

Category: Human Resources

Respectful Workplace Policy

Policy Number: HRM-150

Approved by: Council Resolution # TBD Click or tap here to enter text. – TBD

Administered by: Human Resources

Effective Date: TBD

1. Background	2
2. Purpose	2
3. Application and Scope	2
4. Outcomes	2
5. Policy Statements	3
6. Roles and Responsibilities	3
7. Monitoring and Compliance	5
8. Definitions	6
9. References and Resources	7
10. Revision History	8

DRAFT

1. Background

The [Occupational Health and Safety Act \(OHSA\)](#) requires employers to prepare a written Workplace Harassment policy and program that outlines procedures for reporting, investigating, and resolving complaints.

At the City of Brampton (the City), these requirements are achieved through the annual review of the:

- Respectful Workplace Policy
- Addressing Workplace Harassment Standard Operating Procedure (SOP)
- Complaint Handling SOP

2. Purpose

The purpose of this Council Policy is to:

- Define Respectful Workplace, Workplace Harassment and Discrimination in accordance with governing legislation (where applicable);
- Establish expectations for appropriate workplace behaviour and outline the responsibilities of workplace parties, as they relate to Workplace Harassment and Discrimination; and,
- Provide overarching guidance for the development, implementation, and, maintenance of the SOPs which operationalize this policy.

3. Application and Scope

This Council Policy applies to:

- Workers (including but not limited to employees, service contractors, students and Volunteers);
- Members of Council;
- vendors and suppliers; and,
- Members of the Public (including citizen members of committees).

3.1 Exceptions

Reasonable action(s) taken by the City or a People Leader relating to the management and direction of Workers or the Workplace is not considered Workplace Harassment.

4. Outcomes

- 4.1 A Respectful Workplace culture that is free from Workplace Harassment and Discrimination, celebrates diversity, and fosters a sense of belonging, to enhance mutual respect and inclusion of all regardless of personal characteristics.

- 4.2 Increased awareness and understanding of what constitutes Workplace Harassment and Discrimination, as defined in this policy, and the responsibilities of Workplace parties.
- 4.3 Consistent and timely handling of complaints in accordance with established SOPs guided by this policy.
- 4.4 Legislative compliance with the *OHSA*, the *Ontario Human Rights Code (the Code)*, and other relevant legislation.

5. Policy Statements

- 5.1 The City is committed to maintaining a workplace free from Workplace Harassment and Discrimination, promoting respect, inclusion and dignity for all.
- 5.2 The City maintains a zero-tolerance stance toward any form of Workplace Harassment and Discrimination in the Workplace by anyone.
- 5.3 Incidents and complaints of Workplace Harassment or Discrimination will be addressed in a prompt and confidential manner, in accordance with associated SOPs.
- 5.4 Confidentiality will be maintained to the extent possible. Information related to Incidents or complaints of Workplace Harassment and Discrimination will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the Incident or complaint, or as otherwise required by law.
- 5.5 All individuals have the right to report Incidents or complaints of Workplace Harassment and Discrimination or act as a witness in good faith, without fear of reprisal. No Worker shall be subject to threatened or actual dismissal, discipline, suspension, intimidation, coercion, or penalty for fulfilling their rights and responsibilities under the *OHSA*, including, but not limited to reporting Workplace Harassment and/or Discrimination.
- 5.6 In recognition that involvement in Workplace Harassment or Discrimination Incidents or complaints may be stressful and emotionally upsetting, the City will provide employees with support via the City's Employee Assistance Program.

6. Roles and Responsibilities

6.1 The City

- 6.1.1 Prepare a written policy with respect to Workplace Harassment that is reviewed as often as necessary, but at least annually.
- 6.1.2 Post the policy on the City's physical and virtual, Health, Safety and Wellness Boards.

- 6.1.3 Develop and maintain a written Workplace Harassment program (see *Addressing Harassment and Discrimination SOP and Complaints Handling SOP*) to implement the policy in consultation with the City's Joint Health and Safety Committees (JHSCs) and review as often as necessary, but at least annually. The program will include:
- Measures and procedures for Workers to report Incidents of Workplace Harassment;
 - How Incidents or complaints of Workplace Harassment will be investigated and dealt with;
 - How information obtained about an Incident or complaint or Workplace Harassment, including identifying information about individuals involved, will not be disclosed unless disclosure is necessary for the purpose of Investigation or taking corrective action, or is otherwise required by law; and,
 - How a Complainant(s) and Respondent(s) will be informed of the results of the Investigation and of any corrective action that has been taken or will be taken as a result.
- 6.1.4 Ensure an Investigation is conducted into Incidents and complaints of Workplace Harassment that is appropriate in the circumstances.
- 6.1.5 Ensure the Complainant(s) and the Respondent(s) are informed in writing of the results of the Investigation and of any corrective action that has been taken or that will be taken as a result of the Investigation, if they are City Workers. *The results of an Investigation, and any report created during or for the purposes of the Investigation, are not a report respecting occupational health and safety.*
- 6.1.6 Provide a Worker with information and instruction that is appropriate for the Worker on the contents of the Workplace Harassment policy and program.

