


## The Rural Municipality of Elton

<b>REFERENCE:</b>	Community	<b>AUTHORITY:</b>	Council
<b>SUBJECT:</b>	Abuse & Sexual Misconduct	<b>EFFECTIVE DATE:</b>	June 13, 2023
<b>ADOPTED BY RESOLUTION NO. &amp; DATE:</b>	2023-116 June 13, 2023	<b>NUMBER OF PAGES:</b>	7
<b>AMENDED BY RESOLUTION NO. &amp; DATE:</b>		<b>REEVE'S SIGNATURE FOR APPROVAL</b>	

### **POLICY DESCRIPTION:**

#### **1. Purpose**

The Rural Municipality of Elton (Elton) is committed to an environment free from abuse and prohibits abuse or sexual misconduct in the workplace or during any official Elton activity on Elton owned property or outside of Elton owned property while representing Elton. The purpose of this policy is to stress the importance of that commitment by outlining how Elton will work to prevent abuse and sexual misconduct, and how abuse and sexual misconduct or suspected abuse and sexual misconduct by or toward an employee, Council member, volunteer or other person who has been authorized to act on behalf of Elton (a "Municipal Representative") can be reported to and addressed by Elton. Bringing awareness of the policy will serve to prevent abuse and sexual misconduct and assist in educating Municipal Representatives.

This policy can also be used to report actual or suspected abuse or sexual misconduct of any individual participating in municipal programming (such as recreational activities), whether the abuse is being committed by or alleged to be committed by someone other than a Municipal Representative (for example, abuse of a child by another participant or spectator while participating in an Elton-run sporting event).

#### **2. Policy**

This policy requires Elton and its Municipal Representatives to deal with any instances of actual or alleged abuse or sexual misconduct in accordance with this policy. To the extent that municipal programming is carried out through community centres, community clubs, and other operations interact with children or vulnerable persons, Elton is committed to providing those programs with this abuse policy and directing them to abide by it, including the reporting requirements set out herein.

Those reasonably suspected or believed to have committed abuse or sexual misconduct will be appropriately disciplined, up to and including termination of employment or membership,

as well as criminally prosecuted. During an investigation an individual alleged to have committed abuse or sexual misconduct may be placed on leave from duties pending the findings throughout the investigation, depending on the nature and severity of the allegations. Any such leave from duties will not be considered a constructive dismissal where the alleged perpetrator is an employee of Elton.

### **3. Supervision of Child or Vulnerable Person**

To provide a safe environment for children and vulnerable persons, Elton strives that, when possible, a minimum of two (2) adults supervise, or be in attendance with children and/or vulnerable persons during organization-related activities. The purpose is to avoid one-on-one interactions between adults and children and/or vulnerable persons that are not easily observable by others. If individual meetings with a child and/or vulnerable persons must be held in an office, the door must be kept open. Only conduct closed door meetings when a legal parent or guardian is present at the meeting and the door remains unlocked.

### **4. Zero Tolerance**

Elton has a zero tolerance for any type of abuse or sexual misconduct.

### **5. Reporting Procedure**

The Chief Administrative Officer (CAO) will be the designated representative to receive reports of alleged abuse or sexual misconduct. The CAO may appoint an alternate designated representative as deemed necessary. If the CAO is the subject of an alleged abuse or sexual misconduct, the matter should be reported to the Head of Council.

The designated representative must respond to all disclosures (direct or observed) in a non-judgmental, supportive, and comforting manner.

Where a Municipal Representative observes, becomes aware of, or receives a report of alleged abuse or sexual misconduct, the Municipal Representative must immediately report the incident to a designated representative and together they will advise the legal parent(s)/guardian(s).

If an incident involving actual or suspected abuse or sexual misconduct involves a child, the Municipal Representative who observed, became aware of, or receives a report of the alleged abuse or sexual misconduct must also immediately, report the incident to Child and Family Services and in accordance with Section 8 of the *Reporting of Child Protection and Child Abuse Handbook and Protocols for Manitoba Service Providers*.

If an incident involving actual or suspected abuse or sexual misconduct involves a vulnerable person the Municipal Representative who observed, became aware of, or receives a report of the alleged abuse or sexual misconduct must immediately report the incident to the police and, if known, that person's designated decision maker.

Where the Municipal Representative reasonably believes that the child or vulnerable person is in imminent danger, the municipal representative must immediately call 911 or the local police station to make a report.

## **6. Additional Reporting**

The CAO is required to report instances of abuse or suspected abuse to Western Financial Group to be immediately addressed under the terms of the applicable policy.

