

Category: Human Resources

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Approved by: [Committee Recommendation #], [Council Resolution #]

Administered by: Human Resources

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1. Background

The City is committed to promoting a vibrant, healthy, safe and compassionate work environment where everyone is treated fairly, with respect, Civility, and is free from Harassment or Discrimination.

This Policy is supported by the accompanying Preventing and Addressing Harassment and Discrimination Standard Operating Procedure, and Issue Resolution Process, and should be read in conjunction with the Occupational Health and Safety, Workplace Violence Prevention Policies and the Employee Code of Conduct – which is about our values, principles and standards of behaviour that govern our actions.

2. Purpose

The purpose of this Policy is to:

- a. Define the behaviours that are expected of all City Employees in support of a physically and psychologically safe and healthy work environment; and,
- b. Comply with the City's legislative responsibilities under the Ontario *Human Rights Code*, *Accessibility for Ontarians with Disabilities Act*, and the *Occupational Health and Safety Act* respecting Harassment and Discrimination.

3. Application and Scope

This Council Policy applies to:

- Employees (including but not limited to service contractors, students and volunteers);
- Members of Council;
- Vendors and suppliers; and,
- Members of the public (including citizen members of committees).

3.1 Exceptions

Workplace Harassment should not be confused with Workplace interactions that are legitimate and reasonable in day-to-day work, including but not limited to:

- Actions to correct performance deficiencies;
- Imposing remedies for Workplace infractions, including discipline; or,
- Difference of opinion or difference in perspective on how the work may be organized, performed or improved and where there is no immediate risk of harm or injury.

4. Outcomes

- 4.1 Establish and maintain a physically and psychologically safe and healthy work environment free from Harassment and Discrimination for all individuals.
- 4.2 Workplaces where all individuals are treated with respect, Civility and dignity, in an inclusive, diverse and safe work environment.
- 4.3 Workplaces which are marked by positive experiences championing customer service in a safe and respectful manner.
- 4.4 The City and Employees will comply with the *Ontario Human Rights Code*, *Accessibility for Ontarians with Disabilities Act*, and the *Occupational Health and Safety Act*, with respect to Harassment and Discrimination.
- 4.5 Workplaces that celebrate diversity and foster a sense of belonging in employees enhancing mutual respect and inclusion of all regardless of race, creed, denomination, gender, orientation, family status, race or sexual identity, etc., as outlined under the [Ontario Human Rights Code](#).

5. Principles

5.1 Respect and Civility

All individuals have the right to work or access services in a positive, healthy, safe and respectful environment. This means that differences in perspective are acknowledged and valued and communications and actions are civil. Respect and Civility are based on showing esteem, dignity, care and compassion for others.

5.2 Shared Responsibility

It is a shared responsibility among all individuals to create a culture where everyone is treated fairly, and with compassion, where differences are acknowledged and valued and where communications and actions are civil.

5.3 **Zero Tolerance**

Workplace Harassment or Discrimination in any form from any individual will not be tolerated, condoned, or ignored.

6. **Policy Statements**

6.1 The City is committed to work in collaboration with its Workplace Parties and members of the public to create a Respectful Workplace. This is achieved by complying with Ontario *Human Rights Code*, *Accessibility for Ontarians with Disabilities Act*, and *Occupational Health and Safety Act*, and:

6.1.1 Establishing and communicating expectations and behaviours in Policy and Statement of Commitment considered appropriate and inappropriate in City Workplaces and in the delivery of / or access to City services;

6.1.2 Preventing Harassment and Discrimination by actively recognizing and valuing diversity and inclusion, learning conflict resolution and providing essential training for Employees; and,

6.1.3 Addressing inappropriate behaviour wherever the City business is being conducted including early identification and taking corrective actions, as necessary.

6.2 Employees will report incidents or complaints of Workplace Harassment and Discrimination to their Supervisor, Human Resources, or any member of management promptly. Where the incident or complaint involves the Employee's Supervisor, the matter may be reported to the next level of management, Human Resources, or any member of management in accordance with their responsibilities.

6.3 When a complaint is made to anyone other than Human Resources, the supervisor or the member of management will promptly advise Human Resources of the complaint.

