

Bill No. 80  
2024

By-law No. CPOL.-\_\_\_\_\_

A by-law to amend By-law CPOL.-396-7, as amended, being “Respectful Workplace Policy (Anti-Harassment/Anti-Discrimination)” by deleting and replacing Schedule “A”.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-396-7, as amended, being “Respectful Workplace Policy (Anti-Harassment/Anti-Discrimination)” by deleting and replacing Schedule “A”;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law No. CPOL.-396-7, as amended “Respectful Workplace Policy (Anti-Harassment/Anti-Discrimination)” is hereby amended by deleting Schedule “A” to the By-law in its entirety and replacing it with the attached new Schedule “A”.
2. This by-law comes into force and effect on the day it is passed subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

PASSED in Open Council on March 5, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 5, 2024  
Second Reading – March 5, 2024  
Third Reading – March 5, 2024

## SCHEDULE A



**London**  
CANADA

### **Respectful Workplace Policy**

**Policy Name:** Respectful Workplace Policy

**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); and Respectful Workplace Policy (Anti-Harassment/Anti-Discrimination Policy adopted March 1, 2020 (By-law No. CPOL.-396-7); amended August 10, 2021 (By-law No. CPOL.-396(a)-262); amended March 5, 2024 (By-law No. CPOL.-396( )- )

**Last Review Date:** March 5, 2024

**Service Area Lead:** Deputy City Manager, Enterprise Supports

#### **1. Policy Statement**

The Corporation of the City of London (Corporation) is committed to fostering a workplace that is safe and inclusive, where the diversity, dignity, and perspectives of all individuals are valued and respected. The Corporation will not tolerate or condone harassment, discrimination or reprisals and will take active steps to promote a psychologically safe and inclusive workplace.

This policy outlines shared rights and responsibilities for creating a respectful workplace. It applies in conjunction with the Corporation's Code of Ethics and Workplace Violence Prevention Policy and Procedure, and any applicable collective agreements.

#### **2. Definitions**

##### **2.1 Discrimination and Harassment Under the Ontario Human Rights Code**

###### **2.1.1 Discrimination**

Under the Ontario *Human Rights Code* (Code), every person has a right to equal treatment with respect to employment without discrimination based on 16 protected grounds of discrimination:

- race, colour, ancestry, ethnic origin, place of origin
- sex, gender identity and gender expression
- sexual orientation
- creed, including religion
- marital status (married, single, widowed, divorced, separated, or living in a conjugal relationship outside of marriage, whether in a same-sex or opposite-sex relationship)
- family status (a parent and child relationship)
- disability or perceived disability (including mental, physical, developmental, or learning disabilities)
- age
- citizenship
- record of offences (for which a pardon has been granted under the *Criminal Records Act* (Canada) and has not been revoked, or an offence in respect of any provincial enactment)

###### **2.1.2 Harassment**

Every employee has a right to freedom from harassment in the workplace related to a protected ground. Harassment is defined in the Code as:

Engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

### **2.1.3 Sexual Harassment**

The Code provides protection from sexual harassment in employment as follows:

Every person who is an employee has a right to freedom from harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by his or her employer or agent of the employer or by another employee.

Every person has a right to be free from a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

## **2.2 Harassment Under the Occupational Health and Safety Act**

### **2.2.1 Workplace Harassment**

Workplace harassment is a protected health and safety issue covered under the *Occupational Health and Safety Act* (OHSA). The OHSA defines workplace harassment as:

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

The OHSA also states:

A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

### **2.2.2 Sexual Harassment**

The OHSA defines sexual harassment as:

- i) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- ii) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

## **3. Applicability**

This policy applies to:

- all employees of the Corporation including full-time, part-time, temporary, probationary, and casual employees
- interns and placement students
- elected officials
- volunteers (including members of advisory committees, special committees, and task forces), and
- contractors and consultants acting on behalf of the Corporation

- individuals from outside the Corporation, such as suppliers, visitors, and other members of the public

## **4. The Policy**

### **4.1 Discrimination, Harassment and Disrespect**

Discrimination and harassment are prohibited by law. The legal and policy definitions of discrimination and harassment are in Section 2 of this policy. Left unchecked, disrespectful behaviour can lead to harassment and can create a poisoned workplace and is also prohibited under this policy.

