

Policy Title: Respectful Workplace

Policy Number: 01-03-04

Section:	Human Resources	Subsection:	Employee Conduct
Effective Date:	September 28, 2017	Last Review Date:	May, 2020
Approved by:	Council		
	Owner Division/Contact: Human Resources		

Policy Statement

Employees, elected officials, citizen members of committees and volunteers acting on behalf of the City of Mississauga are entitled to, and are expected to contribute to, a Respectful Workplace. No form of discrimination, workplace harassment, workplace sexual harassment or bullying will be tolerated.

Purpose

The City of Mississauga’s objective is to ensure a climate of understanding and mutual respect for the dignity and worth of each individual. This policy:

- Defines Respectful Workplace, Discrimination, Workplace Harassment, Workplace Sexual Harassment and Bullying
- Clarifies legislative requirements
- Identifies the rights and responsibilities of Employees, and
- Outlines the Employee’s course of action should a violation of this policy occur

Scope

All employees, elected officials, citizen members of committees and volunteers acting on behalf of the City of Mississauga are covered by this policy. This policy applies to all areas of the City’s Workplace.

The City’s Corporate Policy and Procedure – Human Resources – [Workplace Violence](#) should be consulted regarding procedures for dealing with actual, attempted or threatened Workplace Violence.

The City’s Corporate Policy and Procedure – Accountability and Transparency – [Whistleblower Program](#) should be consulted regarding reporting of any issues of waste or wrongdoing if there is a fear of reprisal when using established channels.

Non-union Employees

For all non-union employees, any other work-related complaints will be handled in accordance with the [Employee Complaints Review Protocol](#).

Union Employees

For all union employees, any other work-related complaints will be handled in accordance with the applicable collective agreement.

Respectful Workplace Program

The resolution of complaints under this policy will be handled in accordance with the City's [Respectful Workplace Program](#) (reporting; investigating; disclosure; and resolution). Employees who are not satisfied with the resolution of their Respectful Workplace complaint should refer to the Employee Complaint Review Protocol.

Legislative Authority

This policy complies with the *Accessibility for Ontarians with Disabilities Act*, the *Ontario Human Rights Code*, and the *Ontario Occupational Health and Safety Act*, as amended. In accordance with the *Ontario Occupational Health and Safety Act* this policy will be reviewed annually. Every person who is an employee has a right to freedom from discrimination and harassment in the workplace by the employer or agent of the employer or by another employee. This includes, but is not limited to, discrimination or workplace harassment/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 or disability.

Respectful Workplace Statement of Commitment

This policy is supplemented by a Respectful Workplace Statement of Commitment, which is included in the Respectful Workplace Program and posted at City facilities. A copy is also available from Human Resources, Corporate Services Department.

Members of the general public, visitors to City facilities and individuals conducting business with, or performing work on behalf of, the City of Mississauga are required to adhere to the Respectful Workplace Statement of Commitment. Groups which are affiliated with the City or which appear on the City's volunteer group register, through Corporate Policy and Procedure - Community Group Registry Program, while independent of the City in their operations, are required to adhere to the Respectful Workplace Statement of Commitment. If a violation occurs, the City will take any steps available, in accordance with City policies and/or by-laws and existing legislation, to ensure that a Respectful Workplace is restored and maintained.

Definitions

"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

“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*.

“Employee” - To simplify the language in this policy, the term “Employee” encompasses all union and non-union employees, as well as elected officials, citizen members of committees and volunteers acting on behalf of the City of Mississauga.

“Investigator” means the person(s), who may be an external party, appointed by the City to investigate a complaint and/or incident.

“Management Staff” means any individual responsible for directing the work of others, including elected officials, the City Manager, commissioners, directors, managers/people leaders/supervisors, team leaders or any other person taking a leadership role, such as trainers, project leaders, facilitators, etc.

A “Respectful Workplace” means a positive, safe and healthy Workplace that results in the preservation of equal dignity and creates a culture that supports an individual’s physical, emotional and social well-being.

“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, messages on e-mail or 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, work environment and/or performance.

“Workplace Harassment” - Under the Ontario *Human Rights Code* and the Ontario *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. “Vexatious” means annoying. A “course” of conduct means that a pattern of behaviour or more than one incident is usually required to establish Workplace Harassment or

Workplace Sexual Harassment. However, a single significant incident may be sufficiently offensive to be considered Workplace Harassment or Workplace Sexual Harassment.

“Workplace Sexual Harassment” means engaging in a course of vexatious comment or conduct against an Employee in the 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; 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.

Workplace Harassment and Workplace Sexual Harassment are also forms of Discrimination when they relate to any of the protected grounds identified in the protected grounds of the Ontario *Human Rights Code*.

