

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:

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- 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

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- 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.

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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,

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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

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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.

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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

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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.



London
CANADA

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