

Respectful Workplace and Workplace Violence Program

Part 1

Respectful Workplace



MISSISSAUGA

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Introduction

The City of Mississauga has a Respectful Workplace and Workplace Violence Program. This program includes the Respectful Workplace Policy, the Workplace Violence Policy and all the associated protocols and forms that support both a respectful and safe workplace.

We are committed to providing a respectful workplace which is positive, safe and healthy. No form of discrimination, workplace harassment, workplace sexual harassment or bullying will be tolerated.

This guide, which is the first part of a two-part program deals specifically on maintaining a respectful workplace (part two of the program deals with the Workplace Violence Policy and protocols). This guide will assist you in understanding the City's Respectful Workplace policy, outline resources that are available to you and explain what to do when faced with situations that may be contrary to the policy.

Welcome



message
from *Janice*

Maintaining a respectful and safe workplace at the City of Mississauga is important to helping us live our values of Trust, Quality and Excellence. These values are the foundation of all we do. To help us live our values, we have developed this program to educate all staff on the policies and the associated protocols we have that support this commitment.

Our Respectful Workplace and Workplace Violence program and Whistleblower program ensure that both our employees and our customers are treated with respect every day and in everything that they do.

Thank you for reviewing this program.

Janice Baker
City Manager, City of Mississauga

About Your Respectful Workplace Program

This program has been developed to ensure all employees are aware of and understand their role in promoting and contributing to a respectful workplace.

This guide will:

- Provide an overview of the Respectful Workplace Policy;
- Increase knowledge of key roles and responsibilities;
- Provide an overview of the informal and formal complaint processes; and
- Outline steps to take to report an incident of workplace harassment or workplace sexual harassment.

Policy Overview

What is a Respectful Workplace?

The City's policy defines a respectful workplace as a positive, safe and healthy workplace that results in the preservation of dignity and creates a culture that supports an individual's physical, emotional and social well-being.

A respectful workplace is an environment where all employees, elected officials, citizen members of committees and volunteers acting on behalf of the City of Mississauga:

- are valued;
- provide a climate of understanding and mutual respect for the dignity and worth of each individual;
- communicate in a polite and courteous manner;
- behave towards others as they wish to be treated;
- address conflict in a positive and respectful manner; and
- address disrespectful behaviour.

The Statement of Commitment

To communicate our vision of a respectful workplace to all employees and visitors of City facilities, the City's Statement of Commitment is part of the policy. This statement ensures that we are all aware of and adhere to the City's standards in maintaining a respectful workplace.

Based on its values of trust, quality and excellence, the Corporation of the City of Mississauga is committed to providing an environment in which all individuals are treated with respect and dignity. Employees, elected officials, members of the public and all those interacting with the City of Mississauga, have the right to a climate of understanding and mutual respect.

STATEMENT OF COMMITMENT

“In accordance with the Ontario Human Rights Code, the City will not condone or tolerate any forms of harassment or discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (includes pregnancy and breastfeeding), sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, or disability.

The City recognizes that disrespectful behaviours can jeopardize an individual’s dignity and well-being and/or undermine workplace relationships. If the provisions of this Statement of Commitment are not adhered to, the City will take the necessary steps available to ensure a respectful environment is restored and maintained.

Considering the City’s values and these principles, it is expected that all respect the individual qualities, characteristics and differences of others and promote a workplace culture in which everyone can work, learn, volunteer and participate.”

Policy Definitions

Policy Definitions: Management

The policy defines Management staff as any individual responsible for directing the work of others. Management includes:

- Elected Officials;
- Team Leaders, People Leaders, Supervisors and Managers;
- Leadership Team; and
- Any other persons taking a leadership role such as Trainers, Project Leaders and Facilitators

Management in our organization is expected to contribute to a respectful workplace by:

- actively promoting a respectful workplace;
- addressing behaviours or issues that are considered or perceived to be disrespectful in the workplace
- setting a good example by neither engaging in, tolerating or condoning workplace harassment, workplace sexual harassment, discrimination or bullying;
- keeping a detailed written record of any violations;
- addressing and resolving informal employee complaints by conducting inquiries and/or attempting to assist employees in resolving issues amongst themselves in a timely manner;

- maintaining confidentiality unless disclosure is required to ensure a thorough investigation or to properly resolve issues or required by law;
- ensuring that Employees involved in the complaint/situation are aware of their responsibility to keep investigations confidential;
- co-operating in attempts to reach an informal resolution and in the investigation of complaints; and
- taking corrective action as required.