## **7. Guidelines**

Elton will take every reasonable measure to ensure that those named in the complaint of misconduct or are too closely associated with those involved in the complaint will not be part of the investigative team.

Elton is committed to following the provincial and federal legal requirements for reporting allegations or incidents of abuse or sexual misconduct to appropriate law enforcement and child or adult protective services organizations. It is the policy of Elton not to attempt to investigate or assess the validity or credibility of an allegation of sexual or physical abuse as a condition before reporting the allegation to proper law enforcement authorities or protective services organizations.

## **8. Anti-retaliation and False Allegations**

Elton prohibits retaliation made against a Municipal Representative who reports a good faith allegation of abuse or sexual misconduct or who participates in any related investigation.

Elton prohibits making false or malicious abuse or sexual misconduct allegations, as well as deliberately providing false information during an investigation, as they pose serious consequences. Anyone who violates this rule is subject to disciplinary action, up to and including termination of employment or engagement or other sanctions as may be applicable in the circumstances.

## **9. Investigative & Disciplinary Procedures**

Every allegation of abuse or sexual misconduct that is reported to the designated representative will be forwarded and could be investigated by the applicable responding agency (including the respective Police Detachment and Child & Family Services etc.).

Appropriate disciplinary action will be taken against any Municipal Representative, or any person found to have committed abuse or sexual misconduct on Municipal property, up to and including termination of employment, or engagement, or other sanctions, including but not limited to being prohibited from entering on to Municipal property.

## **10. Screening**

Elton will monitor those individuals who have access to or interact with children and/or a member of the vulnerable population on behalf of Elton.

- Criminal Record Check
- Child Abuse Registry Check
- Adult Abuse Registry Check (Vulnerable Person)

Screening is to take place at the start of the Municipal Representative's initial role with Elton that interacts with children and/or vulnerable persons or where the Municipal Representative

transfers into a role that interacts with children and/or vulnerable persons. All Municipal Representatives will have an ongoing duty to report to the designated representative any changes that would affect the results of a record check. Elton may request that a Municipal Representative provide updated record checks where there is reasonable cause to do so.

All screening files will be stored at the Elton Municipal Office for any programming affiliated with Elton. If there is any charge to obtain the Criminal Record Check, Child Abuse Registry Check, or Adult Abuse Registry Check the costs will be born by Elton.

## **11. Relevant Legislation**

Legislation relevant to the creation and application of this Policy includes:

- Municipal Act, CCSM c. M225, Sections 82, 83 and 127
- Child and Family Services Act, CCSM c C80, including sections 17 and 18
- Criminal Code of Canada, RSC 1985, c C-46
- Freedom of Information and Protection of Privacy Act, CCSM c. F175
- Personal Health Information Act, CCSM c. P33.5
- The Human Rights Code, CCSM c H175
- The Workplace Safety and Health Act, CCSM c. W210

## **12. Media Representative**

The CAO or designated representative of Elton will respond to any and all inquiries from any media outlet (television, radio, newspapers, social media).

## **13. Additional Resources**

Additional resources are available from the Province of Manitoba and other sources. Some informative sites are listed below, however, they are not exclusive.

- Province of Manitoba [www.gov.mb.ca](http://www.gov.mb.ca)
  - Reporting of Child Protection and Child Abuse
  - Child Abuse Registry
  - Adult Abuse Registry - Questions and Answers
  - The Vulnerable Persons Living with a Mental Disability Act C.C.S.M. c. V90
- Abuse Towards Older Adults – [www.wrha.mb.ca](http://www.wrha.mb.ca)
- CMHA Manitoba and Winnipeg – Mental Health for All [www.mbwpq.cmha.ca](http://www.mbwpq.cmha.ca)

## **14. Definitions**

**Abuse** means any act or threat involving molestation, harassment, corporal punishment, neglect, or any other form of physical, sexual, or mental abuse or mistreatment, including but not limited to:

**Emotional Abuse** is defined as, but not limited to a chronic attack on an individual's self-esteem. It can take the form of name calling, bullying, threatening, ridiculing, berating, intimidating, isolating, hazing, habitual scapegoat, and blaming.

**Harassment** is defined as,

(a) any vexatious behaviour in the form of hostile, inappropriate and unwanted conduct, verbal comments, actions, or gestures that affects a worker's dignity or psychological or physical integrity and that results in a harmful workplace for the worker, or

(b) the improper use of the power or authority inherent in a person's position to endanger a worker's job, undermine the worker's job performance, threaten the economic livelihood of the worker, or negatively interfere in any other way with the worker's career.

