

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 1, 2019**

Item 4, Report No. 6, of the Finance, Administration and Audit Committee, which was adopted without amendment by the Council of the City of Vaughan on May 1, 2019.

#### **4. COUNCIL STAFF RELATIONS POLICY AND REVISED RESPECTFUL WORKPLACE AND WORKPLACE VIOLENCE POLICIES**

**The Finance, Administration and Audit Committee recommends:**

- 1) That recommendations 2. and 3. contained in the following report of the Deputy City Manager, Corporate Services, dated April 1, 2019, be approved; and**
- 2) That recommendation 1., be referred back to staff to allow further consultation with Members of Council and be brought back to the Finance, Administration and Audit Committee meeting of May 6, 2019.**

#### **Recommendations**

1. That the attached Staff Council Relations Policy, as substantially set out in Attachment 1 be approved.
2. That the revised Respectful Workplace Policy, as substantially set out in Attachment 2 be approved.
3. That the revised Workplace Violence Policy, as substantially set out in Attachment 3 be approved.

## Finance, Administration and Audit Committee

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**DATE:** Monday, April 01, 2019

**WARD(S):** ALL

**TITLE: COUNCIL STAFF RELATIONS POLICY AND REVISED  
RESPECTFUL WORKPLACE AND WORKPLACE VIOLENCE  
POLICIES**

**FROM:**

Nick Spensieri, Deputy City Manager, Corporate Services

**ACTION:** DECISION

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**Purpose**

The purpose of this report is to ensure compliance with new legislated requirements prescribing that as of March 1, 2019 all municipalities in Ontario must develop a Council Staff Relations Policy.

In addition, two existing policies have been reviewed and revised to ensure compliance with all relevant legislative requirements under the *Occupational Health and Safety Act*.

**Report Highlights**

- Ontario legislation requires municipalities to develop and implement a Council Staff Relations Policy as of March 1, 2019
- Staff have consulted with members of Council, Staff and have reviewed academic literature in the development of the Policy
- The Respectful Workplace Policy and Workplace Violence Policy have also been updated following consultations with Staff and review of the latest legislative changes that required updated definitions on workplace harassment.

## **Recommendations**

1. That the attached Staff Council Relations Policy, as substantially set out in Attachment 1 be approved.
2. That the revised Respectful Workplace Policy, as substantially set out in Attachment 2 be approved.
3. That the revised Workplace Violence Policy, as substantially set out in Attachment 3 be approved.

## **Background**

### **Council Staff Relations Policy**

As of March 1, 2019, municipalities are required to adopt a policy on the relationship between members of council and municipal staff. Municipalities have the flexibility to determine the content of these policies.

The relationship between council and staff is a vital component of an effective municipal government. Staff and council rely on one another to move the municipality forward. Both staff and council provide leadership; council provides political leadership, while staff provide leadership in implementing council decisions.

The relationship between staff and council is intertwined and it is important for council members and staff to respect one another's roles so that they can serve the public in an effective and efficient manner.

Earlier this year Staff retained the services of an independent consultant to solicit input from each member of Council on the development of this policy. In addition, this topic was discussed with council as part of the agenda at the February 2019, Council Education session.

The attached draft policy has been developed based on all feedback gathered from individual members of council, feedback from the Council Education Session, input from senior administrative staff and leading practice based on academic research. The specific principles outlined in the policy were identified in an academic research paper by Political Science Professor David Siegel and former Chief Administrative Officer Michael Fenn.

Staff will consult with council members and with senior leaders of the administration to develop a comprehensive guide that will support the implementation of this policy including training of staff and orienting new members of council.

### **Revised Respectful Workplace and Workplace Violence Policies**

The City of Vaughan has had an established Respectful Workplace and Workplace Violence Program for several years. The purpose of this program is to prevent Workplace Violence, Harassment and Discrimination through proactive measures, and to ensure that the City effectively addresses and responds to Reports of Violence, Discrimination and Harassment in accordance with the Occupational Health and Safety Act and the Human Rights Code. The program includes, detailed policies, procedures for implementation, training for all staff including a pre-approved roster of investigators that can be retained when required to assist our staff in the investigation of complex cases.

Staff have reviewed the existing program and consulted with staff, members of Council, the workplace joint health and safety committees and have updated the attached policies and all procedures to reflect the input received as well as all applicable legislation. The revisions to the policies and procedures are not substantive in nature but reflect the input from stakeholders and comply with Ontario's *Occupational Health and Safety Act* (OHSA) ] that sets out the rights and duties for occupational health and safety of all parties in the workplace and the latest legislative updates with regard to defining workplace sexual harassment and clarifying that workplace harassment includes sexual harassment.

The updated sections of the policies have been highlighted for ease of reference.

### **Financial Impact**

There is no financial impact associated with the approval and implementation of these policies outside the existing approved operating budget.

### **Broader Regional Impacts/Considerations**

There are no regional impacts associated with these policies.

## **Conclusion**

Following a consultation with members of Council and with Staff the attached Council Staff Relations policy was developed to address the legislative requirements and provide a standard by which the Council and Staff will continue to work collaboratively to serve Vaughan citizens. This principled based policy identifies how complaints can be addressed to ensure adherence to the standard.

The revised Respectful Workplace and Workplace Violence Policies address the latest legislative updates with respect to defining workplace sexual harassment and clarifying that workplace harassment includes sexual harassment.

## **Attachments**

1. Council Staff Relations Policy, April 1, 2019
2. Respectful Workplace Policy, April 1, 2019
3. Workplace Violence Policy, April 1, 2019

## **Prepared by**

Demetre Rigakos, Chief Human Resources Officer, extension 8297.



