

# Accessibility Advisory Committee

## Report

The 1st Meeting of the Accessibility Advisory Committee  
January 28, 2021  
Advisory Committee Virtual Meeting - during the COVID-19 Emergency

Attendance                   PRESENT: J. Menard (Chair), M. Bush, T. Eadinger, A. McGaw, P. Moore, P. Quesnel, D. Ruston and K. Steinmann and J. Bunn (Committee Clerk)

ALSO PRESENT: L. Livingstone; D. Baxter, U. DeCandido, A. Husain, H. Lysynski, C. Saunders, K. Scherr, M. Schulthess, M. Stone and B. Westlake-Power

ABSENT: N. Judges

The meeting was called to order at 3:02 PM; it being noted that the following Members were in remote attendance: M. Bush, T. Eadinger, A. McGaw, J. Menard, P. Moore, P. Quesnel, D. Ruston and K. Steinmann

### 1. Call to Order

#### 1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

#### 1.2 Election of Chair and Vice-Chair for the remainder of the current term

That it BE NOTED that the Accessibility Advisory Committee elected J. Menard and P. Moore as Chair and Vice Chair, respectively, until the end of the current term.

### 2. Scheduled Items

None.

### 3. Consent

#### 3.1 3rd Report of the Accessibility Advisory Committee

That it BE NOTED that the 3rd Report of the Accessibility Advisory Committee, from its meeting held on November 26, 2020, was received.

#### 3.2 Municipal Council Resolution - 3rd Report of the Accessibility Advisory Committee

That it BE NOTED that the Municipal Council resolution, from its meeting held on January 12, 2021, with respect to the 3rd Report of the Accessibility Advisory Committee, was received.

#### 3.3 2021 Neighbourhood Street Reconstruction Projects - Complete Streets Sidewalk Assessments

That the following actions be taken with respect to the Memo dated January 20, 2021, from the Director, Roads and Transportation, related to the 2021 Neighbourhood Street Reconstruction Projects - Complete Streets Sidewalk Assessments:

a) the Civic Administration BE ADVISED that the Accessibility Advisory Committee (ACCAC) supports the inclusion of sidewalks on both sides of the streets listed within the above-noted Memo except in circumstances that warrant sidewalks on only one side of the street; and,

b) the Civic Administration BE ADVISED that the only instances that call for zero sidewalks on a street should be situations where the circumstances are insurmountable for the installation of sidewalks and, in those cases, the ACCAC should be consulted;

it being noted that the above-noted Memo was received.

3.4 (ADDED) Community Diversity and Inclusion Strategy: Priority 4 - Meeting Minutes and Work Plan

That it BE NOTED that the Community, Diversity and Inclusion Strategy: Priority 4 meeting minutes, from the meeting held on November 23, 2020, as appended to the agenda, were received.

**4. Sub-Committees and Working Groups**

None.

**5. Items for Discussion**

5.1 Respectful Workplace Policy

That it BE NOTED that the Respectful Workplace Policy document, as appended to the agenda, was received.

5.2 ACCAC Terms of Reference

That the following actions be taken with respect to the Accessibility Advisory Committee (ACCAC) Terms of Reference:

a) the above-noted Terms of Reference, as appended to the agenda, BE RECEIVED; and,

b) the Civic Administration BE REQUESTED to consider adding additional provisions concerning ableism when drafting the updated ACCAC Terms of Reference document.

5.3 Advisory Committee Review

That it BE NOTED that a verbal update from C. Saunders, City Clerk, with respect to the ongoing Advisory Committee Review, was received.

5.4 Service Area Work Plan for 2021

That it BE NOTED that a verbal update from L. Livingstone, City Manager, with respect to the Service Area Work Plan for 2021, was received.

5.5 Multi-Year Accessibility Plan - Outreach & Research Project

That it BE NOTED that a verbal update from M. Stone, Accessibility Specialist, with respect to the Multi-Year Accessibility Plan - Outreach and Research Project, was received.

5.6 Representative of the Accessibility Advisory Committee for the Community Diversity and Inclusion Strategy (CDIS) Leadership Table

That Jay Menard BE APPOINTED as the Accessibility Advisory Committee representative to the Community Diversity and Inclusion Strategy (CDIS) Leadership Table.

**6. Adjournment**

The meeting adjourned at 4:38 PM.

# Accessibility Advisory Committee Report

The 3rd Meeting of the Accessibility Advisory Committee  
November 26, 2020  
Advisory Committee Virtual Meeting - during the COVID-19 Emergency  
City Hall is open to the public, with reduced capacity and physical distancing requirements.

Attendance                      PRESENT: J. Menard (Chair), T. Eadinger, N. Judges, P. Moore, P. Quesnel and K. Steinmann and J. Bunn (Committee Clerk)

ALSO PRESENT: Councillor S. Lewis; A. Husain, L. Livingstone, C. Saunders and M. Stone

The meeting was called to order at 3:05 PM; it being noted that the following Members were in remote attendance: T. Eadinger, N. Judges, P. Quesnel and K. Steinmann

## 1. Call to Order

### 1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

## 2. Scheduled Items

None.

## 3. Consent

### 3.1 2nd Report of the Accessibility Advisory Committee

That it BE NOTED that the 2nd Report of the Accessibility Advisory Committee, from its meeting held on February 27, 2020, was received.

### 3.2 Letter of Resignation - J. Madden

That it BE NOTED that the letter of resignation from the Accessibility Advisory Committee from J. Madden, as appended to the agenda, was received.

### 3.3 Letter of Resignation - M. Dawthorne

That it BE NOTED that the letter of resignation from the Accessibility Advisory Committee from M. Dawthorne, as appended to the agenda, was received.

## 4. Sub-Committees and Working Groups

None.

## 5. Items for Discussion

### 5.1 Representative of the Accessibility Advisory Committee for the Community Diversity and Inclusion Strategy (CDIS) Leadership Table

That Jay Menard BE APPOINTED as the interim Accessibility Advisory Committee representative to the Community Diversity and Inclusion Strategy (CDIS) Leadership Table; it being noted that a permanent representative will be appointed in early 2021.

5.2 General Discussion - Advisory Committees

That it BE NOTED that the Accessibility Advisory Committee (ACCAC) held a general discussion with respect to the role of Advisory Committees and concerns of the Members of the ACCAC.

5.3 City of London 2021 Budget Update

That Jay Menard, Chair, Accessibility Advisory Committee (ACCAC) BE GRANTED authority to draft a summary of comments from ACCAC members with respect to the City of London 2021 Budget Update for submission to the Strategic Priorities and Policy Committee.

**6. Adjournment**

The meeting adjourned at 4:36 PM.



London  
CANADA

P.O. Box 5035  
300 Dufferin Avenue  
London, ON  
N6A 4L9

January 13, 2021

K. Koltun  
Supervisor, Policy and Strategic Issues

I hereby certify that the Municipal Council, at its meeting held on January 12, 2021 resolved:

That the following actions be taken with respect to the 3rd Report of the Accessibility Advisory Committee, from the meeting held on November 26, 2020:

- a) Jay Menard BE APPOINTED as the interim Accessibility Advisory Committee representative to the Community Diversity and Inclusion Strategy (CDIS) Leadership Table; it being noted that a permanent representative will be appointed in early 2021;
- b) Jay Menard, Chair, Accessibility Advisory Committee (ACCAC) BE GRANTED authority to draft a summary of comments from ACCAC members with respect to the City of London 2021 Budget Update for submission to the Strategic Priorities and Policy Committee; and,
- c) clauses 1.1, 2.1 to 2.3 and 5.2, BE RECEIVED. (2.1/2/CPSC)

C. Saunders  
City Clerk  
/ap

cc: Chair and Members, Accessibility Advisory Committee

# Memo

**To:** Accessibility Advisory Committee  
Transportation Advisory Committee

**From:** Roads & Transportation

**Date:** January 20, 2021

**Subject:** 2021 Neighbourhood Street Reconstruction Projects  
Complete Streets Sidewalk Assessments

---

The Renew London Construction Program includes the reconstruction of neighbourhood streets in poor condition. To improve road user safety, connectivity, and accessibility, the 2020 neighbourhood reconstruction program implemented approximately 2,600 metres of new sidewalk on streets where they did not previously exist.

This program generally includes replacing the road and underground services where necessary and rebuilding and restoring areas disturbed by construction to current standards. As part of the design process, the complete streets assessment of the 2021 reconstruction projects is underway which considers area mobility needs, neighbourhood context including trees, and land use.

The assessment has identified that the streets listed in the table below are planned for reconstruction and do not currently have sidewalks on either side of the street.

