

CORPORATE POLICY

POLICY TITLE: RESPECTFUL WORKPLACE

POLICY NO.: 13.C.01

Section:	Human Resources		
Effective Date:	May 1, 2019	Date of Last Review:	June 8, 2010
Approval Authority: Council	Policy Owner: Chief Human Resources Officer		

POLICY STATEMENT

The City of Vaughan will not tolerate, ignore, or condone discrimination or harassment and is committed to promoting respectful conduct, tolerance and inclusion. All employees are responsible for respecting the dignity and rights of their co-workers and the public they serve. The City's Respectful Workplace Procedures provide a range of dispute resolution options for employees, and Members of Vaughan City Council who believe that they may have experienced discrimination and/or harassment. All complaints shall be treated confidentially and there shall be no reprisal.

There are several guiding principles which govern the Corporation in dealing with workplace violence. These include:

1. The City of Vaughan recognizes that the most effective way to deal with harassment and discrimination is through preventative action, including informing, educating and good management and to ensure that this policy is fair and applied consistently.
2. It is the policy of the City to take all reasonable steps to provide its elected representatives, employees (full-time, part-time, on contract, temporary, seasonal), appointees, students, interns and volunteers with a work and service environment that is free of any form of discrimination, harassment, personal harassment, sexual harassment or bullying, and that respects the dignity, self-worth and human rights of every individual.
3. The City Manager, on behalf of the City of Vaughan, is committed to providing a workplace and service environment that is conducive to creating a healthy and safe climate of mutual respect that reinforces opportunity and allows for

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each person to contribute fully to the development and well-being of the Corporation.

4. This policy and its related procedures provide for an internal complaint resolution process where every effort will be made to facilitate an early resolution.
5. Discrimination, harassment, sexual harassment and bullying will not be condoned under the guise of strong management when employees are not treated with dignity and respect.
6. Nothing in the Respectful Workplace Policy or related procedures is intended to prevent a complainant from using alternate methods of resolution such as the Ontario Human Rights Code, a Collective Agreement, or other legal action.
7. Retaliation against an individual for filing a complaint, participating in any procedure or being associated with a person who filed a complaint under this policy will not be tolerated.
8. Complaints which are found to be vexatious or made in bad faith will result in a penalty against the complainant. The severity of the penalty will be determined based on the seriousness and impact of the complaint following an investigation.

PURPOSE

The City of Vaughan is committed to creating and sustaining a healthy, safe and respectful workplace which is free of harassment and discrimination.

This policy ensures, to the best of the City of Vaughan's ability, a healthy, safe and respectful work environment and appropriate management of any occurrences of harassment and discrimination as defined below.

This policy outlines a common understanding of the expectations and appropriate behaviours in City workplaces and sets out the expectations to take action to prevent and/or deal with inappropriate behaviours or violations of this policy.

SCOPE

1. This policy applies to all:
 - 1.1. Employees: permanent, full-time, part-time, contract, seasonal, temporary
 - 1.2. Students and interns

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1.3. City program and service volunteers

1.4. Elected officials/representatives

1.5. Appointees

1.6. Contractors

1.7. Patrons

2. This policy applies to:

2.1. Discrimination or harassment that may occur at any workplace/worksites or location where the business of the municipality is being conducted or during the course of any City business, activities and events including but not limited to: City premises and property; off-site premises and property; City sponsored functions, events and meals; travel venues while on City business; and any site where the employee is conducting City business or representing the Corporation of the City of Vaughan.

2.2. Discrimination or harassment that may occur between individuals associated with the City but outside corporation business, activities and events when such harassment has an adverse affect on the work environment.

3. Elected representatives are also governed by the Council Code of Ethical Conduct and any complaints about an elected representative are addressed under this Respectful Workplace Policy, but through a process defined by Rule 14 of the Council Code of Ethical Conduct.

LEGISLATIVE REQUIREMENTS

Under the *Occupational Health and Safety Act*, s. 32.0.1(1) the Corporation is required to:

1. “(b) prepare a policy with respect to workplace harassment; and
(c) review the policies as often as is necessary, but at least annually.
2. The policies shall be in written form and shall be posted at a conspicuous place in the workplace.”

Under section 5(2) *the Human Rights Code (the Code)* “every employee has a right to be free from harassment in the workplace on the basis of: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.”