6.4 Supervisors, Human Resources, or any member of management will promptly address, investigate and deal with incidents or complaints to ensure measures and procedures are taken to protect Employees from Harassment and Discrimination in accordance with their responsibilities.

6.5 Confidentiality will be maintained wherever possible. Out of respect for Workplace Parties involved, it is essential that the Workplace Parties involved in a complaint or investigation, maintain confidentiality throughout the process. Information may need to be disclosed to protect employees, to investigate the incident or complaint, to take corrective action, or otherwise required by law.

- 6.6 All individuals have the right to report or act as a witness, in good faith, incidents or complaints of Harassment or Discrimination without fear of Reprisal. Where it is confirmed that an incident of substantiated Harassment or Discrimination behaviour has occurred, corrective action taken will not be considered a Reprisal.
- 6.7 The City recognizes that involvement in Harassment or Discrimination incidents or complaints may be stressful and emotionally upsetting. All affected individuals are encouraged to seek counselling or rehabilitation from the following support systems:
- 6.7.1 Employee and Family Assistance Program; and,
 - 6.7.2 Peer Support Network, where available.

7. Roles and Responsibilities

7.1 Corporate Leadership Team

- a) Ensure a Respectful Workplace Policy is in place and reviewed at least once, annually, and a program is in place to implement this Policy; and,
- b) Comply with section 7.2 Roles and Responsibilities for Supervisors if incidents were reported by direct reports.

7.2 Supervisors

- a) Lead by creating and maintaining a positive and Respectful Workplace while being a role model for others;
- b) Be aware of what constitutes Harassment and Discrimination and the procedures in place for dealing with incidents or complaints;
- c) Post this Policy in a visible location in the Workplace and ensure Employees are able to locate this Policy in the workplace and digital location;
- d) Post the Statement of Commitment in areas that are accessible to members of the public;
- e) Ensure Employee awareness of training, and monitor and enforce compliance with this Policy and accompanying program;
- f) Require Employees to review this Policy at least once annually;
- g) In collaboration with Human Resources, support all Workplace Parties involved in resolving incidents or complaints;
- h) In collaboration with Human Resources, facilitate informal resolutions and mediations, as required;
- i) Act immediately on observations or allegations of Harassment or Discrimination;
- j) Document incidents or complaints reported by the Complainant, or are known or witnessed;
- k) Report all incidents or complaints to Human Resources promptly, who will provide support for the intake, tracking, and processing of inquiries, complaints, and investigations;

- l) Address incidents or complaints, collaborate with Human Resources to determine who will investigate further;
- m) In collaboration with Human Resources, determine appropriate corrective action to address the incident or complaint;
- n) Inform the Complainant and Respondent of investigation findings and appropriate action taken, as required;
- o) Not disclose information provided about the incident or complaint except as necessary to protect the Complainant, to participate in the investigation (as required), to take corrective action, or otherwise required by law;
- p) Take no reprisal against a person as a result of reporting an incident or complaint or for providing information; and,
- q) Monitor situations where Harassment or Discrimination has occurred to ensure that it has stopped.

7.3 Employees

- a) Create and maintain a positive and Respectful Workplace while being a role model for others;
- b) Ensure behaviour is respectful and appropriate at all times;
- c) Accept responsibility for any actions, reactions, behaviours and impact on others;
- d) Understand, participate in training, comply with this Policy and the accompanying program;
- e) Review this Policy at least once annually;
- f) Report experienced or witnessed incidents or complaints to their Supervisor, Human Resources or any member of management;
- g) Where the incident or complaint involves their Supervisor, report the matter to the next level of management, Human Resources, or any member of management;
- h) Document details of Harassment or Discrimination that are experienced or witnessed; and,
- i) Cooperate with investigations of incidents or complaints.