Location	From	To
Abbey Rise	Longbow Road	Scarlett Avenue
Bartlett Crescent	Viscount Road	Kinnear Crescent
Elm Street	Trafalgar Street	Hamilton Road
Friars Way	Annadale Drive	Wychwood Park
Imperial Road	Grenfell Drive	Balcarres Road
Paymaster Avenue	Burlington St	east limit
St. Anthony Road	Hyde Park Road	Hampton Crescent
Tarbart Terrace	Deer Park Circle	Deer Park Circle
Doncaster Place	*	
Culver Place	*	
East Afton Place	*	

\* The streets without “from” and “to” limits are short court-style dead-end streets. The entire length of these streets is planned for reconstruction.

The committee’s input into the complete streets assessment of sidewalk needs is welcome.

# Meeting Minutes

## CDIS Priority 4: Remove accessibility barriers to services, information and spaces

Monday, November 23<sup>rd</sup>  
6:30pm – 8:30pm

Zoom Meeting

Present:

### 1. Call to Order

#### 1.1 Traditional Land Acknowledgement

### 2. Standing Items

#### 2.1 Welcome from Chair & Leadership Table Update

- Ashfaq welcomed everyone to the meeting and thanked them for joining.
- Leadership Table made a presentation to the Strategic Priorities and Policy committee at the end of September to provide an update on the work and next steps.
- The Leadership Table presented a list of 12 recommendations, and they were endorsed in principle by Council. In October City staff brought a report to outline the work done to date and next steps for the recommendations.
- The Leadership Table voted to create a new priority within the CDIS focused on anti-Black racism. Have had some initial conversations with Black community members about how the priority should be created and how to move the work forward.
- Will be forming a Steering Committee to lead the development process.
- Each working group Chair had been providing updates on individual group work.
- Attendance was discussed at the mast meeting and whether adjustments need to be made to get more members to attend.
- Based on the survey sent out to the group, the current meetings times and dates will remain.
- Focus on doing work to best ability to move priorities forward.

#### 2.2 Roundtable Check-ins (5 mins / person)

- Everyone present checked in with each other and talked about what they have been up to.
- Susan has joined the group and work for the Alzheimer's Society of London and Middlesex.

#### 2.3 Melanie Stone (Accessibility Specialist), Re: Work Alignment

- There is a lot happening at the City in relation to accessibility.
  - 2020 – Massive website overhaul, with accessibility lens
  - Over 75 training sessions on accessible documents. Development of new accessible document/web policy to meet WCAG 2.0AA by January 1 2021.

## Meeting Minutes

### CDIS Priority 4: Remove accessibility barriers to services, information and spaces

- Sat on **Back to Business Committee** – helping to ensure an accessibility lens on patios/expansion/changes in the City
- Introduced Day of Celebration for Staff on December 3<sup>rd</sup>
- Accessibility Ambassador Program & Toolkit Rollout (24 ambassadors trained despite COVID in 2020)
- Helping Facilities Team with the new FADS Document (it's so great!)
- Provide Ongoing training to new employees or as necessary.
- Oversee the accessibility budget to enhance city structures & programs for accessibility/inclusion
- Problem solve employee challenges/update training opportunities for each group
- Each front desk at the City has an accessibility kit for use:
  - Each area has an ambassador that identifies the needs and what is needed to meet them.
- FADS is almost ready to go live on the City's website. Has been used by architects both nationally and internationally.
- FADS will be a living document, and is meant to be updated annually.
- Anyone that emails the [accessibility@london.ca](mailto:accessibility@london.ca) email will reach Melanie.
- City is required to develop an accessibility plan – as part of AODA requirements.
  - Required to do significant community outreach to develop the plan.
  - CDIS can support the outreach process.
  - Looking to engage in as many ways as possible.
  - Bringing Londoners to the conversation in creative ways throughout the year.
  - Take into account all the different demographics that should be engaged.
  - Have about seven to eight months to collect feedback.
  - Can include an educational piece into the process – what the City can do and can't.
  - Opportunity to get more people involved in the work of CDIS.
- Working with/ consulting with people with Alzheimer's when developing the accessibility plan.
- Kitchen table conversations when gathering input for the accessibility plan.
- 

#### ACTIONS

- Share the group's work plan to see what the group is doing and how the work aligns.
- Share the current accessibility plan and FADS with the group to see what part is part of them.

#### 3. Break (7:30pm)

#### 4. Items for Discussion

# Meeting Minutes

## CDIS Priority 4: Remove accessibility barriers to services, information and spaces

### 4.1 Work Plan Progress

#### Student Project Update

Two student teams are designing research projects that would aim to probe the unique access needs of Londoners who are members of diverse religious, cultural or other identity groups or communities. (1) One of the teams is researching funding opportunities to support the research project (and keeping an eye out for funding to support access infrastructure as well). (2) The other team is drafting a research ethics application for their proposed study. (3) A third team is completing a literature review surveying existing research and other writing on the topic of accessibility and intersectionality.

Our vision is to consult with the City/CDIS to get feedback on the proposed research. This course will conclude at the end of this term, but moving forward, if there is interest from the City/CIDS in pursuing a study of this nature, we can continue to collaborate in order to push the research forward. The student teams will have their reports handed in this weekend, and will then be working on translating their coursework into a format that will be amenable to sharing with the City/CDIS, so we will have more detailed information to share with you soon.

- Everyone to add four to five groups to the Google drive document: <https://docs.google.com/document/d/1lozjRaZSGGjhlRtVQJbpgV4flwBFDBUXBTtIVKbbw0/edit?usp=sharing> and then reach out to them to gather more information.
- Find ways to promote the document within the community.
- Start by adding basic information – organization name and link.
- Volunteers at the Alzheimer’s Society could help with gathering the information.
- Arrange a meeting on transportation
  - Susan to help facilitate conversation with the LTC accessibility working group.
- See whether the new FADS includes a section on gender non-specific washrooms.
- Get students to do research on other municipalities and whether they have awards focused on accessibility – criteria, by-laws, past winners, etc.
  - Use the information as a baseline for moving forward.
- Program where Londoners nominate businesses for being accessible.
  - Send a letter and sticker to post at the business.
- Thumbs Up award in Muskoka?
- Stop gap campaign - <https://stopgap.ca/who-we-are/our-mission/>

## Meeting Minutes

### CDIS Priority 4: Remove accessibility barriers to services, information and spaces

- Portable ramps for businesses.
- No way to identify if a business has a portable ramp, and not many people know that they're available.
- There are businesses that are still using the portable ramps.
- Access Now app - <https://accessnow.com/>
  - Crows sourced app
- Age Friendly business guide
- COVID-19 caregiver tips booklet at Hutton House - <https://www.cssontario.ca/covid-19>

#### 5. Additional Business

- Alzheimer's Society is hosting a number of
  - Next topic: Dementia as a disability (January)
  - February: Ageism and dementia

#### 6. Next Meeting – January

#### 7. Adjournment

- Adjourned at 8:20pm

## CDIS Priority 4 Working Group: Remove accessibility barriers to services, information and spaces

Strategy	Actions	Tasks	Target Dates	Key Partners
1. <b>Create awareness about the accessibility services available in the community, and encourage organizations to better promote the accessibility supports they offer.</b>	a. Support the City of London Advisory Accessibility Committee by providing feedback on relevant projects to increase awareness of resources		In Progress  Started September 2019	Accessibility Advisory Committee
	b. Compile and promote available journey maps/ checklists/ guides for identifiable accessibility needs.		Not Started  Start Date: Jan 2021	CNIB  LHSC  St. Joe's Health Care  Canadian Diabetes Association  March of Dimes  War Amps of Canada  Autism Ontario  Canadian Mental Health Association  Community Living London
	c. Review and compile information on relevant supports and services available in London.	All working group members to input information through Google Docs.	Not Started  Gather information by end of 2020.  Information to be available online by end of January 2021	CNIB  LHSC  St. Joe's Health Care  Canadian Diabetes Association  March of Dimes  War Amps of Canada  Autism Ontario

Strategy	Actions	Tasks	Target Dates	Key Partners
				Canadian Mental Health Association  Community Living London  Thames Valley Children's Centre
	d. Work with the Age Friendly Outdoor Spaces and Buildings Working Group to promote City of London facilities accessibility features.		In Progress  Started October 2019	Age Friendly Outdoor Spaces and Buildings Working Group
2. <b>Promote the local welcome and assessment centres for newcomers.</b>	a. Promote the information available through the 211 and its features.		Not Started	Information London
	b. Work with the City of London staff to promote the Welcome Kiosks and their accessibility features.		Not Started	City of London
	c. Advocate for information available at the welcome and assessment centres to be available in alternate formats.	Valy to reach out to the group of organizations serving newcomers. (Next meeting: January 28, 2021)	Not Started	London Cross Cultural Learner Centre  South London Neighbourhood Resource Centre,  Centre communautaire régional de London  Collège Boréal,  LUSO Community Services,  YMCA
3. <b>Ensure that all current and future transportation options are reviewed by, and easily available and accessible to; seniors, persons with</b>	a. Support the work of the Accessibility Advisory Committee and the Age Friendly London Transportation Working Group.		In Progress  Started September 2019	Accessibility Advisory Committee  Age Friendly London

