

CITY OF VAUGHAN

CORPORATE POLICY

POLICY TITLE: RESPECTFUL WORKPLACE POLICY (HUMAN RIGHTS AND ANTI-DISCRIMINATION/HARASSMENT)

POLICY NO.: 13.C.01

Section:	Human Resources		
Effective Date:	July 1, 2022	Date of Last Review:	May 01, 2019
Approval Authority:	Policy Owner:		
Council	Chief Human Resources Officer		

POLICY STATEMENT

The City of Vaughan is committed to ensuring a respectful work environment, free from harassment and discrimination. The City will not tolerate or condone discrimination or harassment. All Employees are responsible for respecting the dignity and human rights of others and the well-being of the community we serve.

The principles which guide the City in promoting a respectful workplace are as follows:

1. The City recognizes that the most effective way to deal with Harassment and Discrimination is through action, including education, awareness and, if required, investigation.
2. The City will promote a diverse, equal and inclusive work environment.
3. The City will take all reasonable steps to provide a healthy and safe workplace, free from any form of Discrimination or Harassment.
4. The City is committed to a work environment that respects the dignity, self-worth and human rights of every person and provides opportunities for each person to contribute to the City.
5. Employees and others must report Harassment or Discrimination to their Supervisor, Management or Human Resources. If the complaint involves a Member of Council, it should be directed to the Integrity Commissioner.
6. Retaliation against an individual for filing a complaint, participating in any investigation or otherwise exercising their rights will not be tolerated.

7. Employees who engage in Harassment and/or Discrimination will be subject to corrective action and may be disciplined up to and including termination of employment for cause.

PURPOSE

The Respectful Workplace Policy (Human Rights and Anti-Discrimination/ Harassment) (the “Policy”) provides for a healthy and respectful work environment and sets out steps to address an incident or complaint of Harassment and/or Discrimination.

This Policy outlines the expectations and appropriate behaviours in the City’s workplaces and requires corrective action or discipline up to and including termination to address discrimination or harassment or other violations of this Policy.

SCOPE

1. This Policy applies to all Employees (permanent, full-time, part-time, contract, seasonal, temporary), students, interns, volunteers, Members of Council, appointees, citizen members of committees and contractors. Roles and responsibilities are set out below.
2. This Policy applies to:
 - 2.1. Discrimination or Harassment involving an Employee or Member of Council that may occur at any Workplace or during any City business, activities and events, in-person or virtual.
 - 2.2. Discrimination or Harassment involving an Employee or Member of Council that occurs outside a Workplace but has a direct adverse effect on the work environment.
 - 2.3. Members of Council are governed by the Council Code of Ethical Conduct as well as this Respectful Workplace Policy (Human Rights and Anti-Discrimination/Harassment). Any complaints about the Mayor or Members of Council should be directed to the Integrity Commissioner.
3. This Policy does not apply to:
 - 3.1. Reasonable actions or conduct relating to the management and direction of employees (e.g. performance reviews).
 - 3.2. Members of the public who feel they have been discriminated in receiving City services or by City Staff. The City of Vaughan’s [Commitment to Human](#)

[Rights, Equal Access to City Services and a Respectful Environment](#) applies to Members of the public. Members of the public who feel discriminated or harassment should file a complaint with Access Vaughan and the City will take appropriate action.

LEGISLATIVE REQUIREMENTS

This Policy complies with the [Ontario Human Rights Code](#) (Code) and the [Occupational Health and Safety Act](#) (OHSA). Under the Code, every person has a right to equal treatment with respect to employment. Under OHSA, all employers are required to have a workplace harassment policy and program, as well as conduct an investigation appropriate in the circumstances into a complaint of workplace harassment.

