

Agenda Including Addeds

Corporate Services Committee

11th Meeting of the Corporate Services Committee

June 21, 2021, 12:00 PM

2021 Meeting - Virtual Meeting during the COVID-19 Emergency

Please check the City website for current details of COVID-19 service impacts.

Meetings can be viewed via live-streaming on YouTube and the City website

Members

Councillors M. Cassidy (Chair), M. van Holst, J. Morgan, E. Pelozza, A. Kayabaga, Mayor E. Holder

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6.1. Land Disposition / Solicitor-Client Privileged Advice / Position, Plan, Procedure, Criteria or Instruction to be Applied to Any Negotiations	
A matter pertaining to the proposed or pending disposition of land by the municipality, including communications necessary for that purpose; advice that is subject to solicitor-client privilege; commercial and financial information, that belongs to the municipality and has monetary value or potential monetary value and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality.	
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6.6. Solicitor-Client Privileged Advice / Litigation/Potential Litigation

A matter pertaining to advice subject to solicitor-client privilege, including communications necessary for that purpose, and advice with respect to litigation with respect to various personal injury and property damage claims against the City.

6.7. Personal Matters/Identifiable Individual

A matter pertaining to personal matters about an identifiable individual with respect to employment-related matters and advice and recommendations of officers and employees of the Corporation including communications necessary for that purpose.

6.8. *(ADDED) Personal Matters/Identifiable Individual*

A matter pertaining to an identifiable individual; employment-related matters; advice or recommendations of officers and employees of the Corporation, including communications necessary for that purpose and

for the purpose of providing instructions and directions to officers and employees of the Corporation.

7. Adjournment

Report to Corporate Services Committee

To: Chair and Members
Corporate Services Committee
From: Cathy Saunders, City Clerk
Subject: Issuance of Proclamations – Pilot Program Review
Date: June 21, 2021

Recommendation

That, on the recommendation of the City Clerk, the following actions be taken with respect to the report dated June 21, 2021 entitled “Issuance of Proclamations Policy – Pilot Program Review”:

- a) the City Clerk BE ADVISED of any modifications to the Issuance of Proclamation Policy to be brought forward to a future meeting of the Corporate Services Committee for consideration; and,
- b) the above-noted report BE RECEIVED.

Executive Summary

The purpose of this report is to provide information related to the administration of a pilot program with respect to the Council Issuance of Proclamations Policy.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- Corporate Services Committee - January 6, 2020
- Corporate Services Committee - December 3, 2019
- Strategic Priorities and Policy Committee - July 23, 2018 ->11th Report of the Governance Working Group (June 25, 2018)
- Strategic Priorities and Policy Committee - September 18, 2017 -> 4th Report of the Governance Working Group (August 21, 2017)

1.2 Current Council Direction

The following resolution was adopted at the Municipal Council Meeting held on January 14, 2020:

“That the proposed by-law, as appended to the staff report dated January 6, 2020 BE INTRODUCED at the Municipal Council meeting to be held on January 14, 2020 to repeal Council Policy By-law No. CPOL.-115-367, as amended by By-law No. CPOL.115(a)-418, being "Issuance of Proclamations Policy" and replace it with a new Council policy entitled "Issuance of Proclamations Policy"; it being noted that this policy will be enacted as a pilot project to be reviewed one year after implementation.”

The above-noted policy is appended to this report, as Appendix A.

1.3 Proclamations Issues To-date

At the time of writing this report, the following organizations have submitted applications, and been approved for a Council proclamation through the approved policy, since the pilot launched:

Black History Month (2020 and 2021)
 Sikh Heritage Month (2020 and 2021)
 April Limb Loss Awareness Month
 GBS-CIDP Foundation of Canada Day
 25th Commemoration of the Srebrenica Genocide
 FASD Awareness Day
 Terry Fox Week
 World Patient Safety Day
 Mitochondrial Disease Awareness Week
 Respiratory Therapy Week
 Dwarfism Awareness and Acceptance Month
 Dyslexia Awareness Month
 Fung Loy Kok Institute of Taoism 50th Anniversary
 Day of Awareness for Survivors of Financial Abuse and Economic Injustice
 International Day of Zero Tolerance for Female Genital Mutilation
 Personal Support Worker Day
 World Press Freedom Day
 Southwestern Ontario Film Week
 Intersex Awareness Day
 Guillain Barre Syndrome and Chronic Inflammatory Demyelinating Polyneuropathy
 Awareness Month
 World Migratory Bird Day
 Apraxia Awareness Day
 Deaf Blind Awareness Month
 Childhood Cancer Awareness Month

Two proclamations have been approved by Municipal Council, outside of the deadline submission requirement set out in the Policy and were brought forward by means of an emergent motion. These were for:

Day of Action Against Anti-Asian Racism
 National Day of Indigenous Peoples

1.4 Experience To-date

Where are submissions to the City originating?

Approximately half of the above-note requests were specific submissions from London organizations, while the others were submissions from organizations located in various cities such as Toronto, Calgary, Hamilton, Ottawa, Mississauga, Paris (Ontario), and Alliston. In September of 2020, the application form was revised to include the following, "Provide details of your organization's connection to London."

Council approval of applications.

There have been no applications refused by Committee/Council through this process.

Application Timing and Processing.

The Policy requires that applications be submitted a minimum of six weeks in advance of the requested proclamation date. Most of the submissions above have not met this application requirement. Wherever possible, applications have been processed and submitted to the Corporate Services Committee despite not meeting the submission requirement, in order to meet the timeline of the proclamation, which in some circumstances required the request to be placed on the Added Agenda for the meeting. There have been three applications that could not be accommodated, due to submission timing:

- Portuguese Heritage Month and Portugal Day
- Rare Disease
- Awareness Day – Parental Alienation

The processing of applications has been accommodated with existing resources. The applications are advanced to committee agendas, with an introductory staff report that is focused on the Policy and not on the application. Staff work with applicants in advance of the inclusion on a committee agenda to ensure that as much information as possible is available for consideration of the request.

Additional Information:

The following questions are commonly asked by applicants:

When do we get recognized?

When is the ceremony?

Do we come to Council?

What is the City doing regarding our proclamation?

Do we have an official meeting with the Mayor to receive the certificate?

The consideration of the applications by the Corporate Services Committee, with a recommendation to Council, has not resulted in an excessive use of committee or Council time. Discussion at committee has primarily been focused on the subject matter relationship with the City of London (where it is not explicit), as well as the acknowledgement of importance of the subject matter of each application. As previously noted, no applications have been refused.

2.0 Discussion and Considerations

2.1 Future State of a Proclamation Policy

The following are options for the committee's consideration:

1. Consider the pilot project complete and rescind the Council policy. This would conclude the activity of proclamations.
2. Continue the pilot project under the existing policy.
3. Consider the pilot project complete and continue the issuance of proclamations under the current policy.
4. Consider the pilot project complete and continue the issuance of proclamations under a new/revised policy.
5. An alternative "program", at the direction of the Municipal Council.

2.2 Considerations

Should Council determine that it would like to continue the practice of issuing proclamations, the following are presented for consideration.

Aside from the questions that are received by the City Clerk's Office, there has not been any specific additional feedback from the applicants or the public-at-large with respect to this policy. Applications that are submitted are frequently accompanied by questions, as noted previously, around the form and manner of recognition of the proclamation. As was considered in previous reports, the intent of the proclamation is the public acknowledgement of the support of a matter by the Municipal Council. As such, no change to this process is recommended at this time.