# CITY OF VAUGHAN

## CORPORATE POLICY

**POLICY TITLE:** COUNCIL STAFF RELATIONS

**POLICY NO.:** Policy number to be assigned by Policy Coordinator.

<b>Section:</b>	Human Resources		
<b>Effective Date:</b>	April 1, 2019	<b>Date of Last Review:</b>	April 1, 2019
<b>Approval Authority:</b> Council	<b>Policy Owner:</b> City Manager		

### POLICY STATEMENT

The City of Vaughan, guided by its values of Respect, Accountability and Dedication, will promote an environment of mutual respect and trust and will support sound decision making based on knowledge, areas of expertise and sound judgment. Members of Council and Staff shall demonstrate leadership, commit to a high-degree of confidentiality, support and enhance public education about the political and decision-making processes and will refrain from publicly criticizing Members of Council, Staff or any decision of the Corporation.

### PURPOSE

The purpose of this policy is to ensure that the relationship between Members of Council and Staff of the Corporation is co-operative, supportive and positive with a clear understanding of the respective roles and responsibilities.

### SCOPE

This policy applies to all Municipal Staff, Officers and Members of Council in their interactions with Staff, volunteers, consultants and contractors that work on behalf of the Corporation. This policy applies to all interactions, including on-site and off-site of City facilities, before, during and after work hours.

**POLICY TITLE: COUNCIL-STAFF RELATIONS**

**POLICY NO.: XX.X.XX**

### **LEGISLATIVE REQUIREMENTS**

Section 270 (1) of the *Municipal Act, 2001* as amended, requires City Council to adopt and maintain a policy with respect to the relationship between Members of Council and the Staff of the Corporation. The effective date of this requirement is March 1, 2019.

### **DEFINITIONS**

1. "Members(s) of Council" means a member or members of the municipal council of the Corporation of the City Vaughan.
2. "Corporation" refers exclusively to the City of Vaughan.
3. "Officer(s)" means a person who holds a position of responsibility with definite rights and duties by statute or by-law.
4. "Staff" means any of the following:
  - a. A person, not including Members of Council, who performs work for the Corporation for wages;
  - b. A person who supplies services to the Corporation for wages;
  - c. Such other persons as may be prescribed who perform work or supply services to the Corporation for no monetary compensation.
5. "Senior Management" means a staff member who is either a department head or holds the title of Director, Chief, Deputy City Manager and or City Manager
6. "*Code of Ethical Conduct for Members of Council*": Establishes rules that guide Members of Council in performing their diverse roles in representing their constituents and recognize Members' accountability for managing City resources allocated to them. Is a written Code of Ethical Conduct to protect the public interest and helps to ensure that the Members of Council share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate.
7. "*Employee Code of Conduct*": Establishes that City employees must follow standards of ethical and professional behavior in the course of their work to ensure that public confidence and trust is maintained. This code establishes standards designed to promote and protect the public interest through honest and ethical conduct which enhances public confidence and trust in the integrity, objectivity and impartiality of the City.

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**POLICY NO.: XX.X.XX**

## **POLICY**

### **Clarifying Roles**

#### **I. Role of Council**

**Policy focus:** Represent the Corporation, provide direction and create policy. Specifically Section 224 of the Municipal Act, 2001 states:

224. It is the role of council,

- b) to represent the public and to consider the well-being and interests of the municipality;
- c) to develop and evaluate the policies and programs of the municipality;
- d) to determine which services the municipality provides;
- e) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- f) to maintain the financial integrity of the municipality; and
- g) to carry out the duties of council under this or any other Act.

#### **I. Role of Head of Council (Mayor)**

Section 225 of the Municipal Act, 2001 defines the role of the Mayor as follows:

225. It is the role of the head of council,

- a) to act as chief executive officer of the municipality;
- b) to preside over council meetings so that its business can be carried out efficiently and effectively;
- c) to provide leadership to the council;
- c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1);
- d) to represent the municipality at official functions; and



e) to carry out the duties of the head of council under this or any other Act.

Section 226 sets out special responsibilities of the chief executive officer which include:

- a) uphold and promote the purposes of the municipality;
- b) promote public involvement in the municipality's activities;
- c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
- d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

The head of council has a prominent and very public profile. Many citizens within the City of Vaughan will have high and often varied expectations for the head of council. The head of council must find a way to balance these expectations and special responsibilities.

Municipal decisions, however, are made by council as a whole. The head of council does not have any more power than any other member of council to make decisions on behalf of the municipality. Each member of council only has one vote.

## **II. Role of the City Manager**

**Direction Focus:** The City Manager leads in three dimensions. Up to Council, down to staff and out to the community stakeholders. The City Manager is responsible for providing professional advice to Council and leading staff in the implementation of Council's direction / policies. The City Manager specific responsibilities are outlined in the City Manager's By-Law 012-2013.

## **III. Role of Senior Management:**

**Direction Focus:** Act as the liaison between Council and Staff, direct implementation of Council's policies, hire and develop a team of competent Staff.

## **IV. Role of Staff and Other Officers:**

**Implementation Focus:** Research policy and programs give best professional advice, implement decisions of Council, fulfill statutory duties, follow direction of City Manager generally see to the operation of the Corporation.

