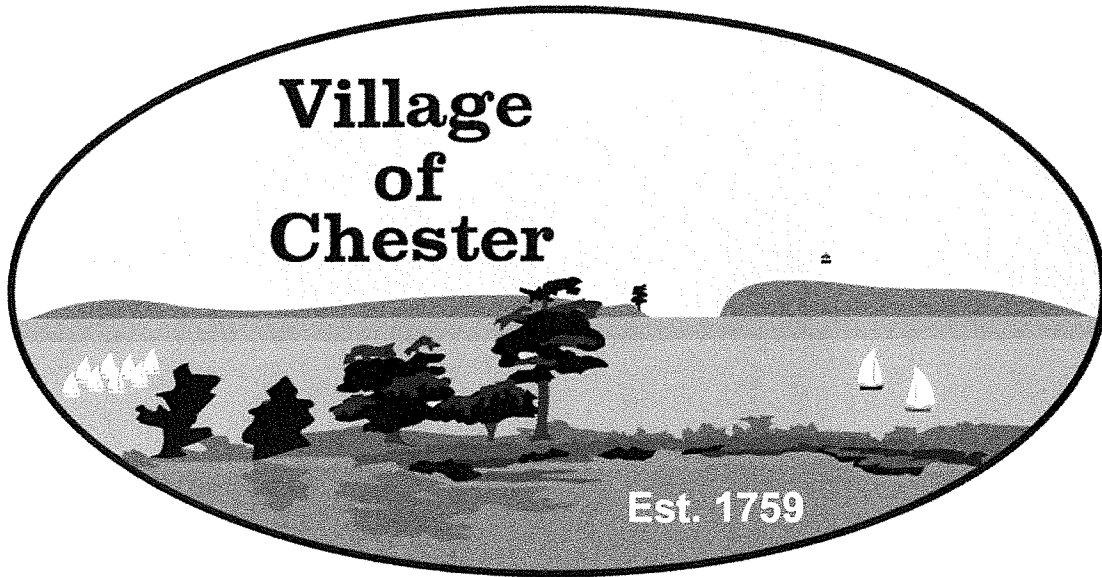


## Request for Decision

# A1

<b>Topic:</b>  Village Abuse Prevention Policy	<b>Date:</b> December 14, 2022
<b>Issue Summary:</b> The Village's insurance company has requested that the Village create an abuse prevention policy.	<b>Proposed By:</b> Jeff Conrad, Interim Clerk/Treasurer
<b>Background:</b> <ul style="list-style-type: none"><li>• The Village does not currently have an abuse prevention policy</li><li>• Unlike larger Municipal entities who run recreation programs, the Village has a limited number of interfaces with vulnerable citizens – most notably at the Lido pool, the public washrooms, and at the school sidewalk crossing.</li><li>• The Villages Insurance Provider (Intact) is asking all of its municipal clients to develop an abuse policy and provide copies, or risk losing coverage for future abuse claims</li><li>• The number and severity of settlements and amounts for abuse claims across the country have been rising (e.g. Mount Cashel, Hockey Canada, etc.).</li><li>• The draft policy has not yet been reviewed by Legal counsel of the Village, nor by our insurance company</li><li>• Commissioners are asked to provide thoughts and comments as part of the refinement of the policy</li></ul>	
<b>Options:</b> <ol style="list-style-type: none"><li>1) Reject the policy and provide the Clerk Treasurer with direction on how to proceed.</li><li>2) Refer the policy to review by the Village's lawyer and request it be brought to a future meeting for further discussion and approval.</li></ol>	
<b>Considerations:</b> <u>Financial Impacts:</u> Risk mitigation against future claims against the Village. <u>Policy Impacts:</u> Creates a framework to manage abuse prevention within Village operations.	
<b>Recommendation:</b> <ol style="list-style-type: none"><li>2) Refer the policy to review by the Village's lawyer and request it be brought to a future meeting for further discussion and approval.</li></ol>	
<b>Potential Motion:</b> That the policy be amended to include input from Commissioners, and referred to legal council for review, with a revised version brought to a future council meeting for approval.	