6.2 Human Resources (HR)

- 6.2.1 Operationalize the City's legal obligations as they relate to Workplace Harassment through the development, implementation, and, maintenance of the City's:
- Addressing Workplace Harassment SOP
 - Complaint Handling SOP

This includes providing guidance, subject matter expertise, and strategic advice to support consistent and effective application of these procedures across the City.

6.3 People Leaders

- 6.3.1 Promote and maintain a Respectful Workplace, free from Workplace Harassment and Discrimination.
- 6.3.2 Ensure Worker compliance with this policy and associated SOPs.
- 6.3.3 In collaboration with Human Resources, support all workplace parties involved in resolving Incidents or complaints.
- 6.3.4 Post the [Respectful Workplace Poster](#) in areas that are accessible to Members of the Public.
- 6.3.5 Ensure Incidents are reported and investigated in accordance with the *Incident Notification and Investigation SOP*.
- 6.3.6 Ensure complaints are reported in accordance with are reported and the *Complaint Handling SOP*.

6.4 Workers

- 6.4.1 Adhere to the expectations of this policy, and the associated SOPs, including but not limited to refraining from Workplace Harassment and Discrimination.
- 6.4.2 Report Incidents in accordance with the *Incident Notification and Investigation SOP*.
- 6.4.3 Report complaints in accordance with the *Complaint Handling SOP*.
- 6.4.4 Review this policy at least once annually, and participate in related training.

6.5 Joint Health and Safety Committees (JHSCs)

- 6.5.1 In consultation with the City, participate in the annual review of this policy and the associated SOPs.

7. Monitoring and Compliance

- 7.1 Responsibility for monitoring adherence to this policy and its associated SOPs is a shared responsibility between the City, Human Resources, People Leaders and the JHSCs.

A comprehensive review of the policy and associated SOPs will be conducted at least annually to ensure continued effectiveness and compliance with applicable legislation, in consultation with various workplace parties.

7.2 Consequences of non-compliance

Breaches of this policy undermine the City's goal of fostering a respectful and inclusive workplace by causing harm to individuals and negatively affecting morale and productivity. Such breaches may lead to increased stress, decreased engagement, and, potential Workplace injury or illness.

- 7.2.1 Failure to follow this Council Policy by City staff (Workers / People Leaders), or knowingly submitting a false, frivolous, or bad faith complaint, may result in, but is not limited to: corrective action, disciplinary action, and / or, reporting the Incident to Police.
- 7.2.2 Failure to follow this Council Policy by non-City staff, may include, but is not limited to: barring the Respondent(s) from City property, discontinuing the services of contractors, vendors, and suppliers, and /or reporting the Incident to Police.

8. Definitions

Legislative definitions are subject to any updates or amendments to the legislation and should be interpreted in accordance with the most current version of the legislation.

- 8.1 **Complainant** – means the individual(s) who filed a complaint. Complainants must be identified and cannot remain anonymous.
- 8.2 **Discrimination** - means any form of unequal treatment, whether intentional or unintentional, based on one or more Protected Ground under the *Code* that results in disadvantage.
- 8.3 **Incident** – means an occurrence that results or could have resulted in injury / illness and / or damage to equipment, property, material, or the environment. Incident types, listed from highest severity to lowest, include: fatality, critical injury, lost time, health care, first aid, incident only (no injury) and near miss.
- 8.4 **Investigation** - means the steps taken appropriate to the circumstances to determine whether a violation of the legislation and / or City policy has occurred on a balance of probabilities.
- 8.5 **Members of Council** - refers to any elected or appointed official on Council, including the Mayor.
- 8.6 **Members of the Public** - refers to a member of the general population.
- 8.7 **Protected Grounds (*the Code*)** – as they relate to employment include: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.
- 8.8 **Respondent** – means, in respect of a complaint, the individual(s), group(s), or organizational area(s) whose alleged Workplace harassment or Discrimination is the subject of the complaint filed by the Complainant(s). Respondents must be identified and cannot be anonymous.
- 8.9 **Respectful Workplace** - means a positive, safe, and healthy work environment in which every person is treated with dignity and respect.
- 8.10 **Supervisor (OHSA) [Referred to in this document as People Leader]** - means a person who has charge of a Workplace or authority over a Worker.