Strategy	Actions	Tasks	Target Dates	Key Partners
<p>disabilities, and newcomers.</p>				<p>Transportation Working Group</p>
	<p>b. Work with the Age Friendly London Transportation Working Group to review and promote the resources and information available.</p>		<p>In Progress Started September 2019</p>	<p>Age Friendly London Transportation Working Group</p>
	<p>c. Work collaboratively with local groups advocating for accessible transportation options within London.</p>	<p>Organize a meeting with the Accessibility Committee, LTC accessibility working group, and AFL transportation working group.</p>	<p>Not Started</p>	<p>LTC  Accessible transportation service providers  Accessibility Advisory Committee  Age Friendly London Transportation Working Group</p>
	<p>d. Work collaboratively across organizations to develop a plan for improvement to specialized transit to share with the LTC.</p>		<p>Not Started  Start Date: Jan 2021</p>	<p>Specialized transit providers  LTC Accessibility Advisory Group  Accessibility Advisory Committee  Age Friendly London Transportation Working Group</p>
<p>4. Include persons with disabilities in policy development, consultations, and implementation process in order to address different accessibility perspectives.</p>			<p>Not Started</p>	
<p>5. Promote and encourage developers to implement the City of London's <i>Facility Accessibility Design Standards</i> (FADS),</p>			<p>Not Started</p>	

Strategy	Actions	Tasks	Target Dates	Key Partners
and other progressive accessibility standards.				
6. Encourage the development of an assistive technology information resource to assist Londoners in learning more about the different types of technologies.			Not Started	
7. <b>Encourage businesses and organizations to have non-gender specific washrooms.</b>	a. Advocate for FADS to include a section on gender non-specific washrooms.	Reach out to Melanie Stone.  See whether the new version of FADS includes information on non-gender specific washrooms.	Not Started  Start Date: Mar 2021	City of London
	b. Promote a list of City of London facilities with gender non-specific washrooms and their features.		Not Started  Start Date: Jun 2021	City of London
	c. Advocate for businesses and organizations to adopt a policy on non-gender specific washrooms modelled after the City of London policy.		Not Started  Start Date: Jun 2021	City of London  Local businesses and organizations
8. Ensure the safety of the community by developing comprehensive and adaptable emergency and safety procedures, and conduct regular safety audits throughout the community.			Not Started	
9. <b>Provide accommodations for religious and cultural practices.</b>	a. Build awareness of the cultural and religious accommodations available at the City of London facilities.	Communications campaign?	In Progress  Started September 2019	City of London Communications
	b. Advocate for businesses and organizations to adopt policies on religious and cultural practices modelled after the City of London policy.		Not Started	City of London  Local businesses and organizations
10. <b>Establish awards for architects and/or other professional if they build or innovate an inclusive design.</b>	a. Advocate for the City of London Urban Design Awards to include an award focused on accessible design.	Kinga to reach out to City staff working on the Urban Design Awards.	Not Started	City of London
	b. Promote the existing awards which include accessibility		Not Started	

Strategy	Actions	Tasks	Target Dates	Key Partners
	categories.			



London  
CANADA

## Respectful Workplace Policy (Anti-Harassment/Anti-Discrimination)

**Policy Name:** Respectful Workplace Policy (Anti-Harassment/Anti-Discrimination)

**Legislative History:** Replaces Workplace Harassment and Discrimination Prevention Policy Enacted September 19, 2017 (By-law No. CPOL.-155-407) and amended July 24, 2019 (By-law No. CPOL.-155(a)-384); Adopted December 10, 2019, in force and effect March 1, 2020 (CPOL.-396-7)

**Last Review Date:** December 3, 2019

**Service Area Lead:** Director of People Services

### 1. Policy Statement

The Corporation of the City of London (“Corporation”) is committed to providing a safe and supportive workplace in which the diversity, dignity, and perspectives of all individuals are valued and respected.

Harassment and discrimination in the workplace are prohibited by law. Under Ontario’s [Human Rights Code](#), every person has a right to equal treatment in employment without discrimination and the right to be free from harassment in the workplace. Workplace measures to prevent and address workplace harassment are also required by the [Occupational Health and Safety Act](#).

The Corporation will not tolerate, ignore, or condone harassment, discrimination, or reprisal of any of its employees in the workplace by anyone, including other employees, elected officials, members of the public, customers/clients, volunteers, contractors, and consultants. Workplace harassment, discrimination, and reprisal are serious forms of misconduct that may result in corrective and and/or disciplinary actions, up to and including termination of employment.

### 2. Definitions

The following definitions are intended to assist employees in understanding terms referenced in this policy. To the extent definitions may not be identical to legal definitions, they shall be interpreted and applied in accordance with applicable legislation, including the [Human Rights Code](#) and [Occupational Health and Safety Act](#).

- 2.1 **Discrimination** – Actions or behaviours that result in unfavourable treatment or which have a negative impact on an individual or group because of one or more of the prohibited grounds listed in the [Human Rights Code](#). Discrimination may be intentional or unintentional. It may involve direct actions that are outright discriminatory, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people.
- 2.2 **Disrespectful Behaviour** – Failing or refusing, through words or actions, to treat others in a professional, courteous, civil, dignified, fair, and equitable manner.
- 2.3 **Harassment** – Engaging in offensive, hurtful, upsetting or embarrassing comment or conduct that a person knows or ought reasonably to know is unwelcome. The fact that a person does not explicitly object to harassing behaviour, or appears to be going along with it, does not mean the behaviour is welcomed, consented to, or is not harassing. Harassment usually involves more than one incident or a pattern of behaviour, but a single incident may be sufficiently serious, offensive, or harmful to constitute harassment.

Harassment may be:

- a) **Personal** – directed at an individual(s) but not based on any prohibited ground listed in the [Human Rights Code](#); or
- b) **Code-based** – based on one or more of the prohibited grounds listed in the [Human Rights Code](#). Code-based harassment is also a form of discrimination.

Harassment of a worker in the workplace, including sexual harassment of a worker in a workplace, is collectively referred to as “workplace harassment” for the purposes of the [Occupational Health and Safety Act](#).

**2.4 Poisoned Work Environment** – A hostile, humiliating, or uncomfortable workplace that is created by comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of management) that intimidate, demean or ridicule a person or group. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status. A single comment or action, if sufficiently serious, may create a poisoned work environment. Pornography, pin-ups, offensive cartoons, insulting slurs or jokes, and malicious gossip are examples of comments and conduct that can “poison the workplace” for employees.

**2.5 Prohibited Grounds** – The [Human Rights Code](#) prohibits harassment and discrimination in employment based on one or more of the following grounds:

- race
- ancestry
- place of origin
- colour
- ethnic origin
- citizenship
- creed (religion, including atheism)
- sex (includes pregnancy and breast feeding)
- sexual orientation
- gender identity
- gender expression
- age
- record of offences (criminal conviction for a provincial offence or for an offence for which a pardon has been received)
- marital status (includes married, single, widowed, divorced, separated, living together in a conjugal relationship outside of marriage, whether in a same-sex or opposite sex relationship)
- family status (such as being in a parent-child relationship)
- disability (includes mental, physical, developmental or learning disabilities)
- association or relationship with a person identified by one of the listed grounds
- perception that one of the listed grounds applies, whether or not it actually does

**2.6 Reprisal** – Any act of retaliation or revenge against a person for:

- a) Raising a concern or making a complaint under this policy (whether on their own behalf or on behalf of another);
- b) Participating or cooperating in an investigation or other complaint resolution process under this policy; or
- c) Associating with or assisting a person identified in paragraphs a) and/or b) above.

**2.7 Sexual Harassment** – Harassment based on sex, sexual orientation, gender identity, or gender expression and includes:

- a) Engaging in offensive, hurtful, upsetting or embarrassing comment or conduct because of sex, sexual orientation, gender identity or gender expression that a person knows or ought reasonably to know is unwelcome;
- b) Making a sexual solicitation (i.e. request) or advance where the person making the solicitation or advance is in a position to confer, grant or deny

- a benefit or advancement and the person knows or ought reasonably to know that the solicitation or advance is unwelcome; and
- c) Retaliating against or threatening to retaliate against an individual for the rejection of a sexual solicitation or advance where the retaliation or threat of retaliation is by a person in a position to confer, grant or deny a benefit or advancement to the individual.

