
Towing Industry Advisory Committee

Date

2018/02/20

Time

9:30 AM

Location

Civic Centre, Council Chamber,
300 City Centre Drive, Mississauga, Ontario, L5B 3C1 Ontario

Members

Councillor Ron Starr	Chair
Councillor Matt Mahoney	Vice-Chair
Mark Bell	Citizen Member
Robert Fluney	Citizen Member
Daniel Ghanime	Citizen Member
John C. Lyons	Citizen Member
Tullio (Tony) Pento	Citizen Member
Armando Tallarico	Citizen Member

Contact

Stephanie Smith, Legislative Coordinator, Legislative Services
905-615-3200 ext. 3795
stephanie.smith@mississauga.ca

Find it Online

<http://www.mississauga.ca/portal/cityhall/towingindustryadvisory>

1. **CALL TO ORDER**

2. **APPROVAL OF AGENDA**

3. **DECLARATION OF CONFLICT OF INTEREST**

4. **MINUTES OF PREVIOUS MEETING**

4.1. Towing Industry Advisory Committee Minutes - January 22, 2018

5. **DEPUTATIONS**

5.1. Michael Foley, Manager, Mobile Licensing Enforcement regarding Plate Issuance Options

6. **PUBLIC QUESTION PERIOD** - 15 Minute Limit

Pursuant to Section 42 of the Council Procedure By-law 0139-2013, as amended: Towing Industry Advisory Committee may grant permission to a member of the public to ask a question of TIAC, with the following provisions:

- 1.The question must pertain to a specific item on the current agenda and the speaker will state which item the question is related to.
- 2.A person asking a question shall limit any background explanation to two (2) statements, followed by the question.
- 3.The total speaking time shall be five (5) minutes maximum, per speaker.

7. **MATTERS TO BE CONSIDERED**

7.1. Parked Tow Truck Owners Licences

(Please note that this report was considered at the January 22, 2018 TIAC meeting and was referred back to the February 20, 2018 TIAC meeting.

7.2. Towing Industry Advisory Committee 2018 Action List

7.3. Updates to the Workplace Violence and Respectful Workplace Policies

8. **OTHER BUSINESS**

9. **DATE OF NEXT MEETING** - March 26, 2018

10. **ADJOURNMENT**

City of Mississauga

Minutes



Towing Industry Advisory Committee

Date

2018/01/22

Time

9:30 AM

Location

Civic Centre, Committee Room A - Second Floor,
300 Civic Centre Drive, Mississauga, Ontario, L5B 3C1 Ontario

Members Present

Councillor Ron Starr, Ward 6 (Chair)
Councillor Matt Mahoney, Ward 8 (Vice-Chair)
Mark Bell, Citizen Member
Robert Fluney, Citizen Member
Daniel Ghanime, Citizen Member
John C. Lyons, Citizen Member
Tullio (Tony) Pento, Citizen Member

Members Absent

Armando Tallarico, Citizen Member

Staff Present

Michael Foley, Manager, Mobile Licensing Enforcement
Stephanie Smith, Legislative Coordinator, Legislative Services

Find it online

<http://www.mississauga.ca/portal/cityhall/towingindustryadvisory>

1. CALL TO ORDER2. APPROVAL OF AGENDA

Approved (Councillor Mahoney)

3. DECLARATION OF CONFLICT OF INTEREST4. MINUTES OF PREVIOUS MEETING

4.1. Towing Industry Advisory Committee Minutes - December 4, 2017

Approved (D. Ghanime)

5. DEPUTATIONS -Nil6. PUBLIC QUESTION PERIOD - 15 Minute Limit

Pursuant to Section 42 of the Council Procedure By-law 0139-2013, as amended:
Towing Industry Advisory Committee may grant permission to a member of the public to ask a question of

TIAC, with the following provisions:

1. The question must pertain to a specific item on the current agenda and the speaker will state which item the question is related to.
2. A person asking a question shall limit any background explanation to two (2) statements, followed by the question.
3. The total speaking time shall be five (5) minutes maximum, per speaker.

Todd Keely, Tow Truck Driver, spoke to the number of available parked tow truck plates and noted that he needs an additional three tow truck plates to remain operational in the City of Mississauga.