A2



## **Abuse Prevention Policy**

December 2022

The Village of Chester prohibits and does not condone any form of harassment nor physical, sexual, emotional, verbal, or psychological abuse of any staff member or participant in a service offered by the Village.

### **Definitions**

Harassment is defined as but not limited to any unwanted physical or verbal conduct that offends or humiliates, including gender-based harassment. It can be a single incident or several incidents over time. It includes threats, intimidation, displays 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 behavior was unwelcome.

Physical abuse is defined but not limited to the use of intentional force that can result in physical harm or injury to an individual. It can take the form of slapping, hitting, punching, shaking, pulling, pushing, throwing, kicking, biting, choking, strangling, or the abusive use of restraints.

Sexual abuse is defined as when a person, without their consent, is used by another person for their own sexual stimulation or gratification and includes but not limited to any unwanted touching, fondling, observations for sexual gratification, penetration or attempted penetration, verbal or written propositions or innuendos, exhibitionism or exploitation for profit including pornography.

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

Verbal abuse is defined as but not limited to humiliating remarks, name calling, swearing at, taunting, teasing, continual put downs.

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

### **Application**

This policy applies to all elected officials, staff, volunteers, contractors, and partner organizations utilizing Village facilities.

### **Prevention procedures**

Prior to being hired all staff will provide a resume, cover letter, and participate in a documented interview process. References will be checked for all staff prior to being hired.

All staff of the Village who are required to deal with vulnerable individuals (e.g. lifeguards, crossing guards, washroom attendants) are required to have a satisfactory Child Abuse Registry check and Criminal Records check prior to being hired by the Village. This is an annual requirement for Lifeguards, even if they are returning staff.

A renewed child abuse registry check will be required from staff every three years.

Staff who deal with vulnerable individuals are required to advise the Village if they become the subject of an abuse allegation or investigation from any source, not just related to their employment with the Village.

All staff and volunteers are encouraged whenever possible to interact with vulnerable persons in an open, observable, and transparent location and manner. This would include for example not being alone with a vulnerable person in a location such as a washroom, change room, or living space. If there is a need to be alone, or no other possibility, (e.g. first aid or the person is distressed) make sure that another worker, or program participant knows where you are and why. If no other staff or participants are present, try to move to a space where you are visible by the public. For more information, see the "Rule of Two" flyer from the Coaching Association of Canada provided as Appendix A.

No staff member or volunteer may use their position with the Village to arrange for meetings with vulnerable persons outside of the workplace. This includes invitations to a person's home, a social event, or other non-work-related activity.

Staff will not take photos of participants unless those participants have confirmed their willingness for their picture to be taken and used for a specific purpose.

Contractors and partners of the Village are expected to establish their own Abuse Prevention Policies and to have their own insurance policies that cover their staff. These policies will be made available to the Village on request.

When interacting with Staff, Volunteers, and clients of the Village, partners and contractors will act in an appropriate manner that respects the policy intent.

### **Roles and Responsibilities**

The Clerk/Treasurer of the Village of Chester has overall responsibility for the implementation of this policy.

Each person who has reviewed and is aware of the Village's Abuse Prevention Policy have a role to play. Commissioners, staff, and volunteers are expected to:

- Ensure that the policy is being put into practice (for example by reminding other individuals of the requirements);
- Keep a record of any concerns expressed about child protection issues;
- Bring any vulnerable persons concerns to the notice of the Village Clerk/Treasurer and/or contact 911 if necessary;
- Ensure that children, youth, and vulnerable persons are given appropriate supervision and care

Responsibility for any media enquiries related to incidents identified under this policy will be the Chair of the Village Commission or the Clerk/Treasurer and will be decided on a case-by-case basis.

### **Incident Reporting**

In spite of the best efforts abuse allegations may be reported. It is important to remember that abuse allegations may not be reported specifically about occurrences with Village staff or at Village locations. Vulnerable persons may feel comfortable enough to report allegations that are happening in other situations.