Sexual harassment of a worker in the workplace is referred to as “workplace sexual harassment” for the purposes of the [Occupational Health and Safety Act](#).

- 2.8 **Supervisor** – When referenced in this policy means a management supervisor.
- 2.9 **Workplace** – Includes all sites, facilities, and other locations where the business, work, or social activities of the Corporation take place (see also the Applicability section below).

### 3. **Applicability**

- 3.1 This policy applies to:

- All Corporation employees, including full-time, part-time, temporary, probationary and casual employees;
- Elected officials;
- Volunteers (including members of Advisory Committees, Special Committees and Task Forces);
- Interns and students on placements; and
- Contractors and consultants acting on behalf of the Corporation.

Members of the public, including visitors to Corporation facilities and individuals accessing services or conducting business with the Corporation, are expected to adhere to the standards of conduct set out in this policy, including refraining from workplace harassment and discrimination of employees, elected officials, and persons acting on behalf of the Corporation.

- 3.2 This policy applies at all Corporation workplaces, whether during or outside of normal working hours and whether at or away from the worksite. This includes:
- a) All Corporation facilities and worksites;
  - b) All Corporation vehicles;
  - c) Any other location where Corporation employees are performing work-related duties or carrying out responsibilities on behalf of the Corporation, including work-related travel and off-site meetings, conferences, seminars, and training;
  - d) Locations at which work-related social functions take place, including formal events officially sanctioned by the Corporation and informal after-work social gatherings where behaviours could have an impact on the workplace; and
  - e) Social media sites (e.g. Facebook, Twitter, Instagram etc.) and internet sites, where posts may be connected to the workplace or could have an impact on the workplace or working relationships.
- 3.3 This policy also applies to communications by telephone, cell phone, email, text message, or other electronic instant messaging platforms where the communication may be connected to the workplace or have an impact on the workplace or working relationships, whether the computer, phone, or other electronic device used to make the communication is a personal or Corporation-issued device.

### 4. **The Policy**

- 4.1 Purpose

The purpose of this policy is to:

- a) Set expectations and standards of behaviour for a respectful, safe and supportive workplace;
- b) Define behaviours that may be offensive and prohibited by law and/or this policy;
- c) Clarify roles and responsibilities with respect to interpersonal behaviour in the workplace;
- d) Outline measures to prevent and address prohibited behaviour, including harassment, discrimination, and reprisal; and
- e) Address the Corporation's obligations under applicable employment laws, including the [Human Rights Code](#) and [Occupational Health and Safety Act](#).

#### 4.2 Expected Behaviour

Employees will interact with one another, members of the public, and all others in the workplace in a professional, courteous, civil, dignified, fair, and equitable manner.

#### 4.3 Prohibited Behaviour

The following behaviours are prohibited in the workplace:

- Disrespectful Behaviour
- Discrimination
- Harassment (Personal and Code-based), including Sexual Harassment
- Reprisal

See [Appendix A](#) for examples of the prohibited behaviours listed above.

#### 4.4 Roles and Responsibilities

Creating and maintaining a respectful workplace is a shared responsibility. Every individual to whom this policy applies, as well as individuals who attend at Corporation workplaces, or who access services or conduct business with the Corporation, are expected and required to abide by the standards of behaviour set out in this policy.

Employees who are subjected to or witness prohibited behaviour in the workplace should consult the Respectful Workplace Dispute Resolution and Complaint Procedures ("[Resolution/Complaint Procedures](#)" – [Appendix B](#)) which outline various options available to address and resolve such behaviour.

##### 4.4.1 All Employees

Every employee has a responsibility to create and maintain a respectful workplace. This includes to:

- a) Ensure words and actions are consistent with this policy;
- b) Raise concerns as soon as possible of prohibited behaviour;
- c) Accept responsibility for their workplace behaviours and their impact on others;
- d) Cooperate in investigations and handling of alleged prohibited behaviour upon request;
- e) Maintain confidentiality related to investigations of alleged prohibited behaviour; and
- f) Participate in training associated with this policy.

##### 4.4.2 Managers/Supervisors

Managers and supervisors have additional responsibilities to create and maintain respectful workplaces and must act immediately on observations or allegations of

prohibited behaviour.

A manager or supervisor may be held responsible if they are aware of an incident of prohibited behaviour but do not take steps to resolve or address it.

Managers and Supervisors must:

- a) Ensure work-related practices/procedures in their areas are free from barriers and do not discriminate against groups or individuals;
- b) Set a good example by ensuring their own words and conduct adhere to this policy;
- c) Be aware of what constitutes prohibited behaviour and the procedures in place for addressing and resolving such behaviour;
- d) Act promptly to address observations or allegations of prohibited behaviour;
- e) Consult and work cooperatively with the Human Rights and Human Resources Divisions as needed;
- f) Keep a detailed record of any violations of this policy and corrective actions taken and report this information to the Human Rights Division as required;
- g) Support training and awareness activities related to this policy;
- h) Ensure this policy is distributed and posted in a location that is easily accessible by all employees and any other individuals who enter the workplace and ensure contractors and consultants who enter the workplace are aware of this policy;
- i) Implement disciplinary/corrective actions and workplace restoration measures as required;
- j) Monitor the workplace where prohibited behaviour has occurred to ensure it has stopped; and
- k) Provide appropriate support to all those in their work area affected by prohibited behaviour, including witnesses.

#### 4.4.3 Non-management Supervisors

Non-management supervisors must likewise set a good example by ensuring their behaviour complies with this policy and must report all observations, concerns, and/or complaints of prohibited behaviour to their supervisor/manager or the Human Rights Division immediately to be addressed in accordance with the [Resolution/Complaint Procedures \(Appendix B\)](#).

#### 4.4.4 Human Rights Division

The focus of the Human Rights Division is to assist in preventing, correcting, and remedying prohibited behaviours. The Human Rights Division does not advocate for, act on behalf of, or represent any party in a dispute (complainant, respondent, or management). All complaints to the Human Rights Division will be dealt with in an unbiased manner.

The Human Rights Division is responsible for:

- a) Reviewing and recommending updates to this policy;
- b) Providing information to employees, including to managers and supervisors, regarding this policy and the various options available for raising, addressing, and resolving concerns and complaints of prohibited behaviour;
- c) Making referrals to agencies for counselling and assistance when required;
- d) Receiving complaints, including conducting intakes;
- e) Recommending appropriate interim measures, and complaint resolution and investigation options;
- f) Conducting independent investigations;
- g) Assisting in implementing resolutions of complaints; and
- h) All tracking of concerns and complaints under this policy.

#### 4.4.5 Human Resources Division

The Human Resources Division is responsible for:

- a) Removing barriers in hiring and employment policies, practices, and procedures that may have the effect of discriminating against groups or individuals;
- b) Providing training on this policy and related practices and procedures;
- c) Providing support to managers and supervisors in responding to and addressing matters under this policy;
- d) Making referrals to agencies for counselling and assistance where required;
- e) Consulting with the Human Rights Division as required with respect to alleged prohibited behaviour; and
- f) Reporting all complaints of prohibited behaviour to the Human Rights Division, including grievances alleging harassment, discrimination and/or reprisal filed under a collective agreement.

#### 4.4.6 Corporate Security and Emergency Management Division

The focus of Corporate Security Services is to protect and promote the safety and security of Corporation workplaces, employees, and the public by assisting in preventing and addressing prohibited behaviours where safety may be at risk. Corporate Security Services is responsible for:

- a) Providing advice and assistance to address concerns and complaints of prohibited behaviour against a member of the public or where the physical safety of employees or others may be at risk;
- b) Making referrals to agencies for counselling and assistance when required;
- c) Receiving complaints alleging a member of the public has engaged in prohibited behaviour, including conducting intakes and determining appropriate interim measures;
- d) Determining informal actions, and conducting independent investigations of complaints of prohibited behaviour against a member of the public;
- e) Consulting and working cooperatively with Human Rights and Human Resources Divisions as required;
- f) Recommending and implementing appropriate corrective action involving members of the public when required; and
- g) Reporting prohibited behaviour by members of the public and corrective actions taken to the Human Rights Division as required.

#### 4.4.7 Respectful Workplace Ombudsperson (“RWO”)

The RWO is available as a neutral and confidential resource for employees to obtain information regarding their rights and obligations under this policy. The RWO advocates for fair and transparent processes under this policy and related practices and procedures, but does not act as an advocate for or provide legal advice to individuals.