Duty to Disclose

Although all reasonable attempts should be made to keep respectful workplace complaints confidential, confidentiality cannot always be guaranteed. Names of individuals making a complaint and identities of those involved may need to be disclosed to facilitate a proper resolution or investigation. Also, Management has an interest in protecting others in the broader workplace and have a duty to disclose, as appropriate, when there has been a serious violation of the Human Rights Code or the City's Respectful Workplace Policy. For example: sexual harassment or violence/threat of violence.

Protection from Reprisal

The City will take corrective action against any employee who retaliates or threatens retaliation against an individual due to raising an issue under this policy, filing a complaint or acting as a witness.

Policy Definitions: Employee

The term “Employee” encompasses all union and non-union employees, whether part-time, full-time, temporary, or contract, as well as elected officials, citizen members of committees, and volunteers.

All employees are expected to actively promote and contribute to a Respectful Workplace by:

- treating coworkers and customers with respect;
- refraining from any behaviours which constitute discrimination, harassment, bullying or violence;
- attempting to resolve issues at the earliest possible opportunity;
- reporting any incidents of discrimination, harassment, bullying or violence to any person with leadership or supervisory responsibilities, knowing that the employee will not be penalized for reporting an incident or participating in a workplace investigation; and
- cooperating fully with investigators during formal investigations and maintaining complete confidentiality during any investigation.

To understand how your behaviour can contribute to a respectful workplace, let’s take a look at the terms of workplace, discrimination, workplace harassment/workplace sexual harassment, violence and bullying.

The Workplace: Beyond Just Your Traditional Office Space

“Workplace” means any land, premises, location or thing at, upon, in or near which a worker works. For clarity, this includes all locations where Employees conduct City business or social activities and where their behaviour may have a subsequent impact on work relationships, work environment and/or performance. This includes when employees are working remotely, including from home. Incidents that occur by way of electronic communication (e.g. unwelcome phone calls, voice mail, texting, group chat messages, on e-mail or other social media and the display of offensive materials on computers, smartphones or other computing devices) will be considered to have occurred in the Workplace if directed to or from Employees and where such conduct may reasonably be expected to have an impact on work relationships, the work environment and/or performance.

Situational examples to consider:

1. A divisional appreciation event is held off-site after regular work hours. While it may be outside of your traditional work location and outside of your regular hours, any social activities that are related to your work with the City, and/or are sanctioned by the City, will be considered to be taking place at your workplace.
2. You and a few colleagues attend a work-related conference. This is a City sanctioned conference which is paid for by the City. This would be an extension of your workplace. Therefore, your actions and behaviour at the conference are subject to the City’s policies and procedures, including the Respectful Workplace policy.
3. At home, late at night, you post very negative, insulting comments on social media about your manager. These comments are viewed by other employees. Social media allows people to exchange information freely over the Internet. While social media can be of value, it can also have some very negative impacts if used without discretion. And remember, just because you are using the sites on your own time and on your own computer, it does not mean you cannot be disciplined by your employer. Where your behaviour can have a subsequent impact on work relationships, environment and/or performance, it may be considered an extension of the workplace. So, if you are posting information about your co-workers, particularly when it is personal information or negative comments, or information you received as a direct result of your employment with the City, it will be considered an extension of the workplace and your actions will be subject to the City’s policies and procedures, including the Respectful Workplace Policy.
4. Other locations that could be considered an extension of the workplace:
 - employee barbeques, sport, social and recognition events; and
 - employees socializing outside of work and after-hours at locations such as restaurants, bars and entertainment venues.