7.4 Human Resources

- a) Prepare, maintain and facilitate the review of this Policy at least once, annually;
- b) Develop and maintain a program to implement this Policy in consultation with Workplace Parties, and review the program as often as necessary;
- c) Receive all incidents or complaints of Harassment and Discrimination, and support the appropriate party to address and / or investigate, if required;
- d) Facilitate informal resolutions, mediations, and investigations, as required;
- e) Engage the Harassment / Discrimination Response Team to identify corrective actions for the consistent resolution of incidents or complaints;
- f) Inform the Complainant and Respondent, in writing, of the outcome of the investigation and the corrective action, if any, that has been / will be taken as a result of the investigation; and,

- g) Offer Respectful Workplace Program training and other requisite training programs (e.g. Workplace investigations), as prescribed by the Ontario *Human Rights Code* and *Occupational Health and Safety Act*.

7.5 Joint Health and Safety Committee

- a) Assist in developing and maintaining the program to implement the Respectful Workplace Policy.

8. Monitoring and Compliance

- a) Supervisors must monitor their Employees' compliance with this Policy on an ongoing basis.
- b) Operating departments must keep Records to verify compliance with this Policy in case of periodic reviews by Human Resources.
- c) The Policy and the accompanying program must be reviewed at least once, annually by Corporate Leadership Team to ensure its effectiveness and to comply with legislation.

8.1 Consequences of non-compliance

8.1.1 Any Employee, who violates this Policy, or is found to have launched a complaint that is false, frivolous, or made in bad faith may be subject to corrective action which may include:

- i. termination of employment;
- ii. prohibition from the City property;
- iii. having the incident reported to the Police; and / or,
- iv. other action as appropriate.

8.1.2 Members of the public, visitors to the City facilities or individuals conducting business with the City, are expected to adhere to this Policy. This includes refraining from inappropriate behaviour, discriminatory practices and language including racial slurs and hate speech towards Employees, Members of Council, and persons acting on behalf of the City. If inappropriate behaviour occurs, the City will take appropriate action to ensure a Respectful Workplace. This could include barring the person from the City property, reporting the incident to Police or other actions with vendors or suppliers.

8.2 Alternate Approach

Circumstances may exist where the provisions of this Policy may not apply or may require an alternate course of action. In these circumstances, written approval from the Chief Administrative Officer and Director, Human Resources is required prior to any alternate action.

9. Definitions

- 9.1 'Civility' means the act of showing regard for others, being considerate in your interactions, and recognizing the inherent value of each individual in the Workplace.
- 9.2 'Complainant' means the individual who is alleging that Harassment or Discrimination has occurred.
- 9.3 'Discrimination' means any form of unequal treatment based on the Ontario *Human Rights Code* protected ground that results in disadvantage, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on the surface, or it may involve rules, practices or procedures that appear neutral, but have the effect of disadvantaging certain groups of people. Examples include but are not limited to:
- a workplace adopts a rule of not hiring women who wish to start a family
 - a workplace instructs staff not to take applications from job seekers from a certain ethnic background
 - an Employee is not promoted because of their race.

See [Ontario Human Rights Code Protected Grounds](#) definition for full listing of protected grounds and the City's Respectful Workplace Policy.

- 9.4 'Employee' means any of the following:
- a) a person who performs work or supplies services for monetary compensation;
 - b) 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;
 - c) a person who performs work or supplies services for no monetary compensation under a program approved by a college, university, private career college or other post-secondary institution; or,
 - d) such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation.
- 9.5 'Harassment' means engaging in a course of vexatious comments or conduct that are known or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be discriminative, offensive, embarrassing, humiliating or demeaning. It can also involve Sexual Harassment (see definition below). Harassment does not include reasonable action taken by an employer or Supervisor relating to the management and direction of Employees or the Workplace. Examples include but are not limited to:
- Sexual harassment;
 - Persistent following / stalking;

- Persistent verbal abuse or threats;
- Persistently disrupting an individual's work, work space, equipment or interfering with their personal property;
- Jokes, derogatory or dismissive comments based on Protected Grounds;
- Gestures that are insulting or belittling;
- Circulating, displaying written or pictorial material that is offensive or belittling;
- Acts or verbal comments that could mentally hurt or isolate a person in the workplace, such as: spreading malicious rumours, isolating someone socially or undermining or deliberately impeding a person's work (i.e. bullying);
- Pornography, pin-ups, offensive cartoons; and,
- Taunts or threats directed toward any member of a protected group.