The RWO will:

- a) Receive and respond on a confidential basis to questions from employees regarding this policy;
- b) Provide assistance to employees as they proceed through the [Resolution/Complaint Procedures](#);
- c) Review complaints from employees related to processes and procedures undertaken by the Corporation under this policy and make recommendations to the City Manager for improvements; and
- d) Report annually to the City Manager about their interactions with employees related to this policy and identify themes and potential options for action and improvement.

#### 4.4.8 Joint Health and Safety Committees

The Corporation's Joint Health and Safety Committees will be consulted and may provide input and feedback with respect to the implementation and maintenance of this policy and related processes and procedures in accordance with the [Occupational Health and Safety Act](#).

#### 4.4.9 Unions/Associations

Union/Association officials are available for confidential consultation and to provide representation to both complainants and respondents, if they are Union/Association members. Union/Association officials can also make a referral to agencies for counselling and assistance where required.

#### 4.4.10 Community Agencies

Community agencies are available to provide confidential advice to individuals affected by complaints.

#### 4.5 Communication

This policy shall be posted on the Corporation's intranet, on the Corporation's website, and in the Corporation's workplaces.

#### 4.6 Respectful Workplace Training

Employees, elected officials, interns and students on placement, will receive mandatory training on this policy upon assuming their respective roles in the workplace. Thereafter, as appropriate, they will receive refresher or in-service training with respect to specific rights and/or obligations arising from the [Human Rights Code](#) and/or the [Occupational Health and Safety Act](#) and will be reminded of the complaint mechanisms to enforce those rights and any substantial changes.

#### 4.7 Policy Review Process

The Corporation is committed to continuing to enhance its respectful workplace policies, practices, and procedures. This policy will be reviewed as often as necessary, but at least annually, to ensure it remains current and is appropriately implemented. Employees and their representatives are encouraged to provide input and feedback to the Human Rights Division, the Human Resources Division, or the RWO.

#### 4.8 Policy Implementation

Implementation of this policy will be in accordance with applicable Council and/or Corporation by-laws, policies and procedures, legislation, and collective agreement provisions.

#### 4.9 Related Policies and Procedures

- [Accommodation of Employees with Disabilities Procedure](#)
- [Code of Conduct for Members of Council](#)
- [Formal Investigation Process](#)
- [General Policy for Advisory Committees](#)
- Public Conduct Administrative Practice
- [Rzone Policy](#)
- [Time Off for Religious Observances Guideline](#)
- [Use of Technology Administrative Procedure](#)
- [Workplace Violence Prevention Policy](#)

## Appendix A: Examples of Prohibited Behaviours

The following are some examples of the prohibited behaviours listed in Section 4.3 above.

### Disrespectful Behaviour

Examples could include:

- Teasing or joking that intimidates, embarrasses, or humiliates;
- Belittling and use of profanity;
- Using sarcasm or a harsh tone;
- Deliberately expressing or exhibiting disinterest when an employee is speaking;
- Spreading gossip or rumours that damage one's reputation;
- Condescending or patronizing behaviour;
- Actions that invade privacy or one's personal work space; and
- Deliberately excluding an employee from basic civilities (e.g. saying "good morning"), relevant work activities, or decision making.

Any of the behaviours listed above could also constitute discrimination (if based on one or more of the prohibited grounds) or harassment (if the behaviour is repeated, occurs in combination with other prohibited behaviours, or is severe).

### Discrimination

If based on one or more of the prohibited grounds, examples could include:

- Excluding an employee from workplace activities;
- Refusing to work with another employee;
- Denial of hiring, promotion, work assignment, career development or training;
- Failing or refusing to accommodate short of undue hardship; and
- Denial of services to any individual or group of individuals.

### Harassment

Examples of **Personal Harassment** could include:

- Angry shouting/yelling;
- Abusive or violent language;
- Physical, verbal, or e-mail threats or intimidation;
- Aggressive behaviours (e.g. slamming doors, throwing objects);
- Targeting individual(s) in humiliating practical jokes;
- Excluding, shunning, or impeding work performance;
- Negative blogging or cyberbullying;
- Retaliation, bullying, or sabotaging;
- Unreasonable criticism or demands;
- Insults or name calling;
- Public humiliation; and
- Communication via any means (e.g. verbal, electronic mail, voice mail, print, social media posts, or radio) that is demeaning, insulting, humiliating, or mocking.

Examples of **Code-based Harassment** could include (if based on one or more of the prohibited grounds):

- Insulting, offensive, humiliating or mocking remarks, gestures, jokes, slurs, or innuendos;
- Name calling, including using derogatory or offensive terms or language;
- Refusing to work or interact with an employee;

- Attaining, viewing, retaining or distributing insulting, derogatory or offensive information from the internet or other sources;
- Vandalism of an individual's property;
- Interference with a person's ability to perform their work responsibilities;
- Offensive, derogatory, insulting or demeaning communication via any means (e.g. verbal, electronic mail, voice mail, print, social media posts, or radio); and
- Displaying pictures, graffiti or other materials that are derogatory or offensive.

### **Harassment Does Not Include:**

- Reasonable performance of management or supervisory functions, including:
  - performance/probation reviews/appraisals,
  - performance management (including coaching, counselling, discipline),
  - organizational changes/restructuring,
  - shift/vacation scheduling,
  - work direction, and
  - work assignments/work location;
- Occasional disagreements or personality conflicts between co-workers;
- Stressful events encountered in the performance of legitimate duties; or
- A single comment or action unless it is serious and has a lasting harmful effect.

### **Sexual Harassment**

Examples could include:

- Comments, jokes, slurs, innuendos or taunting about a person's body, attire, sex, sexual orientation, gender identity, or gender expression;
- Comments or conduct of a sexual nature (verbal, written, physical);
- Jokes of a sexual nature which cause awkwardness or embarrassment;
- Negative stereotypical comments based on gender, sex or sexual orientation;
- Gender related comments about an individual's physical characteristics or mannerisms;
- Displaying or distributing pornographic pictures or other offensive material;
- Inappropriate touching, gestures, leering, staring or sexual flirtations;
- Sexual assault (also an offence under the [Criminal Code](#));
- Persistent unaccepted solicitations for dates (including unwelcome contact subsequent to the end of an intimate relationship);
- Unwelcome solicitation(s) made by a person in a position to confer or deny a workplace benefit or advancement on the recipient; and
- Unwelcome comments or questions about a person's sex life.

### **Reprisal**

Examples could include:

- Issuing discipline, changing work location or hours, demoting, denying of advancement or promotional opportunities, or threatening to carry out such actions if done as an act of retaliation or revenge;
- Bullying, threats, or other intimidating behaviour;
- Making false allegations of workplace misconduct; and
- Pressuring an individual to withdraw or change a complaint or witness statement.

## Appendix B: Respectful Workplace Dispute Resolution and Complaint Procedures

### 1. Purpose

These procedures are intended to:

- a) Outline internal options available for employees to raise concerns of prohibited behaviour for resolution and/or investigation;
- b) Inform managers and supervisors of actions required to address concerns and complaints of prohibited behaviour;
- c) Inform employees of what they can expect to occur in the event they raise a concern of prohibited behaviour, or are a witness to, or accused of such behaviour;
- d) Inform employees of available supports to assist them in raising concerns of prohibited behaviour or in the event they are accused of, or witness such behaviour; and
- e) Outline actions that will be taken to prevent, correct, and remedy incidents of prohibited behaviour.

### 2. Definitions

For the purposes of these procedures,

- 2.1 **Complainant** – A person(s) alleging they have been subjected to prohibited behaviour under this policy.

*Note:* Complaints of prohibited behaviour will be accepted from any source that provides reasonable grounds for concern (e.g. witnesses, unions/associations, or other third parties). These individuals will not be considered “complainants” for the purpose of these Resolution/Complaint Procedures or the Corporation’s [Formal Investigation Process](#).

- 2.2 **Prohibited Behaviour** – Behaviour in the workplace that is prohibited by this policy (see Policy, Section 4.3 above).

- 2.3 **Respondent** – The person(s) who is alleged to have engaged in prohibited behaviour.

- 2.4 **Respectful Workplace Response Team** – Shall be comprised of the City Manager, relevant Managing Director, Director of People Services, or their designate(s), and a member of the City Solicitor’s Office.