Policy Definitions:

Discrimination

Discrimination results from treating a person unequally, rather than treating the person fairly on the basis of individual merit. Discrimination can be either intentional or unintentional and is usually based upon personal prejudices and stereotypical assumptions related to at least one of the protected grounds set out in the *Ontario Human Rights Code*. This includes, but is not limited to, discrimination or workplace harassment/ workplace sexual harassment because of:

- race
- ancestry
- place of origin
- colour
- ethnic origin
- citizenship
- creed
- sex (includes pregnancy and breastfeeding)
- sexual orientation
- gender identity
- gender expression
- age
- record of offences
- marital status
- family status
- disability

Workplace Harassment

Under the *Ontario Human Rights Code* and the *Occupational Health and Safety Act*, “Workplace Harassment” means engaging in a course of vexatious comments or conduct against an Employee that is known or ought reasonably to be known to be unwelcome.

Requirements to establish Harassment:

- Pattern of comments or behaviours; or
- A single serious, significant incident.

Behaviours which can be considered workplace harassment /workplace sexual harassment include, but are not limited to:

- physical actions, such as touching, leering and violence;

- patronizing or condescending behaviour or language which reinforces stereotypes and undermines self-respect;
- comments, such as inappropriate jokes, psychological abuse, name-calling;
- displays of offensive materials or offensive e-mail or other electronic communications including social media;
- behaviours which create an environment which is hostile or offensive, or which contribute to a poisoned work environment.

Workplace harassment and workplace sexual harassment has the potential to become violent. The City also has a Workplace Violence policy which is covered in Part 2 of this program. For detailed information on workplace violence please refer to Part 2 – [Workplace Violence Employee Guide](#).

Workplace Sexual Harassment

Under the *Occupational Health and Safety Act* “Workplace Sexual Harassment” is defined as engaging in a course of vexatious comments or conduct against an Employee in the Workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comments 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 Employee and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Definition of Bullying

“Bullying” is behaviour by a person or group which intimidates or demeans another person and includes, but is not limited to:

- abuse of power;
- humiliation or embarrassment;
- persistent and unjustified criticism;
- exclusion and/or isolation;
- threats; or
- rumours/gossip.

Bullying is Not:

- behaviour found in a workplace that values trust, quality and excellence.
- personality or interpersonal conflicts;
- normal exercise of supervisory responsibilities including work assignment, performance feedback, training, coaching and/or discipline intended to support daily organizational activities. There is an expectation that these responsibilities will be carried out in an appropriate, respectful and careful manner.

Employee Complaints Protocol

Employee Complaint Procedure Options

The Respectful Workplace Program provides three complaints resolution options for employees who believe the Policy has been violated. Employees can choose any of these options at any time.

1. Informal Complaint Resolution
2. Formal Complaint Resolution
3. Use an external source (e.g. Ontario Human Rights Commission, Union Grievance or report a complaint through the City's Whistleblower program)

Informal Complaints Resolution Process

Employees are encouraged to attempt to resolve any issue that arises informally. Whenever possible, you should approach the person and tell them that their behaviour offends you. Ask them to stop in a respectful manner. Be sure to keep a detailed written record of the incident(s) including the date, time and specific details of the event(s). If the behaviour continues or is if you feel it is serious, report the incident to your Manager/Supervisor.

What you should do:

1. Attempt to resolve the issue on your own

Whenever possible or appropriate, you should approach the person, and clearly inform him or her that the inappropriate behaviour is unwelcome and ask that it stop. You should inform the person(s) responsible for the behaviour that it is offensive and contrary to the City's Respectful Workplace policy.

2. Always make notes- Record the incident

You should always jot down notes of the incident(s) and any related discussions. The details should be noted, including when it happened, where it happened, who was involved, and any witnesses who may have seen or heard it. These notes will be required if a formal complaint is made.

3. Ask for guidance/assistance

If you believe the Respectful Workplace Policy has been violated but you are uncomfortable in dealing directly with the concern yourself or your efforts to do so are unsuccessful, you should bring your concerns to your direct Supervisor. At this step you will meet with your direct supervisor to discuss the issue and the supervisor will look into the complaint. No written documentation is required at this step. If you are not satisfied with the response you have the option to pursue a formal investigation.

4. The resolution:

Think about the resolution you are seeking, what would resolve the issue?

- I want an apology

- I want this (be specific) behaviour to stop
- I feel...

