who is alleged to have committed misconduct or engaged in retaliation.

Retaliation: Refers to reprimands, termination, loss of advancement opportunities, reduction in pay, harassment, threats, coercion, interference, intimidation at work, financial penalty, or any other form of reprisal directed at an Employee making a report or participating in an investigation under this Whistleblower Policy.

Substantiated: Following an appropriate investigation of the circumstances, reports made under the Whistleblower Policy will be deemed to be substantiated where sufficient evidence exists to determine that any allegation contained in the report was proven. Reports may be

substantiated in part. The civil standard of “balance of probabilities” will be used to substantiate allegations.

Unsubstantiated: Following an appropriate investigation of the circumstances, reports made under the Whistleblower Policy will be deemed to be unsubstantiated where the evidence does not support an allegation or where insufficient evidence exists to determine if any allegation contained in the report has occurred. The civil standard of “balance of probabilities” will be used to unsubstantiate allegations.

Whistleblower: Refers to an Employee, job applicant, volunteer, contractor and student of the Town who, in good faith, reports misconduct or retaliation, and includes self-reporting.

Whistleblower Hotline: A confidential and secure platform, accessible by an online web form and available 24 hours a day.

Whistleblower Program Administrator: Refers to an independent third-party contracted to receive reports submitted through the Town’s Whistleblower Hotline and reports directly to the Manager of Human Resources.

Procedures

Policy:

1. Where an individual acting in good faith and on the basis of reasonable belief becomes aware of actual, suspected or intended misconduct of Town Employees, or retaliation for reporting misconduct or participating in an investigation into misconduct, they have a moral and lawful duty to report such misconduct to lawful authorities within the timeframe specified in paragraph 4.
2. An individual, acting in good faith and on the basis of reasonable belief, may refuse to carry out any order or direction which is illegal, unethical, or against Town policy and which is given by an individual who has direct or indirect control over the Employee’s employment. Such refusals must be reported immediately to the Manager of Human Resources and CAO.
3. Nothing in the Whistleblower Policy is meant to take precedence over an individual’s duties under federal or provincial law, or common law. Any unlawful misconduct or incident which may affect public safety must be reported to the Whistleblower Hotline, Manager of Human Resources and/or proper lawful authorities immediately.
4. Individuals who believe they have witnessed an act or acts of misconduct should report the incident(s) to their direct supervisor, Manager of Human Resources, and/or the CAO through established channels, or anonymously through the Whistleblower Program when they fear reprisal, preferably within thirty (30) days of the incident occurring. Any delays in reporting misconduct can make the case against the individual who has

engaged in misconduct more difficult to establish. Reports that contain sufficient information to conduct an investigation shall be fully investigated in a timely manner, and any Employee found to have participated in actions constituting misconduct shall be subject to discipline, up to and including termination for cause.

5. A report that is deemed to be frivolous or vexatious or contains insufficient information to proceed to an investigation will not be investigated. Wherever possible, attempts will be made to obtain further information from the Whistleblower before this determination is made.
6. The Whistleblower Policy attempts to uphold the Town's commitment to maintaining high ethical standards and legitimate business practices, and as such abuse of the Whistleblower Policy will not be tolerated.

Responsibilities:

7. The **Whistleblower Program Administrator** is responsible for:
 - a) Reviewing reports submitted to the Whistleblower Hotline within 24 hours of the reports being submitted;
 - b) Whenever possible, communicating with the Whistleblower to obtain additional information;
 - c) Assessing the situation in order to make a determination regarding the investigation process that is appropriate to follow in the circumstances, which may include consulting with the Manager of Human Resources if doing so would not jeopardize the investigation;
 - d) Directing reports to the Manager of Human Resources to be investigated, or if the report contains sufficient information, and alleges serious misconduct by the Manager of Human Resources, the report is directed to the CAO;
 - e) Directing reports to an external investigator where there is sufficient information and serious allegations of misconduct by the CAO, or where other factors exist which require the matter be handled externally;
 - f) Informing Council, at a closed meeting, when a report is directed to an external investigator, and the results of the investigation;
 - g) Ensuring there is diligent follow-up of all reports received, and the Whistleblower is kept informed throughout the process and the result of any investigation, and has the opportunity to provide input;
 - h) Providing a report to the Manager of Human Resources and CAO with non-identifying statistics regarding the utilization of the Whistleblower Hotline, the

number of substantiated and unsubstantiated reports and if any frivolous or vexatious reports were received; as applicable, and

- i) Reporting any matter directly to law enforcement if the report sufficiently identifies an imminent threat to the safety of any person or destruction of public property, if directing the report to the Town would cause an unnecessary delay.

8. **Employees** are responsible for:

- a) Acting in good faith and on the basis of reasonable belief, to report actual, suspected or potential incidents of misconduct;
- b) Co-operating with any investigation by lawful authorities into such allegations;
- c) Adhering to the confidentiality requirements in the section below, in addition to the Town's confidentiality protections outlined in the Employee Code of Conduct Policy, when making reports to external lawful authorities, except where required by law, or where an Employee's safety or public safety is imminently threatened.

9. **Directors/Managers/Supervisors** are responsible for:

- a) Ensuring that all employees, job applicants, volunteers, and students of the Town are provided information on how to access the Whistleblower Program;
- b) Informing the CAO and Manager of Human Resources of any reports received in confidence;
- c) Co-operating with any investigations into misconduct; and
- d) Fostering a work environment which encourages open communication, ethical behaviour, adherence to laws and adherence to Town policy.

10. The **CAO** and **Manager of Human Resources** are responsible for:

- a) Receiving reports of misconduct, alleged misconduct or anticipated misconduct directly from staff and where it is determined by the Whistleblower Program Administrator that the report can be appropriately investigated by the Town;
- b) Assessing the situation in order to make a determination of the investigation process to be followed;
- c) Determining whether external authorities should be notified;
- d) Leading the internal investigation process;

- e) Ensuring the anonymity of the Whistleblower, when required, by taking all available precautions to avoid inadvertent identification of the Whistleblower;
- f) Ensuring all persons accused or suspected of misconduct will be treated fairly and provided the opportunity to respond to allegations of misconduct at an appropriate time, so as to not jeopardize an investigation;
- g) Obtaining additional information from the Whistleblower and keeping the Whistleblower updated on the process through the Whistleblower Program Administrator;
- h) Upon completion of an investigation at a closed meeting, providing Council and the Whistleblower Program Administrator with a summary of the report and outcome of the investigation;
- i) Implementing actions to resolve the issue and ensuring any procedural or policy changes that may be necessary in order to prevent a recurrence;
- j) Developing and preparing, in consultation with Council when appropriate, a communications strategy for internal and external use regarding the misconduct and/or investigation; and
- k) Providing any information or follow-up reports as required by executive management, external authorities or agencies.

In carrying out these responsibilities, the CAO and Manager of Human Resources in their sole discretion, may involve legal counsel and/or independent auditor representatives throughout the process.

Procedure:

11. An Employee, or other stakeholder acting in good faith and on the basis of reasonable belief, who has knowledge or concern that misconduct has occurred or will occur, must report the information:
 - a) In accordance with established Town policies regarding Employee conduct, unless the Whistleblower believes that the circumstance requires the independence of the Whistleblower Policy; or
 - b) To the Whistleblower Hotline within the timeframe set out in paragraph 3, and should include:
 - i. The nature of the misconduct;
 - ii. The name(s) of the individual(s) alleged to have committed the misconduct, and any witnesses (if any);

- iii. The date, time, and location of the misconduct; and
- iv. Any other pertinent information including:
 - What happened and where?
 - What specific aspect(s) of any policy that was breached?
 - Additional evidence or documentation to assist in reviewing the allegation, such as emails, letters or documents.
 - Whether you have brought forward the issue(s) before. If so, when and to whom?
 - If circumstances exist which could jeopardize the investigation if the report is directed back to the employer to investigate.

The Whistleblower and Respondent may also provide any supporting documentation to aid the Whistleblower Program Administrator.

Confidentiality:

12. Every reasonable effort will be made to ensure that any and all information collected under the Whistleblower Policy or through the investigative process is held in strict confidence by anyone involved in the reporting or investigation, except where disclosure is required to prevent imminent harm to any person or destruction of public property, or as required by law.
13. A Whistleblower can choose whether or not they wish to remain anonymous. The following provisions apply to situations when the Whistleblower wishes to remain anonymous:
 - a) The identity of the Whistleblower will not be disclosed to anyone, including the Manager of Human Resources or CAO, without the Whistleblower's explicit consent;
 - b) If there is insufficient information provided in the report, and the Whistleblower chooses to remain anonymous and not provide contact information, the report may need to be classified as unsubstantiated.
 - c) If it is determined by the Whistleblower Program Administrator, Manager of Human Resources or CAO that a report cannot be acted upon due to the anonymity of the Whistleblower, the Whistleblower Program Administrator will communicate this to the Whistleblower;
 - d) At any point in time throughout this process, the Whistleblower can decide to waive anonymity, and maintain their protections outlined in paragraph 29;

- e) The Whistleblower Program Administrator, Manager of Human Resources and CAO will take all available precautions to ensure the ongoing protection of the identity of the Whistleblower, however, situations may arise where, due to the nature of the report, the identity of the Whistleblower becomes known or suspected. In these situations, all information relating to the report remains strictly confidential and the Whistleblower has protections outlined in paragraph 29 of the policy;
 - f) If it is determined that multiple frivolous or vexatious reports were submitted to the Whistleblower Hotline by the same Internet Protocol (IP) address, the Manager of Human Resources or CAO may initiate an investigation as outlined in paragraph 26, and the identity of the Whistleblower may be disclosed to the Town.
14. The following provisions apply to situations when the Whistleblower explicitly waives anonymity at any stage throughout the process:
- a) The identity of the Whistleblower, records or information relating to the workplace wrongdoing, and any details of the alleged misconduct or investigation shall be held in strict confidence by those to whom or through whom the misconduct is reported, and all Employees involved in the investigation.
15. Any Employee who breaches the confidentiality requirements contained in the Whistleblower Policy shall be subject to discipline up to and including termination for cause.