Note: Please consult the Workplace Violence Prevention Policy for any incidents which involve the exercise of, or threat of physical force.

- 9.6 'Harassment / Discrimination Response Team' is comprised of but not limited to relevant Supervisor, relevant operating Department Head if required, Human Resources Business Partner, Labour Relations Advisor, Human Resources Director if required, and Chief Administrative Officer if required, to determine the appropriate corrective action.
- 9.7 'Investigation' means the steps taken that are appropriate in the circumstance to determine whether a violation of the Policy, has on a balance of probabilities, occurred.
- 9.8 'Joint Health and Safety Committee' means a committee of Employee and supervisory representatives who are mutually committed to improving health and safety conditions in the workplace. Committees meet on a regular basis to identify potential health and safety issues and bring them to the employer's attention, and conduct workplace inspections monthly.
- 9.9 "Member of Council" refers to any elected or appointed official on Council, including the Mayor.
- 9.10 'Ontario *Human Rights Code protected grounds*' as amended means the prohibition of actions that discriminate or harass people based on one or more of the following:
- Age
 - Ancestry
 - Colour
 - Race
 - Citizenship
 - Ethnic origin
 - Place of origin
 - Creed
 - Disability
 - Family status
 - Marital status (including single status)
 - Gender identity, gender expression
 - Record of offences (in employment only)
 - Sex (including pregnancy and breastfeeding)

- Sexual Orientation

- 9.11 'Record' includes documented business transactions, decisions, and activities, such as notes, memos, agendas, minutes, training records, etc.
- 9.12 'Reprisal' means an action, or threat, that is intended as retaliation for claiming or enforcing a right under the *Occupational Health and Safety Act* or the *Ontario Human Rights Code*. Retaliation may be either direct or indirect. Retaliation can include creating a hostile work environment, harassment, demotion, or dismissal.
- 9.13 'Respondent' means the person who is alleged to be responsible for the harassment or discrimination.
- 9.14 'Respectful Workplace' means a positive, safe, and healthy work environment in which every person is treated with dignity and respect.
- 9.15 'Corporate Leadership Team' means the Chief Administrative Officer, Commissioners and Department Heads.
- 9.16 'Sexual Harassment' means engaging in a course of vexatious comment or conduct against a worker in a Workplace because of sex, sexual orientation, gender identity or gender expression where the course of comment or conduct is known or ought reasonably to be known to be unwelcome. Making sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant, or deny benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.
- 9.17 'Statement of Commitment' means by which the City of Brampton communicates to the members of the public of the Respectful Workplace Policy and the City's commitment to maintaining a positive, healthy and safe workplace environment where every person is treated with respect and dignity, is able to contribute fully, has equal opportunities, and is free from discrimination, harassment and violence.
- 9.18 'Supervisor' means a person who has charge of a Workplace or authority over an Employee and can include, but is not limited to, Members of Council, Corporate Leadership Team, Directors, Managers, Supervisors or Forepersons.
- 9.19 'Workplace' means any land, premises, location or thing at, upon, in or near which an Employee works and may include but is not limited to:
- physical and virtual work environments (including vehicles);
 - locations visited by Employees while travelling on City related business; or,
 - locations of work-based social gatherings, training, and conference or travel.

- 9.20 'Workplace Parties' means Supervisors, Employees, Joint Health and Safety Committees, unions and associations, service contractors, students and volunteers.

10. References and Resources

This 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 publically available.

External references

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

References to related bylaws, Council policies, and administrative directives

- [Code of Conduct for Members of Council](#)
- [Council Handbook](#)
- [Council-Staff Relations Policy](#)
- [Employee Code of Conduct](#)
- [Gender Identity and Expression Protocol](#)
- Occupational Health and Safety Policy
- Workplace Violence Prevention Policy
- [Issues Resolution Process](#)
- [Non-Statutory Religious Observances](#)

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

- Preventing and Addressing Harassment and Discrimination Standard Operating Procedure
- [Multi-Workplace Joint Health and Safety Committee Terms of Reference](#)

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

Date	Description
2022/05/23	Scheduled Review. Administrative amendments made to the Policy. 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.
2023/05/23	Next Scheduled Review.