Some examples of harassment, discrimination and disrespect are set out below.

#### **4.1.1 Workplace Harassment and Discrimination**

The Corporation does not tolerate workplace harassment including harassment based on the protected grounds of discrimination or based on association with someone identified by a protected ground.

There can be many examples of harassment, some of which are listed below.

- offensive or intimidating comments, jokes, or innuendos
- imitating someone's accent, speech, or mannerisms
- verbally abusive behaviour, such as yelling, insulting, humiliating, or threatening someone
- workplace pranks, vandalism, bullying, hazing, or aggressive behaviour
- gossiping, spreading rumours, or making malicious statements
- excluding, ostracizing, or persistently ignoring someone
- sabotaging someone else's work
- displaying or circulating offensive pictures or materials
- homophobic comments or jokes or "outing" or threatening to "out" someone based on their sexual orientation
- racial micro-aggressions and racial jokes and comments
- cyber-bullying and harassment through social media
- demeaning or abusive workplace supervision including deliberately obstructing someone's advancement for reasons unrelated to performance, merit, or other legitimate business needs
- making false allegations about someone in memos or other work-related documents
- menacing behaviours such as stalking, staring, glaring, inappropriate gestures, or unwelcome physical closeness
- workplace mobbing (group bullying)
- discriminatory or harassing conduct including (but not limited to) anti-Black racism, anti-Indigenous racism, Islamophobia, antisemitism, anti-Asian racism, homophobia, transphobia, biphobia, ableism, ageism, xenophobia and sexism

Discrimination means treating someone unfairly or differently based on the protected grounds of discrimination under the Code, for example race, sex or disability.

Discrimination can happen directly, or indirectly or by unintentionally creating rules or practices that disadvantage certain groups of people.

To establish discrimination in employment:

- the complainant must have a characteristic protected by the Code (e.g., race)
- the complainant must have experienced adverse treatment/impact
- the protected characteristic was a factor in the adverse treatment or impact

Note: Behaviour will only constitute harassment or discrimination if it meets the legal test.

#### **4.1.2 Sexual and Gender-Based Harassment**

Sexual harassment includes conduct or comments of a sexual nature that the recipient does not welcome or that offend them.

Gender-based harassment includes conduct or comments that are not necessarily sexual, but which are demeaning to someone because of their gender or sex. Gender-based harassment is a form of sexual harassment.

Sexual or gender-based harassment can involve individuals of any gender, as both targets and perpetrators. Harassment may occur between individuals of the same or different genders.

Below are some examples of sexual and gender-based harassment.

Sexual comments or conduct including:

- sexually suggestive or lewd remarks or gestures
- sexual banter and innuendoes
- spreading gossip or rumours about someone's sexual activities or relationships
- displaying sexually offensive material, such as posters, pictures, calendars, cartoons, screensavers, pornographic or erotic websites, or other digital material

Sexual solicitation including:

- threats, punishment, or denial of benefits for refusing a sexual advance
- offering benefits in exchange for a sexual favour
- unwelcome sexual advances, which may involve a manager, supervisor, or someone with the power to reward or punish the worker at work

Sexual violence including:

- persistent, unwanted attention after a consensual relationship ends
- leering (persistent sexual staring)
- unwelcome physical contact of a sexual nature, such as touching or caressing
- cyber sexual violence including spreading rumours online through social media or other electronic communication tools, or sending messages, photos or videos that are offensive or damaging to someone's reputation
- sexual assault

Gender-based comments or conduct including:

- behaviour aimed at policing or enforcing stereotypical gender norms
- insults or comments that ridicule, humiliate or demean someone because of their sex, gender identity or expression
- derogatory language based on sex or gender identity including toward trans people or trans communities
- refusing to use someone's chosen pronouns or self-identified name
- gossiping or spreading rumours about someone's gender identity or expression
- "outing" or threatening to "out" someone based on their gender identity
- intrusive comments, questions or insults about a person's body, gender-related medical procedures, clothing, mannerisms, or other forms of gender expression
- persistent or inappropriate questions about whether someone is pregnant, has children, or plans to have children.

