

SECTION: Human Resources SUBJECT: Respectful Workplace Policy		POLICY 1.3.0
EFFECTIVE: May 10, 2017	REPLACES: 2.13.0 Human Rights policy 12.9.2 Workplace Harassment Prevention policy	PAGE: Page 1 of 9
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POLICY STATEMENT

The Corporation of the City of Brampton (the “Corporation”) is committed to maintaining a positive, healthy and safe workplace environment in which every person is treated with respect and dignity, is able to contribute fully, and has equal opportunities.

Harassment and discrimination will not be tolerated, condoned, or ignored. Any conduct that contravenes these principles will be addressed immediately.

PURPOSE

Under the Ontario *Human Rights Code*, every person has the right to freedom from harassment and discrimination based on certain enumerated grounds set out in that legislation. Further, under the *Occupational Health and Safety Act* employers have a broader obligation that requires them to address any workplace harassment through developing, implementing and maintaining policy and programs, and to review the policy as often as needed.

As such, the Corporation has a responsibility to ensure that individuals respect the worth of each person and are committed to creating and sustaining a culture that is vibrant, safe and supports every person’s well-being.

This policy is intended to:

- Ensure individuals know their rights and responsibilities;
- Promote appropriate standards of conduct at all times;
- Ensure individuals are aware that harassment and discrimination are unacceptable practices and are incompatible with the standards of the Corporation, as well as being a violation of the law; and
- Set out the types of behaviour in the workplace and in the delivery of, or access to, services that may be considered offensive and are prohibited by this policy.

This policy is supported by a standard operating procedure titled Addressing Harassment and Discrimination (the “SOP”), which presents a reporting process for employees, and those acting on behalf of the Corporation (i.e. volunteers, citizen members of committees), who have

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experienced or witnessed harassment or discrimination in the workplace. The SOP also outlines supervisor/manager accountabilities for addressing incidents in the workplace.

SCOPE

This policy applies to:

- City of Brampton employees;
- Elected Officials;
- Citizen members of committees;
- Volunteers;
- Contractors;
- Vendors and suppliers; and
- Members of the public accessing city services.

The workplace includes:

- City buildings, facilities, sites, land, vehicles, offices or work environment in or near where employees work;
- Locations visited by employees while traveling on city related business;
- City related business including conferences, meetings, vendor/supplier or customer sites;
- Locations of work-based social gatherings; and
- Electronic communication (i.e. email, voicemail, social media etc.)

DEFINITIONS

Term	Definition	Examples
Respectful Workplace	A respectful workplace means a positive, safe and healthy workplace in which every person is treated with respect and dignity.	N/A
Discrimination	Means any form of unequal treatment based on an Ontario <i>Human Rights Code</i> protected ground that results in	<ul style="list-style-type: none"> • A workplace adopts a rule of not hiring women who wish to start a family

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Term	Definition	Examples
	<p>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.</p> <p>See <u>Ontario Human Rights Code Protected Grounds</u> definition for full listing of protected grounds.</p>	<ul style="list-style-type: none"> • 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
Ontario Human Rights Code Protected Grounds	<p>The Ontario <i>Human Rights Code</i> prohibits actions that discriminate or harass people based on:</p> <ul style="list-style-type: none"> • 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. 	

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Term	Definition	Examples
Harassment	<p>Means a course of vexatious comments or actions that are known, or ought reasonably to be known, to be unwelcome.</p> <p>It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning.</p> <p>Harassment does not include reasonable action taken by an employer or supervisor relating to the management and direction of employees or the workplace.</p> <p><u>Note:</u> Please consult the Workplace Violence policy for any incidents which involve the exercise of, or threat of physical force.</p>	<ul style="list-style-type: none"> • Sexual harassment (see definition); • 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; • 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; • Taunts or threats directed toward any member of a protected group <p>Note: This list is not exhaustive and other similar behaviours may be considered harassment or discrimination.</p>

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Term	Definition	Examples
Sexual Harassment	<p>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.</p> <p>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.</p>	<ul style="list-style-type: none"> • Unnecessary physical contact, including unwanted touching; • Suggestive looks implying a sexual interest; • Asking for sex in exchange for a benefit or a favour; • Demanding hugs; • Calling people sex-specific derogatory names; • Saying or doing something because you think a person does not conform to sex-role stereotypes; • Posting or sharing sexual pictures (including online) <p>Note: This list is not exhaustive and other similar behaviours may be considered sexual harassment.</p>
Elected Officials	Refers to the Mayor and Members of Council.	N/A
SOP	<p>Standard Operating Procedure.</p> <p>For the purposes of this policy, 'SOP' refers to the Addressing Harassment and Discrimination SOP.</p>	N/A
Statement of Commitment	A statement which communicates the City's pledge and responsibility to provide a respectful workplace.	N/A