Investigation:

16. The Town seeks to resolve allegations of misconduct in the workplace as expediently as possible. Investigations shall be conducted and the appropriate actions taken within a reasonable period of time following the filing of a report. Reports of misconduct which are not deemed frivolous or vexatious, shall be fully investigated, and any Employee found to have participated in actions of misconduct or retaliation may be subject to disciplinary action, up to and including termination of employment.
17. If a report is directed to the Manager of Human Resources, in accordance with paragraph 7 (d) or paragraph 10 (a), it is at the discretion of the Manager of Human Resources to conduct an investigation appropriate in the circumstances either by internal parties or external parties.
- a) Where the results of the investigation substantiate reasonable grounds that fraud or other criminal activity may have occurred, the Manager of Human Resources and CAO will determine the need to refer the matter to local law enforcement.

18. If a report is directed to the CAO, in accordance with paragraph 7 (d) or paragraph 10 (a), it is at the discretion of the CAO to conduct an investigation appropriate in the circumstances either by internal parties or external parties.
 - a) Where the results of the investigation substantiate reasonable grounds that fraud or other criminal activity may have occurred, the CAO will determine the need to refer the matter to local law enforcement.
19. When an investigation is conducted under paragraph 17 or 18, the Manager of Human Resources or CAO will keep the Whistleblower Program Administrator up to date on the progress, and results of the investigation, so that the Whistleblower Program Administrator can keep the Whistleblower informed.
20. If the Whistleblower Program Administrator determines that a report cannot be appropriately investigated by either the Manager of Human Resources or CAO, in accordance with paragraph 7 (e), it is at the discretion of the Whistleblower Program Administrator to refer the investigation to an external investigator from a list of independent and impartial providers supplied by the Manager of Human Resources.
 - a) The Whistleblower Program Administrator may consult with Council to conduct the inquiries and investigation in a closed meeting, if necessary;
 - b) Where the results of the investigation substantiate reasonable grounds that fraud or other criminal activity may have occurred, Council will determine the need to refer the matter to local law enforcement.
21. At any point in time during the investigation process, the Manager of Human Resources, CAO or Council may implement temporary measures to ensure the integrity of the investigation, the safety of the workplace or protection of public property, these measures may include the Employee being placed on administrative leave either with or without pay.
22. Employees are required to co-operate with the investigation of incidents under this policy. This includes but is not limited to participating in interviews with the investigator and providing any relevant documentation that may be in their possession. If necessary, Employees shall be granted paid time off to do so.
23. Following the investigation, the Whistleblower Program Administrator will communicate the results of the investigation with the Whistleblower. The investigation will be deemed concluded and the results will be communicated to the Respondent(s) of the investigation.
 - a) If the report made by the Whistleblower was a complaint of any form of workplace harassment, the Whistleblower Program Administrator will also

communicate to the Whistleblower any corrective action that has been taken or that will be taken as a result of the investigation.

24. If the Whistleblower Program Administrator, Manager of Human Resources or CAO suspect the report to be frivolous or vexatious, this will be communicated to the Whistleblower and the Whistleblower will be given an opportunity to respond. If the Whistleblower does not respond within 7 days, the report is closed and coded as frivolous or vexatious for reporting purposes.
25. If an individual abuses the Whistleblower Policy by submitting repeated reports deemed to be frivolous or vexatious, the Whistleblower Program Administrator will refer the matter to the Manager of Human Resources or CAO for further investigation. In this case, the identity of the Whistleblower may be obtained by Town legal counsel, and the Employee may be subject to disciplinary measures up to and including termination for cause.
26. If a report is made that alleges a serious threat to the safety of any person or destruction of public property, and it is suspected that the report was made with the intent to mislead the Town to investigate, the Town may refer the matter to local law enforcement. In this case, the identity of the Whistleblower may be obtained by law enforcement.
27. If the Whistleblower is on a medical leave of absence, they must provide the Whistleblower Program Administrator with a letter from their doctor indicating that their participation in the investigation would not be detrimental to their health. If participating in an investigation would be detrimental to the health of the Whistleblower, the investigation will be placed on hold for a period not exceeding 30-days. If the Whistleblower is unable to participate after 30-days, the report will be closed.
28. Employees on an unapproved absence from employment must first fulfill their requirements under the Town absence management policy if they wish to participate in the Whistleblower Program, unless they are refusing to work in accordance with the *Occupational Health and Safety Act*.

Whistleblower Protections:

29. This policy encourages Employees, job applicants, volunteers, and students to freely express their concerns regarding any alleged wrongdoing. A Whistleblower shall not be subject to discipline, termination, demotion, or any form of retaliation, including but not limited to, intimidation, harassment, financial penalty or other threats by reason that:
 - a) The Whistleblower, acting in good faith and on the basis of reasonable belief, reports actual, suspected or intended misconduct as outlined in paragraph 1 or 2; or

- b) The Whistleblower, acting in good faith and on the basis of reasonable belief, refuses to carry out an order or direction which is illegal, unethical, or against corporate policy and reports such refusals in accordance with paragraph 1 or 2; or
 - c) The Whistleblower cooperates with, or provides information to, or testifies in any proceeding against a member of the Town regarding situations outlined in paragraph 1 or 2.
30. Anyone who attempts to engage in any retaliation against a Whistleblower following a disclosure made under this policy will be subject to disciplinary action, up to and including termination of employment.

Reporting:

31. As applicable, the Manager of Human Resources shall submit a report to Council on reports initiated under this policy.

Exclusions

Complaints involving elected officials shall be directed to the Integrity Commissioner, and in accordance with. POL.COR.21.06 Code of Conduct for Members of Council, Local Boards and Advisory Committees.

References and Related Policies

- POL.COR.07.05 Purchasing of Goods and Services
- POL.COR.12.11 Corporate Media Relations
- POL.COR.12.13 Information Technology Acceptable Use
- POL.COR.13.23 Corporate Vehicle
- POL.COR.13.24 Progressive Discipline
- POL.COR.18.05 Travel, Business, Mileage Expense
- POL.COR.18.10 Social Media
- POL.COR.22.01 Records and Information Management
- POL.COR.22.02 Hiring of Employees
- POL.HS.06.01 Individual Responsibilities
- POL.HS.19.03 Fit for Duty
- POL.HS.22.07 Respectful Public Interactions
- POL.COR.22.08 Frivolous, Vexatious or Unreasonable Complaints
- POL.COR.24.02 Respectful Workplace
- POL.COR.24.03 Workplace Violence
- POL.COR.24.05 Accountability and Transparency of Town Actions to the Public
- POL.COR.25.02 Employee Code of Conduct and Complaint and Investigation Procedure

- Municipal Act, 2001
- Municipal Conflict of Interest Act
- Municipal Elections Act
- Municipal Freedom of Information and Protection of Privacy Act
- Occupational Health & Safety Act
- Ontario Employment Standards Act
- Ontario Human Rights Code

Consequences of Non-Compliance

Breaches of this policy will be dealt with through the Town's progressive discipline policy.

Review Cycle

This Policy will be reviewed once per term of Council or as required based on revisions to corporate practices or governing legislation.

DRAFT



Respectful Workplace Policy

POL.COR.24.02

Policy Type: Corporate Policy (Approved by Council)
Date Approved: May 13, 2024
Department: Administration
Staff Report: FAF.23.176; FAF.24.010; FAF.24.064
By-Law No.: Not Applicable

Policy Statement

The Town of The Blue Mountains (the Town) is committed to providing a Psychologically Safe work environment for all Workers, members of Council, volunteers (including members of Advisory Committees, Boards and Special Committees), students on placements and individuals contracted by the Town on a “purchase for service” agreement. Acts of Harassment, Bullying, Cyberbullying, Disrespectful Behaviour, and Discrimination will not be tolerated within the Town’s Workplace. Any such act committed by or against any Worker will be investigated as appropriate. Offenders will be subject to discipline up to and including termination of employment and/or legal action.

The Town has established a Respectful Workplace program that implements this policy. It sets clear expectations of Respectful Workplace behaviour to prevent Disrespectful, Harassing or Discriminatory Workplace behaviours from occurring. Additionally, the policy and program outline the steps required to report and resolve complaints of disrespect, Harassment and Discrimination.

The Town will ensure this policy and the supporting program are implemented and maintained and that all Workers and Supervisors have the appropriate information and instructions to protect them from Harassment in the Workplace.

Supervisors will adhere to this policy and the supporting program. Supervisors are responsible for ensuring that measures and procedures are followed by Workers and that Workers have the information they need to protect themselves.

Every Worker must work in compliance with this policy and the supporting program. All Workers are encouraged to immediately raise any concerns about Workplace Harassment and to report any incidents or threats.

Management pledges to investigate and take action to resolve and prevent any incident or complaint of Harassment and Discrimination in a fair and timely manner, respecting the privacy of all concerned to the extent possible.

(See Appendix A for the policy format for posting)

Purpose

The Town of The Blue Mountains (the Town) is committed to providing and maintaining a work environment that is based on respect for the dignity and rights of everyone in the organization. The Town strives to maintain a positive and Respectful Workplace where all individuals have a shared responsibility to:

- promote positive communication;
- embrace diversity, equity, and inclusion including anti-racism and reconciliation to foster a sense of belonging, acceptance and value for all;
- support an inclusive atmosphere where everyone can thrive;
- encourage fair and respectful treatment;
- encourage thinking about how other people want and deserve to be treated;
- acknowledge and reward polite, courteous and considerate conduct;
- promote collaboration, teamwork and active listening;
- support the sharing of opinions and ideas in an open-minded, understanding manner;
- encourage positive feedback for ideas, suggestions or successes; and,
- think before we act, speak or type and consider how our actions affect others.

This is a companion policy to the *Workplace Violence Policy and Program*, which addresses Workplace violence, including actual, attempted, or threatened violence and domestic violence that may occur in the Workplace.

Application

This policy applies to all Town Workers and Third Parties (as defined herein).

The only exceptions are for Members of Council, Local Boards and Advisory Committees who are subject to the Code of Conduct for Members of Council, Local Boards and Advisory Committees including the Discreditable Conduct and Workplace Harassment and Discrimination provisions found in the Code of Conduct.

Definitions

Act: is the *Occupational Health and Safety Act*, R.S.O. 1990, as amended.

Advisor: is a Town-appointed advocate for a Respectful Workplace. An Advisor assists Workers in understanding their rights and obligations under the Town's Respectful Workplace Program.

Complainant: any person who submits a complaint under this program.

Discrimination: a distinction, exclusion or preference based on a protected ground in the Ontario *Human Rights Code*, which has the effect of imposing burdens, obligations or disadvantages on such individual or group not imposed upon others, or that withholds or limits access to opportunities, benefits and advantages available to other members of society.