### 4.1.3 Poisoned Work Environment

Unwelcome comments or conduct can poison someone's working environment, making it a hostile or uncomfortable place to work even if the person is not being directly targeted. This is known as a **poisoned (toxic) working environment**, and it is a form of harassment.

### 4.1.4 Disrespectful Behaviour

Building a psychologically safe and inclusive workplace depends on treating each other with civility and respect. Even if disrespectful behaviour does not rise to the level of harassment, it may still harm workplace relationships and the workplace culture. That means you are expected to be inclusive of others and treat anyone you encounter in the workplace with civility and respect.

Disrespectful behaviour can include the above examples of discrimination, harassment and sexual or gender-based harassment. The examples below may also constitute disrespectful behaviour, harassment, or both depending on the context, circumstances, impact, and frequency.

Examples of disrespect include:

- racial and other microaggressions (a microaggression is a comment or action that expresses prejudice against a marginalized group or person)
- speaking in a belittling or condescending tone
- snide, sarcastic, or demeaning comments
- persistently interrupting or speaking over someone
- glaring, finger-pointing, eye-rolling, and other nonverbal gestures of disrespect
- disparaging or making fun of someone, even if it's meant as a joke, as well as referencing their community or culture in a derogatory way
- swearing or using unprofessional language, even if not directed at a particular person and even if those nearby are not personally offended
- passive-aggressive behaviour, such as refusing to directly communicate with someone about an issue and instead complaining behind their back
- embarrassing or humiliating someone
- gossiping, including sharing information that someone would probably want kept secret or speaking about someone behind their back in a negative way
- deliberately ignoring someone
- deliberately interfering with or impeding someone's work

### 4.1.5 The Elements of Harassment

The legal definition of harassment is broken down below and is set out in detail in the Section 2 to this policy.

#### 4.1.5(a) A course of vexatious comment or conduct

The term "vexatious" refers to comments or conduct that annoy, upset, or cause distress to another person without reasonable cause.

A single incident can be considered harassment if it is serious enough and has a lasting, harmful effect. Less serious behaviour can also be considered harassment if it is repeated or persistent, there is a power imbalance or other circumstances make it more serious.

#### 4.1.5(b) The Workplace

For this policy, the workplace is any location in which you are engaged in work-related activities, including, without limitation:

- Corporation-owned or leased vehicles and worksites
- virtual meetings and telephone calls
- communications including email, instant messaging, and social media (including comments, emoticons and reactions such as “likes”)
- any location in which employees are working such as work-related travel, restaurants, hotels, or meeting facilities
- at any work-related social event, including events sponsored by the Corporation and social gatherings outside work when behaviours could impact the workplace

#### 4.1.5(c) Knew or Ought to Have Known Behaviour is Unwelcome

It does not matter whether you intended to offend someone. The test is whether you knew or should have known that your behaviour was unwelcome to the other person in those circumstances. For example, someone may say that something is unwelcome, or they may make it clear through conduct or body language that the behaviour is unwelcome.

While someone may feel comfortable telling you that your behaviour is unwelcome, they are not obligated to do so, and the onus is on you to ensure that you do not engage in unwelcome behaviour.

#### 4.1.6 What is Not Harassment

Legitimate, reasonable management actions that are part of the normal work function are not considered workplace harassment. This includes:

- enforcing workplace rules and policies
- measures to correct performance deficiencies, such as placing someone on a performance improvement plan
- changes to schedules and work location
- imposing discipline for workplace infractions
- requesting medical documents to support an absence from work
- organizational changes such as restructuring

Harassment also does not include occasional disagreements or personality conflicts, or stressful events that are part of your normal work duties.

## 4.2 CREATING A PSYCHOLOGICALLY SAFE AND INCLUSIVE WORKPLACE

It is important not to engage in harassment, discrimination, or disrespect. It is equally important to engage in positive workplace behaviours so that everyone can enjoy a psychologically safe and inclusive workplace. Here are some ways you can contribute.

