Municipality of __Fisher__

POLICY NAME: ABUSE & MOLESTATION POLICY
POLICY MANUAL SECTION: General Policies
DATE ADOPTED:
REVISION DATE: As Required
STATUS: Active

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REVIEW DATE: As Required
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1. Purpose

The Municipality is committed to an environment free from abuse. The purpose of this Policy is to stress the importance of that commitment by outlining how the Municipality will work to prevent abuse, and how abuse or suspected abuse can be reported and addressed by the Municipality. Bringing awareness of the policy will serve to prevent abuse and to educate Head of Council, Councillors, Employees, and Volunteers (each of whom are a "Municipal Representative").

2. Application

This policy applies to Municipal Representatives and requires Municipalities and their Municipal Representatives to deal with any instances of abuse in accordance with this policy. To the extent that there are municipal related enterprises such as community centres, friendship centres, and other operations that may interact with children, youth or vulnerable persons, the municipality is committed to providing those enterprise with the abuse policy, directing the enterprises abide by it, including reporting requirements set out herein.

3. Zero Tolerance Statement

The Municipality has zero tolerance for any type of Abuse or Molestation as defined below.

4. Key Definitions

The following description of "Child" and "Vulnerable Population" and any other defined terms include, but are not limited to:

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

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

If 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.

Municipal Representatives and Designated Representatives must respond to such reports in a non-judgemental, supportive and comforting manner, but must also explain that the report will be reported to the Program Administrator and may need to be escalated to the proper authority, which may include the relevant child and family service agency or parent or guardian.

7. Screening

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

- Criminal record check
- Vulnerable persons and child abuse registry check for those over the age of 18 years

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

8. Investigative & Disciplinary Procedures

A report of Abuse or Molestation to the Designated Representative that involves a Municipal Representative should result in an employment investigation as per the usual employment practices and determine if disciplinary action is appropriate. The results of the investigation will be given to the Program Administrator.

9. Training

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

Resources are available from the Province of Manitoba and other sources. Some possibly helpful sites are listed below. They are not exclusive:

Province of Manitoba | fs - Reporting of child Protection and Child Abuse (gov.mb.ca)

Province of Manitoba | fs - Child Abuse Registry (gov.mb.ca)

Province of Manitoba | fs - Adult Abuse Registry - Questions and Answers

Abuse Towards Older Adults (wrha.mb.ca)

CMHA Manitoba and Winnipeg – Mental Health for All

C.C.S.M. c. V90 (gov.mb.ca)

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

Abuse or Molestation means any act or threat involving molestation, harassment, corporal punishment, or any other form of physical, sexual or mental abuse or mistreatment, and includes the following:

For greater clarity,

A person commits an assault when, without the consent of another person, they apply force intentionally to the other person, directly or indirectly, or attempts or threatens, by an act or a gesture, to apply force to the other person, or causes that other person to believe on reasonable grounds that there is present ability to effect that purpose. Assault is a criminal offence under The Criminal Code of Canada;

Sexual assault is one form of sexual violence. It involves any unwanted sexual activity. Physical touching of breasts, genitals or bum without permission or consent, is sexual assault. Forced kissing, intercourse; or demand or force to participate in any other type of sexual activity without permission or consent, is sexual assault. Sexual assault is a criminal offence under *The Criminal Code of Canada*;

Abuse of a child means any act or omission by any person where the act or omission results in

(a) physical injury to the child,

(b) emotional disability of a permanent nature in the child or is likely to result in such a disability, or

(c) sexual exploitation of the child with or without the child's consent;

For greater clarity,

Where a person has information that leads the person reasonably to believe that a Child is or might be in need of protection (including where the Child is abused or is in danger of being abused, and where the Child is likely to suffer harm or injury due to child pornography), every person is required, by *The Child and Family Services Act*, to forthwith report the information to a child and family service agency or to a parent or guardian of the Child;

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

Psychological Abuse is defined as, but not limited to, communication of an abusive nature, sarcasm, exploitive behaviour, intimidation, manipulation

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

Harassment is defined as, but not limited to, any unwanted physical or verbal conduct that demeans, humiliates, or embarrasses a person, including gender-based harassment. It can be a single incident or several incidents over time. It includes threats, intimidation, display of racism, sexism, unnecessary physical contact, suggestive remarks or gestures, offensive pictures, or jokes. Harassment will be considered to have taken place if a reasonable person ought to have known that the behaviour was unwelcome.

5. Governing Legislation

This policy references the applicable legislation that gives grounds to the entity's abuse policy, including:

- *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
- *Freedom of Personal Health Information Act,* CCSM c. P33.5
- *Personal Information Protection of Electronic Documents Act*, SC 2000, c. 5

6. Abuse reporting procedures

The Municipality must appoint, by resolution, one or more Designated Representatives to receive reports of Abuse or Molestation from Municipal Representatives.

Where a Municipal Representative observes, becomes aware of, or receives a report of Abuse or Molestation, that Municipal Representative must make a report to a Designated Representative, providing as much information as available to the Designated Representative.

Following receipt of the report, the Designated Representative must promptly gather information, promptly report the Abuse or Molestation to Western Financial Group (hereunder referred to as The Program Administrator), and possibly report the Abuse or Molestation to official agencies depending on the circumstances. Information to be gathered includes the names or identifies of the parties involved, both victim and perpetrator, when the event or events occurred, where, in what circumstances, the names and contact information of any or any other witnesses, and any other information the Designated Representative believes to be relevant or important.

Where the Municipal Representative receives report of Abuse of a Child or a Child in need of protection, the Municipal Representative must immediately report to the relevant child and family service agency and/or parent or guardian of the Child.

Where the Municipal Representative receives report of a Vulnerable Person, the Municipal Representative must immediately report the abuse to the Executive Director appointed pursuant to the Vulnerable Persons Living with a Mental Disability Act.
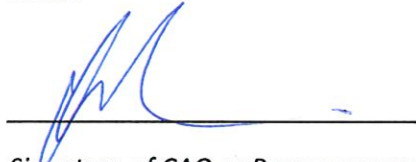
I acknowledge that I have received, read, and understand the abuse policy and/or have had it explained to me. I understand, the liability of the Municipality could extend to me in my role as a Municipal representative.

I understand that it is my responsibility as Cheif Administative Officer
(Role within Municipality)

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

Kelly Marykuca, cmmA .
Name

Signature of CAO or Person representing the Entity

April 18, 2023
Date