The protected grounds are: citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, gender expression, receipt of public assistance (in housing) and record of offences for which a pardon has been granted under the federal Criminal Records Act and has not been revoked, or an offence in respect of any provincial enactment.

Discrimination is a form of Harassment and may include comments or conduct based on the protected grounds in the Ontario *Human Rights Code* that the recipient does not welcome or that offends them.

Some examples of Discriminatory Harassment include:

- offensive comments, jokes or behaviour that disparage or ridicule a person's membership in one of the protected grounds, such as race, religion or sexual orientation;
- imitating a person's accent, speech or mannerisms;
- persistent or inappropriate questions about whether a person is pregnant, has children or plans to have children;
- inappropriate comments or jokes about an individual's age, sexual orientation, personal appearance or weight.

Harassing comments or conduct can poison someone's work environment, making it a hostile or uncomfortable place to work, even if the person is not being directly targeted. This is commonly referred to as a **poisoned working environment** and it is also a form of harassment.

Some examples of actions that can create a poisoned work environment include:

- displaying offensive or sexual materials, such as posters, pictures, calendars, Web sites or screen savers
- distributing offensive e-mail messages or attachments, such as pictures or video files
- practical jokes that embarrass or insult someone
- jokes or insults that are offensive, racist or discriminatory in nature

Disrespectful Behaviour: failing or refusing to treat others in a professional, courteous, dignified, fair and/or equitable manner, whether through words or actions. Some examples of Disrespectful Behaviour may include:

- intentionally ignoring communication, such as failing to return phone calls, voice mails, e-mails, or acknowledging others;
- habitually being late for appointments and meetings or repeatedly not showing up or unnecessarily rescheduling meetings without approval from a Supervisor;
- gossiping or speaking negatively about others;
- disrespectful conduct during meetings including repeatedly interrupting, talking over people, having side conversations, or repeatedly texting/emailing;
- disrespectful emails or other written communications;
- communicating private information, including reprimands, in a public forum;
- rude comments and statements whether directed at a particular individual or not; and/or,
- using demeaning and inappropriate language.

Indirect Communication: includes electronic communication (e.g. text message, e-mail, social-network site), written (cards, letters), via a third person (relay message, delivery), via telephone or fax, or any other means. See also Cyberbullying under the definition of Workplace Harassment.

Psychological Safety: is the absence of harm and/or threat of harm to mental well-being that a Worker might experience.

Respectful Workplace: means a positive, safe, and healthy Workplace that results in the preservation of dignity and creates a culture that supports an individual's physical, emotional, social, and psychological health and safety.

Respondent: the person against whom a complaint is made under this program.

Sexual Harassment: The *Act* defines Workplace Sexual Harassment as:

- engaging in a course of vexatious comment or conduct against a Worker, in a Workplace because of sex, sexual orientation, gender identity or gender expression where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- making a sexual solicitation or advance where the person making it is in a position to confer, grant or deny a benefit or advancement to the Worker and the person knows or ought reasonably to know the solicitation or advance is unwelcome

Workplace Sexual Harassment can involve unwelcome words or actions associated with sex, sexual orientation or gender that are that are known or should be known to be offensive, embarrassing, humiliating, or demeaning to a Worker or group of Workers, in a Workplace. It can also include behaviour that intimidates or isolates individual(s).

The comments or conduct typically happen more than once, although a single unwelcome solicitation or advance from a Worker, a manager, a Supervisor, or another person who has the power to reward or punish the Worker, may constitute Workplace Sexual Harassment.

Workplace Sexual Harassment may include:

- asking questions, talking, or writing about sexual activities;
- rough or vulgar humour or language related to sexuality, sexual orientation or gender;
- displaying or circulating pornography, sexual images, or offensive sexual jokes in print or electronic form including on social media;
- leering or inappropriate staring;
- invading personal space;
- unnecessary physical contact, including inappropriate touching;
- demanding hugs, dates, or sexual favours;
- making gender-related comments about someone's physical characteristics, mannerisms, or conformity to sex-role stereotypes;
- verbally abusing, threatening or taunting someone based on gender or sexual orientation; or,
- threatening to penalize or otherwise punish a Worker if they refuse a sexual advance.

Where the conduct or behaviour includes inappropriate sexual touching, this may also constitute a criminal offence such as sexual assault and may warrant police intervention.

What are **Gender Identity** and **Gender Expression**?

- Gender Identity is each person's internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person's gender identity may be the same as or different from their birth-assigned sex. Gender identity is fundamentally different from a person's sexual orientation.
- Gender Expression is how a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways of expressing gender

Supervisor: is the person to whom a Worker directly reports concerning matters related to their employment. Examples include Supervisor, Manager, Director, CAO, CEO, Board and Council.

Systemic Discrimination: includes patterns of behaviour, policies or practices that are part of the structure of an organization which create or perpetuate disadvantage for anyone based on

the protected grounds under the Ontario *Human Rights Code*. Systemic Discrimination may be intentional or unintentional.

Third Party: is a person who is not a Worker or a Supervisor. This includes individuals contracted by the Town on a “purchase for service” agreement, members of the public, customers and domestic/intimate partners.

Workplace Harassment and Bullying: is a health and safety issue that is covered under the *Act*.

The *Act* defines "Workplace harassment" as:

- Engaging in a course of vexatious comment or conduct against a Worker in a Workplace that is known or ought reasonably to be known to be unwelcome.

Workplace Harassment may have some or all of the following components:

- it is generally repetitive, although a single serious incident may constitute Workplace Harassment if it undermines the recipient’s psychological or physical integrity and has a lasting harmful effect
- it is hostile, abusive or inappropriate and can be delivered via direct or Indirect Communication
- it affects the person’s dignity or psychological integrity
- it results in a poisoned work environment

In addition, behaviour that intimidates, isolates or discriminates against the recipient may also be included.

Some examples of Workplace Harassment include:

- verbally abusive behaviour, such as yelling, insults, ridicule and name-calling, including remarks, jokes or innuendoes that demean, ridicule, intimidate or offend
- Workplace pranks, vandalism, bullying and hazing
- gossiping or spreading malicious rumours
- excluding or ignoring someone, including the persistent exclusion of a particular person from Workplace-related social gatherings
- undermining someone else’s efforts by setting impossible goals with short deadlines and deliberately withholding information that would enable a person to do their job
- providing only demeaning or trivial tasks in place of normal job duties
- humiliating someone
- sabotaging someone else’s work
- displaying or circulating offensive pictures or materials
- offensive or intimidating phone calls or e-mails

- impeding an individual's efforts at promotions or transfers for reasons that are not legitimate
- making false allegations about someone in memos or other work-related documents
- cyberbullying is deliberate, repeated bullying or harassing behaviour that uses the internet, social media, or other web-related technology, such as email and text messages, experienced by a Worker.

The alleged harasser does not necessarily have to have power or authority over the victim. Harassment can occur from co-worker to co-worker, Supervisor to Worker and Worker to Supervisor.

Harassment can be subtle or overt. It may be a single event or may involve a continuing series of incidents. Harassing behaviour may be unintended or deliberately directed at another individual. In any case, the impact on that individual is what matters.

What is not Harassment?

Workplace Harassment should not be confused with legitimate, reasonable management actions that are part of the normal work function, including:

- Constructive, respectful disagreement among co-workers.
- Normal and appropriate exercise of Supervisory responsibilities, including appropriate performance management, training, work assignment and discipline.
- Normal social interaction, good-natured joking and appropriate humour in the Workplace.
- Requesting medical documents in support of an absence from work

The test of harassment:

- It does not matter whether a person intended to offend someone. The test of Harassment is whether that person knew or should have known that the comments or conduct were unwelcome to the other person. For example, someone may make it clear through their conduct or body language that the behaviour is unwelcome, in which case the person must immediately stop that behaviour.

Worker: a person who performs work or supplies services for monetary compensation, or as otherwise defined under the *Act*. Worker includes students and any person recognized by the Town as a volunteer.

Workplace: means any land, premises, location or thing at, upon, in or near which a Worker works. For clarity, this includes all locations where Employees conduct Town business or social activities and where their behaviour may have a subsequent impact on work relationships, work environment and/or performance. This includes when employees are working remotely,

including from home. Incidents that occur by way of electronic communication (e.g. unwelcome phone calls, voice mail, texting, group chat messages, on e-mail or other social media and the display of offensive materials on computers, smartphones or other computing devices) will be considered to have occurred in the Workplace if directed to or from Employees and where such conduct may reasonably be expected to have an impact on work relationships, the work environment and/or performance.

Procedures

A. Preventing Harassment

It is a mutual responsibility of all Workers to ensure that the Town creates and maintains a Harassment-free Workplace, from all possible sources, including Supervisors, Workers and Third Parties.

1. The Town's Commitment

The Town will not tolerate or condone Discrimination or Harassment in the Workplace. This includes ensuring everyone in the organization is aware of what behaviour is and is not appropriate, investigating complaints as appropriate and imposing corrective action where necessary.

2. Duties of Supervisors

Supervisors are expected to assist in creating a harassment-free Workplace and to immediately contact an Advisor if they receive a complaint of Workplace Harassment, or are witness to or become aware of harassment. Specific expectations of Supervisors include:

- Actively promote a Respectful Workplace.
- Proactively approach Workers if they demonstrate signs of being harassed or discriminated against. Symptoms of Harassment or Discrimination may include reduced productivity, changes in behaviour, rumours, increased sick leave, increased resignations, or sudden changes in performance.
- Discuss the situation with the alleged harasser. They may be unaware that their behaviour is offensive. Even if the allegations are denied, the discussion should be treated as a warning that inappropriate Workplace behaviour will not be tolerated.
- Keep a record. Supervisors should keep a personal and confidential record of any discussion with an alleged victim and alleged harasser. Records that are made part of an investigation must be kept for one (1) year.
- Seek advice and assistance from an Advisor about the Town's procedures for handling Harassment or Discrimination complaints.

3. Duties of All Workers

All Workers are required to promote and contribute to a Respectful Workplace.

Each Worker must conduct themselves in accordance with this policy and in doing so foster a work environment that is based on respect and is free of harassment.

Workers must set a positive example for one another and for Third Parties present in the Workplace. This means not participating in harassment, or Discrimination towards any person that they may come in contact with in the course of their duties or when acting on behalf of the Town.

Workers must also immediately report any incident or situation of which they become aware which could constitute a violation of this policy to their Supervisor or an Advisor.