<b>Promote inclusion</b>	Creating a respectful workplace is not just about avoiding discrimination or harassment. Do your part to make everyone feel like their opinions are valued and they belong as part of the team.
<b>Know Where You Are</b>	Don't rely on the expression “know your audience”. We can never truly know how our actions may be received by someone. Instead, “know where you are” and ensure that all your workplace interactions are professional and respectful.
<b>When in doubt, don't</b>	If you have doubts about whether a joke, comment or other behaviour is inappropriate, don't do it or say it.
<b>Accept responsibility</b>	Take ownership of your actions. Acknowledge mistakes, learn from them, and apologize when needed, even if you feel another person bears more responsibility than you.

<b>Listen to understand</b>	When someone raises a concern, listen with the goal of understanding instead of listening to respond or refute. Give them your full attention, look at them while talking, and ask questions to show you care about their point of view.
<b>Focus on kindness</b>	Be kind to those around you. Kindness helps others but can also help you.
<b>Don't let it fester</b>	Conflicts and misunderstanding will happen. If you are in a conflict with someone, reach out to try and resolve it. Seek support from your manager or an employee relations advisor to help resolve it if need be.
<b>Be the change</b>	You don't have the power to change other people, but you do have the power to change how you respond to them. Rise above toxicity and act with professionalism and kindness.

#### **4.2.1 Workplace Duties and Obligations**

Creating and maintaining a respectful workplace is a shared responsibility. Everyone to whom this policy applies is expected to abide by the standards of behaviour set out in this policy.

Our respective duties are set out below.

#### **4.2.2 The Corporation**

To meet its commitments under this policy, the Corporation will:

- provide ongoing education on what behaviour is and is not appropriate
- investigate complaints and incidents as appropriate; and
- impose suitable corrective and restorative measures

The Corporation will also adhere to its duties and responsibilities outlined in the Occupational Health and Safety Act.

#### **4.2.3 Managers and Supervisors**

All managers and supervisors are expected to help create a workplace free from harassment, discrimination and disrespectful behaviour by:

- being familiar with this policy including examples and definitions and procedures for reporting and addressing complaints
- identifying and eliminating barriers to a psychologically safe and inclusive workplace
- acting as role models and champions of a respectful workplace
- supporting the Corporation's training on respectful workplaces and related topics
- providing ongoing education and dialogue with staff to reinforce respect in the workplace
- monitoring the workplace and employee behaviour
- immediately addressing violations, including disrespect that may not constitute harassment, but which could lead to harassment or a poisoned work environment if left unchecked
- keeping detailed records of any violations of this policy and corrective actions taken

The Corporation has a duty to investigate both complaints and incidents of harassment. So, managers and supervisors must immediately contact the Manager, Human Rights if they receive a complaint of workplace harassment or discrimination or witness or



become aware of such behaviour. When in doubt, err on the side of caution and bring it forward. It won't automatically trigger an investigation but will help ensure employees are protected and issues are addressed.

#### **4.2.4 All Employees**

We must all do our part by ensuring that our individual behaviour does not violate this policy and by fostering a work environment based on respect.

You can help achieve this by reporting any incidents of harassment or discrimination you become aware of. You can report it to:

- any supervisor or manager
- any member of the Human Rights Division, or
- employee relations

Everyone has a role to play in fostering a respectful work environment. If you feel safe doing so, you should speak up and intervene respectfully when you witness harassment, discrimination, or disrespect. If you don't feel safe speaking up in the moment, you can still take an active role in addressing the disrespect by bringing it to the attention of a supervisor, manager, or member of People Services, and by offering support to the target of the behaviour.

#### **4.2.5 Human Rights Division**

The Human Rights Division is responsible for:

- reviewing and recommending updates to this policy
- providing regular communication about this policy across the Corporation including options for submitting and addressing complaints
- assisting with training on this policy and related practices and procedures
- receiving complaints and conducting intakes working with People Services on appropriate interim measures and complaint resolution and investigation options
- supporting managers and supervisors in responding to and addressing harassment, discrimination, and disrespect
- obtaining data and feedback from managers and supervisors on any instances of disrespect or poisoned (toxic) workplace behaviour that they have addressed with their team
- making referrals to agencies for counselling and assistance when required
- consulting with the Director of the Anti-Racism and Anti-Oppression Office (ARAO) and the Director Emergency Management and Security as required

#### **4.2.6 Joint Health and Safety Committee**

The Corporation's Joint Health and Safety Committee will review this policy at least annually (or sooner if necessary) and may provide feedback on the implementation and maintenance of this policy and related procedures as set out in the *Occupational Health and Safety Act*.