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## **Guiding Principles**

*“Council should give the City Manager clear and unequivocal responsibility and accountability for the overall management of the administration of the City. Not doing so undermines the City Manager’s effectiveness...”*

*“Although the Mayor can properly be involved in hiring the City Manager, there should be a clear division of responsibility between the Mayor and the office of the City Manager – a separation of the political from the administrative...”*

*Madam Justice Denise Bellamy,*

*Toronto External Contracts Inquiry, 2005, p. 424*

### **I. Respect**

Members of Council, Staff and Officers shall work hard at fostering a climate of mutual respect. Each must be respectful of each others’ intelligence and professional duties. Members of Council, Staff and Officers must understand that they all face different, often unique, challenges and recognize their overarching goal is to serve the best interests of the Municipality.

### **II. Professionalism**

Members of Council, Staff and Officers must treat each other with professionalism. When Council requests that Staff and Officers appear before Council, they must comply and be prepared for any questions Council has. Advance notice of questions to Staff provides an opportunity for Staff to provide quality reports and advice.

### **III. A Formal Relationship**

Staff and Officers shall treat Council as a collective decision-making body. Staff and Officers shall not communicate directly with individual Members on municipal business, rather they must communicate on such matters through the City Manager or appropriate Senior Management Member as designated through the City Manager. Information from the City Manager shall be communicated to all Members. Staff and Officers shall stay out of political lobbying.

#### **IV. Politics or Management – Not Both**

Council provides direction, Staff and Officers give professional advice and implement Council's directives. Members of Council are not elected to be technical experts nor to act in their professional capacities. Likewise, Staff and Officers are not politicians. Advice comes from Staff, policy and service delivery decisions are made by Council.

#### **V. Control Anger**

Members of Council should avoid the temptation to play up divisions or conflicts. Staff and Officers shall not be targets of derisive/vexatious comments/behaviour/conduct. The public expects Members to do the job that they have been elected to do. The public expects Staff and Officers to do the job that they have been hired to do. Comments on Staff and Officer performance shall be directed through the appropriate confidential performance reviews.

#### **VI. Represent the Whole Community**

Members, together with the Municipality's Staff and Officers, work for the public good. Decision making by Members should be based on complete information and unbiased recommendations from Staff and Officers. Members should, in addition to such information and recommendations, rely on their own judgment and show leadership in their decision making.

#### **VII. Council Time is Valuable**

Members should not allow presentations by Staff or Officers to consume all of the time they have to debate various issues. Such presentations should, to the extent possible, be concise. Members of Council should understand they can take any one or more of the following actions where appropriate:

- Recommend that more items be relegated to the 'consent' agenda;
- Pass on an audio-visual presentation;
- Urge Staff or Officers to be more concise;
- Require multiple public delegations with essentially the same point to select a spokesperson, or to impose a limited speaking time, or to provide information in advance or in written form; and/or
- Enact 'curfew' procedures for Council deliberations.

**VIII. Make Good Use of Staff's Time**

Members of Council should use the resources of Staff and Officers judiciously. Reports cost taxpayer money and take Staff and Officer time away from other issues or problems that may need attention. Members should be discouraged from asking for reports as a means of getting past an unhappy public delegation. The public respects political courage and decisiveness.

**IX. Respect the Chain of Command**

Members of Council must understand they have no individual capacity to direct Staff to perform, or not perform functions or duties. The City Manager is responsible for Staff and Officers - Members of Council who need to engage with Staff and Officers must do so through the City Manager or Senior Staff. This would include both in person, verbal, written and electronic messages. Routine questions from a member of Council or access to information that is readily available to a member of the public can be provided by any knowledgeable staff member the same way we serve all citizens.

**X. All Members of Council are Equal**

Regardless of how they interrelate with Members, Staff and Officers must avoid favouritism and the appearance of favouritism. Differences in experience and abilities amongst Members of Council are irrelevant – they all must be treated equally.

**XI. Members of Council are Public Figures, not Staff and Officers.**

Once a matter is proposed or decided, Staff should only comment on matters of fact or history in discussing issues with the public and the media and should comply with the Corporate and Strategic Communications Press Releases policy. Dealing with the media is generally part of an elected representative's job.

**Complaints**

The City Clerk will be responsible for receiving complaints and or concerns related to this Policy. Upon receipt of a complaint and or concern, the Clerk shall notify:

- a) In the case of a Staff and Officers other than the City Manager or Clerk, the City Manager
- b) In the case of the City Manager or Clerk, Council or
- c) In the case of a Member of Council, the Integrity Commissioner

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<b>ADMINISTRATION</b>			
<i>Administered by the Office of the City Clerk.</i>			
<b>Review Schedule:</b>	Other (specify) Yearly	<b>Next Review Date:</b>	February 1, 2022
<b>Related Policy(ies):</b>	CL-009 – Delegation of Powers & Duties Policy HR-017 – Respectful Workplace HR-018 – Workplace Violence CC-005 – Social Media CL-011 – Code of Ethical Conduct for Members of Council XX-XXX – Anonymous Reporting System		
<b>Related By-Law(s):</b>	012-2013 – Roles and Responsibilities of the City Manager		
<b>Procedural Document:</b>			
<b>Revision History</b>			
<b>Date:</b>	<b>Description:</b>		
Click or tap to enter a date.			

## CORPORATE POLICY

**POLICY TITLE:** RESPECTFUL WORKPLACE POLICY

**POLICY NO.:** Policy number to be assigned by Policy Coordinator.

<b>Section:</b>	Human Resources		
<b>Effective Date:</b>	April 1, 2019	<b>Date of Last Review:</b>	June 8, 2010
<b>Approval Authority:</b> Council	<b>Policy Owner:</b> Chief Human Resources Officer		

### POLICY STATEMENT

The City of Vaughan will not tolerate, ignore, or condone discrimination or harassment and is committed to promoting respectful conduct, tolerance and inclusion. All employees are responsible for respecting the dignity and rights of their co-workers and the public they serve. The City's Respectful Workplace Procedures provide a range of dispute resolution options for employees, and Members of Vaughan City Council who believe that they may have experienced discrimination and/or harassment. All complaints shall be treated confidentially and there shall be no reprisal.