4. Duties of Advisors

To assist in understanding one's rights and obligations under this policy, the Town has appointed certain individuals to act as Advisors.

The Town's Advisors are:

- Chief Administrative Officer
- Manager of Human Resources
- HR/Health and Safety Advisor
- Mayor and/or Deputy Mayor (if deemed necessary/requested and/or if a complaint is made against the CAO)

The role of an Advisor is to:

- act as a resource and answer inquiries with respect to this policy
- maintain confidentiality to the extent possible of any incident or complaint pertaining to this policy, unless the Advisors are required to release information by law, or where necessary to protect a Worker or another individual, or if the Advisor believes a criminal act has been committed
- assist in the informal resolution of complaints through counselling
- engage in discussions with the Respondent to see if the matter can be resolved informally
- refer staff and their loved ones to external counselling such as the Employee Assistance Plan

Advisors are impartial and may provide assistance in resolving issues of Harassment and Discrimination to any Worker or Third Party. That can include facilitating a solution between two or more affected parties or assisting a Complainant, Respondent or witness during an investigation.

Advisors are advocates for a Respectful Workplace - they are not advocates for a particular individual. Advisors maintain confidentiality to the extent practicable and appropriate under the circumstances.

If a complaint is made against the CAO, the Mayor and/or Deputy Mayor will act as the Advisor.

B. Procedure for Resolving and Investigating Harassment Complaints

1. Informal Procedure

If a Worker believes they have experienced Harassment and feels comfortable doing so, the Worker is strongly encouraged to tell the person why the behaviour is perceived to be harassing, that the behaviour is unacceptable and that you want them to stop. A Worker should do so as soon as they receive any unwelcome comments or conduct. Although this may be difficult to do, telling the person that you do not like their actions is often enough to stop the behaviour.

Some of the things a Worker can say that might stop the behaviour include:

- "I don't want you to do that."
- "Please stop doing or saying . . ."
- "It makes me uncomfortable when you . . ."
- "I don't find it funny when you . . ."

If the conduct persists or if the request to stop is not respected by the other individual, the worker should report the incident to and, if necessary, seek the assistance of a Supervisor, Manager, Union Representative (if applicable), or Human Resources.

The Worker should keep a written record of the date, times and details of the conduct and efforts to stop it.

2. Formal Procedure

If the behaviour continues or if a Worker does not feel that they can (or it is not possible to) speak to the person responsible directly, a Worker may bring a formal complaint to an Advisor in accordance with the table below.

Advisors act as Workplace coordinators with respect to Harassment and Discrimination in the Workplace.

If a Worker brings forward a formal complaint, as much written information as possible will be required, including the name of the person they believe is harassing them, the place, date and time of the incident(s), and the names of any possible witnesses. This

information should be provided on a copy of the Workplace Violence/Harassment Reporting Form (Appendix B).

It is important that complaints are received as soon as possible so that the problem does not escalate and the Town can take appropriate action to stop the unwelcome conduct. Once the complaint is received a formal investigation appropriate in the circumstances will be conducted.

Discrimination and Harassment are serious matters. Therefore, if a Worker decides not to pursue a formal complaint after it is filed, an Advisor may still need to investigate the matter as appropriate in the circumstances and take steps to prevent further harassment. For example, there may be a need to continue with an investigation if the allegations are serious or if there have been previous complaints or incidents involving the Respondent.

Please note that it is the Town’s policy that anonymous complaints do not carry an immediate right of investigation. Anonymous complaints make it difficult for the Town to adequately investigate and take appropriate action, and important information about the alleged incident, potential witnesses and relevant documentation may be missing. While an anonymous complaint will be taken seriously, the Advisor has the discretion to act on the complaint based on the information provided and the extent to which a Respondent would have an opportunity to reasonably respond to the allegation.

Complainant	Submit Formal Complaint to:	An Advisor will report the formal complaint to:
Employee	CAO/Manager of HR or HR/Health and Safety Advisor. Exclusions: If the complaint is regarding the CAO it should be submitted to the Mayor or designate. If the complaint is regarding the Manager of HR it should be submitted to the CAO. All complaints related to a council member are dealt with through the Code of Conduct for Members of Council.	CAO/Manager of HR/Director of Dept.
Volunteer	CAO/Manager of HR or HR/Health and Safety Advisor. All complaints related to a council member are dealt with through the	CAO/Manager of HR/Director of Dept.

Complainant	Submit Formal Complaint to:	An Advisor will report the formal complaint to:
	Code of Conduct for Members of Council.	
Students	CAO/Manager of HR or HR/Health and Safety Advisor. All complaints related to a council member are dealt with through the Code of Conduct for Members of Council.	CAO/Manager of HR/Director of Dept.

Note: If the Respondent to a complaint is the employer (i.e. CAO/Manager of HR or HR/Health and Safety Advisor), the Complainant may utilize the Town’s Employee Whistleblower reporting system in accordance with policy POL.COR.25.XX Whistleblower.

3. Investigation Procedure for Workplace Harassment

Workers are required to promptly report the existence of any Workplace Harassment, Discrimination or Bullying to their Supervisor, Manager or Advisor. One or more Advisors will commence an investigation process within three (3) business days of receiving a complaint. The investigation will be conducted by a member of Human Resources or an Advisor, or, at the Town’s discretion, an external investigator, depending on the nature of the incident.

The investigation will include, but not limited to:

- interviewing the Complainant and Respondent to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations
- interviewing witnesses identified by the Complainant and Respondent, if any, or as necessary to conduct a thorough investigation
- reminding the Complainant, Respondent and any witnesses of the confidentiality requirements under this policy
- collecting and reviewing any related documentation from the Complainant, Respondent or a witness
- participants in the investigation are required to cooperate, including by providing the investigator with any relevant documents requested in the course of the investigation
- taking statements during interviews and making detailed notes of the investigation and maintaining them in a confidential file

Once the investigation is complete, the investigator will prepare a written report summarizing the steps taken during the investigation, the complaint and allegations, the response to the allegations and the evidence of any witnesses. The report must also set out findings of fact and conclude whether workplace Harassment was found or not. The report must be submitted to the Manager of Human Resources and/or the CAO or the Mayor/Deputy Mayor, as applicable.

The Town will endeavour to complete any investigation and communicate the results to the Complainant and Respondent within 90 days after the receipt of a complaint, where possible. In some cases, an investigation may take longer. For example, if there are more than five witnesses or one of the parties or a key witness is unavailable (such as on a leave of absence).

4. Corrective Action

The Manager of Human Resources and the CAO in consultation with Council will determine what corrective action (if any) will be taken based on the investigation report, with the exception of complaints that involve the CAO as a Respondent. In this case, Council as a whole will determine the appropriate corrective action, if any.

The Advisors will inform the Complainant and Respondent of the results of the investigation (i.e., a summary of the findings) in writing and of any corrective action that has been or will be taken, if any.

If an allegation of Harassment is substantiated, the Town will take appropriate corrective action, regardless of the Respondent's seniority or position in the Town. The Complainant and Respondent will be advised as to what corrective action, if any, will be taken to prevent further incidents of Harassment but may not be provided specific details of any particular discipline that has been imposed.

Corrective action may include one or more of the following:

- discipline, such as a verbal warning, written warning or suspension without pay
- termination with or without cause
- referral for counselling, diversity and inclusion training, cultural competence training, anger management training, etc., Supervisory skills training or attendance at educational programs on Respectful Workplaces
- a demotion or denial of a promotion
- reassignment or transfer
- financial penalties, such as the denial of a bonus or performance-related salary increase
- any other disciplinary action deemed appropriate under the circumstances
- referral of the Respondent and Complainant to mediation if both parties agree to the process

If there is not enough evidence to substantiate the complaint, corrective action will not be taken.

If a Worker makes a complaint in good faith and without malice, the Worker will not be subject to any form of discipline, regardless of the investigation's findings.

The Town will, however, discipline up to and including termination of employment, any Worker found to have filed a deliberately false or malicious complaint.

C. Procedure for Addressing Harassment or Discrimination by Third Parties

If a Worker believes that a Third Party has harassed or discriminated against them, the Worker must report the Harassment to their Supervisor or an Advisor.

Although the Town has limited control over Third Parties, it will take all reasonable steps to address the issue and prevent further problems from arising. To further this goal, the following steps will be taken:

Supervisors: Supervisors will be the first point of contact for Workers who believe that they have been harassed or discriminated against by a Third Party. Supervisors will:

- Discuss the situation with the Worker
- If possible, discuss the situation with the alleged harasser and ensure that the individual understands the Town's obligation to address the complaint pursuant to this policy. For example, if the alleged harasser is a customer or a contractor and is present in a Workplace, the Supervisor can speak to that person, politely advise them of this Respectful Workplace Program, and ask that they cease their behaviour. In cases of a contractor who is an employee of an organization, the employer should be notified as soon as practicable and should be invited to attend any meetings with the contractor.
- Keep confidential records of all discussions.
- If necessary, seek advice and assistance from an Advisor about the Town's procedures for handling Harassment or Discrimination complaints.

Advisors: Advisors will support and give advice to Workers and Supervisors in addressing Harassment or Discrimination by a Third Party.

If an Advisor is satisfied that Harassment or Discrimination has occurred, and that other measures (e.g., the Worker asking the harasser to stop, or a Supervisor speaking to the harasser) have not been effective in preventing further harassment, the Advisor will prepare a Staff Report detailing the events for Council and recommend that Council assist in ending the Harassment as per their role as Directors in the *Act*.

Upon Council's direction, a letter will be drafted for the Mayor's/Deputy Mayor's signature informing the harasser of this Respectful Workplace Program and insisting that they cease their behaviour. The letter may include language such as:

"I wish to advise you that the Town of The Blue Mountains has in place a Respectful Workplace program which explicitly applies to 'individuals who are not Workers of the Town, such as customers, suppliers or members of the public...'" "The policy, and the *Occupational Health and Safety Act*, define Workplace Harassment as: 'Engaging in a course of vexatious comment or conduct against a Worker in a Workplace that is known or ought reasonably to be known to be unwelcome.'"

"I wish to advise and make clear to you that the comments which you made toward our staff on [date] are considered vexatious comments against our Workers, and such comments are unwelcome."

"Please refrain from making any such comments/conduct toward or about our staff in the future."