Potential Policy and/or Administrative Revisions

The current policy requires requests to be submitted a minimum of six weeks in advance of the required proclamation. As has previously been noted, this requirement has seldom been met. However, it is recommended that this remains a part of the policy, and the Civic Administration continue to work with applicants to the fullest extent, in order to advance all applications to the Corporate Services Committee.

Although it is not a formal part of the policy, it is recommended that any future applications be placed on committee agendas as submitted and without a staff report. The staff reports do not put forth a recommendation or any additional context beyond the reiteration of the policy.

3.0 Financial Impact/Considerations

None at this time.

Conclusion

Council should determine whether it wishes to continue to issue proclamations, and if so whether there is direction to modify or amend the current policy in any way.

**Prepared and
Submitted by:**

**Barb Westlake-Power, Deputy City Clerk
Michael Schulthess, Deputy City Clerk
Cathy Saunders, City Clerk**

Recommended by:

Cathy Saunders, City Clerk



Issuance of Proclamations Policy

Policy Name: Issuance of Proclamations Policy

Legislative History: Adopted September 19, 2017 (By-law No. CPOL.-115-367); Amended July 24, 2018 (By-law No. CPOL.-115(a)-418); Repealed and replaced on January 14, 2020 (By-law No. CPOL.-397-19)

Last Review Date: January 6, 2020

Service Area Lead: City Clerk

1. Policy Statement

1.1 This policy sets out the requirements for the issuance of proclamations.

2. Definitions

2.1 Not applicable.

3. Applicability

3.1 This policy shall apply to any request for the issuance of proclamations on behalf of the City of London.

4. The Policy

4.1. Proclamations are ceremonial documents issued and signed by the Mayor on behalf of City of London Council that officially recognizes public awareness campaigns; charitable fundraising campaigns; and arts and cultural celebrations of organizations that reside/operate within the City of London. The requester must clearly identify the significance and connection of the proclamation to the mandate and goals as set out in the City of London's Strategic Plan. A proclamation does not constitute a personal or civic endorsement.

Application Process

- a) Proclamations requests are to be submitted on the City of London Application form to the City Clerk's Office at least six (6) weeks in advance of the requested issuance date.
- b) The Application must provide sufficient background information about the organization, cause or event being proclaimed and the proposed text for inclusion in the proclamation. The proposed text is subject to approval by the City of London to ensure compliance with City of London's policies and by-laws.
- c) Upon receipt of the Application, the City Clerk's Office will review the Application in accordance with this Policy and if the Application appears to be in compliance with the Policy, the Application will be placed on the next available Corporate Services Committee meeting for consideration.
- d) The Corporate Services Committee will review the Application and provide a recommendation to the Municipal Council for consideration with respect to the disposition of the Applications.

Administration of Policy:

- e) The cause or event must contribute to the economic, social and cultural fabric of the City of London.
- f) Repeat requests must be submitted on an annual basis.

- g) An organization may request one proclamation per calendar year.
- h) Organization do not have exclusive rights to the day, week, or month being proclaimed.
- i) Proclamations of a similar topic will be issued on a first come first served basis.
- j) The City of London will not incur any expenses relating to the advertising or promotion of a proclamation. Recipients are responsible for the promotion of the proclamation, organization of related activities and for all associated costs.
- k) Proclamations will not be issued for:
 - Matters of political controversy, ideological or religious beliefs or individual conviction.
 - Events or organizations with no direct connection to the City of London.
 - Campaigns or events contrary to City of London policies or by-laws.
 - National, Independence or Republic Days.
 - Campaign or events intended for profit-making purposes.
 - Recognition of individuals.
 - Recognition of events or organizations that espouse discrimination, hatred, violence or racism.
 - Matters attempting to influence government policy.
 - Matters designed to incite hatred or disorder.
- l) The City of London reserves the right to refuse to issue a proclamation.

Report to Corporate Services Committee

To: Chair and Members
Corporate Services Committee
From: Michael Goldrup, Director, People Services
Subject: Respectful Workplace Policy and Workplace Violence
Prevention Procedure Annual Report -
March 1, 2020 to December 31, 2020
Date: June 21, 2021

Recommendation

That, on the recommendation of the Director, People Services, and the concurrence of the City Manager, the following Annual Report regarding the Respectful Workplace Policy (Anti-Harassment/Anti-Discrimination) and Workplace Violence Prevention Procedure BE RECEIVED for information purposes.

Executive Summary

This is an Annual Report regarding the Respectful Workplace Policy (Anti-Harassment/Anti-Discrimination) (“RWP”) and Workplace Violence Prevention Procedure (“WVPP”) for the period March 1, 2020 to December 31, 2020. It provides an overview in two areas:

- (i) complaints received involving employees as a respondent; and
- (ii) training and awareness initiatives.

Linkage to the Corporate Strategic Plan

Council’s 2019-2023 Strategic Plan for the City of London (the “City”) identifies several strategic areas of focus including “Creating a Safe London for Women and Girls” and “Leading in Public Service”. Annual reporting regarding the RWP and WVPP supports actions to maintain a respectful, safe and healthy workplace for women, girls, and all employees as well as establishing the City as a leader in public service as an employer.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- September 8, 2020 Corporate Human Rights and Code of Conduct Inquiries, Requests, Complaints and Related Training Initiatives January 1, 2019 to February 29, 2020

All previously submitted reports regarding Corporate Human Rights and Code of Conduct Inquiries, Requests, Complaints and Related Training initiatives.

2.0 Discussion and Considerations

2.1 General

This is the first Annual Report on the Respectful Workplace Policy (“RWP”). Ordinarily this report would reflect data from the previous entire calendar year, however, the RWP came into effect on March 1 of last year. Therefore, the data reported reflects the ten (10) month period from March 1, 2020 to December 31, 2020. The next Annual Report will cover the entire calendar year for 2021.

As outlined in the *September 8, 2020 Corporate Human Rights and Code of Conduct Inquiries, Requests, Complaints and Related Training Initiatives January 1, 2019 to February 29, 2020 Report*, the previous format for annual reporting has been amended based on the recommendations of Rubin Thomlinson in its March 2019 Workplace Assessment Report.

The new format of the Annual Report will focus on the RWP and WVPP, the complaints received involving employees as respondents, as well as training and awareness initiatives to support a Respectful Workplace. Additional information has been provided for the complaints received including type of allegation, timelines, and the number of positive findings subject to applicable legislation including the *Municipal Freedom of Information and Protection of Privacy Act*.

Set out below are the complaints received and the training and awareness initiatives implemented during the reporting period in support of the RWP, the WVPP, and the Corporation’s commitment to provide a Respectful Workplace.

2.2 Complaints

The tables below set out the following information for the RWP and WVPP:

- Type of Allegation – specific to the complaint, for example, a complaint of discrimination based on race. Each complaint may include several allegations of behaviour or conduct that is in violation of the RWP and/or WVPP
- Number of complaints (for each type of allegation)
- Timelines – the RWP provides that the “Corporation will complete any informal actions or formal investigations 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”

A summary of the number of complaints where a positive finding was made is provided based on the information contained in the table along with the type of resolution. A positive finding is an allegation that is found to be a violation of the RWP or WVPP. Type of resolution is broken down into two categories: informal resolution and formal resolution. An informal resolution to a complaint is a resolution completed without conducting a formal investigation (for example: mediation, facilitated discussion, informal review). A formal resolution to a complaint is a resolution completed using a formal investigation.