**Guiding Principles:**

There are several guiding principles which govern the Corporation in dealing with workplace violence. These include:

1. The City of Vaughan recognizes that the most effective way to deal with harassment and discrimination is through preventative action, including informing, educating and good management and to ensure that this policy is fair and applied consistently.
2. It is the policy of the City to take all reasonable steps to provide its elected representatives, employees (full-time, part-time, on contract, temporary, seasonal), appointees, students, interns and volunteers with a work and service environment that is free of any form of discrimination, harassment, personal harassment, sexual harassment or bullying, and that respects the dignity, self-worth and human rights of every individual.
3. The City Manager, on behalf of the City of Vaughan, is committed to providing a workplace and service environment that is conducive to creating a healthy and

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safe climate of mutual respect that reinforces opportunity and allows for each person to contribute fully to the development and well-being of the Corporation.

4. This policy and its related procedures provides for an internal complaint resolution process where every effort will be made to facilitate an early resolution.
5. **Discrimination, harassment, sexual harassment and bullying** will not be condoned under the guise of strong management when employees are not treated with dignity and respect.
6. Nothing in the Respectful Workplace Policy or related procedures is intended to prevent a complainant from using alternate methods of resolution such as the Ontario Human Rights Code, a Collective Agreement, or other legal action.
7. Retaliation against an individual for filing a complaint, participating in any procedure or being associated with a person who filed a complaint under this policy will not be tolerated.
8. Complaints which are found to be vexatious or made in bad faith will result in a penalty against the complainant. The severity of the penalty will be determined based on the seriousness and impact of the complaint following an investigation.

## **PURPOSE**

**The City of Vaughan is committed to creating and sustaining a healthy, safe and respectful workplace which is free of harassment and discrimination.**

**This policy ensures, to the best of the City of Vaughan's ability, a healthy, safe and respectful work environment and appropriate management of any occurrences of harassment and discrimination as defined below.**

**This policy outlines a common understanding of the expectations and appropriate behaviours in City workplaces and sets out the expectations to take action to prevent and/or deal with inappropriate behaviours or violations of this policy.**

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## SCOPE

This policy applies to all:

- employees – permanent, full-time, part-time, contract, seasonal, temporary
- students and interns
- city program and service volunteers
- elected officials/representatives
- appointees
- contractors
- patrons

This policy applies to:

- discrimination or harassment that may occur at any workplace/worksite or location where the business of the municipality is being conducted or during the course of any City business, activities and events including but not limited to: City premises and property; off-site premises and property; City sponsored functions, events and meals; travel venues while on City business; and any site where the employee is conducting City business or representing the Corporation of the City of Vaughan.
- Discrimination or harassment that may occur between individuals associated with the City but outside corporation business, activities and events when such harassment has an adverse affect on the work environment.

Elected representatives are also governed by the Council Code of Ethical Conduct and any complaints about an elected representative are addressed under this Respectful Workplace Policy, but through a process defined by Rule 14 of the Council Code of Ethical Conduct.

## LEGISLATIVE REQUIREMENTS

Under the *Occupational Health and Safety Act*, s. 32.0.1(1) the Corporation is required to:

1. (b) prepare a policy with respect to workplace harassment; and  
(c) review the policies as often as is necessary, but at least annually.
2. The policies shall be in written form and shall be posted at a conspicuous place in the workplace.



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Under section 5(2) *the Human Rights Code (the Code)* every employee has a right to be free from harassment in the workplace on the basis of: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

## **DEFINITIONS**

### **Discrimination:**

Discrimination is any distinction, whether intentional or not, based on prohibited grounds, which has the effect of imposing burdens, obligations or disadvantages on an individual that are not imposed on others, or which withholds or limits access to opportunities, benefits and advantages available to others.

### **Harassment:**

Engaging in a course of vexatious comment or conduct directed toward an individual or group, that is known or ought reasonably to be known to be unwelcome or unwanted. Harassment consists of comments or conduct that may or may not be linked to one of the prohibited grounds, which are insulting, intimidating, humiliating, malicious, degrading or offensive. Harassment includes sexual harassment as defined below. Harassment also includes creating or contributing to a poisoned work environment as defined below. Single acts of sufficient severity may constitute harassment.

### **Harassment - Discriminatory:**

Harassment which is based on a prohibited ground of discrimination under the Ontario Human Rights Code and will be dealt with under the City of Vaughan Respectful Workplace Policy.

### **Harassment – Personal or Workplace:**

Engaging in a course of vexatious comment or conduct in a workplace directed toward an individual or group, that is known or ought reasonably to be known to be unwelcome or unwanted, but are not related to one of the prohibited grounds as defined in the Ontario Human Rights Code. Any unwanted or unwelcome acts of coercion and harassment or misuse of power, including demeaning, intimidating, humiliating, annoying or distressing behaviour through repeated and hostile or unwanted conduct, comments (including jokes, name calling, excessive criticism, spreading rumours, making malicious allegations), emails, threats, actions or gestures that affect a

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person's dignity or physical integrity, personal or professional performance, and that result in a harmful workplace environment. A single severe act of harassing behaviour may be sufficient to be defined as Harassment. Properly discharged management responsibilities are not considered to be acts of harassment.