### 3. Complaints Involving the City Manager/Deputy City Manager/Managing Directors/Director of People Services/Human Rights Intake Administrator

- a) Complaints received through these Resolution/Complaint Procedures alleging the City Manager has engaged in prohibited conduct (alone or in conjunction with another respondent(s)) shall be forwarded to the Director of People Services or the City Solicitor as soon as possible. Upon receipt of a complaint, the Director of People Services or the City Solicitor will immediately refer the complaint to an external third party.
- b) Complaints received through these Resolution/Complaint Procedures alleging the Deputy City Manager, a Managing Director, the Director of People Services, or the Human Rights Intake Administrator (alone or in conjunction with another respondent(s) other than the City Manager) has engaged in prohibited behaviour shall be forwarded to the City Manager as soon as possible. Upon receipt of a complaint, the City Manager will immediately refer the complaint to an external third party.
- c) The external third party will perform all the functions assigned to the Human Resources Division and/or the Human Rights Division as described in this procedure and the Formal Investigation Process.
- d) In the case of the City Manager, if the external third party determines that a formal investigation is required, they will provide the investigation report

and their recommendations, if any, to the Committee designated by the Municipal Council to deal with such matters. The Committee, after consultation with the external third party and such other external and/or internal resources as appropriate and required (e.g. external legal counsel, member of the City Solicitor's Office, Director of People Services), shall make recommendations to the Municipal Council relating to corrective and/or disciplinary actions, and the Municipal Council shall consider, adopt or otherwise deal with the recommendations from the Committee.

- e) In the case of the Deputy City Manager, Managing Directors, Director of People Services, and the Human Rights Intake Administrator, if the external third party determines that a formal investigation is required, they will provide the investigation report and their recommendations, if any, to the City Manager. The City Manager, after consultation with such other external and/or internal resources as appropriate and required (e.g. external legal counsel, member of the City Solicitor's Office, Director of People Services) will determine or, where required, will recommend to the Committee designated by the Municipal Council to deal with such matters, appropriate corrective and/or disciplinary action.

In all other respects, the Resolution/Complaint Procedures below will apply to the processing of the complaint.

#### **4. Complaints Involving a Member of Council (Including the Mayor)**

- a) Complaints received through these Resolution/Complaint Procedures alleging a Member of Council has engaged in prohibited conduct shall be forwarded to the Director of People Services as soon as possible. In the event the Director of People Services, determines that a formal investigation of the complaint is required, they will immediately refer the complaint to the Integrity Commissioner to conduct an investigation in accordance with the Integrity Commissioner's procedures. Where such a request is made to the Integrity Commissioner, the Director of People Services shall be the complainant for the purposes of the Integrity Commissioner's procedures.
- b) Where the Integrity Commissioner conducts an investigation, the Integrity Commissioner will provide results to the Director of People Services in accordance with the Integrity Commissioner's procedures. Based on the Integrity Commissioner's reporting, the Director of People Services will provide the complainant with a written summary of the findings.
- c) Where there are findings of a violation of this policy, the Director of People Services will refer the findings to the Respectful Workplace Response Team to implement appropriate corrective action to ensure the behaviour stops in accordance with section 7.4 below.
- d) As noted in Section 7.10 below, other complaint avenues for raising concerns of prohibited behaviour by a Member of Council may be available, including directly to the Integrity Commissioner as provided for in the [Code of Conduct for Members of Council](#).

In all other respects, the Resolution/Complaint Procedures below will apply to the processing of the complaint.

#### **5. Complaints Involving Members of the Public Attending at Corporation Workplaces and/or Accessing Corporation Services**

- a) The Division Manager of Corporate Security and Emergency Management, or designate, in addition to the individuals listed in sections 6.1 and 6.2 below, is available to provide advice, guidance and assistance to employees and supervisors/managers regarding available options to raise and resolve concerns of prohibited behaviour by a member of the public.
- b) The Division Manager, Corporate Security and Emergency Management, or designate, in consultation with the Human Rights Division as needed,

may also determine an appropriate informal course of action that may effectively resolve a complaint against a member of the public in a timely and fair manner as outlined in section 6.3 below. All findings of harassment, discrimination, and/or reprisal determined through informal action, as well as any corrective actions taken, shall be reported to the Human Rights Division.

- c) In addition to the Director of People Services and in accordance with section 6.5 below, the Division Manager, Corporate Security and Emergency Management or designate, in consultation with the Human Rights Division as needed, may determine that further inquiry into a complaint of prohibited conduct against a member of the public is necessary and, if so, a formal investigation of the matter will be conducted in accordance with the Corporation's [Formal Investigation Process](#).
- d) Where there are findings of a violation of this policy, corrective action shall be determined in accordance with section 7.4 below.
- e) The Division Manager, Corporate Security and Emergency Management or designate, shall report all findings of harassment, discrimination, and/or reprisal determined through formal investigation, as well as any corrective actions taken, to the Human Rights Division.

In all other respects, the Resolution/Complaint Procedures set out below will apply to the processing of a complaint against a member of the public.

## **6. Resolution/Complaint Procedures**

There are a number of internal options available to raise and resolve concerns of prohibited behaviour under this policy, including:

- 1) Consultation – Obtaining Advice and Assistance
- 2) Individual Action – Talking to the Respondent
- 3) Informal Action – Dispute Resolution without Formal Investigation
- 4) Mediation
- 5) Formal Investigation

Whether all options are available or appropriate in a particular case will depend on the nature of the concerning behaviour and/or the parties involved. In all cases, concerns should be raised and addressed as soon as possible. Where appropriate, and especially when raised right away, individual or informal actions can bring about a quick resolution and prevent escalation of workplace disputes.

### **6.1 Consultation – Obtaining Advice and Assistance**

Employees who believe they have witnessed or been subjected to prohibited behaviour may benefit from having access to information and advice before deciding how to proceed with a concern. Employees may consult any member of management or Human Resources or Human Rights Division staff. These individuals have responsibility to take action to resolve and stop prohibited behaviour (see Roles and Responsibilities – Policy, Section 4.4). They can provide advice, assistance, coaching, and referrals to assist employees in addressing the dispute themselves where appropriate to do so. Depending on the nature and circumstances of the concern raised, these individuals may be obligated to initiate an investigation even if the complainant does not wish to pursue that option.

The RWO is also available to provide neutral, confidential advice and information regarding available resolution and complaint options (see Policy, Section 4.4.7).

Employees who are members of a bargaining unit may also consult their Union/Association representative.

### **6.2 Individual Action – Talking to the Respondent**

If an employee believes they are being subjected to prohibited behaviour and

there are no immediate health or safety concerns, it is recommended the respondent be told as soon as possible that their behaviour is unwelcome and must stop.

It is not necessary for the employee to advise the respondent directly. The communication may be done verbally, via e-mail, transcribed, or other suitable means. It is recommended that if the communication is done verbally, what was said, as well as the date, time and place, be documented. Human Rights and Human Resources Division staff, a Union/Association representative, any member of management, or a trusted friend may assist.

It is recommended that the complainant maintain a detailed record of incidents of prohibited behaviour, including the number of occurrences, date(s), time(s), place(s), nature of the offensive behaviour(s), names of individuals who may have observed the incidents and all actions taken.

If addressing the respondent directly could raise health or safety risks, escalate the dispute, or is not appropriate, complainants may take other resolution options outlined in these procedures.

### 6.3 Informal Action – Dispute Resolution without Formal Investigation

If individual action is not appropriate or if the prohibited behaviour continues after asking the person to stop, the employee shall advise their supervisor/manager or the Human Rights Division of their complaint, preferably in writing. Where the employee's supervisor/manager is involved in the complaint, the employee may advise a more senior member of management. Supervisors and managers will report all complaints of behaviour that may constitute harassment, discrimination, or reprisal to the Human Rights Division as soon as possible. When uncertain, supervisors/managers should consult the Human Rights Division for guidance.

Where the prohibited behaviour alleged is not harassment, discrimination, or reprisal, the supervisor or manager in consultation with the Human Rights Division, as needed, and with the parties to the dispute, if appropriate, may determine an appropriate informal course of action that will effectively resolve the complaint in a timely and fair manner without the need for formal investigation. If the prohibited behaviour warrants disciplinary action, the supervisor or manager must consult with Human Resources or Human Rights Division staff before issuing discipline. The supervisor or manager shall document and report to the Human Rights Division any informal action taken, including any corrective/disciplinary action(s) implemented, to resolve the complaint.

Where the alleged prohibited behaviour may constitute harassment, discrimination, or reprisal, the Director of People Services, or designate, in consultation with the Human Rights Division, and with the complainant if appropriate, will determine whether an informal course of action may be appropriate.

Circumstances in which an informal course of action may be appropriate include the following:

- i) Where the alleged misconduct is minor in nature;
- ii) Where all the facts necessary for resolution are known without the need for further inquiry;
- iii) Where no other resources or special expertise are required for an impartial and timely resolution;
- iv) Where the alleged misconduct is acknowledged by the respondent, the parties to the complaint are in agreement as to how to effectively resolve the issues, and the agreed upon resolution is acceptable to the appropriate manager(s) and the Director of People Services or designate.