If the Harassment continues following the letter from the Mayor, the Town will consider further measures including but not limited to issuing a trespass to property notice, permanently blocking electronic communication and other means that the Town feels are appropriate to prevent further harassment, bullying and violent behaviour from Third Party members of the Workplace.

D. Confidentiality of Complaints and Investigations

The Town recognizes its duty to protect confidentiality as legislated in the *Act*. The Town also recognizes the sensitive nature of Harassment and Discrimination complaints and will keep all complaints confidential, to the extent that it is able to do so. Information obtained about an incident or complaint, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect workers, to investigate and respond to the complaint or situation, and to take corrective action or otherwise as required by law.

Out of respect for the relevant individuals, it is essential that the Complainant, Respondent, witnesses and anyone else involved in the formal complaint investigation maintain confidentiality throughout the investigation and afterwards.

E. Protection from Retaliation

The Town will not tolerate any reprisal or retaliation in any form, including taunts or threats, against anyone who has made a good faith complaint about Harassment or Discrimination or takes part in an investigation into a complaint. Any person who engages in retaliation, reprisal or threat of reprisal against any Worker in relation to a Harassment or Discrimination complaint made or information provided will be disciplined up to and including termination of employment. Breaches of confidentiality during the investigation may be considered a reprisal.

Any reprisal, or expressed or implied threat of reprisal, for making a complaint or providing information regarding same under this Program is a breach of this policy.

F. Policy Awareness, Education and Training

The Respectful Workplace Policy and Workplace Violence Policy will be made available to all employees by providing it as part of employee onboarding and orientation and by making it available and accessible on the Town's intranet. Employees will participate in training from time to time as necessary.

All employees shall receive training with respect to Harassment and violence prevention as soon as practicable after the employee begins to perform work for or provide services to the Town and as frequently thereafter as the Town determines is necessary. The Town will work with the employee to incorporate training into their schedule.

Such training will include training in the definition of harassment, respect, violence, duties, and responsibilities for the prevention of workers and management, a review of the risks of violence inherent in the worker's workplace, a review of violence prevention procedures, incident reporting procedures, correct response procedures and any workplace emergency procedures.

Exclusions

This policy excludes Members of Council, Local Boards and Advisory Committees who are subject to the Code of Conduct for Members of Council, Local Boards and Advisory Committees including the Discreditable Conduct and Workplace Harassment and Discrimination provisions found in the Code of Conduct.

References and Related Policies

- *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1
- POL.HS.06.07 Refusal to Work
- POL.COR.13.24 Progressive Discipline
- POL.COR.18.04 Protocol Policy for Complaints Related to Members of Council and Local Boards
- POL.COR.19.02 Council Staff Relationship Protocol
- POL.COR.21.06 Code of Conduct for Members of Council, Local Boards and Advisory Committees
- POL.COR.22.07 Respectful Public Interactions
- POL.COR.22.08 Frivolous, Vexatious or Unreasonable Complaints
- POL.COR.24.03 Workplace Violence
- POL.COR.25.02 Employee Code of Conduct
- **POL.COR.25.XX Whistleblower Policy**
- Appendix A Respectful Workplace – Violence & Harassment Program Posted Policy

Consequences of Non-Compliance

Failure to abide by this policy may result in progressive discipline, up to and including termination of employment, as per the Town of The Blue Mountains discipline policy.

Failure to abide by this policy may also result in termination of purchase agreements and/or any other means which the Town determines is appropriate to prevent further harassment, bullying and Disrespectful Behaviour against Workers by Third Party members of the Workplace.

Review Cycle

This policy will be reviewed as often as is necessary, but at least annually or as required due to legislative changes or as recommended by the Joint Health and Safety Committee and the Senior Management Team for the approval of Council.



Policy

POL.COR.25.02 Employee Code of Conduct

Policy Type:	Corporate Policy (Approved by Council)
Date Approved:	July 14, 2025
Department:	Administration
Staff Report:	ADM.25.046

Policy Statement

The Town of The Blue Mountains (the Town) is committed to delivering exceptional programs and services while adhering to the highest ethical standards. All employees and volunteers must comply with this Code of Conduct, ensuring their personal interests do not conflict with their official duties. This Code is based on shared principles of honesty, transparency, trustworthiness, objectivity, Accountability, diligence, and professionalism, which guide the actions of both staff and Council.

Purpose

The Town requires its Employee to conduct themselves in an Ethical manner that reflects the Town's commitment to the principles of honesty, transparency, integrity, trustworthiness, objectivity, impartiality, Accountability, diligence, and professionalism in delivering programs and services to the public and in their interactions within the Workplace.

Town Employees must follow standards of Ethical and professional behaviour in the course of their work to ensure that public confidence and trust is maintained. This Code of Conduct establishes expectations for Ethical conduct and establishes standards designed to promote and protect the public's interest and enhance public confidence and trust in the integrity, objectivity and impartiality of the Town and its Employees.

Application

This policy applies to all Employees and volunteers of the Town of The Blue Mountains and includes:

- All full-time and part-time Employees, unionized and non-union employees
- All permanent, contract, seasonal, students, and temporary Employees
- All volunteers and Paid Per Call Firefighters (Board & Committee Volunteers must abide by their respective Code of Conduct)

Nothing in this Code is meant to conflict with the Town's obligations to its Employees under applicable employment legislation, collective agreements or employment contracts. Similarly, some Employees (engineers, accountants, planners, etc.) may have professional obligations and should seek clarification from both their manager and their professional associations in the case of a perceived conflict.

Definitions

Accountability: means the Town of The Blue Mountains, its Employees and elected Council's commitment, undertaking and duty to answer to those it serves for its actions, inactions and general state of affairs.

Business Hospitality: Entertainment, food and beverages consumed at banquets, receptions, or similar events, if:

- a) attendance serves a legitimate business purpose;
- b) the person extending the invitation, or a representative of the organization, is in attendance; and
- c) the value is reasonable, and the invitations are infrequent.

Confidentiality: Keeping secret or private information that is intended solely for a specific audience, and shall include, but not limited to, verbal conversations, meeting discussion, records, documents and materials that are made accessible/available only to those explicitly authorized to have access.

Conflict of Interest: A situation in which private or personal considerations, including Pecuniary Interests, Personal Interests or Private Interests, could affect an Employee's judgment in acting in the best interests of the Town and the public's interest.

Apparent Conflict

An Apparent Conflict exists where a reasonably well-informed person, after reviewing and considering the matter, could reasonably conclude that the Employee's ability to exercise their official power or perform their official duties or functions must have been affected by their Personal or Private interests.

Potential Conflict

A Potential Conflict of Interest arises where an Employee has Personal or Private Interests such that, while no conflict has yet arisen, a conflict would arise were the Employee to become involved in discharging Workplace responsibilities in the future that could be influenced by the private interest.

Perceived Conflict

A Perceived Conflict of Interest arises where an Employee's Personal or Private Interests would appear, to a reasonably well-informed person, as potentially compromising their impartiality or decision-making, even though there may not be an actual Conflict of Interest.

Real Conflict

A Real Conflict exists where a Personal or Private interest exists, and that interest:

- a. Is known to the Employee; and
- b. Has a connection to the Employee's duties that is sufficient to influence or interfere with the performance of those duties.

Direct Reporting Relationship: a relationship in which one Employee has authority to do the following with respect to the other (the subordinate):

- approve or deny increments, overtime or negotiate salary levels.
- conduct performance appraisals.
- administer discipline; or
- direct work assignments

Employee / Staff: Includes the following:

- All full-time and part-time, unionized and non-union Employees
- All permanent, contract, seasonal, students, and temporary Employees
- All volunteers and Paid Per Call Firefighters (Board & Committee Volunteers must abide by their respective Code of Conduct)

Ethical Behaviour: The application of moral principles, standards of behaviour, and a set of values regarding proper conduct in the Workplace. This includes the principles of conduct governing the Town's Employees based on honesty, transparency, integrity, trustworthiness, objectivity, diligence and professionalism and is consistent with the Town's values.

Fraud or Fraudulent Activity: Wrongful or criminal deception intended to result in personal or financial gain. This may include intentional perversion of truth in order to induce another to part with something of value or surrender a legal right. Also includes the act of deceiving or misrepresenting.

Gift: Refers to money, fee, advance, payment, Gift, Gift certificate, promise to pay, property, travel, accommodation, entertainment, hospitality or any other personal benefit connected directly or indirectly with the performance of an Employee's duties, but excludes:

- a) Compensation authorized by law
- b) Services provided by persons volunteering their time
- c) Contributions of value that are specifically addressed in other provisions of this Code
- d) Gifts provided to the Town of The Blue Mountains, and which are logged, archived and/or publicly displayed and/or acknowledged as such
- e) A Gift received as a prize or contest

A Gift provided with the Employee's knowledge to an Immediate Relative that is connected directly or indirectly to the performance of the Employee's duties is deemed to be a Gift to that Employee.

Immediate Relative: A parent, spouse, child, sister, brother, sister-in-law, brother-in-law, father-in-law, mother-in-law, as well as step-relationships and half-relationships; spouse shall mean the person to whom a person is married or with whom the person is living in a conjugal relationship outside of marriage. This definition shall also include any other person(s) that are living with the Employee on a full-time basis, whom the Employee has demonstrated a settled intention to treat as an Immediate Relative.

Lobby or Lobbying: Means any communication with a Public Office Holder by an individual who is paid or who represents a business or financial interest with the goal of trying to influence any legislative action including development, introduction, passage, defeat, amendment or repeal of a by-law, motion, resolution or the outcome of a decision on any matter before Council, a Committee of Council, or a staff member acting under delegated authority.

Lobbyist Registry: Means a system of registration in which shall be kept the registrations and returns of persons who Lobby Public Office Holders and which shall include such information as determined by the Lobbyist Registrar. The Lobbyist Registry is a proactive measure to ensure that all Town business is conducted in a manner that is open and transparent, that businesses are treated fairly, and that citizens have access to their local leaders. The registry tracks communication between public officials and people or businesses that have the intention to effect changes to legislation, regulations, programs or services, and interests related to future procurement.

Management Staff: Refers to Supervisors, Managers, Directors and any Employee with the authority to direct, supervise and discipline members of the Town's workforce.

Nominal Value: Goods or services with a face value of less than \$50.

Pecuniary Interest(s): Interests that have a direct or indirect financial impact, including any matter in which an Employee has a financial interest, or in which an Employee is a shareholder, director or senior officer or holds a controlling interest in a corporation, and that corporation has a financial interest. This also includes instances where the Employee is a partner of a person or is in the employment of a person that has a financial interest, or an Immediate Relative of an Employee has a financial interest, if known to the Employee.