DEFINITIONS

- 1. Code-based Harassment:** engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome based on one or more of the Prohibited Grounds set out in the Code.
- 2. Discrimination:** is any practice or behaviour, whether intentional or not, which has a negative impact on an individual or group based on a protected ground in the Code by excluding, denying benefits or imposing burdens upon them. Discrimination may arise as a result of differential treatment or it may result from treating a group of people in the same way that results in unequal treatment.
- 3. Employee:** includes a City employee, student, intern, or volunteer.
- 4. Harassment or non-Code-based Harassment:** is engaging in a pattern or a course of vexatious comment or conduct directed toward an individual or group, that is known or ought reasonably to be known to be unwelcome. Harassment includes sexual harassment as defined below. Harassment also includes creating or contributing to a poisoned work environment as defined below. Harassment includes offensive comments or jokes; intimidation, threats, bullying or aggressive behaviour; inappropriate staring; or conduct such as isolation or avoidance because of a person's race, sex, disability, gender identity or other prohibited ground. Single acts of sufficient severity may constitute harassment. Provisions regarding harassment are included in both the Code, referred to as "Code-based Harassment," and OHSA, referred to as non-Code based Harassment.
- 5. Member:** includes a Member of City Council or a person appointed to a Council Committee.

6. **Poisoned Work Environment:** a City work environment that has become hostile or unwelcoming because of Harassment and/or Discrimination.
7. **Prohibited Grounds:** for behaviour to be considered discrimination or harassment under the Code, the comment or conduct must be directed toward one of these aspects of a person's background: age, ancestry, citizenship, colour, creed, disability, ethnic origin, family status, gender expression, gender identity, marital status, place of origin, race, record of offences, sex, or sexual orientation.
8. **Sexual Harassment:** is a form of discrimination based on the prohibited ground of sex under the Code and form of harassment under OHSA. Engaging in a course of vexatious comment or conduct against an employee 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 the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the employee where the person making the solicitation or the advance knows or ought reasonably to know that the solicitation or advance is unwelcome. Sexual relationships between a person in a position of power and a subordinate employee may also be considered sexual harassment or a poisoned work environment when the person in power can confer, grant or deny benefits or advancement, or otherwise influence the subordinate employee's employment.
9. **Workplace:** includes all locations where business or other activities of the City are conducted. This Policy may apply to incidents that happen away from work (e.g., inappropriate social media posts, phone calls, e-mails or visits to an Employee's home, incidents at luncheons, after work socials) if the Discrimination or Harassment affects the workplace.

POLICY

1. General

- 1.1. The City will promote an environment that respects the dignity, self-worth and human rights of every individual. The City will take all reasonable steps to provide a safe and healthy workplace that is free from Discrimination and/or Harassment.
- 1.2. This Policy and the [Creating a Respectful Workplace Human Rights and Anti-Discrimination/Harassment Guide and Procedure](#) (Guide and Procedure) sets out how the City will address discrimination and/or harassment. The Policy and Guide and Procedure provide for a complaint process, setting out how to file a complaint, review the complaint and investigate (if necessary) in a fair and timely manner.

- 1.3. Any complaint of Discrimination or Harassment shall be made within one (1) year of the incident or serious of incidents occurring. The City may decline to investigate an incident(s) that occurred more than a year before the complaint was received by City.
- 1.4. Employees must participate in any process under this Policy or the Guide and Procedure including any investigation. The scope and type of investigation will be determined by the Respectful Workplace Coordinator. An investigation appropriate in the circumstances will be conducted into a complaint of discrimination and/or harassment unless the parties to the complaint and the City agree to an alternative resolution process.
- 1.5. All complaints and investigations shall be kept confidential. A complaint may be disclosed as necessary in order to investigate the allegations, take corrective action, protect other Employees or as required by law. Investigation reports shall be kept confidential and shall not be disclosed except with the written consent of the Chief Human Resource Officer.
- 1.6. Nothing in this Policy is intended to interfere with an Employee or Member of Council if they want to seek advice from the Human Rights Legal Support Centre, their union (if covered by a Collective Agreement), or their legal counsel.