Informal action may include, among other actions:

- i) Consulting, advising, meeting with and/or interviewing those involved in the complaint (i.e. an informal review/investigation);
- ii) Reviewing documentary evidence (e.g. emails);
- iii) Communication of findings to the parties to the complaint and making recommendations to remedy concerns; or
- iv) A facilitated discussion to resolve the issues.

The [Occupational Health and Safety Act](#) requires employers to conduct an investigation that is appropriate in the circumstances of all incidents and complaints of workplace harassment. Therefore options for informal action that do not include investigation will not be available for complaints of workplace harassment until after an appropriate investigation has been completed.

Where there are findings of prohibited behaviour determined through informal action, communication of those findings will be in accordance with the Communication of Findings section of the Corporation's [Formal Investigation Process](#).

#### 6.4 Mediation

Mediation is a form of informal action. It is a voluntary process whereby the complainant and respondent meet with a trained mediator to determine whether the complaint can be resolved in a mutually satisfactory manner.

Mediation is not appropriate in all circumstances. For example, when there are allegations of severe discrimination or harassment which, if substantiated, would result in disciplinary action, or where there are potential health or safety concerns. If the Director of People Services or designate, in consultation with the Human Rights Division, deems mediation appropriate, it will be offered to the parties but will only be conducted with the consent of both the complainant and the respondent.

It is preferable that mediation be attempted prior to a formal investigation but will remain available to the parties throughout the investigation process. Where workplace harassment is alleged, mediation will only be available, if deemed appropriate, after an investigation is completed as required by the [Occupational Health and Safety Act](#).

During the mediation process, the complainant and the respondent may, if desired, be accompanied by a Union/Association representative or a trusted friend.

If a mediated settlement is reached, the terms of the settlement shall be reduced to writing and signed by the complainant, respondent and the mediator. If the settlement requires any action on the part of the Corporation, the agreement of the Director of People Services or designate will be required.

Discussions at the mediation will be treated as carried out with a view to coming to a settlement. Discussions will be treated as privileged and confidential to the full extent permitted by law.

#### 6.5 Formal Investigation

If mediation or other informal options to resolve the complaint are not appropriate or are unsuccessful or where the Director of People Services or designate, in consultation with the Human Rights Division, determines that further inquiry is necessary, a formal investigation into the matter will be conducted.

**Corporate-initiated Investigations:** In circumstances where a complaint is made by someone other than the alleged victim, the Corporation may conduct a formal investigation where the Director of People Services or designate, in

consultation with the Human Rights Division, deems it appropriate, including where allegations of harassment or discrimination warrant further action/investigation or where the alleged victim does not wish to submit a complaint. The Corporation may also conduct a formal investigation where there is information to suggest the existence of an outstanding specific or systemic problem in the workplace.

Formal investigations and communication of the findings from such investigations will be conducted in accordance with the Corporation's [Formal Investigation Process](#).

## **7. General Provisions**

### **7.1 Refusal to Act or Investigate**

The Corporation may refuse to act or investigate or may discontinue an informal action or investigation where:

- i) The behaviour alleged, if true, would not be a breach of this policy;
- ii) The complaint is anonymous and there is insufficient information to warrant any or further steps;
- iii) The complaint is vexatious or made in bad faith (see Section 7.5 below);
- iv) Another complaint avenue has been pursued or engaged regarding the same or a related concern/complaint; or
- v) Having regard to all of the circumstances, further investigation of the matter is unnecessary.

### **7.2 Interim Measures**

In certain circumstances such as where health or safety is at issue, it may be necessary to take immediate measures. In such a case, interim measures shall be determined by the Director of People Services, or designate, in consultation, where appropriate, with the Human Rights Division, other members of the Respectful Workplace Response Team, Corporate Security, and/or the London Police Service. Interim measures may include relocating a party, or placing a party on a non-disciplinary suspension with pay pending the resolution of the complaint or outcome of the investigation. The Division Manager, Corporate Security and Emergency Management Division, or designate, in consultation, where appropriate, with the Human Rights Division, other members of the Respectful Workplace Response Team, and/or the London Police Service, shall determine interim measures with respect to members of the public. The implementation of interim measures does not mean that conclusions have been reached relating to the allegations.

### **7.3 Support for Parties**

The Corporation recognizes that involvement in a workplace investigation may be stressful and emotionally upsetting. Complainants, respondents, witnesses, and other affected employees may access the counselling services and support provided by the Corporation's employee assistance provider. Additionally, complainants may wish to access counselling and support through outside agencies.

Parties to a complaint also have the right to be accompanied by a support person of their choice during meetings relating to a complaint made pursuant to these procedures, including their Union/Association representative, if applicable, or a trusted friend (e.g. another manager if they are a management employee). Where the Human Rights Intake Administrator/investigator is of the opinion that the presence of the support person is inappropriate (e.g. they have a conflict) or is hindering the process, the relevant party may select another support person provided that doing so does not hinder or unduly delay the meeting/process. As these procedures are intended as an internal means of addressing prohibited

behaviour outside of more formal legal proceedings, parties are not entitled to select legal counsel as their support person.

#### 7.4 Corrective Action and/or Disciplinary Action

Where a finding of a violation of this policy that does not constitute harassment, discrimination, or reprisal has been made, the applicable division manager, in consultation with the Director of People Services, or delegate, will determine appropriate corrective and/or disciplinary actions.

Where a finding of harassment, discrimination, or reprisal in violation of this policy has been made, the Respectful Workplace Response Team will determine appropriate corrective and/or disciplinary actions.

Where it is determined that corrective or disciplinary action is to be taken against an employee of the Corporation, such action may include the following:

- An apology
- Coaching or counselling
- Education or training
- Warning
- Suspension or leave without pay
- Demotion
- Transfer
- Termination of employment

The appropriate supervisor or manager will implement corrective or disciplinary actions to be taken against an employee.

Where it is determined that corrective action is to be taken against members of Council, volunteers (including members of Advisory Committees, Special Committees, and Task Forces), students on placements, contractors, consultants, members of the public, including clients or customers, the Corporation will take such corrective action as is reasonable in the circumstances and permitted by law to ensure the prohibited behaviour stops. This may include barring the person from Corporation facilities or discontinuing business with contractors or consultants. The Division Manager, Corporate Security and Emergency Management Division or designate will be consulted with respect to determining any corrective action to be taken against members of the public.

The Corporation may also implement any systemic remedies it deems appropriate.

#### 7.5 Vexatious/Bad Faith Complaints

Where it is determined that the complainant has made a vexatious or bad faith complaint or an individual makes allegations knowing them to be false, the Respectful Workplace Response Team will take appropriate corrective and/or disciplinary action which may include the same corrective and/or disciplinary actions noted above.

A complaint is vexatious or made in bad faith if it is made for the purpose of annoying, embarrassing or harassing the respondent, out of spite or vindictiveness, or the complainant is engaging in improper behaviour such as fraud, deception, or intentional misrepresentation.

A complaint that is made in good faith but is not substantiated does not constitute a vexatious or bad faith complaint.

#### 7.6 Timing of Complaint

A complaint under these procedures should be made as soon as possible after the prohibited behaviour occurred and no later than one year after the last

incident occurred unless there are reasons why it was not possible to bring it forward sooner. Where failure to make a complaint in a timely fashion affects the ability of the Corporation to conduct a full and complete investigation, the Corporation may decline to deal with the complaint.

#### 7.7 Timing of Completion of Actions/Investigation

The Corporation will complete any informal actions or formal investigations pursuant to these procedures in a timely manner and within three (3) months from the date of receiving a complaint/initiating an investigation, unless there are extenuating circumstances (e.g. illness, complex investigation) warranting a longer period. The Human Rights Intake Administrator/investigator, supervisor, or manager responsible for handling a complaint under these procedures will update the parties to the complaint on a regular basis (approximately every two to three weeks) as to the status of their complaint and anticipated next steps.

#### 7.8 Confidentiality

The administration of these procedures will be in accordance with the [Municipal Freedom of Information and Protection of Privacy Act](#) (“MFIPPA”). All complaints received under these procedures will be considered strictly confidential subject to the Corporation’s obligation to safeguard employees, to conduct a thorough investigation, take appropriate corrective and/or disciplinary action, or to otherwise disclose information as required by law. The parties to the complaint and any witnesses are also expected to maintain confidentiality. Unwarranted breaches of confidentiality will result in corrective and/or disciplinary action.

#### 7.9 Complaint Records

Where an investigation results in corrective and/or disciplinary action against an employee, a record of such action will be placed in the employee’s Human Resources file. Where there is insufficient evidence to prove that prohibited conduct occurred, no record of the complaint shall be placed in the respondent’s Human Resources file.