Personal Interests: Involves forms of advantage other than financial, such as seeking employment, an appointment, promotion or transfer with the Town on behalf of an Immediate Relative.

Political Activity: Includes, but is not limited to, being a candidate for elected office, campaigning for a candidate for elected office, fundraising for an election campaign, or promoting a political party or cause.

Private Interests: means a relationship, obligation, duty, responsibility or benefit unique to the Employee or a person related to the Employee.

Public Office Holder: means:

- a) A member of Council;
- b) An officer or employee of the Town in a management position or with decision making powers or who have direct contact with Council, Committee and/or Local Board;
- c) A member of a Local Board or Committee established by Council;
- d) Employees who work on municipal elections in a supervisory role;
- e) An Accountability Officer, including but not limited to the Integrity Commissioner, the Lobbyist Registrar, Ombudsman, and Closed Meeting Investigator;
- f) Individuals providing professional services to the Town during the course of providing such services.

Publications: means communication to an Employee, including subscriptions to newspapers and periodicals.

Token of Appreciation: means Gifts or benefits that normally accompany the responsibilities and are received as an incident of protocol or social obligation, or which are a suitable memento of a function honouring the Employee.

Town Property: means all real property, land, fleet (including Town Vehicles), facilities, equipment, materials, supplies, technology resources, hardware, software, communications devices, intellectual property, and documents, including electronic versions thereof.

Town Vehicle: Town Vehicles are as defined in the Town's Corporate Vehicle Policy.

Workplace: Includes any land, premises, location, or thing at, upon, in, or near which an Employee works. For clarity, this includes all locations where Employees conduct Town business or social activities and where their behaviour may have a subsequent impact on work relationships, work environment, and/or performance. This includes when Employees are working remotely, including from home. Incidents that occur by way of electronic communication (e.g. unwelcome phone calls, voice mail, texting, group chat messages, on e-mail or other social media, and the display of offensive materials on computers, smartphones, or other computing devices) will be considered to have occurred in the Workplace if directed to or from Employee and where such conduct may reasonably be expected to have an impact on work relationships, the work environment and/or performance.

Procedures

Rules & Expectations

The Town of The Blue Mountains strives to protect its Employees, vendors, customers, citizens, and the public from any illegal, unethical, Fraudulent or damaging actions committed by Employees, either knowingly or unknowingly.

All Town of The Blue Mountains Employees are required to comply with this policy and be aware of the policies, procedures, laws, and regulations that affect their job. While this Code of Conduct does not cover every situation, Employees are expected to exercise sound judgment and contact their supervisor/manager for clarification or advice when uncertain.

Employees are expected to conduct themselves based on the following standards:

1. Respect

- a) Work together respectfully to promote a Workplace based on trust, honesty, safety, integrity, transparency, Accountability, and openness.
- b) Be fair and civil and operate in a climate of mutual respect and understanding.
- c) Not abuse authority, use intimidation, fear or retaliation in the Workplace. Treat the public with diplomacy, tact, objectivity, fairness and respect and recognize that public contact affects the municipality's public image.
- d) Contribute to a safe and healthy Workplace.

2. Integrity

- a) Always act with integrity and in a manner that will bear the closest public scrutiny.
- b) Never inappropriately use one's official role or position to obtain an advantage for themselves or to advantage or disadvantage others.
- c) Take all possible steps to prevent and resolve any Real, Apparent, Perceived or Potential Conflicts of interest between their official responsibilities and their private affairs in favour of the public interest.
- d) Have an obligation to speak the truth to their fellow staff, superiors and to Council.

3. Stewardship

- a) General:

- i) In accordance with the Municipal Act, Staff's role is to implement the decisions of Council and establish administrative practices and procedures necessary to carry out these decisions.
 - ii) Effectively and efficiently use all Town resources, public funds, and property for the intended purposes.
 - iii) Not engage in Fraud, theft, Fraudulent activities or willful destruction of Town Property.
 - iv) Establish administrative policies, processes, and procedures to effectively safeguard Town resources from abuse, theft, or harm.
 - v) Consider the current and long-term effects that the Employee's actions have on the community, including the environment, and the reputation of the Town of The Blue Mountains.
- b) Confidentiality:
- i) Ensure that sensitive information is appropriately collected, stored, disclosed, provided or shared only to those entitled to it.
 - ii) Not inappropriately disclose (by any means), share, or otherwise abuse confidential or privileged information.
 - iii) Maintain Confidentiality of information both during employment and after departing the organization.
 - iv) Not intentionally misrepresenting information or facts.
 - v) By virtue of their position with the Town of The Blue Mountains, Employee shall not use information for personal or private gain or for the gain of Immediate Relatives or any person or corporation having dealings with the Town of The Blue Mountains.

4. Conflict of Interest

- a) A Conflict of Interest arises when an Employee's Personal or Private Interests conflict with their duties and responsibilities as an Employee of the Town. A Real, Apparent, Perceived, and/or Potential Conflict of Interest can exist whether a Pecuniary advantage has been or may have been conferred on an Employee or an Immediate Relative.
- b) Employees shall not engage in any business transactions or have financial or other Personal Interests which are inconsistent with the impartial discharge of their civic duties.
- c) Employees shall not extend, in the discharge of their official duties, preferential treatment to Immediate Relatives, friends, organizations or groups in which they or their Immediate Relatives or friends have a Pecuniary Interest.

- d) Employees shall not gain personal benefit, directly or indirectly, from any agreement or contract with the Town about which they can influence decisions or affect the outcome or use their position(s) at the Town of The Blue Mountains to further their Private Interests.
- e) Employees shall not gain personal benefit, or permit others to benefit, from access to information acquired in their official capacity which is not generally available to the public through ordinary and proper channels.
- f) Employees are to take immediate action to prevent or resolve Real, Apparent, Perceived or Potential Conflicts, and to inform their supervisor/manager that they are unable to act on a matter in which there is a Real or Apparent Conflict of Interest.
- g) Disclose to their Manager and/or Director, in the case of Directors, to the CAO, in the case of the CAO to Council, in writing in a timely manner, any matter in which there is a Real, Apparent and/or Potential Conflict of Interest. The potential for Perceived Conflicts should also be raised verbally or in writing and in a timely manner, in order to mitigate where possible.
- h) Not participate in the analysis of information or make decisions on an issue or matter in which there is a Real, Apparent, Perceived and/or Potential Conflict of Interest.
- i) Decline employment, including self-employment, from an outside interest that is either incompatible with or in conflict with the Employee's official duties for the Town of The Blue Mountains.
- j) Do not provide preferential treatment and avoid the appearance of preferential treatment by adhering to established procedures.
- k) Adhere to the requirements of the Lobbyist Code of Conduct. Declare any interests as a Lobbyist and register accordingly and further communicate with others the requirement to register when applicable.
- l) The Town does permit individuals with Personal or Private Interests relating to other Staff, Members of Council, Committees or Boards to work for the Town, subject to the following:
 - i) There is no Direct Reporting Relationship between the individuals, as defined.
 - ii) A reasonable person would not consider the situation likely to compromise an individual's impartiality in the performance of their duties, obligations, and/or responsibilities.
 - iii) The circumstances are not reasonably believed to create a risk that a decision may be unduly influenced by Personal or Private Interests.

All new Employees, at the time an employment offer is made, will be required to disclose any such relationships to Human Resources. The employment offer will be conditional on complying with the requirements listed in i – iii above.

All existing Employees must inform the Manager of Human Resources and their Director immediately of current/changes to personal or Private Interests that have the potential to create a real or Perceived Conflict of Interest as indicated in i – iii above.

The Town, at the discretion of the CAO and in compliance with relevant laws and legislation, reserves the right to make changes to employment terms and status in circumstances where other mitigation options are not available to address real and/or Perceived Conflicts of interest resulting from Personal or Private Interests.

5. Accountability

- a) Not perform work that is unrelated to the Town of The Blue Mountains' business during the Employee's business hours. Ensure that time is spent on work responsibilities and is used effectively.
- b) Use Town information, property, and assets for activities associated with the discharge of the Employee's duties. It is recognized that occasional personal use of devices, phones and computers can occur, provided such use does not interfere with normal business operations or productivity, and the Employee is personally responsible for any consequential or additional costs. Such use will not be for illicit, illegal, immoral or disrespectful purposes.
- c) Keep individual political activities separate from the business of the Town, including not engaging in any political activities at the Workplace, during working hours or using Town Property or resources.
- d) Comply with applicable corporate policies and procedures, laws and regulations, including but not limited to:
 - i) Adherence to the policies, procedures and by-laws related to delegated authority (i.e. Council delegated authority, procurement, and expenditure authorities, etc.).
 - ii) Operate/use Town Vehicles, equipment and/or materials in accordance with the respective procedures and applicable Health & Safety requirements.
 - iii) Promoting a respectful Workplace that is free from any form of discrimination, harassment, or violence in accordance with the Town's Respectful Workplace policy, POL.COR.24.02 and Workplace Violence policy, POL.COR.24.03 policies, as amended from time to time.
 - iv) Comply with the Municipal Elections Act and Municipal Act if the Employee wishes to run as a candidate in a municipal election.

6. Impairment *(Also refer to POL.HS.19.03.Fit for Duty Policy)*

- a) Abide by applicable laws, regulations and policies governing the possession, distribution or use of alcohol, cannabis, illicit drugs or medications and ensure that job performance is not adversely affected.
- b) An Employee must not be impaired by the use of alcohol, cannabis, medication (prescribed or non-prescribed), or illicit drugs while at work.
- c) The sale, unlawful possession, manufacture or distribution of alcohol, cannabis, illicit drugs, or non-prescribed medication for which a prescription is legally required, during work hours, is prohibited.
- d) Any Employee who is impaired by alcohol, cannabis, illicit drugs or medication in the course of their employment may be subject to discipline up to and including dismissal.

