

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON JUNE 19, 2018
FROM:	MARTIN HAYWARD, CITY MANAGER AND WILLIAM C. COXHEAD, MANAGING DIRECTOR, CORPORATE SERVICES AND CHIEF HUMAN RESOURCES OFFICER
SUBJECT:	UPDATE: HARASSMENT AND DISCRIMINATION – THIRD PARTY REVIEW

RECOMMENDATION

That, on the recommendation of the City Manager and Managing Director, Corporate Services and Chief Human Resources Officer, this Report **BE RECEIVED** for information.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None

BACKGROUND

On March 27, 2018 Council resolved that the City Manager BE REQUESTED to provide updates to the Corporate Services Committee regarding the harassment and discrimination policy and process review and changes, at the appropriate points in time, with the first update to be received by June 2018.

The purpose of this report is to provide the requested update.

Since March of 2018, the City Manager and the Chief Human Resources Officer have written to employees indicating our commitment to a workplace that is free from harassment and discrimination. To date, there have been eight communications to employees keeping them informed of the steps that are being taken.

The following is a summary of the work that is being done and will be done to honour this commitment:

Third Party Consultant Engaged:

On April 5th we advised employees we had taken a key step in the process of ensuring our workplace is free of harassment and discrimination: Rubin Thomlinson LLP was identified as the third party we have engaged to review City policies and practices related to harassment and discrimination, bullying, intimidation and /or reprisal in the workplace, and to provide an interim intake and investigation process for those who may be uncomfortable using the existing processes. Rubin Thomlinson LLP is a firm with national presence. Their experience in investigations, workplace harassment, and workplace rehabilitation is diverse and reflects decades of work. We believe they have the expertise to lead this critical work for the City.

Their work is focused in two key areas:

1. Conducting an intake of complaints and, where appropriate, conducting investigations of individual harassment and/or discrimination allegations.
2. Conducting an assessment of the City of London's program and practices relating to harassment and discrimination. This includes obtaining feedback in a variety of ways from employees on their experiences relating to the program and a top to bottom review of our policies.

Phase 1 - Interim Intake and investigation process established:

On May 1st. Rubin Thomlinson created an interim third party intake and investigation option for those who are uncomfortable using the existing processes regarding complaints of harassment and discrimination. A dedicated confidential email address was created for this purpose through which City of London employees may directly contact Rubin Thomlinson to make a complaint of harassment and/or discrimination.

Upon receipt of an email, representatives at Rubin Thomlinson LLP confirm the submission and initiate contact to arrange an intake interview. The initial interview helps determine the nature of the complaint and whether it contains allegations of harassment and/or discrimination.

Permission was sought from employees and former employees who previously shared concerns with the Mayor and/or City Manager to forward their concerns to the third party for initial intake in accordance with this process.

Based on the information provided during the intake interview, Rubin Thomlinson LLP assesses whether the complaint contains allegations of harassment and/or discrimination which may include allegations of bullying, intimidation or reprisals that require investigation. If so, Rubin Thomlinson LLP will conduct an investigation into the complaint, including identifying circumstances where interim measures may be necessary.

At the conclusion of any investigation, Rubin Thomlinson LLP will prepare a written report that summarizes the evidence gathered during the investigation, makes factual findings, and concludes whether harassment and/or discrimination has occurred for consideration and appropriate action by the City.

Anonymous complaints submitted to the intake email address will be investigated where appropriate in accordance with the process outlined above.

At the time of writing of this report, Rubin Thomlinson has confirmed 29 contacts as part of Phase 1. All 29 have been responded to and 23 intake calls have been conducted with the balance in process. Of the 23 intakes conducted, 5 were with former employees.

Rubin Thomlinson currently anticipates conducting approximately 12 investigations, although more are possible in cases where the intake call has yet to be scheduled or additional information/clarification is being sought.