**Neglect** is defined as, but not limited to any behaviour that leads to a failure to provide services which are necessary such as withdrawing basic necessities as forms of punishment, failing to assess and respond to changes in health status and refusing or withdrawing physical or emotional support. Neglect may include the failure to provide sufficient supervision, nourishment, or medical care, or the failure to fulfill other needs for which the victim cannot provide themselves.

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

**Sexual Misconduct** is defined as, but not limited to any unwanted touching, fondling, observations for sexual gratification, any penetration or attempted penetration with a penis, digital or object of the vagina or anus, verbal or written propositions or innuendos, exhibitionism, or exploitation for profit including pornography.

**Verbal Abuse** is defined as, but not limited to, humiliating remarks, name calling, swearing at, taunting, teasing, continual put downs. The use of harsh words, abuse of trust, embarrassing people in public and threatening in the form of words.

**Child** is defined as anyone under the age of majority, which in Manitoba is 18 years old.

**Designated Representative** is the Chief Administrative Officer (CAO) and the CAO may appoint an alternate designated representative as deemed necessary.

**Municipal Representative** is defined as an employee, Member of Council\*, volunteer, or other person who has been authorized to act on behalf of Elton. \*Member of Council further defined as including all assigned duties and/or roles (e.g. planning districts, boards, caucuses etc.).

**Vulnerable Person** is defined as a person who, because of their age, a disability, or other circumstances, whether temporary or permanent, is in need of assistance to meet their basic needs with regard to personal care or management of their property; or is otherwise at greater risk than the general population of being harmed by persons in a position of authority or trust relative to them.

## RM of Elton Acknowledgement Form: Abuse and Sexual Misconduct Policy

I acknowledge that I received and read the Abuse and Sexual Misconduct Policy and/or had it explained to me. I understand that it is my responsibility to abide by all rules contained in the policy. I also understand how to report incidents of abuse or sexual misconduct as set forth in the policy, including the prohibition from retaliation against any person exercising their rights under the policy.

I acknowledge that I will be alerted when changes and updates are made to the Abuse and Sexual Misconduct Policy and will be responsible for reading and complying with these updates.

I understand that it is my responsibility as \_\_\_\_\_  
*(Role within Elton)*

to adhere to all processes and responsibilities contained in this policy and agree to report any incidents (direct or observed or suspected) of abuse or sexual misconduct as set forth in this policy.

\_\_\_\_\_  
 Employee/Volunteer  
 Printed Name

\_\_\_\_\_  
 CAO or Person representing the Entity  
 Printed Name

\_\_\_\_\_  
 Employee/Volunteer  
 Signature

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

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Date

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*For Elton office use only*

	<b>Criminal Record Check Application</b>	<b>Child Abuse Registry Application</b>	<b>Adult Abuse Registry Check Application (Vulnerable Person)</b>	<b>Identification (1 Photo and 1 Other)</b>
Date Received	_____	_____	_____	_____
Date of Results	_____	_____	_____	_____
Applicant Approved*	Yes / No	Yes / No	Yes / No	N/A

*\*Applicants must be approved for all of the above for the CAO to approve request.*

\_\_\_\_\_  
 CAO Signature

\_\_\_\_\_  
 Date

## RM of Elton Abuse and Sexual Misconduct Disclosure Form

Date: \_\_\_\_\_

Reporting on behalf of someone else    **OR**     Reporting on behalf of myself

### Contact Information

Name of Person Reporting the Alleged Event: \_\_\_\_\_

Name of Person Reporting the Alleged Event Contact Number: \_\_\_\_\_

### Details Regarding the Alleged Abuse or Sexual Misconduct

Name of Alleged Victim: \_\_\_\_\_ Child or Vulnerable Person (circle one)

Name of Alleged Assailant: \_\_\_\_\_

Role of Alleged Assailant (coach, parent, participant etc.): \_\_\_\_\_

Date & time of the alleged event: Date \_\_\_\_\_ Time: \_\_\_\_\_ am/pm

Building & room location of alleged event: \_\_\_\_\_

Other details about the alleged event, including other possible witnesses to the event:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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***For Elton office use only***

Advised the legal parent(s)/guardian(s) of the alleged event on \_\_\_\_\_.

Western Financial Group notified on \_\_\_\_\_ spoke with \_\_\_\_\_.

Did the event involve a child?      Yes / No

If yes, was Child and Family Services notified?      Yes / No

If yes, who did you speak with and when? \_\_\_\_\_.

Did the event involve a vulnerable person?      Yes / No

If yes, was the police notified?      Yes / No

If yes, who did you speak with and when? \_\_\_\_\_.

Was 911 called?      Yes / No

If yes, which who was assigned to the case? \_\_\_\_\_.