

The Corporation of the Municipality of Brockton



By-Law 2022-148

Being a By-Law to Adopt an Internal Employee Complaint Policy for the Municipality of Brockton.

Whereas The Council for The Corporation of the Municipality of Brockton deems it expedient to establish policies;

And Whereas the *Municipal Act 2001, S.O. 2001, c 25, Section 5(3)*, as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law;

And Whereas the Municipality of Brockton wishes to adopt an Internal Employee Complaint Policy;

Now Therefore the Council of The Corporation of the Municipality of Brockton enacts as follows:

- 1.0 That the Corporation of the Municipality of Brockton Council hereby adopts an Internal Employee Complaint Policy as contained in the attached Schedule "A" to this By-Law.
- 2.0 This By-Law shall come into full force and effect upon final passage.
- 3.0 This By-Law may be cited as the "Adopt Internal Employee Complaint Policy By-Law".

Read, Enacted, Signed and Sealed this 20th day of September, 2022.

Mayor – Chris Peabody

Director of Legislative and Legal Services (Clerk)
– Fiona Hamilton

Internal Employee Complaint Policy

Department:	Municipal Employees	Policy Number:	H14-0600-22
Section:	Human Resource	Effective Date:	September 20, 2022
Subject:	Internal Employee Complaint Policy	Revised Date:	
Authority:	By-Law 2022-148		

1. Purpose

The intent of the Internal Employee Complaint Policy is to demonstrate the Municipality of Brockton's commitment to its employees by providing the steps to be taken in the event a complaint is filed by an employee against another employee. The Policy initiates the steps to be taken by management once a complaint has been launched.

1. Definitions

In this policy:

- a) "CAO" means Chief Administrative Officer;
- b) "Employee" means full-time staff, part-time or contract;
- c) "Municipality" means the Municipality of Brockton;
- d) "Supervisor" means the person to whom any employee directly reports, and where applicable, includes Department Heads and the CAO;
- e) "Council" means Municipality of Brockton elected Council.
- f) "Employee Complaint" means a concern or problem that an employee has about someone they work with, including supervisors/management. Complaint will include, but not limited to, an employee not following a Brockton policy or procedure, inappropriate or illegal misconduct, unjust behaviour, unethical conduct or safety violations. The policy will extend to the items included in the Internal Disclosure found in the Employee Code of Conduct H00-0600-12. For the purposes of this policy a complaint does not include workplace violence and workplace harassment as defined in the Occupational Health and Safety Act, R.S.O. 1990, c. O.1. Refer to the Respect in the Workplace Procedures with concerns related to workplace violence and/or workplace harassment.

2. Guidelines

Municipality of Brockton recognizes that from time-to-time there will be internal complaints about employees. Municipality of Brockton wants to ensure individuals with complaints are able to voice their concerns, but that they should do so through proper channels of communication.

Human Resources Department is available at any step of the process to assist employees and/or management through complaint the process.

Anyone involved in the complaint process agrees not to communicate in any form (including social

media) or discuss, directly or indirectly, with any person regarding the complaint other than those laid out in this policy, unless disclosure is required by law.

Employees must act in good faith when reporting any complaints and to refrain from making vexatious or unsubstantiated allegations with the intent to harm the reputation of any individual or the Municipality as a whole.

Employee complaint against another employee:

- a) The proper channel for an employee to voice a complaint against another employee is to approach the following individuals in the order indicated:
 - a. The employee against whom the complaint is directed;
 - b. Your immediate supervisor;
 - c. Department Head;
 - d. CAO;
- b) The first step when an employee has a complaint against another employee is to attempt to resolve the matter yourself by speaking to the employee against whom the complaint is directed;
- c) The employees should review policies and procedures to determine whether or not your concern is formally addressed;
- d) If the matter cannot be resolved, next discuss the complaint with your immediate Supervisor;
- e) Discuss with the Department Head if this matter is very serious or cannot be resolved by your immediate Supervisor. The Department Head will review the information and give their reply within two (2) working days. The reply will outline the next steps to be taken by the Municipality and/or staff, if any;
- f) Should the reply received by the Department Head be unsatisfactory to the employee, the employee without fear or discrimination, may within three (3) working days of receiving the reply from their Department Head submit the complaint in writing to CAO.
 - a. In the event the complainant is unable to prepare a written complaint, the CAO or Human Resources may provide assistance in preparing a statement, which is then signed by the complainant. The complainant shall be cautioned about potential risks of making a false or unsubstantiated complaint.
 - b. The CAO shall maintain a record of the complaint and resolution and may choose to record the incident in the employee's personnel file. The employee's written response to the complaint shall be recorded on the personnel file, upon request.
- g) The decision of the CAO will be final.

Complaint between Department Head and CAO:

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- a) If a dispute arises between a Department Head and the CAO which cannot be resolved after following the **Employee complaint against another employee section** above, the following procedure will apply:
- a. The CAO or applicable Department Head will refer the matter to Council for action;
 - b. Council will appoint a third-party investigator to ensure a fair and equitable internal investigation;
 - c. The Alternate CAO or Human Resources Generalist will assist Council with organizing the process;
 - d. The Mayor will advise the parties of the decision which will be final;
 - e. The Alternate CAO or Human Resources shall maintain a record of the complaint and resolution and record the incident in the employee's personnel file.

3. Consequences for Failing to Adhere to Policy

If an employee does not comply with the terms of this policy, they may be subject to disciplinary action, including possible termination of employment in accordance with the Employee Discipline Policy (H00-0610-12).

4. Policy Changes

- a) The Municipality of Brockton has the ability to amend, change or rescind this policy at any time following Council approval and employees will agree to the changes without notice.
- b) If the minimum requirements of the Employment Standards Act, 2000 provide employees with any greater entitlements than those set out in this Policy, the Municipality of Brockton will provide employees with such greater entitlements in substitution for those set out in this Policy.