- 8.11 **Volunteer** - means a person who performs tasks and / or services without monetary compensation or expectation of monetary compensation.
- 8.12 **Worker (OHSA)** – means, a person who performs work or supplies services for monetary compensation; a secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled; a person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university, career college, or other post-secondary institution; and, such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation.
- 8.13 **Workplace (OHSA)** – means any land, premises, location or thing at, upon, in or near which a Worker works.
- 8.14 **Workplace Harassment (OHSA)** – means, (a) engaging in a course of vexatious comment or conduct against a Worker in a workplace, including virtually through the use of information and communications technology, that is known or ought reasonably to be known to be unwelcome, or (b) workplace sexual harassment. A reasonable action taken by an employer or Supervisor relating to the management and direction of Workers or the workplace is not Workplace Harassment.
- 8.15 **Workplace Sexual Harassment (OHSA)** – means (a) engaging in a course of vexatious comment or conduct against a Worker in a workplace, including virtually through the use of information and communications technology, because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or (b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the Worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

9. References and Resources

This Council Policy should be read and applied in conjunction with the following references and resources as updated from time to time. Please note that some of the following documents may not be publicly available.

9.1 External references

- [Occupational Health and Safety Act](#)
- [Ontario Human Rights Code](#)

9.2 References to related bylaws, Council policies, and administrative directives

- [Occupational Health and Safety Policy HRM-110](#)
- [Workplace Violence Prevention Policy HRM-120](#)

- [Employee Code of Conduct HRM-100](#)
- [Council Staff Relations Policy GOV-140](#)
- [Code of Conduct for Members of Council](#)
- [Gender Identity and Expression Protocol HRM-130](#)
- [Non-Statutory Religious Observances](#)

9.3 References to related corporate-wide procedures, forms, and resources

- [Addressing Harassment and Discrimination SOP](#)
- [Preventing and Addressing Workplace Violence SOP](#)
- Complaint Handling SOP
- [Incident Notification and Investigation SOP](#)
- Workplace Complaint Intake Form
- [Respectful Workplace Poster](#)
- [Respectful Workplace Service Card](#)
- [Workplace Violence Prevention Service Card](#)
- [Reporting and Investigating Workplace Incidents Service Card](#)
- [Health, Safety and Wellness Bulletin Board Service Card](#)
- [Employee Assistance Program Service Card](#)

10. Revision History

Date	Description
2017/05/17	Amended by Council Resolution No. CW174-2017, C124-2017
2019/11/20	Scheduled Review. Replaces Respectful Workplace Policy 1.3.0. Revisions made to standardize content of policy, make the policy easier to understand and emphasize joint responsibility in the workplace and align with Workplace Violence Policy. Amendments approved by Council Resolution No. CW470-2019, C424-2019
2021/03/24	Scheduled Review. Administrative amendments made to the Policy. Amendments approved by Council Resolution No. C082-2021
2022/05/23	Scheduled Review. Administrative amendments made to the Policy. Amendments approved by Committee of Council Resolution CW271-2022. Language updated to foster diversity and equity. Workplace definition to reflect physical and virtual work environments. Expanded reprisal definition. Included Investigation definition. Links reviewed and updated.
2023/09/13	Scheduled Review. Administrative amendments made to the Policy. Language includes specific reference to harassment and

Date	Description
	Discrimination to be clear on intent. Amendments approved by Council Resolution No. CW293-2023
2024/10/23	Scheduled Review. Administrative amendments made to the Policy. Amendments approved by Council Resolution No. CW382-2024
TBD	Scheduled Review. Removed <i>Principles</i> to strengthen <i>Policy Statements</i> and avoid duplication. Added reference to the new Complaint Handling Standard Operating Procedure and Workplace Complaint Intake Form. Aligned <i>Exceptions</i> with OHSA. Reassigned Senior Leader duties to the City (OHSA-Alignment). Clarified Human Resources' operational role. Renamed Statement of Commitment to Respectful Workplace Poster. Expanded <i>Monitoring and Compliance</i> to include broader consequences. Aligned legislated definitions with governing legislation. Added definition of Incident.
TBD	Next Scheduled Review.