The remaining intake calls either provided information to be considered in Phase Two described below, or did not involve allegations of harassment, discrimination, bullying, intimidation or reprisal and were therefore outside the scope of this process.

As noted the intake process timeline was extended by two weeks.

Phase Two – Workplace Assessment:

In addition to the intake and investigation process outlined above, Rubin Thomlinson LLP will also conduct an assessment of the City of London's program relating to harassment and discrimination. This will include a workplace review of the City of London's culture, practices, policies and procedures as they relate to workplace harassment and discrimination in order to identify any systemic issues and gaps that may exist. The results of the assessment will inform Rubin Tomlinson's recommendations with respect to best practices to address any issues and gaps identified. This assessment process is just commencing.

As part of the assessment process, employees will be invited to complete a survey in which they can provide feedback on the City of London's harassment and discrimination related policies and procedures, as well as comment generally on any experiences they have had relating to raising concerns to the City of London under these policies.

On June 4th we communicated with employees suggesting that we want to know where there are gaps and where there may be systemic problems in the organization and inviting them to participate in the survey that will be conducted by Rubin Thomlinson later. The survey will be short, consisting of a few open ended questions to allow employees to respond with specific examples or general observations and feelings. Employees may choose to complete the survey

anonymously or self-identify. Those who choose to self-identify may also be asked to participate in an in-person meeting with Rubin Thomlinson to gather additional information.

Participation will be voluntary, but we strongly encourage employees to take part and to share experiences with candor to help ensure as full an understanding of the issues as possible.

Former employees who have complaints or concerns about harassment or discrimination or wish to participate in the assessment phase by sharing their experiences while employed with the City can and have contacted Rubin Thomlinson LLP.

The assessment phase will also include review of:

- all relevant policies and procedures;
- training materials; and
- previous complaints received and dealt with by the City.

One on one interviews will be conducted with a selection of persons who:

- self-identify in the survey;
- create or implement relevant policies; and
- other relevant internal stakeholders.

Rubin Tomlinson will also seek input from relevant external stakeholders, including those working with women who have experienced harassment, abuse and gender based violence.

The assessment surveys and interviews will be conducted on a confidential basis in that the source of any specific feedback will not be provided by Rubin Tomlinson to the City.

Reporting:

At the conclusion of the assessment process and informed by the intake and investigations that will have occurred in Phase I, Rubin Thomlinson will prepare a report that summarizes the experiences of City of London employees and identifies shared themes, identifies gaps between existing policies and procedures, and will make recommendations with respect to best practices designed to help close those gaps.

Timing:

Phase 1 - Intake of complaints is still ongoing until June 15th. Investigations have commenced and are being conducted on a priority basis. The time to conclude these investigations is unknown at this time.

Phase 2 - The workplace assessment phase is just commencing and we anticipate that this work will be completed over the summer months.

We anticipate that our next update report will be provided in September.

FINANCIAL IMPACT

The total cost of the project is unknown at this time due to the unknown nature of the scope of the investigation and assessment processes. The consultant is required to provide regular and detailed invoices to support payment for work performed.

Suitable sources of funding have been identified in the operating budget and contingency reserve funds to support this work.

CONCLUSION

Rubin Thomlinson, as experts in the area of workplace harassment and discrimination, have been engaged to conduct investigations and carry out a third party review of the City Of London's workplace culture, policies and practices to assist the Corporation to build and sustain a workplace that is free of harassment and discrimination, bullying, intimidation, and reprisal.

We are pleased this work is underway and that the learnings from this review will allow for the City of London to better understand the organization in this regard, determine where improvements are needed, and take the steps necessary to implement change.

PREPARED AND RECOMMENDED BY:	RECOMMENDED BY:
WILLIAM C. COXHEAD MANAGING DIRECTOR, CORPORATE SERVICES AND CHIEF HUMAN RESOURCES OFFICER	MARTIN HAYWARD, CITY MANAGER

cc Rubin Thomlinson LLP