Allegations may be reported to any member of the Village staff or volunteer. If approached, it is important to:

- Listen to the participants if they request to talk to you in private about something or indicate they need to tell you something
- Look at them directly and do not promise to keep any secrets before you know what they are, but always let the participant know if, and why, you are going to tell anyone
- Take whatever is said to you seriously and help the participants to feel safe sharing their own feelings. Take notes of exactly what is said to you avoiding assumptions and conjecture
- It is not the role of the worker to investigate any allegations (this would contaminate evidence if a situation went to court). Any disclosure by a participant must be reported to the Clerk/Treasurer, and/or Family and Children Services, and/or the Police depending on the severity of the situation.
- Following the allegation, speak immediately to a supervisor. If the allegation is against the Supervisor, speak to someone else in authority such as a Village Commissioner
- Fill out an appropriate incident report. Try to write down exactly what the young person or child said. Avoid assumptions and stick to just the facts

#### Things to say or do:

- 'What you are telling me is very important'
- 'This is not your fault'
- 'I am sorry that this has happened/is happening'
- 'You were right to tell someone'
- 'What you are telling me should not be happening to you and I will find out the best way to help you'

#### Things *not* to say or do:

- Do not ask leading questions – Why? How? What?
- Do not say 'Are you sure?'
- Do not show your own emotions e.g. shock/disbelief
- Do not make false promises

#### What you should not do

- Staff or volunteers should not begin investigating the matter themselves.
- Do not discuss the matter with anyone except the correct people in authority.
- Do not form your own opinions and decide to do nothing.

### **Protocol following Report**

Where a reported incident involves a vulnerable person the report will be forwarded to the appropriate legal entity to respond.

Children - Everyone has a duty to immediately report even a suspicion of abuse to a child 18 or younger. You can report the abuse anonymously. If you suspect a child is being abused or

neglected, contact the child welfare agency in the area where the child lives. It's best if you contact the agency by phone or in person. In the Chester area this is the Lunenburg District Office, Child Welfare, Provincial Building, 99 High Street, Bridgewater, 902-543-4554. After regular business hours, call 1-866-922-2434 if you believe a child is in immediate danger. Social workers in child welfare agencies assess reports of alleged child abuse and neglect to determine an appropriate response.

Seniors - If the allegation is of abuse of a senior, it may be reported to police via 911 or to a local police department. If the allegation is not of a criminal nature, the Nova Scotia Senior Abuse Information and Referral Line can provide information about senior abuse or to talk about a situation of abuse. This is not a crisis line. The Department of Seniors cannot investigate, but it can tell you about resources in your community. 1-877-833-3377 toll-free in Nova Scotia.

Staff or Volunteers – If the allegation is that a staff member or volunteer is the person subject to abuse, the Clerk/Treasurer will consult with the Chair of the Commission, the Village lawyer, and other experts as required to develop an investigation process appropriate to the allegation.

### **Disciplinary Procedures**

Employees and Officers of the Village against whom a complaint of employment related abuse is substantiated, or a conviction in a court of law for other situations, may be disciplined up to and including dismissal.

A progressive discipline policy shall apply as deemed appropriate by the Clerk/Treasurer or Village Commission.

- A verbal warning may be issued in the case of a first offence of a less substantive nature
- A written letter of warning in the case of a second offence may be issued and remain on the employee file for a period of five years
- A period of unpaid leave for up to two weeks may be imposed in the case of serious offences or repeated offences.
- A change of duties, work location, or a work arrangement (e.g. remote work location) may be imposed during an investigation, or on a permanent basis following the outcome of an investigation
- The Village may proceed with dismissal for any offence deemed by the Commission to warrant such action.

In the case of a report of abuse of a vulnerable person by a village staff person or volunteer, that person shall be removed from all interaction with vulnerable persons until the investigation is concluded.

A person who makes a complaint of abuse, whether under this policy or otherwise, should not be penalized for doing so. For the purposes of this policy, retaliation against an individual for having filed a complaint or taken any other step under this policy will not be tolerated and will be treated as a disciplinary offence. The person may have their privileges or employment reviewed up to and including termination.