All records pertaining to enquiries and complaints under this policy will be kept in confidential storage separate from employees’ Human Resources files. All records will be subject to the provisions of [MFIPPA](#) as noted above.

#### 7.10 Other Avenues of Complaint

In addition to these internal resolution and complaint procedures, there may be other avenues available to pursue complaints of prohibited behaviour. Depending on the nature of the behaviour at issue and the parties involved, other complaint avenues may include an Application to the Human Rights Tribunal of Ontario, a complaint to the Ministry of Labour, an application to the Ontario Labour Relations Board, a civil action, a criminal complaint, a complaint to the Integrity Commissioner, and a grievance pursuant to the terms of an applicable collective agreement.

These resolution/complaint procedures are not intended to interfere with or restrict employees’ rights to pursue any other available avenue(s) of complaint, including pursuant to the Ontario [Human Rights Code](#) and the [Occupational Health and Safety Act](#). Where appropriate and/or required by law, the Corporation will conduct its own independent investigation into the allegations and make its own determination in accordance with this policy even when another avenue of complaint is pursued. This includes circumstances where there may be a related criminal proceeding.

## **TERMS OF REFERENCE ACCESSIBILITY ADVISORY COMMITTEE**

### **Role**

While it is the legislative mandate of the Municipal Council to make the final decision on all matters that affect the Municipality, the role of an advisory committee is to provide recommendations, advice and information to the Municipal Council on those specialized matters which relate to the purpose of the advisory committee, to facilitate public input to City Council on programs and ideas and to assist in enhancing the quality of life of the community, in keeping with the Municipal Council's Strategic Plan principles. Advisory committees shall conduct themselves in keeping with the policies set by the Municipal Council pertaining to advisory committees, and also in keeping with the Council Procedure By-law.

### **Definitions**

"the organizations" refers to:

the City of London and may refer to the City's Agencies, Boards and Commissions, to be determined subject to the Ontarians With Disabilities Act, 2001 (ODA 2001) and its regulations. It is intended that the Accessibility Advisory Committee shall advise comprehensively upon issues for a barrier-free London which may entail forwarding recommendations to the City's Agencies, Boards and Commissions and/or other outside organizations;

"barrier" means:

anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability, including a physical barrier, an architectural barrier, an information or communication barrier, an attitudinal barrier, a technological barrier, a policy or a practice ("obstacle");

"disability" means:

- any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;
- a condition of mental impairment or a developmental disability;
- a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- a mental disorder; or
- an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997; ("handicap").

## **Mandate**

The Accessibility Advisory Committee (ACCAC) shall advise and assist "the organizations" in promoting and facilitating a barrier-free London for citizens of all abilities (universal accessibility), including persons with disabilities. This aim shall be achieved through the review of municipal policies, programs and services and the identification, removal and prevention of barriers faced by persons with disabilities.

The Accessibility Advisory Committee reports to Municipal Council, through the Community Services Committee. The Accessibility Advisory Committee is responsible for the following:

### **Duties Required by the Ontarians with Disabilities Act (ODA 2001)**

- (a) participating in the annual development and/or refinement of "the organizations" Accessibility Plan(s) which are intended to improve the quality of life for all Londoners, including persons with disabilities;
- (b) advising "the organizations" on the implementation and effectiveness of the City's annual Accessibility Plan to ensure that it addresses the identification, removal and prevention of barriers to persons with disabilities in "the organization's" by-laws, and all its policies, programs, practices and services;
- (c) selecting and reviewing in a timely manner the site plans and drawings for new development, described in section 41 of the Planning Act;
- (d) reviewing and monitoring existing and proposed procurement policies of "the organizations" for the purpose of providing advice with respect to the accessibility for persons with disabilities to the goods or services being procured;
- (e) reviewing access for persons with disabilities to buildings, structures and premises (or parts thereof) that the City purchases, constructs, significantly renovates, leases, or funds for compliance with the City of London's Accessibility Design Standards (FADS);

### **Other Duties**

- (f) advising "the organizations" on issues and concerns (barriers) faced by persons with disabilities and the means by which "the organizations" may work towards the elimination of these barriers;
- (g) advising "the organizations" on universal transportation issues and how to enable barrier-free access for persons with disabilities. Issues related to universally accessible forms of transportation, conventional transit and taxi services, specialized services such as Para-transit, sidewalk design (curb cuts), traffic signalization, etc. shall be considered;
- (h) advising, consulting and reporting findings and recommendations to "the organizations" on matters related to the status of persons with disabilities. The Committee shall be informed on matters of government policy (municipal, provincial or federal) affecting persons with disabilities and shall inform "the organizations" about the impact of these policies on London;
- (i) annually reviewing and recommending changes to the City of London's Facility Accessibility Design Standards (FADS);

- (j) reviewing and making recommendations on barriers faced by persons with disabilities to existing facilities owned, leased, or operated (in full or part) by the City of London;
- (k) reviewing public works policies and standards (sidewalks, snow removal, etc) and advising "the organizations" on the accessibility for persons with disabilities;
- (l) coordinating the immediate and ongoing dissemination of information in various formats to the disabled community, etc. and to the public at large regarding issues faced by persons with all types of disabilities and regarding the work undertaken by the Accessibility Advisory Committee; and
- (m) supporting, encouraging and being an ongoing resource to "the organizations", individuals, agencies and the business community by educating and building community awareness about measures (such as the availability of employment, leisure and educational choices) for improving the quality of life for persons with disabilities, through the removal of physical barriers, incorporation of universal design standards, and education to overcome attitudinal barriers to make London an accessible, livable City for all people.

## **Composition**

### *Voting Members*

A maximum of thirteen members consisting of:

- a majority of the members (minimum 7) shall be persons with disabilities. The Committee members shall be representative of gender, ethnicity and different types of visible and invisible disabilities noted in the "ODA 2001" such as persons with physical (visual, speech, hearing, deaf, brain injury, use of a wheelchair); cognitive (intellectual impairments); perceptual (learning disability) and mental health disabilities; and
- a maximum of six members who may have a disability:
  - one member (parent) representing children with disabilities; and
  - five members at large, interested in issues related to persons with disabilities

### *Non-Voting Resource Group*

- One member from each of the following ten specific sector organizations:
- Two representatives from the Boards of Education
- One representative from the Ontarians with Disabilities Act (ODA) Regional Committee
- One representative from the Employment Sector
- One representative from the seniors' community of London
- One representative from the housing and development sector
- One Health Care or Wellness Practitioner
- One representative from the Association for the Elimination of Hate
- One representative from the mental health sector
- One post-secondary school representative

### *Staff Resources*

- Policy Analyst
- Facilities Planning
- Environmental and Engineering Services Department
- Housing Division
- Purchasing Division
- Recreation Division
- Dearness Services
- Building Division

### *Sub-committees and Working Groups*

The Advisory Committee may form sub-committees and working groups as may be necessary to address specific issues; it being noted that the City Clerk's office does not provide secretariat support to these groups. These sub-committees and working groups shall draw upon members from the Advisory Committee as well as outside resource members as deemed necessary. The Chair of a sub-committee and/or working group shall be a voting member of the Advisory Committee.

### **Term of Office**

Appointments shall be in keeping with Council Policy. Non-voting Post-Secondary Student Members shall be cooperatively nominated by the Fanshawe Student Union and the University Students' Council, Western University.

### **Appointment Policies**

Appointments to advisory committees shall, in all but one case, be for a four-year term, commencing March 1 of the first year of a Council term and ending on February 28 or, in the case of a leap year, February 29 of the first year of the following Council term. In the case of the Non-Voting Post-Secondary Student Member, the term shall be for one year, commencing March 1 of each year and ending on February 28 or, in the case of a leap year, February 29 of the following year.

### **Qualifications**

Each voting member of the Committee is an independent representative to the Committee and does not represent the concerns of only one disability or group. The members of this Committee shall work together for the purpose of developing a common approach which is reasonable and practical.

Members shall be chosen for their special expertise, experience, dedication and commitment to the mandate of the Committee in promoting and facilitating a barrier-free London to persons of all abilities. Non-voting representatives from local resource groups shall be members or employees of the organization they represent.

**Conduct**

The conduct of Advisory Committee members shall be in keeping with Council Policy.

**Meetings**

Meetings shall be once monthly at a date and time set by the City Clerk in consultation with the advisory committee. Length of meetings shall vary depending on the agenda. Meetings of working groups that have been formed by the Advisory Committee may meet at any time and at any location and are in addition to the regular meetings of the Advisory Committee.

**Remuneration**

Advisory committee members shall serve without remuneration.

*(Amended by Council Resolution June 25, 2013)*