2.2.1 Respectful Workplace Policy

The Human Rights office reported 16 complaints under the RWP for the period March 1, 2020 to December 31, 2020 including allegations of discrimination, harassment and disrespectful behaviour. This information is based on complaints the Human Rights Office received and reflects how they were resolved; either formally or informally. The chart also includes information received from managers and/or supervisors regarding complaints of disrespectful behaviour they have resolved.

The following table summarizes these complaints.

Type of Compliant	Type of Allegation	# of Complaints	Resolution Completed within 3-month Timeline Yes or No
Discrimination	Race	1	Yes
Harassment	Sexual	2	Yes
Harassment	Personal /Workspace	1	Yes
Disrespectful Behaviour		12	Yes
Reprisal		0	

Positive Findings

One or more positive findings were made in 10 of the 16 complaints outlined above.

Resolution Type

Of the 16 complaints outlined above, 12 were informally resolved and 4 were formally resolved.

*Note: definitions of discrimination, harassment, disrespectful behaviour and reprisal are outlined in the RWP attached as Appendix “A” for reference.

2.2.2 Workplace Violence Prevention Procedure

The Human Rights office reports 2 complaints under the WVPP for the period March 1, 2020 to December 31, 2020. This information is based on the complaints the Human Rights office received and reflects how they were resolved, either formally or informally.

The following table summarizes the complaints received.

Type of Compliant	Type of Allegation	# of Complaints	Resolution Completed within 3-month Timeline Yes or No
Workplace Violence	Threat	1	Yes
Workplace Violence	Physical Force	1	Yes

Positive Findings

One or more positive findings were made in both complaints outlined above.

Resolution Type

Of the 2 complaints outlined above, none were informally resolved and 2 were formally resolved. The two complaints were the subject of a single investigation.

*Note: definition of workplace violence is outlined in the WVPP attached as Appendix “B” for reference.

2.3 Corporate Training and Awareness Initiatives – RWP, WVPP, and Safe London for Women and Girls

2.3.1 Respective Workplace Policy Training

In March 2020, all employees were asked to complete an e-learning training module on the new RWP. Employees with computer access were asked to complete the module online. Employees without computer access (i.e. most employees working at Dearness Home and working in jobs within the CUPE Local 107 bargaining unit) were scheduled to complete this training during in-person team meetings with their manager. Given the pandemic, these meetings were cancelled in accordance with health and safety protocols. As a result, for the period March 1 – December 31, 2020, the Corporation was able to arrange for 829 (32%) employees to complete this training. The remaining employees will participate in the e-learning training module when in-person team meetings resume. In addition, all new employees receive this training during orientation.

Further, people leaders in the organization were asked to participate in a two-hour virtual, interactive training session on the RWP facilitated by an external facilitator. For the period March 1 – December 31, 2020, 25 virtual sessions were held with 306 people leaders attending. Additional sessions were held in March and April 2021 for leaders who were unable to attend the sessions in 2020.

Beginning in June 2021, Civic Administration will implement a comprehensive communication and learning plan to relaunch the Respectful Workplace Plan as a key initiative in support of the People Plan.

The relaunch plan will include the following:

- a training gap analysis and strategy to ensure all employees complete the e-learning training module and the people leader training (if applicable).
- the development of supplemental resource materials (e.g., print collateral and videos) to provide a deeper explanation and understanding of the Respectful Workplace Policy.
- awareness campaigns to reinforce the concepts from the training and resource materials.
- feedback opportunities for employees who have initiated interactions under the Respectful Workplace Policy.
- revised recruitment and performance management tools to better align with the policy (e.g., standard language for job postings, interview/reference questions and performance management materials to reflect desired respectful workplace culture behaviours).
- and the ongoing review of existing training to determine the need for revised/additional training to support the Respectful Workplace Policy.

2.3.2 Workplace Violence Prevention Procedure

Civic Administration continues to provide WVPP training to all new employees during orientation.

2.3.3 Safe London for Women and Girls

Civic Administration developed an introductory “Safe London for Women and Girls” training video for all employees. Employees with computer access were asked to complete the module online. Employees without computer access (i.e., most employees working at Dearness Home and working in jobs within the CUPE Local 107 bargaining unit) were scheduled to complete this training during in-person team meetings with their manager. Given the pandemic, these meetings were cancelled in accordance with health and safety protocols. As a result, for the period March 1 – December 30, 2020, the Corporation was able to arrange for 1230 (47%) employees to complete this training. The remaining employees will participate in the e-learning training module when in-person team meetings resume. In addition, all new employees receive this training during orientation.

Moving forward, Civic Administration will continue to identify opportunities to create a Safe London for Women and Girls through the actions identified in Council’s Strategic Plan and through the 2021-2024 Safe Cities London Action Plan. This will include tailored bystander intervention training and learning outcomes that focus on the ability to recognize instances of sexual violence and harassment in public spaces and the form of intervention that is situationally appropriate, survivor-centred, and grounded in intersectionality.

Conclusion

For the March 1, 2020 to December 31, 2020 reporting period, there were 16 complaints received under the RWP and 2 complaints received under the WVPP. The number of complaints under the RWP appears to be lower than previous experience under the former *Workplace Harassment Discrimination and Prevention Policy* and the *Code of Conduct for Employees*, however this may be due to a shortened reporting period and to impacts of the COVID-19 pandemic on the workplace. Training and awareness activities also appear to be lower given the challenges with conducting these activities with the many workplace restrictions resulting from the pandemic. The information provided in this first Annual Report will form a baseline for future comparative analysis.

Although the Corporation was not able to proceed with wide-ranging training and awareness initiatives for 2020, the experience gained has shaped how these initiatives are being advanced in 2021 with more opportunities for on-line and individually accessed training. Further, the education and awareness campaign planned for later this year will also be a reminder for employees of the shared commitment to a Respectful Workplace for all.

Prepared by: Sandra Crawford, Intake Administrator

Cristin Keller, Manager, Learning and Development & Employee Engagement

Recommended by: Michael Goldrup, Director, People Services

Concurred by: Lynne Livingstone, City Manager



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

Appendix A

- 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

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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

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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.

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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;

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- 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

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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

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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

Appendix A

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.



Workplace Violence Prevention

Procedure Name: Workplace Violence Prevention

Revision History: N/A

Last Review Date: August 2, 2019

Service Area Lead: Manager, Labour Relations

1. Procedure Statement

- 1.1. Workplace violence and domestic violence in the workplace will not be tolerated. The Corporation of the City of London is committed to taking all reasonable steps to prevent workplace violence and domestic violence in the workplace to ensure a safe and productive work environment. This Policy defines workplace violence, identifies responsibilities and establishes a workplace violence prevention program.

2. Definitions

- 2.1. **Workplace:** means all Corporation facilities and work sites, including vehicles and any other land, premises, locations or things at, upon, in or near where the business of the Corporation is being conducted. Included in this definition are Corporation-related activities, including Corporation sanctioned social functions, or business performed at any other location away from the Corporation, during or outside of normal working hours.
- 2.2. **Workplace Violence:** means:
- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.
 - An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.
 - A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.
- 2.3. **Workplace Violence Prevention Response Team:** shall be comprised of the City Manager, relevant Managing Director, Director, Human Resources or their designates, a member of the City Solicitor's Office and a member of Corporate Security and Emergency Management Division.