**Harassment - Sexual:**

Engaging in a course of vexatious comment or conduct against a person in a workplace because of sex, sexuality, 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 unwanted; or 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.

Sexual harassment includes, but is not limited to, unwelcome sexual advances and requests for sexual favours where submitting to or rejecting this conduct is used, or could reasonably be perceived as being used, as the basis for decisions which affect the individual's employment.

**Official (Elected or Appointed):**

A person who holds a public office or membership on a Council Committee with the City of Vaughan whether obtained by election or by nomination of the City Council or the Corporation of the City of Vaughan.

**Patron:**

A person who is a customer, client, resident or guest of the City of Vaughan while interacting during Corporation business with elected or appointed officials, employees, students, interns, volunteers, or contractors.

**Poisoned Work Environment:**

A poisoned work environment is a form of harassment that may not be directed at any one individual or group but by nature is considered offensive. These forms of harassment may include slurs, profanity, derogatory or demeaning gestures, displays (pictures, graffiti, drawings, posters, pin-ups), offensive jokes, literature and behaviours considered offensive or ought to be known to be unwelcome or unwanted. The forms of harassment contribute to what may be described as a poisoned or toxic workplace environment where any individual or group of individuals feel offended, uncomfortable, unsafe or insecure.

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**Prohibited Grounds:**

Personal Harassment which is based on a prohibited ground of discrimination under the Ontario Human Rights Code and is dealt with under the City of Vaughan Respectful Workplace Policy and related process and procedures.

The prohibited grounds refer to those personal attributes that are recognized as the most common targets of harassing and discriminatory actions. For offensive behaviour to be considered discrimination or harassment under the Ontario Human Rights Code, the focus of the comment or conduct must be directed toward one of these aspects of a person's background:

- Age
- Ancestry
- Citizenship
- Colour
- Creed or Religion
- Disability
- Ethnic or National Origin
- Family Status
- Marital Status
- Place of Origin
- Race
- Sex (including pregnancy, gender identity)
- Gender Expression
- Sexual Orientation
- Receipt of Public Assistance

**Sexual Violence:**

Any sexual act or act targeting a person's sex, sexuality, sexual orientation, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent and includes sexual assault, stalking, indecent exposure, voyeurism and sexual exploitation.

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## **POLICY**

The City of Vaughan recognizes that the most effective way to deal with harassment and discrimination is through preventative action, including informing, educating and good management and to ensure that this policy is fair and applied consistently.

It is the policy of the City to take all reasonable steps to provide its elected representatives, employees (full-time, part-time, on contract, temporary, seasonal), appointees, students, interns and volunteers with a work and service environment that is free of any form of discrimination, harassment, personal harassment, sexual harassment or bullying, and that respects the dignity, self-worth and human rights of every individual.

The City Manager, on behalf of the City of Vaughan, is committed to providing a workplace and service environment that is conducive to creating a healthy and safe climate of mutual respect that reinforces opportunity and allows for each person to contribute fully to the development and well being of the Corporation.

This policy and its related procedures provide for an internal complaint resolution process where every effort will be made to facilitate an early resolution.

**Discrimination, harassment, sexual harassment and bullying** will not be condoned under the guise of strong management when employees are not treated with dignity and respect.

Nothing in the Respectful Workplace Policy or related procedures is intended to prevent a complainant from using alternate methods of resolution such as the Ontario Human Rights Code, a Collective Agreement, or other legal action.

Retaliation against an individual for filing a complaint, participating in any procedure or being associated with a person who filed a complaint under this policy will not be tolerated.

Complaints which are found to be vexatious or made in bad faith will result in a penalty against the complainant. The severity of the penalty will be determined based on the seriousness and impact of the complaint following an investigation.

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## **RESPONSIBILITY**

### **1. Everyone is Responsible:**

- Everyone associated with the Corporation has a responsibility to ensure that the workplace environment is **safe and free from discrimination, harassment, sexual harassment and bullying.**
- This means not engaging in, allowing, condoning or ignoring behaviour contrary to this policy.
- **Anyone who believes that discrimination, harassment, sexual harassment or bullying** is taking place is encouraged to notify his/her supervisor and/or the Respectful Workplace Policy Coordinator.

### **2. Management/Supervisor Responsibility:**

- The Ontario Human Rights Code provides that a person such as a manager or supervisor has the responsibility, to prevent or discourage harassment and discrimination
- All managers and supervisors therefore have a duty to act and deal with such incidents when they ought reasonably to have known that there is an issue to address
- This duty includes the obligation to be familiar with and uphold this policy and any associated procedures
- Any failure to act that results in discrimination, harassment, sexual harassment or bullying will not be tolerated and will be subject to discipline up to and including discharge from employment

### **3. Policy Advisors:**

- All managers and supervisors are responsible to act as Policy Advisors under the Respectful Workplace Policy and its related procedures

### **4. Respectful Workplace Policy Coordinator:**

- The Corporation shall designate a Human Resources representative to be the Corporate Respectful Workplace Policy Coordinator. This person will have overall responsibility for the administration of this policy and its related procedures including an annual review of the entire program

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## **REPORTING AND INVESTIGATION**

Employees who have reasonable grounds to believe a violation of the Respectful Workplace Policy has occurred should report such activity or behaviour, in writing, to their Supervisor, Manager, Director, Deputy City Manager, the Chief Human Resources Officer, or the City Manager, as appropriate. Employees may also use the City's Anonymous Reporting System.

Supervisory and management staff shall take all appropriate steps to prevent and stop respectful workplace issues which come to their attention.