#### **4.2.7 Respectful Workplace Ombudsperson (RWO)**

The RWO is available as an independent and neutral resource to employees to obtain information about rights and obligations under this policy and procedure. The RWO's role is to promote fair and transparent processes under this policy and related procedures. The RWO does not act as an advocate for or provide legal advice to anyone.

The RWO's mandate is to:

- receive and respond, on a confidential basis, to questions from employees for information about this policy and related procedure

- upon request, assist employees involved in a concern or complaint under this policy to understand the process as they proceed through Resolution/Complaint Procedures
- receive and review complaints from employees about the Corporation's processes and procedures under this policy to make recommendations for improvements to the City Manager
- provide an annual written report to the City Manager about their interactions with employees related to this policy and to identify related themes and potential options for action and improvement

For clarity, the functions of the RWO **do not include** the following:

- receiving complaints of Prohibited Behaviour under the Respectful Workplace Policy
- conducting intakes of alleged Prohibited Behaviour under the Respectful Workplace Policy
- conducting investigations into allegations of Prohibited Behaviour under the Respectful Workplace Policy
- determining or reviewing findings related to Prohibited Behaviour under the Respectful Workplace Policy
- reviewing corrective and/or disciplinary actions implemented by the City pursuant to the Respectful Workplace Policy
- acting as an advocate for or providing legal advice to employees or any other individuals regarding the Respectful Workplace Policy or related processes and procedures

The RWO does not accept or assess appeals of investigation findings or procedures and only assesses whether the Corporation met its procedural duties under this policy.

#### **4.2.8 Unions/Associations**

Union and association representatives provide confidential support and representation to employees they represent in accordance with the applicable collective agreement.

#### **4.2.9 Worker Support and Assistance**

The Corporation has an Employee and Family Assistance Program (EFAP) available to employees for confidential and anonymous counselling.

If you are a complainant or respondent in an investigation, you may select a support person. The role of a support person is to provide emotional and psychological support during and after the investigation process. Someone who may be a witness in an investigation or who supervises one of the parties may not act as a support person. Support persons may not answer questions on behalf of anyone during an investigation.

### **4.3 Resolving and Reporting Incidents and Complaints**

Discrimination, harassment, and disrespect may be addressed using informal and formal procedures outlined below.

#### **4.3.1 Advice and Consultation**

You may obtain confidential advice from employee relations, labour relations or your union representative about this policy and related procedures before deciding on next steps. They can provide advice and assistance to help you navigate options and next steps.

Depending on the circumstances, such individuals may be obligated to initiate an investigation, for example if the matter is very serious or other individuals are at risk of harm.

### 4.3.2 Addressing it Directly

You are not legally required to deal directly with an individual you believe is harassing or discriminating against you. But if you feel comfortable doing so, it can be an effective way to resolve disputes and clarify misunderstandings.

If you choose to address it directly, it is usually helpful to do so as soon after the incident happens as possible. Speaking professionally and in terms of your own experience is generally more effective than making angry or accusatory statements.

Here are some ways to approach it:

<b>Speak Up</b>	"I feel uncomfortable with the way you're speaking to me. Please stop." "Your comments are inappropriate, and I need you to stop making them."
<b>Set Boundaries</b>	"I need you to respect my personal space and not make unwelcome physical contact." "It's important to keep our conversations professional and work-related."
<b>Document Behaviour</b>	"I'm noting this incident and will document it as it's making me uncomfortable." "I may have to report this if it continues. Let's keep our interactions professional."
<b>Seek Support</b>	"I would prefer not to engage in this type of conversation. Please stop." "I will be discussing this with [supervisor/people services] to find a resolution."
<b>Invoke Policies</b>	"I believe this behaviour goes against our respectful workplace policy and I expect it to stop." "Our workplace has guidelines against harassment. You may need to review them."
<b>Ask for Clarification</b>	"I'm not sure if your comment was intended to be offensive, but it came across that way. Can we keep our interactions professional?" "Did you mean for that comment to be taken seriously? It's making me uncomfortable."