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DEFINITIONS

- 1. Discrimination:** Discrimination is any distinction, whether intentional or not, based on prohibited grounds, which has the effect of imposing burdens, obligations or disadvantages on an individual that are not imposed on others, or which withholds or limits access to opportunities, benefits and advantages available to others.
- 2. Harassment:** Engaging in 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 or unwanted. Harassment consists of comments or conduct that may or may not be linked to one of the prohibited grounds, which are insulting, intimidating, humiliating, malicious, degrading or offensive. Harassment includes sexual harassment as defined below. Harassment also includes creating or contributing to a poisoned work environment as defined below. Single acts of sufficient severity may constitute harassment.
- 3. Harassment - Discriminatory:** Harassment which is based on a prohibited ground of discrimination under the Ontario Human Rights Code and will be dealt with under the City of Vaughan Respectful Workplace Policy.
- 4. Harassment – Personal or Workplace:** Engaging in a course of vexatious comment or conduct in a workplace directed toward an individual or group, that is known or ought reasonably to be known to be unwelcome or unwanted but are not related to one of the prohibited grounds as defined in the Ontario Human Rights Code. Any unwanted or unwelcome acts of coercion and harassment or misuse of power, including demeaning, intimidating, humiliating, annoying or distressing behaviour through repeated and hostile or unwanted conduct, comments (including jokes, name calling, excessive criticism, spreading rumours, making malicious allegations), emails, threats, actions or gestures that affect a person's dignity or physical integrity, personal or professional performance, and that result in a harmful workplace environment. A single severe act of harassing behaviour may be sufficient to be defined as Harassment. Properly discharged management responsibilities are not considered to be acts of harassment.
- 5. Harassment - Sexual:** Engaging in a course of vexatious comment or conduct against a person in a workplace because of sex, sexuality, 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 unwanted; 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 worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Sexual harassment includes, but is not limited to, unwelcome sexual advances and requests for sexual favours where submitting to or rejecting this conduct is

used, or could reasonably be perceived as being used, as the basis for decisions which affect the individual's employment.

- 6. Official (Elected or Appointed):** A person who holds a public office or membership on a Council Committee with the City of Vaughan whether obtained by election or by nomination of the City Council or the Corporation of the City of Vaughan.
- 7. Patron:** A person who is a customer, client, resident or guest of the City of Vaughan while interacting during Corporation business with elected or appointed officials, employees, students, interns, volunteers, or contractors.
- 8. Poisoned Work Environment:** A form of harassment that may not be directed at any one individual or group but by nature is considered offensive. These forms of harassment may include slurs, profanity, derogatory or demeaning gestures, displays (pictures, graffiti, drawings, posters, pin-ups), offensive jokes, literature and behaviours considered offensive or ought to be known to be unwelcome or unwanted. The forms of harassment contribute to what may be described as a poisoned or toxic workplace environment where any individual or group of individuals feel offended, uncomfortable, unsafe or insecure.
- 9. Prohibited Grounds:** Personal Harassment which is based on a prohibited ground of discrimination under the Ontario Human Rights Code and is dealt with under the City of Vaughan Respectful Workplace Policy and related process and procedures.

Prohibited grounds refer to those personal attributes that are recognized as the most common targets of harassing and discriminatory actions. For offensive behaviour to be considered discrimination or harassment under the Ontario Human Rights Code, the focus of the comment or conduct must be directed toward one of these aspects of a person's background:

- 9.1. Age
- 9.2. Ancestry
- 9.3. Citizenship
- 9.4. Colour
- 9.5. Creed or Religion
- 9.6. Disability
- 9.7. Ethnic or National Origin
- 9.8. Family Status
- 9.9. Marital Status
- 9.10. Place of Origin
- 9.11. Race
- 9.12. Sex (including pregnancy, gender identity)
- 9.13. Gender Expression

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- 9.14. Sexual Orientation
- 9.15. Receipt of Public Assistance

10. Sexual Violence: Any sexual act or act targeting a person's sex, sexuality, sexual orientation, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent and includes sexual assault, stalking, indecent exposure, voyeurism and sexual exploitation.

POLICY

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3. The City Manager, on behalf of the City of Vaughan, is committed to providing a workplace and service environment that is conducive to creating a healthy and safe climate of mutual respect that reinforces opportunity and allows for each person to contribute fully to the development and well being of the Corporation.
4. This policy and its related procedures provide for an internal complaint resolution process where every effort will be made to facilitate an early resolution.
5. Discrimination, harassment, sexual harassment and bullying will not be condoned under the guise of strong management when employees are not treated with dignity and respect.
6. Nothing in the Respectful Workplace Policy or related procedures is intended to prevent a complainant from using alternate methods of resolution such as the Ontario Human Rights Code, a Collective Agreement, or other legal action.
7. Retaliation against an individual for filing a complaint, participating in any procedure or being associated with a person who filed a complaint under this policy will not be tolerated.