2. Roles and Responsibilities

2.1. People Leaders, Management and Supervisors must:

- 2.1.1. Promote a respectful workplace that is safe and free from Discrimination or Harassment.
- 2.1.2. Lead by example by not tolerating, engaging in, or condoning Discrimination or Harassment or other violations of this Policy.
- 2.1.3. Take reasonable steps to address Harassment and Discrimination when they ought reasonably to have known that there is an issue of Harassment or Discrimination. Reasonable steps include ensuring a copy of this Policy and the Guide and Procedure is provided to the affected Employee(s).
- 2.1.4. Engage Human Resources when a complaint is received.
- 2.1.5. Be familiar with and uphold this Policy and the Guide and Procedure.

2.2. Human Resources will:

- 2.2.1. Provide guidance on this Policy and the Guide and Procedure to Employees, Managers and Supervisors.
- 2.2.2. Investigate a complaint when directed to do so by the Respectful Workplace Policy Coordinator or the Chief Human Resources Officer.
- 2.2.3. Determine if an external investigator is required and seek approval of the Chief Human Resources Officer.
- 2.2.4. When necessary, consult with the Diversity and Inclusion Officer for Code-based complaints.

2.3. Respectful Workplace Policy Coordinator will:

- 2.3.1. Be designated by the Chief Human Resources Officer unless there is a conflict of interest, in which case, the City shall designate a Respectful Workplace Coordinator who has knowledge of this Policy and Procedure and is able to fairly review the complaint.
- 2.3.2. Have overall responsibility for the administration of this Policy and the Guide and Procedure.
- 2.3.3. Be responsible for informing the complainant(s) and respondent(s) of the results of the investigation.
- 2.3.4. Inform the complainant of corrective action, if any, that has been/will be taken as a result of the investigation.
- 2.3.5. Discuss findings, conclusions and recommendations with the respective Deputy City Manager, director and/or manager, as appropriate
- 2.3.6. Involve the City Solicitor or their designated Legal Counsel if the complaint is raised during a legal or anticipated legal proceeding including a civil or WSIB claim or Human Rights Application.

2.4. Investigators are responsible for:

- 2.4.1. Being familiar with applicable legislation, this Policy and the Guide and Procedure.
- 2.4.2. Investigating complaints filed under this Policy.
- 2.4.3. Exercising objectivity and impartiality.

2.4.4. Ensuring confidentiality except as necessary to investigate or otherwise required by law.

2.4.5. Record and maintain appropriate documentation.

2.4.6. Make all necessary findings of fact and analysis with respect to allegations in the complaint as appropriate in the circumstances.

2.5. **Contractors and vendors** who conduct business or offer services to the City shall:

2.5.1. Have a Human Rights, Discrimination and Harassment policy setting out their duty with respect to their employees.

2.5.2. Shall report any City Employee that may have violated this Policy to the City's Human Resources.

2.5.3. Cooperate in an investigation if a City Employee reports a contractor or vendor employee has engaged in discrimination or harassment.

2.6. **Employees** have a responsibility to:

2.6.1. Ensure Workplaces are safe and free from Discrimination or Harassment. This means not engaging in, condoning or ignoring behaviour contrary to this Policy.

2.6.2. File a complaint about Harassment or Discrimination in a timely manner and within one year of the incident(s).

2.6.3. Notify their Supervisor, Manager, Deputy City Manager or Human Resources if they witness Discrimination or Harassment.

2.6.4. Fully cooperate in any investigation.

3. Reporting and Investigation

3.1. Any Supervisor or Manager who receives or becomes aware of an incident or complaint of discrimination or harassment shall provide the Employee who has complained or who may be experiencing Discrimination or Harassment with a copy of this Policy and the Guide and Procedure. The City shall investigate all complaints of discrimination and/or harassment, take appropriate action(s) including informing the parties to the complaint in writing of the findings following an investigation and any corrective action(s).