If the behaviour continues after you have addressed it with the person, you may wish to give them a written statement that specifically outlines what you find unwelcome or offensive and notifies them that you intend to file a complaint if it continues.

It also helps to keep a record of any incidents you experience. This includes dates, what happened, whether there were any witnesses and your response (if any).

### 4.3.3 How to Respond When You Are Asked to Stop Doing Something

If you are asked to stop behaviours which could potentially violate this policy, evaluate your behaviour without getting defensive. Even if you did not mean to offend someone, your behaviour may have been perceived as offensive or unwelcome. Continuing the behaviour may cause further harm to the other person and may leave you vulnerable to disciplinary action.

### 4.3.4 Dispute Resolution and Restoration

In appropriate circumstances, it may be possible to resolve the matter without an investigation or even after an investigation has started through various measures including:

- consultation or advice to one of the parties
- a facilitated discussion or mediation

- coaching
- sensitivity training
- a workplace culture assessment (if the behaviour impacts an entire work unit or department)

The Manager, Human Rights is responsible for approving any decisions to use dispute resolution or restoration practices, in consultation with the Deputy City Manager, Enterprise Supports and People Services, as appropriate.

Discrimination and harassment are serious matters. Thus, there may be times when the Corporation is legally required or determines it necessary to conduct an investigation even if someone does not wish to file a formal complaint. This may include where the allegations are serious, if others are also being affected or to prevent further discrimination or harassment. In that case, it will be considered an employer-initiated complaint.

#### 4.4 Filing a Complaint

If dispute resolution and or restoration are not appropriate or unsuccessful, you may file a formal complaint with the Human Rights Division either orally or in writing. You may contact the Human Rights Division through the Corporation’s Hub, which includes links and applicable email addresses.

You are encouraged to report incidents or complaints as soon as possible so that the matter can be investigated promptly.

The chart below outlines where complaints should be filed, which depends on the respondent’s role. The investigation procedure provides more detail on how investigations will be handled in each of those circumstances.

<b>Complaint against</b>	<b>Where to submit the complaint</b>
An elected official (Mayor or council member)	Integrity Commissioner The Deputy City Manager, Enterprise Supports can provide guidance on filing a complaint against the Mayor or council member.
The City Manager	Deputy City Manager, Enterprise Supports (who will forward it to the Mayor) and will consult with the City Solicitor.
Deputy City Manager	City Manager
Director of People Services	City Manager
Manager, Human Rights	City Manager
Any other employee	The Human Rights Division
Member of the public accessing services or attending Corporation workplaces	Director Emergency Management and Security

If your complaint involves multiple individuals from the list above, or does not fit into any of those scenarios, you may submit your complaint to the City Solicitor.

It is important to submit your complaint as soon as possible so that the issue doesn’t escalate or happen again. Once your complaint is received, the Corporation will initiate an investigation deemed appropriate in the circumstances.

You may use the Workplace Harassment Complaint Form or any other written

document you are comfortable with. When filing a complaint please include:

- your name and contact information
- the name of the alleged harasser(s), their position and contact information (if you have it)
- names of any witnesses or anyone else who may have relevant information
- a description of the incident(s) including dates, frequency, and location
- any supporting documents you may have, e.g., emails, text messages, screenshots, reports etc.
- a list of any other documents you believe are relevant, but that you don't currently have

If you are not comfortable or able to put your complaint in writing, you may contact the Manager, Human Rights to provide your allegations.

Anonymous complaints are difficult to investigate while still providing procedural fairness. While the Corporation will take appropriate steps to look into an anonymous complaint if it discloses possible harassment or discrimination the available options may be limited.

#### **4.4.1 Intake**

The workplace investigations coordinator or any other member of the Human Rights Division may conduct an intake meeting with the complainant. The purpose of the intake is to obtain information about the complaint to determine next steps.