Any supervisory or management staff member who is subject to, witnesses, or is given a written complaint of a respectful workplace violation shall work to minimize or eliminate the issue at hand. In the event that this is not possible with available resources, the management staff is required to report the issue to their Director, Deputy City Manager or the City Manager.

The City shall investigate all complaints of discrimination, harassment, sexual harassment, and bullying and take all appropriate actions including informing the parties to the complaint of its findings following an investigation.

## **NO RETALIATION**

The City will not condone retaliation or reprisal of any kind by or on behalf of the City of Vaughan and its employees against good faith reports or complaints of violation of the Respectful Workplace Policy.

All employees must cooperate fully during an investigation of alleged wrongdoing in relation to any activity or behaviours outlined in this policy.

Retaliation or reprisal against a complainant or someone who is a witness or is involved in such investigation is strictly prohibited and will result in appropriate disciplinary action.

## **REMEDIAL ACTION**

Any employee who is found to have violated the Respectful Workplace Policy may be subject to disciplinary action up to and including discharge from employment.

In addition, complaints which are found to be vexatious, malicious or made in bad faith will result in a penalty against the complainant. The severity of the penalty will be determined based on the seriousness and impact of the vexatious complaint following an investigation which may be subject to disciplinary action up to and including discharge from employment.

**POLICY TITLE: RESPECTFUL WORKPLACE POLICY**

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Complaints alleging harassment and or discrimination engaged in by a Member of Council should be forwarded to the City's Integrity Commissioner to be addressed under the Code of Ethical Conduct policy and procedure.

### **AWARENESS OF THE RESPECTFUL WORKPLACE POLICY**

The Respectful Workplace Policy will be made available to all employees and elected or appointed officials by providing it at the time of employee onboarding and orientation, by inclusion in the New Employee Handbook, and by making it available and accessible on the City's intranet.

In addition, employees shall be required to acknowledge and sign-off on the Respectful Workplace Policy on a yearly basis and/or from time to time as necessary.

### **ANNUAL REPORT**

An annual report will be provided to the City Manager of the number of complaints received and processed, the nature of the complaints, the resolution of the complaints, and all recommendations made. The identity of the persons involved will not be disclosed in the report.

## **ADMINISTRATION**

*Administered by the Office of the City Clerk.*

<b>Review Schedule:</b>	Other (specify) Yearly	<b>Next Review Date:</b>	September 27, 2019
<b>Related Policy(ies):</b>	Respectful Workplace Policy processes and procedures Workplace Violence Policy Social Media Policy Anonymous Reporting System Employee Code of Conduct Code of Ethical Conduct for Members of Council		
<b>Related By-Law(s):</b>	012-2013 – Roles and Responsibilities of the City Manager		
<b>Procedural Document:</b>	Respectful Workplace Procedures		
<b>Revision History</b>			
<b>Date:</b>	<b>Description:</b>		
Click or tap to enter a date.			

**POLICY TITLE: RESPECTFUL WORKPLACE POLICY**

**POLICY NO.: XXXX**



## CORPORATE POLICY

**POLICY TITLE:**     **WORKPLACE VIOLENCE POLICY**

**POLICY NO.:**       **HR - 018**

<b>Section:</b>	Human Resources		
<b>Effective Date:</b>	April 1, 2019	<b>Date of Last Review:</b>	Click or tap to enter a date.
<b>Approval Authority:</b>	<b>Policy Owner:</b>		
Council	Chief Human Resources		

### POLICY STATEMENT

Violence in the workplace presents a risk to the safety and well-being of all employees, officials, patrons and visitors. It is everyone’s responsibility to prevent workplace violence including harassment, sexual violence, physical and psychological threats, physical and psychological harm and bullying. The City of Vaughan is committed to creating and sustaining a positive, safe and healthy work environment based on mutual respect, open communications, transparency and shared accountability.

The City will take whatever steps are reasonable to protect its employees from workplace violence from all sources. The City of Vaughan maintains a zero-tolerance approach to Workplace Violence between:

- Employees including students, interns and volunteers
- Employees and an Official (Elected or Appointed)
- Employees and contractors in the exercise of workplace responsibilities
- Employees and a patron of the City in the exercise of workplace responsibilities

The Workplace Violence Policy will be made available to all employees by providing it at the time of employee onboarding and orientation, by inclusion in the New Employee Handbook, and by making it available and accessible on the City’s intranet.

In addition, employees shall be required to acknowledge and sign-off on the Workplace Violence Policy on a yearly basis and/or from time to time as necessary.

**POLICY TITLE:      WORKPLACE VIOLENCE POLICY**

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**PURPOSE**

The purpose of this policy is to protect employees from Workplace Violence. This policy works in conjunction with Workplace Violence processes and procedures, the City's Health and Safety program, the City's Employee Code of Conduct and the Respectful Workplace Policy and related processes and procedures.

The City of Vaughan will ensure this policy and the supporting program, processes and procedures are implemented and maintained. All employees and supervisors/managers will receive appropriate information and instruction on the contents of the policy and program.

Supervisors/Managers will adhere to this policy and the supporting program. Supervisors are responsible for ensuring that measures and procedures are followed by employees and that employees have the information they need to protect themselves.

Every employee must work in compliance with this policy and the supporting program. All workers are encouraged to raise any concerns about workplace violence and to report any violent incidents or threats.

Management pledges to investigate and deal with all incidents and complaints of workplace violence in a fair and timely manner, respecting the privacy of all concerned as much as possible.