Workplace Harassment and Workplace Sexual Harassment are not defined by intent, but rather by how the behaviour would be perceived or would impact a reasonable person’s perception of the behaviour. Behaviours which constitute Workplace Harassment and Workplace Sexual Harassment include, but are not limited to:

- Physical actions, such as touching, leering, violence (for violence refer to Corporate Policy and Procedure – Workplace 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, and
- Bullying

Workplace Harassment/Workplace Sexual Harassment under this policy does not include:

- Differences of opinion, interpersonal conflicts or unpleasant interactions, unless they involve any of the behaviours described above
- The exercise of normal managerial functions, such as the assignment of work, scheduling, approval of overtime or vacation, management of performance and attendance, requests for medical documentation in support of absences, and the imposition of discipline, unless they involve any of the behaviours described above, or
- Reasonable action taken by the Employee or Management Staff relating to the management and direction of Employees or the Workplace

Responsibilities

Employee Responsibility

Employees are expected to:

- Promote and contribute to a Respectful Workplace
- Refrain from any violation of this policy
- Report incidents to Management Staff or a Human Resources representative where violations of this policy have occurred
- Attend an interview and provide information/documentation to the Investigator when requested
- Maintain confidentiality, and
- Cooperate fully in any attempts to resolve or investigate an incident

Manager Staff Responsibilities

Management Staff are responsible not only for their own actions but also for dealing with the actions of staff under their supervision. Management Staff must intervene if a violation of this policy has been brought to their attention and/or has been witnessed. Appropriate steps must be taken to address and resolve the situation.

Management Staff are expected to:

- Actively promote a Respectful Workplace
- Set a good example by neither engaging in, tolerating or condoning Workplace Harassment, Workplace Sexual Harassment, Discrimination or Bullying
- Keep a detailed written record of any violations
- Address and resolve informal employee complaints by conducting inquiries and/or attempting to assist Employees and, as required, consult with a Human Resources Consultant or Manager
- Maintain confidentiality
- Ensure that Employees involved in the complaint/situation are aware of their responsibility to keep the issue confidential
- Cooperate in attempts to reach an informal resolution and in the investigation of the complaint, and
- Take corrective action as required

Human Resources Responsibilities

- Providing advice to Management Staff, as requested
- Providing guidance on this policy and the Program to Employees, including complainants/respondents
- Providing guidance on this policy and the Program to persons who are the subject of a complaint, when requested
- Acting as Investigators, where necessary, and

- Selecting an external Investigator as may be required

Individual Human Resources Business Partner Managers and Human Resources Consultants may perform only one role with respect to any given complaint. If approached to perform more than one role, the Human Resources Business Partner Manager/Consultant must disclose the role he/she has already taken and provide the names of others who can advise or investigate.

Investigator Responsibilities

Investigators are responsible for:

- Investigating complaints filed under this policy
- Examining the circumstances of a complaint
- Exercising objectivity and impartiality
- Ensuring confidentiality
- Recording/maintaining appropriate documentation
- Making all necessary findings of fact with respect to allegations in the complaint
- Informing the complainant and respondent of the results of the findings
- Informing the complainant of corrective action, if any, that has been/will be taken as a result of the investigation, and
- Discussing findings, conclusions and recommendations with the departmental commissioner, director and/or manager, as appropriate

Confidentiality

All persons involved with a complaint must endeavour to ensure that the matter remains confidential. To this end, complaints shall be investigated both confidentially and objectively, with respect for the rights of all parties involved. Personal information will be disclosed only on a need-to-know basis, in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.

Investigators must advise all persons interviewed that they will be expected to treat the matter as confidential and that breaching confidentiality may lead to corrective action being taken. Persons interviewed by the Investigator will be required to sign a confidentiality agreement.

Corrective Action

Any Employee who violates this policy, breaches confidentiality in relation to a complaint under the policy, fails to attend an interview or otherwise cooperate with the Investigator, retaliates or threatens retaliation against an individual due to their making a complaint or acting as a witness, and/or Management Staff who fail to take action when advised of a violation, will be subject to appropriate corrective action, up to and including termination of employment. Corrective action may also be taken if a complaint is found to be trivial, frivolous, vexatious or has been made in bad faith, fraudulently or with malicious intent.

Revision History

Reference	Description
AC-0010-2007 – 2007 05 23	
October 23, 2008	Housekeeping to reflect minor process changes by Human Rights Commission re: filing complaints
GC-0403-2010 2010 06 09	
October 12, 2011	Housekeeping - Volunteer policy renamed to Community Group Support Program
July 03, 2013	Council Recommendation to forward all investigations of members of Council to the Integrity Commissioner.
September 28, 2017	Major review. Policy now supported by a Respectful Workplace Program
June 27, 2019	Scheduled annual review – no changes
May 28, 2020	Scheduled annual review – admin changes to Workplace definitions.