3. Applicability

- 3.1. The Corporation will not tolerate workplace violence of its employees in any of its workplaces, by anyone, including: other employees of the Corporation, non-employees, clients and customers of the Corporation. Accordingly, this Policy applies to all Corporation employees, members of council, volunteers (including Members of Advisory Committees, Special Committees and Task Forces), students on placements and individuals contracted by the Corporation on a "purchase for service" agreement, clients and customers.

4. The Procedure

- 4.1. The Corporation's Workplace Violence Prevention Program consists of:

1. Workplace violence risk assessments;
2. Measures and procedures to control and reduce the risk of workplace violence and domestic violence in the workplace;
3. Information, instruction and/or related training;
4. Measures and procedures for the reporting, investigation and response to incidents, complaints and threats of workplace violence and domestic violence in the workplace;
5. Employee support systems.

4.2. Examples of workplace violence include but are not limited to:

- Intimidating/threatening behaviour, including but not limited to shaking fists, destroying property, throwing objects, or wielding a weapon.
- Verbal or written threats – any expression of intent to inflict harm, including but not limited to:
 - i) Direct threats – the potential offender communicates that they intend to do harm, e.g., "I am going to make you pay for what you did to me."
 - ii) Conditional threats – involves a condition, e.g., "If you don't get off my back, you will regret it."
- Veiled threats – involves body language or behaviours that in the mind of the victim the perpetrator intends harm, e.g., "Do you think anyone would care if someone beat up ...?"
- Use of physical force – may include hitting, shoving, pushing or kicking, use of a weapon or inciting an animal to attack.

4.3. Responsibilities

- a) Every individual to whom this Policy applies has a responsibility to ensure that the work environment is safe and free from workplace violence by:
 - i) Treating all individuals with respect and dignity and refraining from any form of workplace violence or domestic violence in the workplace;
 - ii) Immediately advising Human Resources, Corporate Security and Emergency Management Division or any member of management of any known risks and/or incidents of apparent workplace violence or domestic violence in the workplace, or any incident of retaliation against any person for invoking this Policy; and
 - iii) Co-operating in the investigation and handling of any incidents of workplace violence or domestic violence in the workplace.

4.4. Managers/Supervisors

- a) Assess the risks and the controls in place to prevent workplace and domestic violence in the workplace on an ongoing basis and when the nature of the work or work processes change, or following an occurrence of workplace violence or domestic violence in the workplace;
- b) Develop and implement in consultation with Corporate Security and Emergency Management Division and Human Resources appropriate measures and procedures to protect employees from workplace violence;
- c) Advise employees of the existence of risks of workplace violence of which they are aware or ought reasonably to be aware, including providing appropriate information to employees where they can be expected to encounter a person with a history of violent behaviour in the course of their work and the risk of workplace violence is likely to expose the employees to physical injury. Where such information includes personal information, the manager/supervisor shall consult with Human Resources prior to disclosure;

- d) Provide information and instructions to employees with regard to appropriate measures and procedures to be taken to protect employees from workplace violence;
- e) Take reasonable precautions to protect employees from domestic violence of which they are aware or ought reasonably to be aware may occur in the workplace and would likely expose employees to physical injury;
- f) Respond to incidents of workplace violence and domestic violence in the
- g) Immediately notify Corporate Security and Emergency Management Division and Human Resources of incidents of workplace violence;
- h) Assist in the development of employee safety plans;
- i) Provide support to employees, including referrals to available services and programs on workplace and domestic violence.

4.5. Corporate Security and Emergency Management Division

- a) Assist in assessments of risks and controls in place to prevent, workplace and domestic violence in the workplace;
- b) Assist with the development of corporate-wide and department/division specific workplace violence prevention measures, procedures and related training;
- c) Notify Human Resources of incidents of workplace violence and domestic violence in the workplace;
- d) Respond to reports of incidents of workplace violence and domestic violence in the workplace, including the development of safety plans where appropriate;
- e) Assist in the response to incidents of workplace violence, including those likely to expose a worker to physical injury in the workplace relating to domestic violence;
- f) Track, analyse and provide recommendations on incidents of workplace violence.

4.6. Human Resources

- a) Assist in the response to incidents of workplace violence and domestic violence in the workplace;
- b) Coordinate and provide support services for those who have experienced workplace violence or domestic violence in the workplace;
- c) Assist with the development of corporate-wide and department/division specific workplace violence prevention measures, procedures and related training;
- d) Assist in assessments of risks and controls in place to prevent, workplace violence and domestic violence in the workplace;
- e) Assist in the development of employee safety plans;
- f) Review and update this Policy as often as necessary, but at least annually;

- g) Advise the appropriate joint health and safety committee of the results of all workplace violence risk assessments and provide copies if the assessments are in writing;
- h) Provide support to employees, including referrals to available services and programs on workplace and domestic violence;
- i) Maintain and implement the “Hazard Identification and Risk Assessment Program“ to support managers/supervisors in the identification of hazards and controls and evaluate the risk of workplace violence and domestic violence in the workplace;
- j) Coordinate the communication of risk assessments and reassessments to the appropriate joint health and safety committee.

4.7. Workplace Violence Prevention Response Team

- a) Where appropriate, provide advice and/or direction with respect to dealing with concerns and incidents of workplace violence and domestic violence in the workplace;
- b) Determine appropriate corrective and/or disciplinary action to be taken in response to incidents of workplace violence and domestic violence in the workplace.

4.8. Joint Health and Safety Committees

- a) Review workplace violence risk assessments;
- b) Make recommendations to the Corporation and employees on measures and procedures for the protection of employees from workplace violence.

4.9. Resolution/Complaint Procedures

- a) The Corporation will respond to all concerns, complaints and reports of incidents of workplace violence and domestic violence in the workplace.
- b) Employees are to report to their Manager/Supervisor, Corporate Security and Emergency Management Division or Human Resources all concerns, complaints and incidents of workplace violence and domestic violence in the workplace. The Manager/Supervisor or Corporate Security and Emergency Management Division will report the matter to Human Resources.

4.10. Complaints Involving the City Manager/Managing Directors/Director, Human Resources/Intake Administrator

- a) If an employee believes that the individual holding the position of City Manager, Intake Administrator or Managing Director has engaged in conduct contrary to this Policy, the employee is encouraged to advise the Director, Human Resources as soon as possible. Upon being advised of a complaint, the Director, Human Resources will immediately refer the complaint to an external third party.
- b) If an employee believes that the individual holding the position of Director, Human Resources has engaged in conduct contrary to this Policy, the employee is encouraged to advise the City Manager as soon as possible. Upon being advised 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 Service Area and/or Human Rights Division as described in this Policy 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 their investigation report and 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, 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) An investigation report and recommendations related to a Managing Director will be provided to the Director, Human Resources and City Manager who will review in accordance with the Policy.
- f) An investigation report and recommendations related to the Director, Human Resources will be provided to the City Manager who will review and determine corrective and/or disciplinary action in accordance with the Policy.
- g) An investigation report and recommendations related to the Intake Administrator will be provided to the Director, Human Resources who will review in accordance with the Policy.
- h) In all other respects, the Resolution/Complaint procedures set out below will apply to the processing of the complaint.