Discussion Plan:

It is important to be prepared for a discussion of this nature because, understandably, it may be difficult. It might be helpful if you prepare yourself by writing down your thoughts about the following:

What was the incident? (Who, what, when, where)
 How did it affect you?
 What resolution are you seeking?
 Informal complaints – against you

Remember, the City has a confidential Employee and Family Assistance Program (EFAP). The Employee and Family Assistance Program is a voluntary, confidential counselling and information service for all permanent full-time employees and their dependents and eligible part time employees. The EFAP program may be extended to other employees with prior approval from Employee Health Services. This service provides access to short-term counselling, away from your workplace, where situations can be dealt with in an environment of understanding and strict privacy. Information about the Employee and Family Assistance Program can be found here:

<http://inside.mississauga.ca/humanresources/healthwellness/pages/EFAP.aspx>

External link and telephone number:

Contact Number: 1-844-880-9142

Website: www.workhealthlife.com

Complaints About Your Own Behaviour:

What do you do if you are approached with an informal complaint about you?

If someone approaches you to discuss a concern with your behaviour:

- you are encouraged to become involved in the discussion to help resolve the issue;
- be willing to listen to what the problem is, remembering that there ought to be no repercussions from someone bringing forward a complaint;
- be open to the other person's perspective;
- identify if there has been a misunderstanding;
- consider how your behaviour/actions/words may have been perceived and try to consider the issue from another possible perspective; ask for clarification to assist you to understand the complaint.

Something you may have considered humorous, could be offensive to someone else. Consider the impact of your actions on the other person and be willing to make reasonable changes that will help to resolve the issue.

Informal Complaints – of witness/bystander

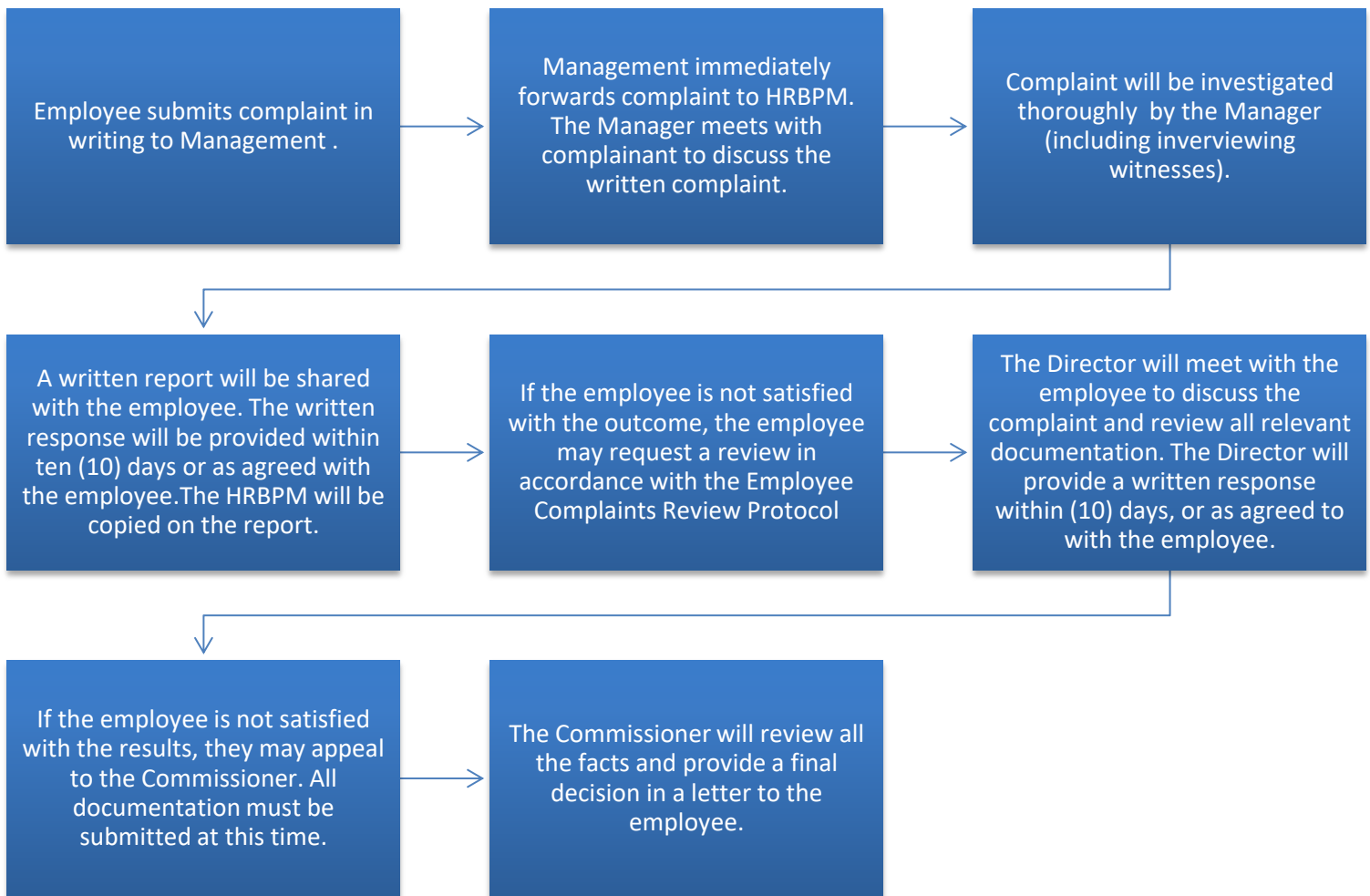
What do you do if you observe disrespectful behaviour?