7. Gifts

- a) No Employee shall accept any Gift unless expressly permitted by this Rule.
- b) No Employee shall accept any Gift involving the use of property or facilities, such as a vehicle, office, club membership or vacation property at less than reasonable market value or at no cost. Notwithstanding this prohibition, with specific approval provided by the CAO, an Employee may be sponsored to attend educational site visits connected with an identified project.
- c) Employees shall not accept Gifts that would, to a reasonable person, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved. For these purposes, a Gift, benefit or hospitality provided with the Employee's knowledge to an Employee's Immediate Relative that is connected directly or indirectly to the performance of the Employee's duties is deemed to be a Gift to that Employee.
- d) No Employee shall knowingly accept Gifts or benefits of any kind from any bidder or potential bidder in either the pre-procurement phase, during or after the procurement process.
- e) Gifts identified in Column B of Table '1' may be accepted by an Employee provided the Gift is disclosed in accordance with the conditions set out in Column C'.
- f) Gift Disclosure, where required, is to be accomplished by filing within 30 days of receipt of the Gift or reaching the annual limit, an Employee Gift Disclosure in a form prescribed by the Manager of Human Resources for posting on the Town's website.
- g) Gifts identified in Column B shall not be accepted without the CAO or designate's specific approval, when the conditions set out in Column D' are applicable.

- h) Should the receipt of a Gift be determined inappropriate, the Employee may be directed to return the Gift, reimburse the donor for the fair market value of any Gift or benefit already consumed, or donate to a charity under the advice and discretion of the CAO.

TABLE 1 - Gift Treatment and Disclosure

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
<u>Type of Gift</u>	<u>Examples</u>	<u>Gift Disclosure</u> <i>Apparent Value at which Gift, or the cumulative value from one source in a calendar year, is disclosable</i>	<u>Gift No Longer Allowable</u> <i>Condition or Actual Value beyond which Gift is not allowable (Value assessed on the basis of a single Gift or cumulative Gift value from one source in a calendar year) (without CAO approval)</i>
Token of Appreciation	Plaques, Pens, Mugs, Vases, Event Photos, and similar	No need to record - Deemed Nominal Value	Where the actual value exceeds \$100, not permissible
	Perishable and consumables, including flowers, food and beverages	No need to record - Deemed Nominal Value	Where the actual value exceeds \$100, not permissible May be allowable with Director or CAO approval
	Gift up to \$50	No need to record - Deemed Nominal Value	Where the actual value exceeds \$50, it shall be provided to staff for appropriate disposition, such as, but not limited to donation to a charity or returned to Gifter.
Course of Business	Publications	No need to record - Deemed Nominal Value	N/A
	Art	Disclosure required for items valued over \$50	Where actual value of Gifts exceeds \$250, not permissible.
	Business Meals	Disclosure required for items valued over \$100	Where the actual value of Gifts exceeds \$250, not permissible.
	Business Hospitality	Disclosure required for items valued over \$100	Where the actual value of Gifts exceeds \$250, may not be permissible Cannot accept event tickets to a Golf, Gala, Sporting, Entertainment, which exceed \$250 per ticket

A	B	C	D
<u>Type of Gift</u>	<u>Examples</u>	<u>Gift Disclosure</u> <i>Apparent Value at which Gift, or the cumulative value from one source in a calendar year, is disclosable</i>	<u>Gift No Longer Allowable</u> <i>Condition or Actual Value beyond which Gift is not allowable (Value assessed on the basis of a single Gift or cumulative Gift value from one source in a calendar year) (without CAO approval)</i>
			May be permissible with CAO approval

8. Responsibilities

All Employees and volunteers of the Town have a responsibility and obligation to adhere to this Code of Conduct and the standards and principles set out within it.

a) **Management Staff must:**

- i) Promote an environment in which Employees demonstrate high standards of Ethical and professional behaviour;
- ii) Undertake research and provide impartial and objective advice to Council concerning the policies and programs of the Town and other duties assigned by the Town, including those required under legislation such as the Municipal Act. Staff reports must be objective and identify a full range of options for Council to consider. The known risks associated with options must be clearly and fully presented. At no time should the fiscal impacts of any option be intentionally minimized by staff.
- iii) Accurately summarize or explain the findings of a consultant’s report, as long as the full report is available and provided to Council. If the report is complex, the consultant should be available to speak to Council and respond to questions and issues that arise from the consultant’s report. If the report is lengthy, the consultant should provide an executive summary of the report.
- iv) Ensure that the Town receives the benefit of the relevant expertise of its staff. Major initiatives at the Town should be disclosed to and considered by the Chief Administrative Officer and Directors.
- v) Take appropriate steps to ensure Employees are aware of and act in compliance with this Code of Conduct and related policies;
- vi) Demonstrate behaviours that are consistent with the Code of Conduct;
- vii) Support Staff members in the adherence to the Code of Conduct;

- viii) Promote a safe and healthy Workplace which promotes the reporting of issues and incidents with no fear of reprisal or retaliation, where the complaint is not frivolous, vexatious or made maliciously;
- ix) Establish and maintain adequate systems, procedures and controls for the operation which support compliance with this Code of Conduct;
- x) Deal in a fair and expeditious manner with any issues or allegations of Code of Conduct violations, in consultation with the Manager of Human Resources / CAO, which may require the advice or investigation of the integrity commissioner or other external consultant(s) or legal counsel, particularly for violations related to a Director or Chief Administrative Officer.
- xi) Begin an investigation into an allegation or complaint within five (5) business days or as soon as possible after receiving an allegation or complaint in writing, which is signed by the complainant.

b) Employees must:

- i) As a condition of employment, sign an acknowledgment at the time of hiring and annually thereafter, certifying that they have read, understood, and agree to comply with the Code of Conduct.
- ii) Not falsify Town records, including timesheets.
- iii) Perform duties in a safe and diligent manner in accordance with job descriptions.
- iv) Seek clarification from their direct supervisor, Director, Manager of Human Resources or the CAO, if uncertain about any information contained in the Code of Conduct.
- v) Adhere to the standards of behaviour outlined in this Code of Conduct.
- vi) Take measures to ensure that they are not influenced in their advice or recommendations to Council by an individual Council member or group of Council members.
- vii) Staff reports, including draft reports, should not be shared or disclosed to individual Council members or groups of Council members, except where explicitly authorized by Council.
- viii) If a Council member requests information from Staff, the requested information should be provided to all Council members. The Code should provide that every effort should be made by Staff to ensure that each member of Council has the same information.

c) **Manager of Human Resources must:**

- i) Ensure the maintenance of the Code of Conduct and human resources-related policies and procedures, and ensure that new Employees are provided with appropriate training.
- ii) Provide, with Human Resources staff, relevant and ongoing education and information relating to the Code of Conduct to Employees, and additional training when updates to the Code of Conduct occur or as new legal or other issues arise.
- iii) Provide advice on matters that are related to the Code of Conduct.
- iv) Support management in the investigation of alleged breaches of the Code of Conduct.
- v) Determine, in conjunction with management, the appropriate disciplinary action for confirmed breaches.
- vi) Ensure that the approved Code of Conduct is posted on the Town of The Blue Mountains website.

9. Reporting and Investigation

- a) Employees who have reasonable grounds to believe a violation of this Code of Conduct has occurred should report such activity or behaviour, in writing, to their Supervisor, Manager, Director, Manager of Human Resources, or Chief Administrative Officer, as appropriate. **If warranted based on severity, Employees may also use the Town's Whistleblower reporting system to make a complaint, following POL.COR.25.XX Whistleblower policy.**
- b) If a complaint is regarding the CAO, it should be submitted to the Mayor or Designate. If the complaint is regarding the Manager of HR, it should be submitted to the CAO.
- c) Supervisory and Management Staff shall take all appropriate steps to prevent and stop Code of Conduct issues which come to their attention.
- d) Any supervisory or Management Staff member who is subject to, witnesses, or is given a written complaint of a Code of Conduct breach or violation shall work to immediately rectify, minimize or eliminate the issue at hand. In the event that this is not possible with available resources, Management Staff is required to report the conflict to their Director, Manager of Human Resources, or Chief Administrative Officer.
- e) The Town shall investigate all complaints of violations of this Code of Conduct and take all appropriate corrective actions to address any identified infractions. All complaints will be addressed in accordance with the Employee Code of Conduct Complaint Investigation Procedure, Appendix A, ensuring a systematic and consistent approach to enforcing conduct standards throughout the Town.

10. No Retaliation

- a) The Town will not condone retaliation or reprisal of any kind by or on behalf of the Town and its Employees against good faith reports or complaints of violation of the Code of Conduct or other illegal or unethical conduct and will result in appropriate disciplinary action up to and including dismissal.
- b) All Employees must cooperate fully during an investigation of alleged wrongdoing in relation to any activity outlined in the Code of Conduct.

11. Remedial Action

- a) Any Employee who is found to have violated the Code of Conduct may be subject to disciplinary action up to and including discharge from employment.
- b) Complaints which are found to be frivolous, vexatious, malicious or made in bad faith will result in a penalty against the complainant. The severity of the penalty will be determined based on the seriousness and impact of the frivolous or vexatious complaint following an investigation, which may result in disciplinary action up to and including discharge from employment.

12. Annual Report

An annual report will be provided by the Manager of Human Resources to the Chief Administrative Officer on the number of complaints received and processed, the nature of the complaints, the resolution of the complaints, and all recommendations made. The identity of the persons involved will not be disclosed in the report.

Exclusions

This Policy excludes Members of Council, Local Boards and Advisory Committee members of the Town of The Blue Mountains. POL.COR.21.06 Code of Conduct for Members of Council, Local Boards and Advisory Committees applies to Members of Council, Local Boards and Advisory Committee members.

References and Related Policies

- Appendix A: Employee Code of Conduct- Complaint and Investigation Procedure
- POL.COR.07.05 Purchasing of Goods and Services
- POL.COR.12.11 Corporate Media Relations
- POL.COR.12.13 Information Technology Acceptable Use
- POL.COR.13.23 Corporate Vehicle
- POL.COR.13.24 Progressive Discipline
- POL.COR.18.05 Travel, Business, Mileage Expense
- POL.COR.18.10 Social Media

- POL.COR.22.01 Records and Information Management
- POL.COR.22.02 Hiring of Employee
- POL.HS.06.01 Individual Responsibilities
- POL.HS.19.03 Fit for Duty
- POL.HS.22.07 Respectful Public Interactions
- POL.COR.22.08 Frivolous, Vexatious or Unreasonable Complaints
- POL.COR.24.02 Respectful Workplace
- POL.COR.24.03 Workplace Violence
- POL.COR.24.05 Accountability and Transparency of Town Actions to the Public
- By-law to Establish and Maintain a Lobbyist Registry for The Corporation of The Town of The Blue Mountains
- *Municipal Act, 2001*
- *Municipal Conflict of Interest Act*
- *Municipal Elections Act*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Occupational Health & Safety Act*
- *Ontario Employment Standards Act*
- *Ontario Human Rights Code*

Consequences of Non-Compliance

Employees who breach this Code or fail to report an actual or potential breach of the Code of Conduct are subject to corrective action through the Town's Progressive Discipline Policy. Corrective action is the Town's response to unacceptable behaviour and can range from the use of disciplinary or non-disciplinary methods. Discipline can result in action up to and including termination of employment. Some violations or behaviours may also result in a legal response, including civil litigation or the involvement of the police. Examples include, but are not limited to, theft, Fraud, and violence.