4.11. Informal Action

- a) The Director, Human Resources, or designate, in consultation with the complainant where applicable and appropriate, may determine an appropriate informal course of action which will effectively resolve the concern/complaint in a timely and fair manner.
- b) Circumstances in which an informal course of action may be appropriate include, but are not limited to, the following:
 - Where the alleged behaviour is minor in nature
 - Where all the facts necessary for resolution are known without the need for further inquiry
 - Where no other resources or special expertise are required for an impartial and timely resolution
- c) Upon becoming aware of a concern/complaint, the Director, Human Resources, or designate, in consultation with the Intake Administrator, will determine whether the subject matter falls within this Policy or is more appropriately dealt with in another forum (e.g. *Code of Conduct for Employees* or the *Workplace Harassment/Discrimination Prevention Policy*), and whether further action and/or investigation is warranted.

4.12. Formal Action

- a) If informal attempts to resolve the concern/complaint are not appropriate or prove ineffective and where the Corporation determines that further inquiry is warranted, a formal investigation into the matter will be conducted.
- b) A formal investigation into a potential breach of this Policy may also be initiated by the Corporation where it deems appropriate, including where allegations of workplace violence or domestic violence in the workplace that, in the assessment of the Director, Human Resources, or designate, in consultation with the Intake Administrator, warrant further action/investigation are made by someone other than the alleged victim and the alleged victim does not wish to submit a complaint.

- c) Formal investigations and communication of the findings from such investigations will be conducted in accordance with the Corporation's *Formal Investigation Process*.

4.13. Interim Measures

- a) In certain circumstances such as where safety is at issue, it may be necessary to take immediate measures. In such a case, interim measures shall be determined by the Director, Human Resources, or designate, in consultation, where appropriate, with other members of the Workplace Violence Prevention Response Team and/or the London Police Service, if applicable. Interim measures may include but are not limited to relocating respondent party, or placing a party on a non-disciplinary suspension with pay, pending the resolution of the complaint or outcome of the investigation.

4.14. Support for Parties

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

4.15. Communication of Findings

- a) In accordance with the *Formal Investigation Process*, the Director, Human Resources shall be provided with the investigator's report, including their findings with respect to the allegations of workplace violence. The Director, Human Resources, or designate, shall provide the complainant, where applicable and appropriate, and the respondent, in writing where appropriate, with a summary of the findings with respect to the allegations which formed the basis of the complaint.

4.16. Corrective and/or Disciplinary Action

- a) Where a finding of workplace violence has been made, the Workplace Violence Prevention Response Team will determine the appropriate corrective action and/or disciplinary action.
- b) Where it is determined that corrective action or disciplinary action is to be taken against an employee of the Corporation, such action may include, but is not limited to, the following:
 - an apology
 - coaching/counselling
 - education/training
 - warning
 - suspension/leave without pay
 - demotion
 - transfer
 - termination of employment
- c) 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, individuals contracted by the Corporation on a "purchase of service" agreement, clients or customers, the Corporation will take such corrective action as is reasonable in the circumstances and permitted by

law to ensure that the workplace violence or domestic violence in the workplace stops.

4.17. Reprisal Prohibited

- a) Retaliation/reprisal will not be tolerated. Mistreatment of an individual for:
 - i) invoking this Policy (on behalf of themselves or another individual); or
 - ii) participating or cooperating in an investigation under this Policy; or
 - iii) associating with a person who has invoked this Policy or participated in these procedures;

will be treated as a violation of the *Code of Conduct for Employees* and will be dealt with accordingly. In such a case the offender may be subject to the same corrective action and/or disciplinary penalties listed above.

4.18. Vexatious/Bad Faith Complaints

- a) Where it is determined that the complainant made a vexatious/bad faith complaint or an individual makes allegations knowing them to be false, the Director, Human Resources, or designate, will take appropriate corrective and/or disciplinary action which may include the same corrective and/or disciplinary actions noted above.

4.19. Timing

- a) The complaint should be made as soon as possible after the workplace violence occurred, preferably within one year after the last incident of inappropriate conduct occurred unless there are reasons why it was not practicable 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.

4.20. Where Related Criminal Proceedings

- a) Where criminal proceedings are initiated against a respondent based on the allegations in a complaint of workplace violence that falls within the scope of this Policy, the Corporation, in accordance with this Policy, will conduct its own independent investigation, if possible, into the allegations and make its own determination in accordance with this Policy.

4.21. Confidentiality

- a) The administration of this Policy will also be in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* and the *Occupational Health and Safety Act*. All complaints received under this Policy will be considered strictly confidential and all information obtained, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the Corporation to safeguard employees, to conduct a thorough investigation and take appropriate corrective and/or disciplinary action.
- b) The parties to the complaint and any witnesses are expected to maintain confidentiality. Unwarranted breaches of confidentiality will result in disciplinary action.

4.22. Record Retention

- a) Any and all documentation which pertains to the investigation of the complaint will be maintained in the Human Resources files.

- b) Where an investigation results in a disciplinary action against an employee, a record of such action will be placed in the employee's personnel file.

4.23. Related Resources

- Code of Conduct for Employees
- Workplace Harassment and Discrimination Prevention Policy
- Use of Technology Policy
- Formal Investigation Process

Public Report to Corporate Services Committee

To: Chair and Members
Corporate Services Committee

From: Kelly Scherr, P.Eng., MBA, FEC, Deputy City Manager,
Environment and Infrastructure

Subject: Expropriation of Lands
Dingman Drive Improvements Project

Date: June 21, 2021

Recommendation

That, on the recommendation of the Deputy City Manager Environment and Infrastructure, with the concurrence of the Director, Transportation and Mobility, on the advice of the Director, Realty Services, approval **BE GIVEN** to the expropriation of land as may be required for the Dingman Drive improvements project, and that the following actions **BE TAKEN** in connection therewith:

- a) application be made by The Corporation of the City of London as Expropriating Authority to the Council of The Corporation of the City of London as approving authority for the approval to expropriate the land required for the Dingman Drive improvements project;
- b) The Corporation of the City of London serve and publish notice of the above application in accordance with the terms of the *Expropriations Act*;
- c) The Corporation of the City of London forward to the Chief Inquiry Officer any requests for a hearing that may be received and report such to the Council of The Corporation of the City of London for its information; and
- d) the attached Bylaw (Schedule "B") **BE INTRODUCED** at the Council meeting on July 6, 2021 to authorize the foregoing and direct the Civic Administration to carry out all necessary administrative actions

Executive Summary

The purpose of this report is to seek Municipal Council approval for the expropriation of lands required by The Corporation of the City of London for the Dingman Drive improvements project. There are two phases, the first phase includes improvements to Dingman Drive between Wellington Road and Highway 401. The second phase includes a roundabout at Dingman Drive and White Oak Road. The first phase only is the subject of this report.

Eight property requirements have been identified to accommodate the design for improvements at this location associated with the first phase.

Negotiations with all property owners have been ongoing since Fall of 2020 and there are two properties outstanding. Realty Services continues to negotiate with the outstanding property owners in parallel with the Council approval to proceed with the expropriation process in order to meet the project construction timelines

In order to meet planned construction timelines, it is necessary to advance the utility relocation work in summer of 2022. As legal possession of all property requirements will be needed to commence utility work and award a construction contract, the expropriation of all outstanding property is necessary.

