

## The City's Respectful Workplace and Workplace Violence Program

The City has revised our Respectful Workplace Policy, 01-03-04 and Workplace Violence Policy, 01-07-01. This was done to comply with provincial legislation and more importantly because we are committed to fostering a culture of respect and a healthy, supportive workplace. Updates to the policies were required to reflect the nature of a modern City workplace and to incorporate other City policies and programs, i.e. the Whistleblower program, in a comprehensive City program to address workplace harassment, sexual harassment and workplace violence.

### Background:

- Bill 132, The Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment) came into force on September 8, 2016 and introduced various amendments to the Occupational Health and Safety Act.
- Bill 132 built on Bill 168, which in 2010 explicitly recognized workplace violence and harassment as Occupational Health and Safety issues under the law.
- Employers have an obligation to investigate complaints in a manner appropriate in the circumstance

### A New Definition of “Workplace Harassment”

The definition of “workplace harassment” under the Occupational Health & Safety Act (OHSA) was broadened to include “sexual harassment” which is defined as: “(a) 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 reasonable 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.”

### Effective Complaint Investigation and Resolution Mechanisms

The OHSA changes also require the City to ensure an effective complaint mechanism that will not directly or indirectly discourage workers from bringing issues forward. In particular, these must include clear protocols to include procedures for workers to report incidents of workplace harassment to a person other than the Manager or Supervisor, if the Manager or Supervisor is the alleged respondent. Further, the City is required to set-out how information obtained during an investigation, including identifying information about any individuals involved, will not be disclosed unless necessary for the purpose of investigating or taking corrective action or otherwise as required by law.

### Changes to the Respectful Workplace and Workplace Violence Policies include;

1. Changes to explicitly include workplace sexual harassment in the policy definition of workplace harassment.
2. The introduction of a broader, more modern definition of a workplace
  - A workplace can be any location where employees conduct City business or social activities where their behaviour may have a subsequent impact on work relationships.
  - Recognition that much workplace communication now occurs electronically, implications of social media.
3. References to the City's Whistleblower Program
  - To encourage staff who would otherwise be uncomfortable coming forward to report allegations to the City anonymously.

4. Updated Statement of Commitment
  - The Ontario Human Rights Code now contains gender identity and gender expression as prohibited grounds of discrimination.
  - Sex discrimination includes breastfeeding.
5. The Respectful Workplace and Workplace Violence Program now includes protocols for HR staff to follow in assisting managers to resolve informal complaints at the earliest possible opportunity, for HR staff to initiate a formal investigation process where appropriate and to ensure timely communication with employees who come forward with complaints.
6. Broadened definition of “investigator” to include Managers (for informal complaints) and new tools/training to allow Managers to take a lead role in investigating and resolving informal complaints in their workplaces.

**Employees Responsibilities under the Respectful Workplace Policy include but are not limited to:**

- Promoting and contributing to a respectful workplace.
- Refrain from conduct that would be in violation of this policy.
- Reporting incidents to Management or Human Resources where violations of the policy occurred.
- Providing information to an Investigator when requested.
- Co-operate fully in any attempts to resolve or investigate an incident.
- Maintain confidentiality.

**Employees Responsibilities under the Workplace Violence Policy include but are not limited to:**

- Promote a workplace free from workplace violence and refrain from contributing to or engaging in any acts of workplace violence.
- Immediately notify Management or Human Resources of any workplace violence, whether the employee is a victim or not.
- In the case of an imminent threat of workplace violence to themselves or any person, an employee should contact the Police or Security Services at ext. 5040.
- Where appropriate, go to a safe location in the workplace and immediately report the incident to any Management staff.

**Management Staff Responsibilities**

- Management staff are responsible not only for their own actions but also for dealing with the actions of staff under their supervision. Management **must** intervene if a violation of the Respectful Workplace, 01-03-04 or Workplace Violence Policy, 01-07-01 has been brought to their attention and/or has been witnessed. Appropriate steps must be taken to address and resolve the situation.

**Complaint Options**

- To initiate a formal Respectful Workplace complaint, a written document must be submitted to your Manager. The formal Respectful Workplace Complaint Statement Form is available on the Inside Mississauga website under the ‘Forms’ section. Employees who do not have computer access can contact their Human Resources Representative.
- Employees have other options at their disposal to bring forward a complaint. Complaints of harassment, sexual harassment, bullying, discrimination or workplace Violence can be brought to a Manager/Supervisor, Human Resources, or reported anonymously through the Whistleblower Program. The Ontario Human Rights Commission can also be of assistance and employees who are members of a Union could also pursue a grievance. Again, in the case of an imminent threat of workplace violence to themselves or any person, an employee should contact the Police or Security Services at ext. 5040.

### Investigation Outcomes

- Employees who are found to be violation the Respectful Workplace or Workplace Violence Policies may face a range of consequences depending on the nature and severity of the behaviour. This could include an apology, education, counselling, a verbal or written reprimand, a suspension, or the termination of their employment.
- Employees who make a complaint, as well as anyone else who is involved, should not face negative consequences for taking part in the complaint process and will be free from any reprisal. The City will take corrective action against any employee who retaliates or threatens retaliation against an individual due to raising an issue under these polices, filing a complaint or acting as a witness in an investigation.

Please take the time to review the updated Respectful Workplace and Workplace Violence Policies. The Respectful Workplace and Workplace Violence Polices which can be found on Inside Mississauga. If you have any questions or concerns, please contact your Human Resources representative.