The making of false, frivolous or malicious allegations of abuse by another person will likewise be treated as a disciplinary offence. The person may have their privileges or employment reviewed up to and including termination.

**Confidentiality**

The Village understands and appreciates that it is difficult to come forward with a complaint of abuse and recognizes that there may be an interest of the complainant and other parties in keeping the matter confidential.

To protect the interests of the complainant, the person complained against, and others who may report abuse or be involved in an investigation, the Village shall endeavour to maintain confidentiality throughout the investigative process to the extent practical and appropriate under the circumstances and will request that all parties involved do likewise.

All records of complaints, including the contents of meetings, interviews, results of investigative and other relevant material will be kept confidential by the Village except where disclosure is required by a disciplinary or other remedial process or by order of a court or tribunal of competent jurisdiction. The Nova Scotia Freedom of Information and Protection of Privacy policy shall apply.

**Further Information**

Nova Scotia Community Services

<https://novascotia.ca/coms/families/index.html>

Nova Scotia Children and Family Services Act

<https://nslegislature.ca/sites/default/files/legc/statutes/children%20and%20family%20services.pdf>

<https://novascotia.ca/just/regulations/regs/cfsregs.htm>

Nova Scotia Child Abuse Registry

<https://beta.novascotia.ca/apply-child-abuse-register-search>

Nova Scotia Human Rights Commission

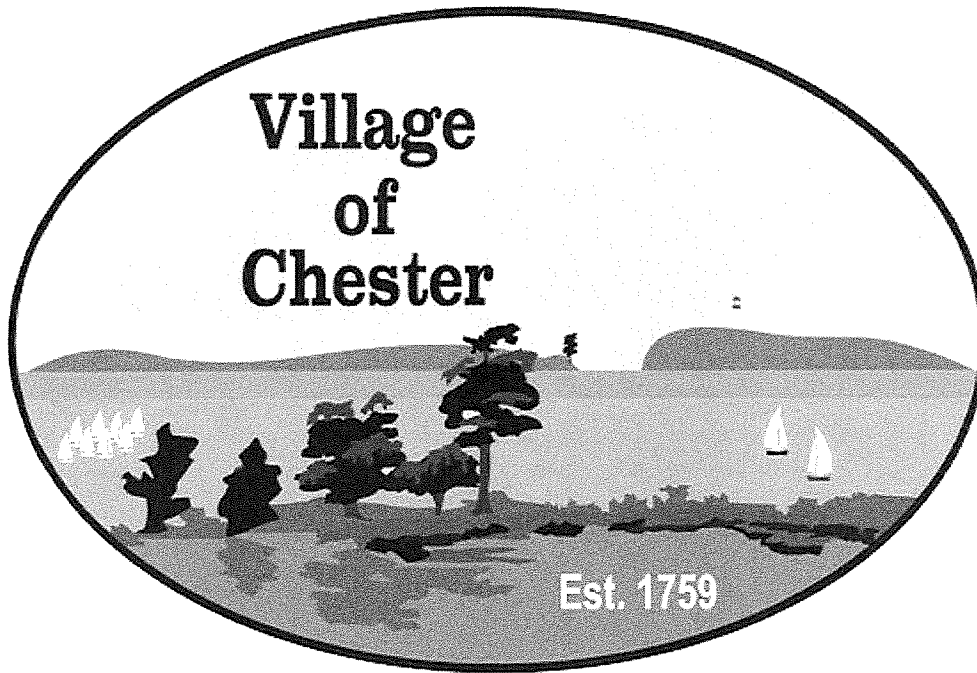
<https://humanrights.novascotia.ca/>

Nova Scotia Human Rights Act

<https://nslegislature.ca/sites/default/files/legc/statutes/human%20rights.pdf>

Nova Scotia Municipal Government Act

<https://nslegislature.ca/sites/default/files/legc/statutes/municipal%20government.pdf>



**Abuse Prevention Policy**

**Employee Attestation**

I acknowledge that I have received and read the abuse prevention policy and/or have had it explained to me. I understand that it is my responsibility to abide by all the rules contained in this policy and to report any incidents of abuse as set forth in this policy.