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POLICY PRINCIPLES

Every person has a right to work or access services in a positive, healthy, safe and respectful environment where they are treated in a fair and professional manner. Upholding the principles of this policy is a shared responsibility. The Corporation demonstrates its commitment to create a respectful workplace by:

- i. Enforcing standards of appropriate workplace conduct, and addressing incidents of discrimination or harassment that may be occurring in the workplace;
- ii. Educating individuals about what constitutes harassment and discrimination, that neither will be tolerated and what their rights and responsibilities are under this policy;
- iii. Making a strong publicized commitment to the maintenance of a positive and respectful workplace;
- iv. Identifying appropriate resolution and reporting process options; and
- v. Implementing remedies where there are findings of harassment or discrimination.

Any employee found to be engaged in harassing or discriminating behaviour will be subject to discipline up to and including dismissal. Any individual from outside of the Corporation found to be engaged in harassing or discriminating behaviour within a city workplace may be subject to prohibition from Corporation property, police involvement, or other action as appropriate.

RESPONSIBILITIES

Individuals working, accessing services, or visiting the workplace are expected to treat every person with respect and dignity to promote a positive and respectful workplace environment and ensure legislative compliance. Further,

Corporate Leadership will:

- Provide a positive and respectful workplace;
- Establish a Respectful Workplace policy and program that is reviewed annually;

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- Ensure individuals are held accountable for their behaviour; and
- Ensure training is provided.

Supervisors/Managers will:

- Provide leadership in creating and maintaining a positive and respectful workplace;
- Understand and abide by the policy principles of this Respectful Workplace policy and associated procedures in the SOP;
- Communicate and train employees on this policy and the SOP;
- Ensure individuals are held accountable for their behaviour;
- Ensure a copy of this policy is posted in a conspicuous area in the workplace for employees;
- Ensure a copy of the Statement of Commitment is posted in the workplace visible to those accessing city services, where appropriate;
- Ensure individuals (contractors, service providers, etc.) and others who attend Corporation workplaces are aware of this policy;
- Participate in training regarding this policy and the SOP;
- Tell employees how to report complaints or incidents of harassment or discrimination;
- Ensure complaints or incidents of harassment or discrimination that have not been reported by employees, but are known or witnessed, are addressed or reported to next level management or Human Resources;
- Ensure allegations of harassment or discrimination are documented and retained;
- Respond to and take appropriate action to address harassment or discrimination;
- Monitor situations where harassment or discrimination has occurred to ensure that it has stopped; and
- Seek advice and guidance from Human Resources for all complaints and incidents of harassment or discrimination.

Employees will:

- Understand and abide by this policy and associated procedures in the SOP;
- Immediately report complaints or incidents of harassment or discrimination experienced, witnessed or having knowledge of;

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- Document details of discrimination or harassment that are experienced or witnessed, as required;
- Cooperate with investigations of harassment or discrimination to resolve issues; and
- Participate in training regarding this policy and the SOP.

Elected Officials will:

- Understand and abide by this policy;
- Immediately report incidents of harassment or discrimination experienced, witnessed or having knowledge of;
- Document details of discrimination or harassment that are experienced or witnessed, as required;
- Cooperate with investigations of harassment or discrimination to resolve issues; and
- Participate in training regarding this policy.

Human Resources Division will:

- Provide advice and guidance to managers, supervisors and employees as requested;
- Facilitate resolution of complaints or incidents of harassment or discrimination;
- Coordinate harassment and discrimination training; and
- Facilitate review of the Respectful Workplace policy and program as needed and at a minimum of once a year in consultation with the Joint Health and Safety Committees.

ACCOUNTABILITY

Corporate Leadership, Supervisors/Managers and Human Resources are accountable to ensure adherence to the policy as outlined.

ADMINISTRATION

Human Resources is responsible for keeping this policy up to date.

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CONTACT

Human Resources, Office of the CAO

SUPPORTING REFERENCES AND RESOURCES

- Addressing Harassment and Discrimination Standard Operating Procedure (SOP)
- Workplace Violence policy