Linkage to the Corporate Strategic Plan

The following report supports the Strategic Plan through the strategic focus area of Building a Sustainable City by building new transportation infrastructure as London grows. The improvements to this corridor will enhance safe and provide convenient mobility choices for transit, automobiles, pedestrians and cyclists.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Civic Works Committee – February 5, 2019 – Environmental Assessment Appointment of Consulting Engineer

Strategic Priorities and Policy Committee – May 21, 2019 – Approval of the 2019 Development Charges By-Law and DC Background Study

Civic Works Committee – June 29, 2020 – Environmental Study Report

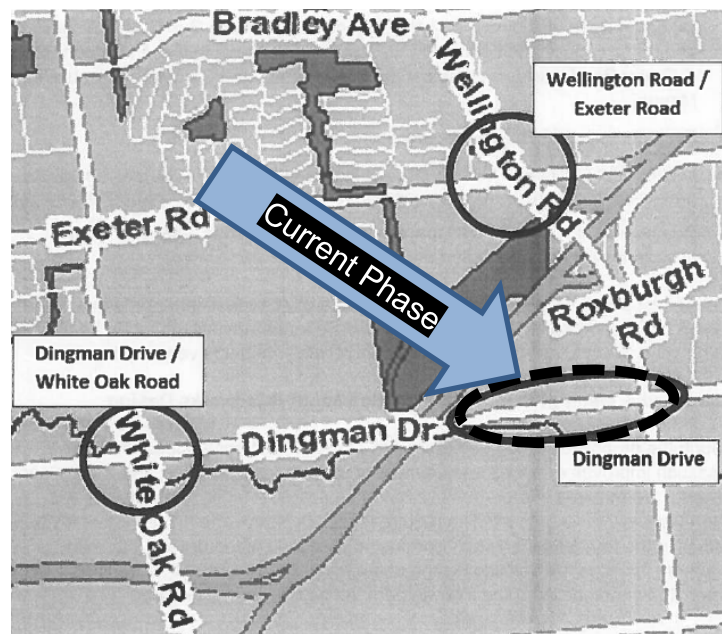
Civic Works Committee – March 2, 2021 Dingman Drive Improvements Appointment of Consulting Engineer - Detailed Design & Tendering

2.0 Discussion and Considerations

2.1 Background

The subject property is required to support the Dingman Drive improvements project.

The project limits are from Wellington Road to Highway 401 and the intersection of Dingman Drive and White Oak Road. See project limits map below. The current Phase includes Dingman Drive from Wellington Road through to the Highway 401 overpass.



Due to the traffic volumes and planned developments in the area, the Dingman Drive improvements were identified as a priority as part of the 2019 Development Charges Background Study.

Anticipated Construction Timeline

Property requirements to be secured for 2023 road construction and to facilitate utility

relocations in 2022. The project will commence with utility relocations with major road construction to follow thereafter.

Location Maps and legal descriptions of property are included as Schedule A.

Conclusion

The Dingman Drive improvements project was identified in the 2019 Transportation Development Charges Background Study, the timing of construction has been determined in coordination with planned development in the area.

Construction of the first phase of this project is predominantly planned to take place in 2023 with commencement of utility relocations required in 2022 to facilitate the improvements. The project has received approval as part of the Dingman Drive Improvements Project Class EA which identified the required property acquisitions.

Realty Services continues to negotiate with the outstanding property owners in parallel with the Council approval to proceed with the expropriation process in order to meet the project construction timelines.

Impacted property owner's compensation is protected through the expropriation legislation and Council Property Acquisition Policy. If negotiated property compensation settlements can not be achieved on an amicable basis, the compensation may be arbitrated through the Local Planning Appeal Tribunal (LPAT).

Commencement of the expropriation process is recommended at this time to ensure project timelines are achieved.

Prepared by: Bryan Baar, Manager II, Realty Services

Submitted by: Bill Warner, AACI, Director, Realty Services

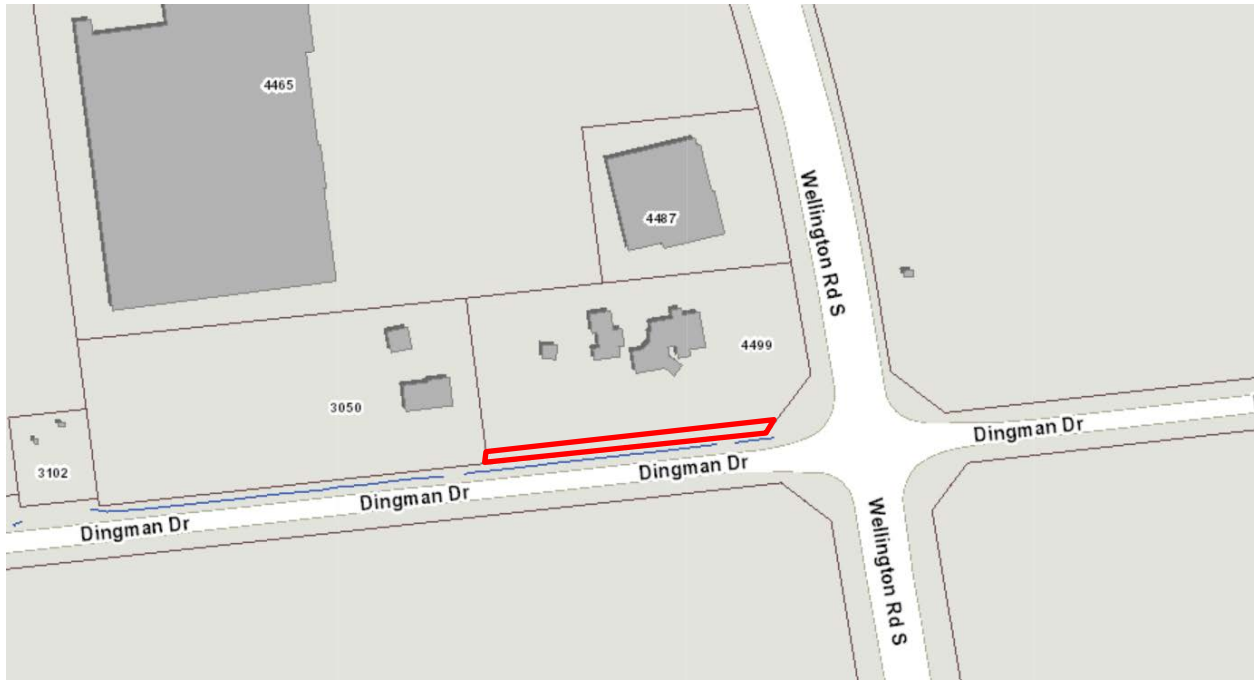
Concurred by: Doug MacRae, P. Eng., Director, Transportation and Mobility

Recommended by: Kelly Scherr, P. Eng., MBA, FEC, Deputy City Manager, Environment and Infrastructure

June 8, 2021
File No. P-2552

Schedule A - Location Maps

PARCEL 1



PARCEL 2



Schedule “A” Continued

Parcel 1: Part of Lot 16, Concession 3, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 9 on Plan 33R-20902 being Part of PIN 08204-0199(LT)

Parcel 2: Part of Lot 17, Concession 4, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20902, being Part of PIN 08204-0086(LT)

Schedule "B"

Bill No.
2021

By-law No. L.S.P.-

A By-law to authorize and approve an application to expropriate land in the City of London, in the County of Middlesex, for the Dingman Drive Improvements Project.