I understand that this acknowledgement will be retained on my personnel file indefinitely.

Employee name: \_\_\_\_\_

Employee position: \_\_\_\_\_

Signature of Employee: \_\_\_\_\_

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

Village Representative: \_\_\_\_\_

**Important contact numbers**

**Police Services**

Emergency: 9-1-1

Non-Emergency Chester RCMP Detachment: 902-275-3583

**Family and Children's Services**

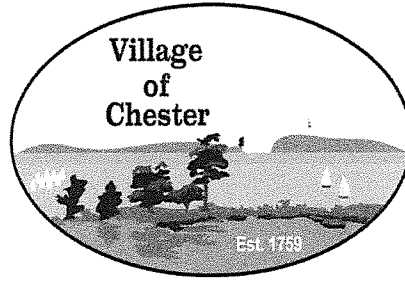
Lunenburg District Office, Child Welfare; 902-543-4554

After hours, 1-866-922-2434

**Village Office**

Reception: 902-275-4482

Clerk/Treasurer: 902-275-4994

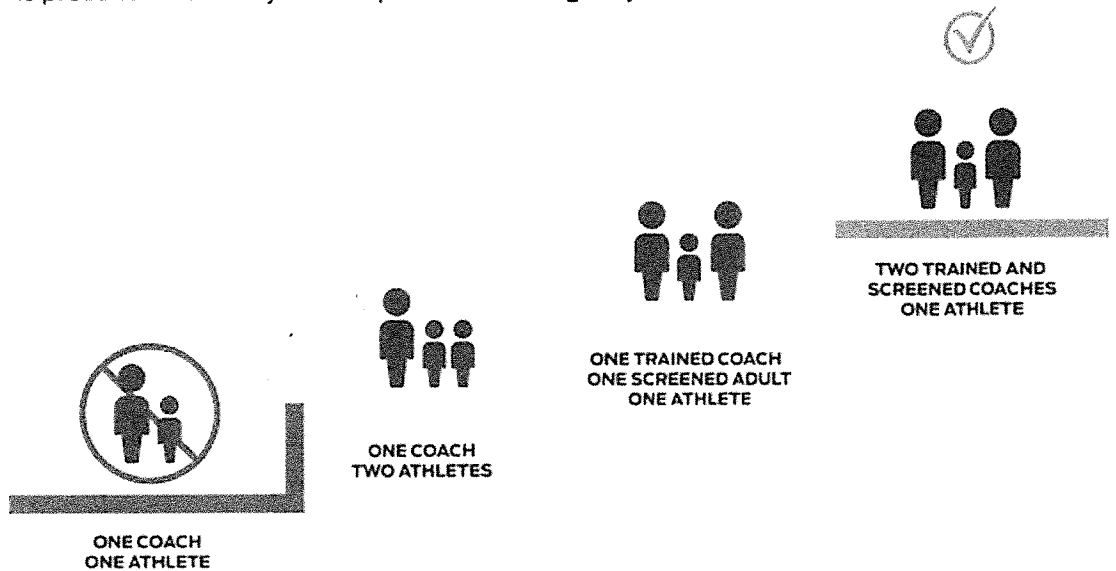


Abuse Prevention Policy  
Report Form

To be developed

# RULE OF TWO

The goal of the **Rule of Two** is to ensure all interactions and communications are open, observable and justifiable. Its purpose is to protect participants (especially minors) and coaches in potentially vulnerable situations by ensuring more than one adult is present. There may be exceptions for emergency situations.



## GOOD RULE OF TWO IMPLEMENTATION PRACTICES

- The coach is never alone and out of sight with a participant without another screened coach or screened adult (parent or volunteer) present.
- Allow training environment to be open to observation.
- Ensure a participant rides in a coach's vehicle with another adult present.
- Consider the gender of the participant(s) when selecting the screened coaches and volunteers who are present.
- Eliminate one-to-one electronic messaging. Ensure that all communications are sent to the group and/or include parents.

**Learn more:** [coach.ca/responsiblecoaching](http://coach.ca/responsiblecoaching)

