

**CITY OF VAUGHAN
POLICY MANUAL**

SECTION: LEGAL AND ADMINISTRATIVE SERVICES	POLICY NO: 05.5.23
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DEPARTMENT: HUMAN RESOURCES	SUBJECT: RESPECTFUL WORKPLACE POLICY (HARASSMENT AND DISCRIMINATION)
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THE RESPECTFUL WORKPLACE POLICY SHALL BE IMPLEMENTED IN ACCORDANCE WITH THE RESPECTFUL WORKPLACE PROCESS AND PROCEDURES WHICH CAN BE FOUND ON THE VIBE OR CAN BE ATTAINED FROM THE HUMAN RESOURCES DEPARTMENT.

PURPOSE This policy ensures, to the best of our ability, a safe and respectful work environment and appropriate management of any occurrences of harassment and discrimination as defined below.

APPLICATION

Who This policy applies to all

- elected representatives
- employees
- appointees
- people under contract
- students
- patrons
- City Program volunteers

Where: This policy applies to

- discrimination or harassment that may occur at any worksite where the business of the municipality is being conducted or during the course of all Corporation business, activities and events; or
- harassment between individuals associated with the Corporation but outside Corporation business, activities and events when such harassment has an adverse affect on the work environment.

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

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DEFINITIONS

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.

Patron: A person who is a customer, client, resident or guest of the City of Vaughan.

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.

Harassment: A course of vexatious comment or conduct directed toward an individual or group of individuals that is known or ought reasonably to be known to be unwelcome or unwanted. Harassment consists of comments or conduct linked to one of the prohibited grounds, which are insulting, intimidating, humiliating, malicious, degrading or offensive. **Single acts of sufficient severity may constitute harassment.**

Workplace

Harassment: Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known to ought reasonably to be known to be unwelcome.

Prohibited Grounds:

The 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, the focus of the comment or conduct must be directed toward one of these aspects of your background:

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- Age
- Citizenship
- Creed or Religion
- Ethnic or National Origin
- Marital/Family Status
- Place of Origin
- Sex (Pregnancy)
- Ancestry
- Colour
- Disability
- Record of Offences (pardoned Federal or Provincial)
- Same Sex Partnership Status
- Race
- Sexual Orientation

Sexual Harassment:

One or a series of comments or conduct of a gender-related or sexual nature, that is known or ought reasonably to be known to be unwelcome/unwanted, offensive, intimidating, hostile or inappropriate. Sexual harassment includes unwelcome sexual advances and requests for sexual favours where:

- Submitting to or rejecting this conduct is used as the basis for decisions which affect the individual's employment
- Such conduct has the purpose or effect of interfering with an individual's job performance
- Such conduct creates an intimidating or offensive environment

Personal Harassment

Properly discharged management responsibilities are not considered to be acts of personal harassment. Personal Harassment involves patterns or repeated incidents of comment or conduct of an excessive nature that are known or ought reasonable to be known to be unwelcome/unwanted, offensive, intimidating, hostile or inappropriate, but are not related to one of the prohibited grounds as defined in the Ontario Human Rights Code. Examples include but are not limited to: repeated negative attacks on an individual's personal or professional performance, excessive criticism in the presence of others, withholding information with the impact of affecting an individual's ability to do their job or tasks, and spreading malicious rumours or making malicious allegations on a repeated basis.

Malicious

Resulting from a need to see others suffer.

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POLICY

- 1.1 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.
- 1.2 It is the policy of the City to take all reasonable steps to provide its elected representatives, employees, appointees, people under contract, students and City Program volunteers with a work and service environment that is free of any form of discrimination, including harassment, personal harassment and bullying, and that respects the dignity, self-worth and human rights of every individual.
- 1.3 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 climate of mutual respect that reinforces opportunity and allows for each person to contribute fully to the development and well being of the Corporation.
- 1.4 This policy provides for an internal complaint resolution process where every effort will be made to facilitate an early resolution.
- 1.5 Harassment and bullying will not be condoned under the guise of strong management when employees are not treated with dignity and respect.
- 1.6 Nothing in the 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, Workplace Violence and Harassment Policy or other legal action.
- 1.7 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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- 1.8 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.

RESPONSIBILITY

Everyone is Responsible

- Everyone associated with the Corporation has a responsibility to ensure that our environment is free from harassment. This means not engaging in, allowing, condoning or ignoring behaviour contrary to this policy. Anyone who believes that harassment is taking place is encouraged to notify his/her supervisor and/or the Respectful Workplace Policy Coordinator.

Management/Supervisor/Responsibility

- The Ontario *Human Rights Code* and Ontario *Occupational Health and Safety Act* provides that a person such as a manager or supervisor who has the authority to prevent or discourage harassment and discrimination **will be held responsible for failing to do so**. All managers and supervisors therefore have a particular duty to act and deal with such incidents when they ought reasonably to have known that there is an issue to address. This duty includes the obligation to be familiar with and uphold this policy and any associated procedures. Any failure to act that results in harassment or bullying will not be tolerated and will be subject to discipline up to and including discharge from employment.

Policy Advisors

All managers and supervisors are responsible to act as Policy Advisors.

Respectful Workplace Policy Coordinator

The Corporation shall designate a Human Resources representative to be the Corporate Respectful Workplace Policy Coordinator. This person will have overall responsibility for the administration of this policy.

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SEMI ANNUAL REPORT

A semi-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. This report shall be made available to Council.