WHEREAS The Corporation of the City of London has made application to the Council of The Corporation of the City of London for approval to expropriate lands for the Dingman Drive Improvements Project;

THEREFORE The Corporation of the City of London, as the expropriating authority, enacts as follows:

1. An application be made by The Corporation of the City of London as Expropriating Authority, to the Council of The Corporation of the City of London as approving authority, for approval to expropriate lands for the Dingman Drive Improvements Project; which land is more particularly described in attached Appendix "A" of this by-law.
2. The Corporation of the City of London as Expropriating Authority serve and publish notice of the application referred to in section 1 of this by-law in the form attached hereto as Appendix "B", being the "Notice of Application for Approval to Expropriate Lands," in accordance with the requirements of the *Expropriations Act*.
3. The Corporation of the City of London as Expropriating Authority forward to the Chief Enquiry Officer, any requests for a hearing that may be received in connection with the notice of this expropriation and report such to the Council of The Corporation of the City of London for its information.
4. The Civic Administration be hereby authorized to carry out all necessary administrative actions in respect of the said expropriation.
5. This by-law comes into force on the day it is passed.

PASSED in Open Council on

Ed Holder, Mayor

Catharine Saunders, City Clerk

First Reading
Second Reading
Third Reading

APPENDIX "A"

To By-law L.S.P.-_____

DESCRIPTION OF LANDS TO BE EXPROPRIATED FOR THE DINGMAN DRIVE IMPROVEMENTS PROJECT

The following lands are required in fee simple:

- Parcel 1: Part of Lot 16, Concession 3, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 9 on Plan 33R-20902 being Part of PIN 08204-0199(LT)

- Parcel 2: Part of Lot 17, Concession 4, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20902, being Part of PIN 08204-0086(LT)

APPENDIX "B"

To By-law L.S.P.-_____

EXPROPRIATIONS ACT, R.S.O. 1990, CHAPTER E.26

NOTICE OF APPLICATION FOR APPROVAL TO EXPROPRIATE LAND
Expropriations Act

IN THE MATTER OF an application by The Corporation of the City of London for approval to expropriate lands being Part of Lot 16, Concession 3, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 9 on Plan 33R-20902 being Part of PIN 08204-0199(LT); Part of Lot 17, Concession 4, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20902, being Part of PIN 08204-0086(LT) for the purpose of the Dingman Drive Improvements Project.

NOTICE IS HEREBY GIVEN that application has been made for approval to expropriate the following lands described as follows:

- Parcel 1: Part of Lot 16, Concession 3, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 9 on Plan 33R-20902 being Part of PIN 08204-0199(LT)
- Parcel 2: Part of Lot 17, Concession 4, Geographic Township of Westminster, in the City of London, County of Middlesex, designated as Part 1 on Plan 33R-20902, being Part of PIN 08204-0086(LT)

Any owner of land in respect of which notice is given who desires an inquiry into whether the taking of such land is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority shall so notify the approving authority in writing,

- a) in the case of a registered owner, served personally or by registered mail within thirty days after the registered owner is served with the notice, or, when the registered owner is served by publication, within thirty days after the first publication of the notice;
- b) in the case of an owner who is not a registered owner, within thirty days after the first publication of the notice.

The approving authority is:

The Council of The Corporation of the City of London
City Hall
300 Dufferin Avenue
P.O. Box 5035
London ON N6A 4L9

The expropriating authority is:

THE CORPORATION OF THE CITY OF LONDON

CATHARINE SAUNDERS
CITY CLERK

Notes:

1. The *Expropriations Act, R.S.O. 1990, c. E.26*, provides that:
 - (a) where an inquiry is requested, it shall be conducted by an Inquiry Officer appointed by the Attorney General;
 - (b) the Inquiry Officer,
 - i) shall give every party to the inquiry an opportunity to present evidence and argument and to examine and cross-examine witnesses, either personally or by his counsel or agent, and
 - ii) may recommend to the approving authority that a party to the inquiry be paid a fixed amount for his costs of the inquiry not to exceed \$200 and the approving authority may in its discretion order the expropriating authority to pay such costs forthwith.
2. "Owner" and "Registered Owner" are defined in the *Act* as follows:

"Owner" includes a mortgagee, tenant, execution creditor, a person entitled to a limited estate or interest in land, a guardian of property, and a guardian, executor, administrator or trustee in whom land is vested;

"Registered Owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the proper land registry or sheriff's office, and includes a person shown as a tenant of land on the last revised assessment roll;
3. The Expropriating Authority, each owner who notifies the approving authority that he desires a hearing in respect of the lands intended to be expropriated and any owner added as a party by the inquiry officer are parties to the inquiry.

This notice first published on the _____ day of _____, 2021.

Report to Corporate Services Committee

To: Chair and Members
Corporate Services Committee
From: Cathy Saunders, City Clerk
Subject: Application – Issuance of Proclamation – World Patient Safety Day
Date: June 21, 2021

Recommendation

That, the Civic Administration BE ADVISED as to how Municipal Council wishes to proceed with the attached (Appendix “A”) Proclamation request.

Previous Reports Pertinent to this Matter

Corporate Services Committee – December 3, 2019
Corporate Services Committee – January 6, 2020
Corporate Services Committee – August 10, 2020

Background

The Issuance of Proclamations Policy is attached as Schedule “A” for information purposes.

Conclusion

The Civic Administration is seeking direction from the Municipal Council as to how they wish to proceed with the attached (Appendix “A”) proclamation request received June 10, 2021 from Patients for Patient Safety Canada requesting September 17, 2021 be proclaimed World Patient Safety Day.

Submitted by: Cathy Saunders, City Clerk

Requests for the issuance of proclamations are governed by Council Policy (excerpted below). Requests must be received at least six (6) weeks in advance of the requested issuance date and may be emailed to the City Clerk at ClerksApprovalRequests@london.ca or mailed to City Hall, P.O. Box 5035 LONDON, ON, N6A 4L9.

Request details

Name of Organization	Patients For Patient Safety Canada
Date Proclamation Required	September 17, 2021
Proclamation Name	World Patient Safety Day
Proclamation Type (day, week or month)	Day
Category (public awareness campaigns), (charitable fundraising campaigns), (arts and cultural celebrations)	Public Awareness
Requester Name	Kathy Rylett
Requester Telephone Number	-
Requester Email Address	kathyr@patientsforpatientsafety.ca
Requester Address	London, ON N5X 2Z5
Provide details of your Organization's Connection to London	see backgrounder
Required Supporting Documents	<ul style="list-style-type: none"> • Detail information on the Organization • Detail information on the Event • Confirmation of authorization from the Organization to submit the request
The undersigned confirms that I am the Official Representative of the Organization requesting the Proclamation and that by signing this Application, I acknowledge and agree that my organization complies with all City of London's Policies and By-laws	
Signature	KRylett
Date	June 10, 2021
NOTICE OF COLLECTION OF PERSONAL INFORMATION	
Personal information collected on this form is collected under the authority of the <i>Municipal Act, 2001, S.O. 2001, c. 25</i> and may also be used for purposes related to the Issuance of Proclamations Policy and Proclamation Request Form. Questions about this collection should be addressed to the City Clerk, 3rd floor, City Hall, 300 Dufferin Ave., London, ON N6A 4L9. Tel: 519-661-2489, ext. 4937, email: csauder@london.ca	

World Patient Safety Day- September 17, 2021

Sponsoring Organization- Patients for Patient Safety Canada

Patients for Patient Safety Canada is a patient-led program of Healthcare Excellence Canada (amalgamation of the Canadian Patient Safety Institute and the Canadian Foundation for Healthcare Improvement) and also the Canadian arm of the World Health Organization's (WHO) Patients for Patient Safety global network.