#### **4.4.2 Preliminary Assessment**

After the intake is complete, the Human Rights Division will make a preliminary assessment to determine whether the allegations raised, if proven would amount to harassment, or discrimination, or disrespect that is serious enough to warrant discipline.

This assessment is made solely on the evidence provided by the complainant including their initial statement and any documents provided.

If it is clear that the conduct would not constitute harassment or discrimination even if the allegations were substantiated, the Corporation may elect to proceed through the dispute resolution process instead of a formal investigation. In appropriate circumstances, though, the Corporation may still investigate, for example, if similar incidents have been raised in the past or by others, or to uncover root causes of workplace issues.

### **4.5 Workplace Investigation**

Once a complaint is submitted, or the Corporation decides to conduct an employer-initiated investigation, the Corporation will appoint an internal or external investigator.

If the complaint is against the City Manager, member of the senior leadership team, Director of People Services, or the Manager Human Rights, the Corporation will retain an external investigator. If the complaint is against an elected official, the complaint will be immediately referred to the Integrity Commissioner. The Corporation may also retain an external investigator if necessary to comply with the OHSA. An external investigator may also be appointed any other time the Corporation deems appropriate. For example, the Corporation may appoint an external investigator if the allegations are very serious or complex, to ensure an investigation can be conducted promptly, or if it is in the public interest to do so. The Deputy City Manager, Enterprise Supports will determine whether to appoint an external investigator in consultation with the Manager, Human Rights.

All other complaints will be investigated by the Human Rights Division and the investigator will be assigned by the Manager, Human Rights.

The steps in an investigation are set out in detail in the workplace investigations procedures but are outlined briefly here:

<b>Intake Meeting</b>	<p>Once a complaint has been received, a member of the Human Rights Division may conduct an intake meeting with the complainant.</p> <p>The purpose of this meeting is to:</p> <ul style="list-style-type: none"> <li>• ascertain the nature of the complaint (for example, what type of harassment is alleged)</li> <li>• identify the respondent(s) and applicable division</li> <li>• complete the complaint form if it is not already completed</li> </ul> <p>This is not an investigation interview but an information-gathering meeting to enable the Corporation to determine next steps.</p>
<b>Assigning the investigator</b>	<p>After the intake is complete, an investigator will be assigned.</p>
<b>Interviewing the Complainant</b>	<p>The investigator will meet with the complainant. During this meeting, the complainant will be given an opportunity to share their story. This includes providing any supporting information like documents, emails, text messages and witness names.</p>
<b>Preliminary Assessment</b>	<p>The investigator will make a preliminary assessment as outlined above.</p>
<b>Summary of Allegations</b>	<p>The investigator will prepare a summary of the allegations and provide it to the respondent in 2 – 5 business days before interviewing the respondent (unless there are extenuating circumstances).</p>
<b>Meeting with the Respondent</b>	<p>The investigator will meet with the respondent to obtain their response to the allegations and any other relevant information they would like to share.</p>
<b>Witness Interviews</b>	<p>The investigator will meet with any witnesses they deem necessary to assist with making findings.</p>
<b>Follow Up Interviews</b>	<p>The investigator will reinterview the complainant and respondent as necessary so that they can respond to any new or relevant information obtained during the investigation.</p>
<b>Investigation Report</b>	<p>The investigator will prepare the investigation report, which will then be reviewed by a colleague who has similar expertise and experience in what is known as the peer review process.</p>
<b>Report Shared with the Findings Committee</b>	<p>The report will be shared with the findings committee which is made up of the following (as required):</p> <ul style="list-style-type: none"> <li>• City Manager, or their designate</li> <li>• Deputy City Manager, Enterprise Supports, or their designate</li> <li>• Director of People Services, or their designate</li> <li>• Manager, Human Rights, or their designate</li> <li>• Deputy City Manager of the appropriate service area, or their designate</li> <li>• City Solicitor, or their designate</li> </ul> <p>Note: no one named in a complaint will be included in a Findings Committee meeting.</p>
<b>Corrective Action</b>	<p>The Findings Committee will review the investigator’s findings and decide on any necessary corrective or remedial actions.</p>
<b>Findings Meetings with the Parties</b>	<p>The investigator will prepare findings letters and will meet separately with the complainant and respondent to explain the findings and next steps.</p>

#### **4.5.1 Interim Measures**

It may be necessary to take interim measures to protect the safety and wellbeing of parties to a complaint and the workplace itself. This may include separating individuals, changing work hours, or placing a party (usually the respondent) on an administrative leave with pay. Other measures may be required if the allegations are against a member of the public.