If you observe someone else being treated in a manner that is contrary to the Respectful Workplace Policy:

- offer your support;
- encourage them to bring their concerns to the attention of the other party or to Management;
- If the person refuses your support and you believe the situation is serious, you must report the incident to Management yourself. required

Formal Complaint Process

- Whether or not you have tried to resolve the issue informally, you have the right to file a formal complaint. To initiate a formal complaint, a written document must be submitted to your Manager. The following diagram provides a high level outline of the process for resolving issues formally here at the City of Mississauga.



Investigator

An investigator is a person responsible for:

- being an impartial individual;
- examining the circumstances of a complaint;
- exercising objectivity;
- communicating expectations for maintaining confidentiality throughout the investigation;
- recording/maintaining appropriate documentation; and
- discussing findings, conclusions and recommendations with Management.

An investigator **IS NOT**:

- directly involved in the incident or complaint; or
- under the direct control of the alleged respondent or complainant

Note: The City will appoint an investigator; either a third party or an HR representative.

External Complaint Options

Employees also have access to external organizations in attempting to resolve complaints.

The Ontario Human Rights Commission/Tribunal:

- All employees have the right to file a complaint pursuant to the *Ontario Human Rights Code* www.ohrc.on.ca

Employees also have the right to report any incidents of violence to the Police:

- You may call your local Police, or Peel Regional Police at (905) 453-3311 or visit their website at www.peelpolice.on.ca

City's Whistleblower Program

- The City's Whistleblower Program allows for the anonymous reporting of allegations of waste and/or wrongdoing within the City of Mississauga when there is fear of reprisal when using established channels. The Whistleblower Program is managed by an independent third party service provider. Complaints are submitted through the third party service provider's external, anonymous reporting system.

The program can be accessed online at www.mississauga.ca/whistleblower.

Unionized Employees

Unionized employees may also refer to their Collective Agreement or consult with their union representative.

Forms

Formal Respectful Workplace Complaints Form



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Respectful Workplace Complainant Statement

COMPLAINANT INFORMATION

Full Name:

Last

First

M.I.

Department

Date of Incident

Time of Incident

Location of Incident

How do we contact
you?

DESCRIBE HOW YOU BELIEVE THE POLICY WAS VIOLATED?

Please attach any reports/statements

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COMPLAINT DESCRIPTION OF INCIDENT (Provide Details)

What happened?

Where did it occur?

Who was involved?

Where there any witness?

Anything else to add?

Do you have any supporting
documentation?
(pictures, texts messages/
documents)

WHAT DID YOU DO TO RESOLVE THE ISSUE?

Reported to
Someone and who? ☐ Yes ☐ No

If no, explain why:

Name of Individual(s) you are alleging violated the Respectful Workplace Policy

What Resolution are you looking for?

Signature: _____ Date: _____

** You have 30 days to file complaint from the date of the incident*

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