All reported incidents of Workplace Violence shall be considered serious, will be promptly investigated, and appropriate action shall be taken.

**Right to Refuse Work:**

Nothing in this policy shall be deemed to limit the rights of any worker in Part V of the *Occupational Health and Safety Act* to refuse unsafe work.

**Right to Respond to Any Incident of Workplace Violence:**

The Workplace Violence Policy is both a complaint and an incident driven policy meaning that nothing in this policy shall be deemed to limit the right of the Corporation to respond to an incident of Workplace Violence, Sexual Violence or Domestic Violence of which the Corporation is aware whether or not an employee has made a complaint.

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**Right to Discipline:**

Nothing in this policy shall be deemed to limit or in any other way affect the right of the Corporation to discipline employees for insubordination or other breaches of employee conduct whether or not the action was accompanied by an act of violence.

**SCOPE**

Violent behaviour in the workplace is unacceptable from anyone. Everyone is expected to uphold this policy and to work together to prevent workplace violence.

Note: This policy does not deal with claims of discrimination or harassment dealt with under the Human Rights Code or personal harassment and bullying. Those claims of discrimination and harassment are dealt with under the City of Vaughan's Respectful Workplace Policy.

**This policy applies to all:**

- employees – permanent, full-time, part-time, contract, seasonal, temporary
- students and interns
- city program and service volunteers
- elected officials/representatives
- appointees
- contractors
- patrons

Where someone who is not a member of the Corporation perpetrates violence, every effort will be made by the Corporation to address the situation with the appropriate organization.

**This policy applies to:**

- Violence that may occur at any workplace/worksite or location where the business of the municipality is being conducted or during the course of any City business, activities and events including but not limited to: City premises and property; off-site premises and property; City sponsored functions, events and meals; travel venues while on City business; and any site where the employee is conducting City business or representing the Corporation of the City of Vaughan
- Violence that may occur between individuals associated with the City but outside corporation business, activities and events when such harassment has an adverse effect on the work environment

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- Situations of domestic violence or persons with a history of violent behaviour that the employer becomes aware of that would likely expose a person to physical injury or violence in the workplace

#### **LEGISLATIVE REQUIREMENTS**

- Workplace Violence Processes and Procedures
- Respectful Workplace Policy
- Code of Conduct
- Ontario Human Rights Code
- Occupational Health and Safety Act

#### **DEFINITIONS**

##### **Critical Injury:**

An injury of a serious nature that: places life in jeopardy; produces unconsciousness; results in substantial loss of blood; involves the fracture of a leg or arm (but not a finger or toe); involves the amputation of a leg, arm, hand or foot (but not a finger or toe); consists of burns to a major portion of the body; or causes the loss of sight in an eye.

##### **Domestic Violence:**

A pattern of abusive behaviours by one or both partners in an intimate relationship such as marriage, dating, family, friends or cohabitation. Commonly referred to as domestic abuse or “intimate partner abuse”, this situation involves physical, sexual, emotional or financial abuse by current or former partners in a personal relationship.

##### **Harassment - Personal:**

Engaging in a course of vexatious comment or conduct in a workplace that is known or ought reasonably to be known to be unwelcome. Any unwanted or unwelcome acts of coercion and harassment or misuse of power, including annoying or distressing behaviour through repeated and hostile or unwanted conduct, verbal comments, emails, threats, actions or gestures that affect a person’s dignity or physical integrity

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and that result in a harmful workplace environment. A single severe act of harassing behaviour may be sufficient to be defined as Personal Harassment under the Workplace Violence policy. Properly discharged management responsibilities are not considered to be acts of harassment.

**Harassment - Discriminatory:**

Personal Harassment which is based on a prohibited ground of discrimination under the Ontario Human Rights Code and is dealt with under the City of Vaughan Respectful Workplace Policy.

**Joint Health and Safety Committee:**

A mandated committee under the *Occupational Health and Safety Act* that consists of labour and management representatives who meet on a regular basis to deal with workplace health and safety issues.

**Official (Elected or Appointed):**

A person who holds a public office or membership on a Council Committee with the City of Vaughan whether obtained by election or by nomination of the City Council or the Corporation of the City of Vaughan.

**Patron:**

A person who is a customer, client, resident or guest of the City of Vaughan while interacting during Corporation business with elected or appointed officials, employees, students, interns, volunteers, or contractors.

**Sexual Harassment:**

Engaging in a course of vexatious comment or conduct against a person in a workplace because of sex, sexuality, 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 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.

Sexual harassment includes unwelcome sexual advances and requests for sexual favours where submitting to or rejecting this conduct is used as the basis for decisions which affect the individual's employment; such conduct has the purpose or effect of

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interfering with an individual's job performance; such conduct creates an intimidating or offensive environment.

**Sexual Violence:**

Any sexual act or act targeting a person's sex, sexuality, sexual orientation, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent and includes sexual assault, stalking, indecent exposure, voyeurism and sexual exploitation.

**Workplace Violence:**

Any incident in which a person is threatened, coerced, abused, bullied, sexually abused, sexually assaulted or sustains an injury in, at, or related to the workplace and includes threats, coercion or abuse that is transmitted in writing or electronically. Workplace violence includes a statement or behaviour that it is reasonable for a person to interpret as a threat to exercise physical force against another person, in a workplace, that could cause physical injury to the person.

Workplace Violence can include acts of violence that occur when a person is off duty if the interaction was related to the workplace or has the potential to compromise the safety of the workplace.

**Workplace Violence Policy Co-ordinator:**

The Chief Human Resources Officer or his/her designate.