Review Cycle

This Policy will be reviewed once per term of Council or as required based on revisions to corporate practices or governing legislation.

Appendix A- Employee Code of Conduct Complaint and Investigation Procedure

Purpose

The Town of The Blue Mountains (the Town) is committed to providing a work environment that promotes and protects values and behaviours exemplifying fairness and respect for everyone.

All complaints of a breach of the Town's Employee Code of Conduct Policy (the Code) are taken seriously and will be appropriately investigated and resolved according to this Employee Code of Conduct Complaint and Investigation Procedure (the Procedure).

Application

This Procedure applies to all Employees and volunteers of the Town and includes:

- All full-time and part-time employees, unionized and non-union employees
- All permanent, contract, seasonal, student and temporary employees
- All volunteers and Paid Per Call Firefighters (Board & Committee Volunteers must abide by their respective Code of Conduct).

This Procedure shall be applied in conjunction with all collective agreements, contracts, legislative requirements, and/or standards identified by an employee's professional affiliation.

Definitions

Allegations in Bad Faith: Refers to purposely making a false allegation.

Complainant: Refers to an Employee who is filing the formal complaint.

Employee / Staff: Includes the following:

- All full-time and part-time, unionized and non-union employees
- All permanent, contract, seasonal, students and temporary employees
- All volunteers and Paid Per Call Firefighters (Board & Committee Volunteers must abide by their respective Code of Conduct).

Formal Complaint: Refers to when an Employee files a complaint regarding a breach of the Code by completing a complaint form.

Formal Investigation: Refers to when Human Resources or a third-party Investigator commences an investigation under this Procedure.

Investigation Report: Refers to the compilation of all evidence from the Formal Investigation and the determination of whether or not a breach of the Code occurred.

Investigator: Refers to a person conducting a Formal Investigation in accordance with this Procedure.

Respondent: Refers to the Employee against whom the complaint is being filed.

Procedures

1. Filing a Complaint / Reporting Misconduct

- a) Employees who have reasonable grounds to believe a violation of the Code of Conduct has occurred should report such activity or behaviour, in writing, to their Supervisor, Manager, Director, Manager of Human Resources, or Chief Administrative Officer, as appropriate.
Employees may also use the Town's Whistleblower reporting system to make a complaint, following POL.COR.25.XX Whistleblower policy.
- a) If a complaint is regarding the CAO, it should be submitted to the Mayor or Designate. If the complaint is regarding the Manager of HR, it should be submitted to the CAO.
- b) Any Employee who files a complaint regarding a breach of the Code must complete a complaint form. The key components of the complaint form that must be completed when making a Formal Complaint include:
 - (i) The Complainant's information.
 - (ii) The name(s) of the alleged individual(s) to have committed the Code breach.
 - (iii) The name(s) of any other individual(s) who may have additional information or who have witnessed the Code breach.
 - (iv) A description of the complaint:
 - Dates and times of the incidents.
 - What happened and where?
 - What specific aspect(s) of the policy was breached?
 - (v) Additional evidence or documentation to assist in reviewing the allegation, such as:
 - Emails, letters or documents.
 - (vi) Whether the Complainant has brought forward the issue(s) before.
 - If so, when and to whom?
 - (vii) The Complainant's preferred resolution to the investigation.
- c) Human Resources will review the Formal Complaint, in consultation with the Director and/or CAO and complete an initial assessment to determine if a Formal Investigation is warranted. If the matter involves a Formal Complaint against the CAO, Human Resources will consult with legal counsel and engage with the Mayor/Council. If the matter involves a Formal Complaint against Human Resources, the CAO will assess the complaint.
- d) Where warranted, a Formal Investigation will be initiated.

- e) If the evidence does not substantiate a potential breach of the Code, then Human Resources will support the affected Employees through an informal resolution path. Informal resolutions can include mediation, counselling, coaching, facilitation, training, or referrals.

Examples of what would not be a breach of the Code include:

- Enforcing the rules of business.
- Disciplinary actions.
- Performance management.
- Interpersonal conflict between people.

2. The Formal Investigation

- a) The Town will endeavour to commence an investigation process within five (5) business days or as soon as possible after receiving a Formal Complaint. The investigation will be conducted by a member of Human Resources or, at the Town's discretion, an external investigator.
- b) Depending on the nature of the incident, the Town may elect to appoint a qualified third-party investigator to conduct the Formal Investigation. This will typically occur when:
- the allegation(s) is/are of a highly serious nature;
 - when the Complainant or Respondent is a member of senior-level management (CAO, Senior Management Team member);
 - if there is a potential or actual conflict of interest should Human Resources conduct the investigation; or
 - when the police are involved.
- c) The Formal Investigation may include, but is not limited to:
- Interviewing the Complainant and Respondent to ascertain all of the facts and circumstances relevant to the Formal Complaint, including dates and locations.
 - Interviewing witnesses identified by the Complainant and Respondent, if any, or as necessary to conduct a thorough investigation.
 - Reminding the Complainant, Respondent, and any witnesses, of the confidentiality requirements under this Procedure.
 - Collecting and reviewing any related documentation from the Complainant, Respondent, or a witness.
 - Taking statements during interviews and making detailed notes of the investigation and maintaining them in a confidential file.
- d) All Employees have a duty to cooperate with internal or external investigations concerning alleged misconduct and provide honest, accurate, complete, and timely information.

Participants in the investigation are required to cooperate, including providing the Investigator with any relevant documents requested during the course of the investigation.

3. Roles and Responsibilities of the Investigator

- a) The Investigator is responsible for engaging in the following steps:
 - (i) Plan and implement the investigation, including gathering and recording all relevant evidence.
 - (ii) Identify information gaps, potential sources of further information, and who may be able to corroborate information.
 - (iii) Plan and prepare interview questions to obtain the necessary evidence about the alleged incidents.
 - (iv) Conduct interviews with the parties and relevant witnesses.
 - (v) Analyze evidence and determine the substance of each allegation.
 - (vi) Prepare the investigation report and summary.
- b) Once all interviews are complete, the Investigator will compile all evidence into an Investigation Report. The Investigator then must determine, based on a balance of probabilities, whether or not a breach of the Code occurred.
- c) In cases where harassment has been alleged, the Investigator must establish whether the conduct meets the definition of harassment, in accordance with the Town's Respectful Workplace Policy.
- d) Within the Investigation Report, the conclusions of the Formal Investigation will be outlined. Possible conclusions include:
 - A breach of policy occurred.
 - A breach of policy did not occur.
 - No findings, based on lack of evidence.
 - Not a breach of policy, but inappropriate behaviour.
- e) The Investigation Report must be submitted to the Manager of Human Resources and/or the CAO or the Mayor/Deputy Mayor, as applicable.
- f) The Town will endeavour to complete any investigation and communicate the results to the Complainant and Respondent within 90 days after the receipt of a Formal Complaint, where possible. In some cases, a Formal Investigation may take longer. For example, if there are more than five witnesses or one of the parties or a key witness is unavailable (such as on a leave of absence).

4. Corrective Action

- a) The Manager of Human Resources, the Director, the CAO and Council, as applicable, will determine what corrective action (if any) will be taken based on the Investigation Report. However, if the Formal Complaints involves the CAO as a Respondent, Council as a whole will determine the appropriate corrective action, if any.
- b) The Town will provide the Complainant and Respondent with a written summary of the Formal Investigation findings, including any corrective action that has been or will be taken.
- c) If an allegation is substantiated, the Town will take appropriate corrective action, regardless of the Respondent's seniority or position in the Town. The Complainant and Respondent will be advised as to what corrective action, if any, will be taken to prevent further incidents or breaches of the Code, but may not be provided specific details of any particular discipline that has been imposed.
- d) Corrective action may include one or more of the following:
 - discipline, such as a verbal warning, written warning or suspension without pay;
 - termination with or without cause;
 - referral for counselling, diversity and inclusion training, anger management training, supervisory skills training, or attendance at educational programs on Respectful Workplaces;
 - a demotion or denial of a promotion;
 - reassignment or transfer;
 - financial penalties, such as the denial of a bonus or performance-related salary increase;
 - any other disciplinary action deemed appropriate under the circumstances; or
 - referral of the Respondent and Complainant to mediation if both parties agree to the process.
- e) If there is not enough evidence to substantiate the Formal Complaint, corrective action will not be taken. However, in circumstances where the Investigator determines that there has not been a breach of the Code but inappropriate behaviour has occurred, the Town reserves the right to take corrective action, as appropriate in the circumstances.

5. Allegations in Bad Faith

- a) If an Employee makes a Formal Complaint in good faith and without malice, the Employee will not be subject to any form of discipline, regardless of the Investigation Report's findings.
- b) The Town will discipline, up to and including termination of employment, any Employee who files a complaint that is knowingly false, frivolous, vexatious, or malicious. If a breach of the Code is reported in bad faith with the intent to harm either the individual or the Town, the Employee may face disciplinary actions, including possible termination.

6. Commitment to Non-Retaliation

- a) In the event that an Employee becomes aware of a breach of the Code or any illegal activity in the workplace, they have a responsibility to report that misconduct to their Supervisor, Manager, Director, Human Resources, or the CAO. There will be no discipline, dismissal, or retaliation for speaking up and making a truthful report of actual or potential misconduct, for participating in a Formal Investigation, or for exercising legal rights. Retaliation can include behaviour or actions that punish or deter someone from speaking up, such as unsubstantiated negative performance evaluations, creating a hostile work environment, harassment, demotion, dismissal, or assigning tasks with the intent to isolate or discourage someone.
- b) If an Employee encounters any form of retaliation, they must report it to a Supervisor, Manager, Director, Human Resources, or the CAO immediately. The Town is committed to investigating every claim of retaliation and to taking disciplinary action if necessary.