3.2. An Employee who believes Harassment or Discrimination has occurred in violation of this Policy should report such incident, activity or behaviour, in

writing, to their Supervisor or Manager. If the Supervisor or Manager is involved, the Employee should report it to their respective Deputy City Manager or Human Resources.

3.3. An Employee with a complaint about a Deputy City Manager should direct their complaint to the City Manager and copy the Chief Human Resources Officer.

3.4. A complaint about the City Manager should be directed to the Mayor's office with a copy to the Chief Human Resources Officer.

3.5. A complaint about Members of Council should be directed to the Integrity Commissioner.

4. No Retaliation

4.1. The City will not condone retaliation or reprisal against Employees who in good faith report or complain about harassment, discrimination or other violation of this Policy.

4.2. Retaliation or reprisal against someone who is a witness or is involved in an investigation is prohibited and will result in discipline up to and including termination for cause against the person found to have retaliated.

5. Remedial Action

5.1. Any Employee who is found to have engaged in Discrimination or Harassment or otherwise violated this Policy may be subject to corrective or disciplinary action up to and including termination of employment for cause. A complaint which is found to be made in bad faith may result in disciplinary action.

5.2. Harassment and/or Discrimination involving a Member of Council should be forwarded to the City's Integrity Commissioner to be addressed under the Code of Ethical Conduct for Members of Council.

6. Awareness of this Policy

6.1. This Policy will be made available to all Employees and Members of Council by providing it at the time of onboarding and orientation, and by making it available and accessible on the City's intranet.

6.2. In addition, Employees shall be required to acknowledge and sign-off on this Policy on a yearly basis and/or from time to time as necessary.

7. Annual Report

7.1. An annual report will be provided to the City Manager and the Diversity and Inclusion Officer that includes:

7.1.1. The number of complaints received

7.1.2. The nature of the complaints (i.e. Code based or OHSA)

7.1.3. The resolution of the complaints and any recommendations to ensure a respectful workplace at the City free from Discrimination and Harassment.

7.2. The identity of the persons involved will not be disclosed in the report.

8. Appendix

8.1. City's Commitment to Human Rights, Equal Access to City Services and a Respectful Environment

ADMINISTRATION

Administered by the Office of the City Clerk.

Review Schedule:	Other (specify) Annually	Next Review Date:	June 1, 2023
Related Policy(ies):	13.C.03 – Workplace Violence, 13.A.02 – Employee Code of Conduct, CL-011 – Code of Ethical Conduct for Members of Council		
Related By-Law(s):	012-2013 – Roles and Responsibilities of the City Manager		
Procedural Document:	PRC.04 – Creating a Respectful Workplace Guide and Procedure		

Revision History

Date:	Description:
April, 2022	Review of Policy

THE CORPORATION OF THE CITY OF VAUGHAN

APPENDIX

APPENDIX TITLE: CITY OF VAUGHAN'S COMMITMENT TO HUMAN RIGHTS, EQUAL ACCESS TO CITY SERVICES AND A RESPECTFUL ENVIRONMENT

APPENDIX NO.: 1

APPENDIX

The City of Vaughan is committed to providing an environment in which all persons are treated with respect and dignity. Employees, elected officials, members of the public and all those interacting with the City have the right to a respectful environment and to receive Service Excellence from the City.

In accordance with the *Ontario Human Rights Code*, the City will not condone or tolerate discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (includes pregnancy and breastfeeding), sexual orientation, gender identity, gender expression, age, marital status, family status, or disability.

The City is committed to identifying and addressing barriers to reduce inequities, ensuring that everyone has the right to access City services. The City recognizes that discrimination can impact an individual's dignity and well-being. The City will take all reasonable steps to ensure a respectful environment and provide services in accordance with the *Ontario Human Rights Code*.

If a person feels they have been discriminated against when interacting with City Staff or when receiving City services, please contact Access Vaughan. The City will take appropriate action. Employees that feel they have been discriminated or harassed at work, should refer to the City's Respectful Workplace Policy (Human Rights and Anti-Discrimination/Harassment).