In appropriate circumstances, the Director of Emergency Management and Security Services may be consulted about interim measures.

#### **4.5.2 Corrective Measures**

If a finding of discrimination, harassment or disrespectful behaviour is made, the Corporation will take appropriate corrective measures corresponding to the seriousness of the infraction. Corrective measures may include, as applicable:

- discipline, such as a verbal warning, written warning, or suspension without pay
- demotion or denial of promotion, reassignment, or transfer
- termination with or without cause
- financial penalties such as the denial of recognition pay, or a performance-based salary increase
- referral for counselling, coaching, or sensitivity training, anger management training, supervisory skills training, or attendance at other educational programs
- barring members of the public from accessing Corporation services or facilities as appropriate
- any other corrective measures deemed appropriate under the circumstances

A record of any corrective measures will be recorded in the applicable employee's file.

#### **4.5.3 Confidentiality of Complaints and Investigations**

Information about incidents and complaints, including identifying information about any individual, will be kept confidential to the extent possible. The Corporation will only release as much information as is necessary to investigate and respond to the incident or complaint, take corrective action, protect an individual or if required to do so by law.

To protect the integrity of the investigation, anyone who participates in an investigation or is aware of an investigation under this policy (including union representatives and support persons) must maintain confidentiality during and after the investigation. This includes:

- complainants
- respondents
- witnesses
- union representatives, and support people

The confidentiality duty means not discussing the complaint or investigation with anyone other than as necessary to obtain advice from appropriate parties about applicable rights and responsibilities and to obtain psychological support. Failure to maintain confidentiality may result in disciplinary action.

This policy will be administered in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). All complaints received under these procedures will be considered confidential subject to the corporation's obligation to safeguard employees, to conduct a thorough investigation, take appropriate corrective action, or to otherwise disclose information as required by law.

#### **4.5.4 Good Faith Complaints**

If you report an incident or make a complaint in good faith and without malice, regardless of the outcome of the investigation, you will not be subject to any form of discipline.

Anyone who is found to have brought a knowingly false or malicious complaint may be subject to discipline or other corrective measures.

#### **4.5.5 Freedom from Reprisal**

The Corporation will not tolerate reprisals against anyone who reports an incident or complains about discrimination or harassment or takes part in an investigation. A reprisal may include:

- intimidation or threats
- pressuring someone to withdraw their complaint or provide false information
- issuing work-related sanctions (e.g., changing work hours, blocking a promotion or threatening to do so) that are not legitimate or for business-related purposes.

Anyone who engages in a reprisal under this policy may be disciplined up to and including termination of employment.

In accordance with the OHSA, the Corporation will not dismiss, threaten to dismiss, discipline or suspend or threaten to discipline or suspend, impose a penalty on or intimidate or coerce an employee for obeying the law, reporting violations, or testifying in related legal proceedings.

#### **4.6 Respectful Workplace and Investigation Training**

Employees, elected officials, interns and placement students will receive mandatory training on this policy upon assuming their respective roles and thereafter, as appropriate and as legally required.

Any employee who is required to conduct workplace investigations as part of their role will be given appropriate training.

This may include training on:

- trauma-informed investigations
- investigation best practices; and
- legal updates

#### **4.7 Policy Administration**

##### **4.7.1 Implementation**

This policy will be implemented in accordance with applicable Council or Corporation bylaws and procedures and any applicable collective agreement procedures.

##### **4.7.2 Communication**

This policy will be posted on the Corporation's intranet and website and posted in each work site.

##### **4.7.3 Policy Review**

The Deputy City Manager, Enterprise Supports will ensure that this policy is reviewed annually and more often if necessary to ensure that it meets current legal requirements and best practices.

Employees and their representatives are encouraged to provide feedback to the Manager, Human Rights, the RWO, or the Deputy City Manager, Enterprise Supports.