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8. Complaints which are found to be vexatious or made in bad faith will result in a penalty against the complainant. The severity of the penalty will be determined based on the seriousness and impact of the complaint following an investigation.

9. Responsibility

9.1. Everyone is Responsible:

9.1.1. Everyone associated with the Corporation has a responsibility to ensure that the workplace environment is safe and free from discrimination, harassment, sexual harassment and bullying.

9.1.2. This means not engaging in, allowing, condoning or ignoring behaviour contrary to this policy.

9.1.3. Anyone who believes that discrimination, harassment, sexual harassment or bullying is taking place is encouraged to notify his/her supervisor and/or the Respectful Workplace Policy Coordinator.

9.2. Management/Supervisor Responsibility:

9.2.1. The Ontario Human Rights Code provides that a person such as a manager or supervisor has the responsibility, to prevent or discourage harassment and discrimination.

9.2.2. All managers and supervisors therefore have a duty to act and deal with such incidents when they ought reasonably to have known that there is an issue to address.

9.2.3. This duty includes the obligation to be familiar with and uphold this policy and any associated procedures.

9.2.4. Any failure to act that results in discrimination, harassment, sexual harassment or bullying will not be tolerated and will be subject to discipline up to and including discharge from employment.

9.3. Policy Advisors:

9.3.1. All managers and supervisors are responsible to act as Policy Advisors under the Respectful Workplace Policy and its related procedures.

9.4. Respectful Workplace Policy Coordinator:

9.4.1. The Corporation shall designate a Human Resources representative to be the Corporate Respectful Workplace Policy Coordinator. This person

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will have overall responsibility for the administration of this policy and its related procedures including an annual review or the entire program.

10. Reporting and Investigation

- 10.1. Employees who have reasonable grounds to believe a violation of the Respectful Workplace Policy has occurred should report such activity or behaviour, in writing, to their Supervisor, Manager, Director, Deputy City Manager, the Chief Human Resources Officer, or the City Manager, as appropriate. Employees may also use the City's Anonymous Reporting System.
- 10.2. Supervisory and management staff shall take all appropriate steps to prevent and stop respectful workplace issues which come to their attention.
- 10.3. Any supervisory or management staff member who is subject to, witnesses, or is given a written complaint of a respectful workplace violation shall work to minimize or eliminate the issue at hand. In the event that this is not possible with available resources, the management staff is required to report the issue to their Director, Deputy City Manager or the City Manager.
- 10.4. The City shall investigate all complaints of discrimination, harassment, sexual harassment, and bullying and take all appropriate actions including informing the parties to the complaint of its findings following an investigation.

11. No Retaliation

- 11.1. The City will not condone retaliation or reprisal of any kind by or on behalf of the City of Vaughan and its employees against good faith reports or complaints of violation of the Respectful Workplace Policy.
- 11.2. All employees must cooperate fully during an investigation of alleged wrongdoing in relation to any activity or behaviours outlined in this policy.
- 11.3. Retaliation or reprisal against a complainant or someone who is a witness or is involved in such investigation is strictly prohibited and will result in appropriate disciplinary action.

12. Remedial Action

- 12.1. Any employee who is found to have violated the Respectful Workplace Policy may be subject to disciplinary action up to and including discharge from employment.

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12.2. In addition, complaints which are found to be vexatious, malicious or made in bad faith will result in a penalty against the complainant. The severity of the penalty will be determined based on the seriousness and impact of the vexatious complaint following an investigation which may be subject to disciplinary action up to and including discharge from employment.

12.3. Complaints alleging harassment and or discrimination engaged in by a Member of Council should be forwarded to the City's Integrity Commissioner to be addressed under the Code of Ethical Conduct policy and procedure.

13. Awareness of The Respectful Workplace Policy

13.1. The Respectful Workplace Policy will be made available to all employees and elected or appointed officials by providing it at the time of employee onboarding and orientation, by inclusion in the New Employee Handbook, and by making it available and accessible on the City's intranet.

13.2. In addition, employees shall be required to acknowledge and sign-off on the Respectful Workplace Policy on a yearly basis and/or from time to time as necessary.

14. Annual Report

14.1. An annual report will be provided to the City Manager of the number of complaints received and processed, the nature of the complaints, the resolution of the complaints, and all recommendations made. The identity of the persons involved will not be disclosed in the report.

ADMINISTRATION

Administered by the Office of the City Clerk.

Review Schedule:	Other (specify) Annually	Next Review Date:	May 1, 2020
Related Policy(ies):	13.C.03 – Workplace Violence, CC-005 – Social Media, 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 – Respectful Workplace		

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Revision History

Date:	Description:
Click or tap to enter a date.	