- Formed in 2006, contributing the unique patient/ family experience and perspective to patient safety.
- 70 members have personal stories of heartache, loss, grief and frustration due to unsafe care and they are able to look beyond personal events, draw from their experience, and partner with the people who work in the healthcare system in a shared mission of **Every Patient Safe**.
- The Canadian arm of the World Health Organization's Patients for Patient Safety Program.
- Contributed to many initiatives that advance safe care both in Canada and around the world.
- The WHO recognizes [Patients for Patient Safety Canada as a global leader](https://www.patientsafetyinstitute.ca/en/About/Programs/PPSC/Pages/default.aspx) as well as <https://www.patientsafetyinstitute.ca/en/About/Programs/PPSC/Pages/default.aspx>

Proclamation Event- World Patient Safety Day

On 17 September 2021, the World Health Organization, international partners and all countries will celebrate World Patient Safety Day.

The World Health Organization urges all stakeholders to “**Act now for safe and respectful childbirth!**” with the theme “**Safe maternal and newborn care**”. Approximately 810 women die every day from preventable causes related to pregnancy and childbirth. In addition, around 6700 newborns die every day, amounting to 47% of all under-5 deaths. Moreover, about 2 million babies are stillborn every year, with over 40% occurring during labour. Considering the significant burden of risks and harm women and newborns are exposed to due to unsafe care, compounded by the disruption of essential health services caused by the COVID-19 pandemic, the campaign is even more important this year.

Canada ranks 7th out of the ten most developed nations in maternal mortality. Canada gets a “C”, ranking, second-to-last among 17 peer countries, with its infant mortality rate shockingly high for a country at Canada’s level of socio-economic development. We can do better.

During these unprecedented times, a combination of virtual and other activities is being planned by the WHO to observe and celebrate the Day in September. The signature mark of the global campaign is to **light up iconic monuments, landmarks, and public places in orange colour**,

in collaboration with local authorities. This will also be a gesture of respect and gratitude to all patients and all health workers.

<https://www.who.int/news-room/events/detail/2021/09/17/default-calendar/world-patient-safety-day-2021>

<https://www.commonwealthfund.org/publications/issue-briefs/2020/nov/maternal-mortality-maternity-care-us-compared-10-countries>

<https://www.conferenceboard.ca/hcp/Details/Health/infant-mortality-rate.aspx>

Patients for Patient Safety Canada invites all Canadian municipalities to join in the celebration of World Patient Safety day and advocate together for 'safe maternal and newborn care'. Patients for Patient Safety Canada has authorized its members to request proclamations and illuminations of monuments from Canadian Municipalities in recognition of World Patient Safety Day.

Specifically in (location), (PFPSC Member) will be making a Proclamation Request.

Theresa Malloy Miller

Maryann Murray

Co-Chair PFPSC

Co-Chair PFPSC



Issuance of Proclamations Policy

Policy Name: Issuance of Proclamations Policy

Legislative History: Adopted September 19, 2017 (By-law No. CPOL.-115-367); Amended July 24, 2018 (By-law No. CPOL.-115(a)-418)

Last Review Date: January 6, 2020

Service Area Lead: City Clerk

1. Policy Statement

1.1 This policy sets out the requirements for the issuance of proclamations.

2. Definitions

2.1 Not applicable.

3. Applicability

3.1 This policy shall apply to any request for the issuance of proclamations on behalf of the City of London.

4. The Policy

4.1. Proclamations are ceremonial documents issued and signed by the Mayor on behalf of City of London Council that officially recognizes public awareness campaigns; charitable fundraising campaigns; and arts and cultural celebrations of organizations that reside/operate within the City of London. The requester must clearly identify the significance and connection of the proclamation to the mandate and goals as set out in the City of London’s Strategic Plan. A proclamation does not constitute a personal or civic endorsement.

Application Process

- a) Proclamations requests are to be submitted on the City of London Application form to the City Clerk’s Office at least six (6) weeks in advance of the requested issuance date.
- b) The Application must provide sufficient background information about the organization, cause or event being proclaimed and the proposed text for inclusion in the proclamation. The proposed text is subject to approval by the City of London to ensure compliance with City of London’s polices and by-laws.
- c) Upon receipt of the Application, the City Clerk’s Office will review the Application in accordance with this Policy and if the Application appears to be in compliance with the Policy, the Application will be placed on the next available Corporate Services Committee meeting for consideration.
- d) The Corporate Services Committee will review the Application and provide a recommendation to the Municipal Council for consideration with respect to the disposition of the Applications.

SCHEDULE "A"

Administration of Policy:

- e) The cause or event must contribute to the economic, social and cultural fabric of the City of London.
- f) Repeat requests must be submitted on an annual basis.
- g) An organization may request one proclamation per calendar year.
- h) Organization do not have exclusive rights to the day, week, or month being proclaimed.
- i) Proclamations of a similar topic will be issued on a first come first served basis.
- j) The City of London will not incur any expenses relating to the advertising or promotion of a proclamation. Recipients are responsible for the promotion of the proclamation, organization of related activities and for all associated costs.
- k) Proclamations will not be issued for:
 - Matters of political controversy, ideological or religious beliefs or individual conviction.
 - Events or organizations with no direct connection to the City of London.
 - Campaigns or events contrary to City of London policies or by-laws.
 - National, Independence or Republic Days.
 - Campaign or events intended for profit-making purposes.
 - Recognition of individuals.
 - Recognition of events or organizations that espouse discrimination, hatred, violence or racism.
 - Matters attempting to influence government policy.
 - Matters designed to incite hatred or disorder.
- l) The City of London reserves the right to refuse to issue a proclamation.



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

London
CANADA

11 June 2021

Members of Corporate Services Committee

Re: Standing Committee Membership – Federation of Canadian Municipalities

Dear Colleagues,

In order to maintain City of London representation on the Federation of Canadian Municipalities' (FCM) Standing Committees, and subject to the approval of my application to serve on the FCM's Standing Committee(s), I wish to seek appointment to selected FCM's Standing Committee(s) with the support and approval of the Municipal Council for the 2021/2022 term.

As per FCM requirements to sit on Standing Committees, I respectfully request support of the following resolution:

That the following actions be taken with respect to the Federation of Canadian Municipalities (FCM) Standing Committee(s):

- a) Councillor M. Cassidy BE ENDORSED to serve on FCM Standing Committees, for the 2021/2022 term; and,
- b) subject to Councillor M. Cassidy successful application to serve on the FCM Standing Committee(s), all associated cost to attend the Board of Directors meetings, the Sustainable Community Conference and Trade Show and the Annual Conference and AGM for the 2021/2022 term BE APPROVED for reimbursement by The Corporation of the City of London outside of her annual expense allocation.

For your information the meeting dates noted above are as follow:

- Board of Directors Meeting - September 2021 – (Virtual)
- Board of Directors Meeting – November 22-26, 2021 – TBD
- Board of Directors Meeting – March 1-4, 2022 – TBD
- Sustainable Community Conference & Trade Show – October 19-21, 2021 (Virtual)
- Annual Conference & AGM – June 2-5, 2022 – Regina, SK

With sincere thanks and appreciation for your consideration of this matter,

Maureen Cassidy
Councillor, Ward 5