**POLICY**

1. The City of Vaughan recognizes that the most effective way to deal with workplace violence is through preventative action, including informing, educating and good management and to ensure that this policy is fair and applied consistently.
2. It is the policy of the City to take all reasonable steps to provide its elected representatives, appointees, employees, students, interns, volunteers, contractors and patrons with a work and service environment that is free from violence.
3. Everyone has a duty to report Workplace Violence in accordance with the procedures.
4. The City Manager, on behalf of the City of Vaughan is committed to establishing measures to prevent violence in the workplace.

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5. The City of Vaughan will regularly perform Workplace Violence Assessments and Threat Risk Analyses for all workplaces/worksites as required. Results of the assessments will be provided to the Joint Health and Safety Committee representing the workplace.
6. Investigations relating to alleged incidents of workplace violence, **sexual violence** or domestic violence will be undertaken in accordance with the Workplace Violence Procedures.
7. Anyone found to be in contravention of the policy will be held accountable for their actions.
8. The City of Vaughan will provide appropriate assistance and support to any persons who are involved in incidents of workplace violence, **sexual violence** or domestic violence including alleged perpetrators and victims.

#### **GUIDING PRINCIPLES**

There are several guiding principles which govern the organization in dealing with workplace violence. These include:

1. **Everyone has a duty to report Workplace Violence.**
2. All employees, patrons, and Officials (Elected or Appointed) in all City workplaces and City owned or operated facilities have a right to be safe.
3. There must be mutual respect between all employees, between employees and patrons of the City, and between employees, patrons and Officials (elected or Appointed).
4. The Policy must be in compliance with the Ontario *Occupational Health and Safety Act*, the Ontario *Human Rights Code* and the common law.
5. The Policy will respect the collective agreements between the City unions and the Corporation.
6. The Policy will be easy to use by both employees and management.
7. The Procedures will provide for both formal and informal resolutions.
8. The Policy and Procedures will be enforceable and clear and provide protection against retaliation.

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## **RESPONSIBILITIES**

Everyone is Responsible:

- Everyone associated with the Corporation, including all employees, students, interns, volunteers, Officials (Elected or Appointed), contractors and patrons have a responsibility to adhere to the Workplace Violence Policy and to ensure that workplace environment is safe and free from violence, including sexual harassment and sexual violence
- This means not engaging in, allowing, condoning or ignoring behaviour contrary to this policy
- Anyone who believes that workplace violence is taking place is encouraged to notify his/her supervisor and/or the Workplace Violence Policy Coordinator

Management/Supervisor Responsibility:

- All managers and supervisors have a particular duty to act and deal with any incidents or threats of workplace violence
- This duty includes the obligation to be familiar with and uphold this policy and any associated procedures
- Any failure to act that results in workplace violence will not be tolerated and will be subject to discipline up to and including discharge from employment

Workplace Violence Policy Coordinator:

- The Chief Human Resources Officer is designated as the Coordinator of the Workplace Violence Policy and is responsible for the management and direction of the Workplace Violence Policy and related Procedures
- Where the Coordinator of the Workplace Violence Policy is a party to an incident of Workplace Violence, the City Manager shall appoint a suitable alternate for that incident

## **REPORTING AND INVESTIGATION**

Employees who have reasonable grounds to believe a violation of the Workplace Violence Policy has occurred should report such activity or behaviour, in writing, to their Supervisor, Manager, Director, Deputy City Manager, the Chief Human Resources Officer, or the City Manager, as appropriate. Employees may also use



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the City's Anonymous Reporting System to make a complaint.

Supervisory and management staff shall take all appropriate steps to prevent and stop workplace violence issues which come to their attention.

Any supervisory or management staff member who is subject to, witnesses, or is given a written complaint of a workplace violence violation shall work to minimize or eliminate the issue at hand. In the event that this is not possible with available resources, the management staff is required to report the issue to their Director, Deputy City Manager or the City Manager.

The City shall investigate all complaints of violations and take all appropriate actions.

### **NO RETALIATION**

The City will not condone retaliation or reprisal of any kind by or on behalf of the City of Vaughan and its employees against good faith reports or complaints of violation of the Workplace Violence Policy.

All employees must cooperate fully during an investigation of alleged wrongdoing in relation to any activity outlined in the Workplace Violence Policy.

Retaliation or reprisal against a complainant or someone who is a witness or is involved in such investigation is strictly prohibited and will result in appropriate disciplinary action.

### **REMEDIAL ACTION**

Any employee who is found to have violated the Workplace Violence Policy may be subject to disciplinary action up to and including discharge from employment.

In addition, complaints which are found to be vexatious, malicious or made in bad faith will result in a penalty against the complainant. The severity of the penalty will be determined based on the seriousness and impact of the vexatious complaint following an investigation which may be subject to disciplinary action up to and including discharge from employment.

Complaints alleging violence, sexual harassment or sexual violence by a Member of Council should be forwarded to the City's Integrity Commissioner to be addressed under the Code of Ethical Conduct policy and procedure.

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**ANNUAL REPORT**

An annual report will be provided to the City Manager of the number of complaints received and processed, the nature of the complaints, the resolution of the complaints, and all recommendations made. The identity of the persons involved will not be disclosed in the report.

**ADMINISTRATION**

*Administered by the Office of the City Clerk.*

<b>Review Schedule:</b>	SELECT If other, specify here	<b>Next Review Date:</b>	Click or tap to enter a date.
<b>Related Policy(ies):</b>			
<b>Related By-Law(s):</b>			
<b>Procedural Document:</b>			
<b>Revision History</b>			
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