7. MATTERS CONSIDERED7.1. Parked Tow Truck Owners Licences

Michael Foley, Manager, Mobile Licensing Enforcement spoke to the report dated January 1, 2018 entitled Parked Tow Truck Owners Licenses.

Members of the Committee made the following comments: 60 days is too short of a timeframe to allow un-renewed owners licenses to expire; that staff should wait and see the outcome of Bill 15; the timeframe to buy a new tow truck; plates that have been parked since 2013 should not be reissued; and notifying companies of the number of parked plates they currently have.

Councillor Parrish asked the following questions: currently, how many tow truck drivers are on the road; do staff feel there's currently enough trucks on the road to service residents; the importance of reviewing the tow truck issuance model; and can all parked plates become legitimate tow truck plates. Mr. Foley responded to Councillor Parrish's questions.

Councillor Starr asked the following questions: how many plates have been parked since 2013; what happens when someone wants to start a tow truck new company; and how do you attract new drivers to the industry.

Lisa Goncalves, Abrams Towing made the following questions/comments: how many trucks were on the road when the moratorium was put in place; that the current moratorium isn't allowing any new business to enter into the City of Mississauga; and that the requirements to become a tow truck driver are currently not allowing new immigrants to become drivers because the 7 year driving requirements is too restrictive.

Councillors Parrish and Starr requested staff to bring back the report and to incorporate how many plates had been parked since the moratorium. They further spoke to holding a working group meeting and inviting all tow truck owners to attend.

RECOMMENDATION

TIAC-0001-2018

That report from the Commissioner of Transportation and Works titled "Parked Tow Truck Owners Licences" be referred to the February 20, 2018 Towing Industry Advisory Committee meeting.

Referred (Councillor Mahoney)

7.2. Towing Industry Advisory Committee Action List 2018

Members of the Committee reviewed the 2018 Towing Industry Advisory Committee Action List and requested that training/qualifications for drivers and an increase for re-tow rates be brought back to a future meeting.

RECOMMENDATION

TIAC-0002-2018

That the 2018 Towing Industry Advisory Committee Action List be received.

Received (M. Bell)

8. OTHER BUSINESS

Members of the Committee discussed a meeting date and time to hold a working group meeting with members of the industry.

9. DATE OF NEXT MEETING - February 20, 2018

10. ADJOURNMENT – 10:40am (Councillor Mahoney)

City of Mississauga

Corporate Report



Date: 2017/01/04

Originator's files:

To: Chair and Members of Towing Industry Advisory Committee

From: Geoff Wright, P. Eng, MBA, Commissioner of Transportation and Works

Meeting date:
2018/01/22

Subject

Parked Tow Truck Owners Licences

Recommendation

That report from the Commissioner of Transportation and Works titled "Parked Tow Truck Owners Licences" be received for information.

Report Highlights

- In June of 2012, the City of Mississauga amended the Tow Truck Licensing By-law placing an indefinite moratorium on the issuance of new tow truck owner's licences.
- During the ensuing five years tow truck owners were permitted to park licences that were not in use to be reactivated later.
- Currently there are 70 parked licences associated with 11 different licensees.
- The parking of licences is not supported by the by-law and as such, corrective measures are being undertaken to eliminate the practice.

Background

At the February 28, 2012 meeting of the Towing Industry Advisory Committee (TIAC), discussions took place regarding a proposal to cap the number of tow truck owner's licence in order to address vehicles being towed outside of the city boundaries.

The meeting resulted in the following resolution:

"TIAC-0009-2012

That Licensing and Enforcement staff prepare a Corporate Report with respect to the possibility of capping the number of tow truck licenses issued by the City of Mississauga and return this matter to a future Towing Industry Advisory Committee meeting for consideration."

On June 18, 2012 the following recommendation was made by TIAC:

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“TIAC-0014-2012

The Towing Industry Advisory Committee recommends an immediate moratorium be placed on the issuance of any new tow truck and tow truck drivers licences issued by the City of Mississauga pending a review of Tow Truck Licensing By-law 521-04 as amended, and that the by-law be amended to include more stringent licensing.”

The recommendation was approved by General Committee on June 27, 2012.

In the five years following the moratorium, a number of tow truck owners were permitted to park unused tow truck owners licences at the licensing office.

This practice was intended to provide the time required to order and take delivery of a replacement vehicle, a process that might take a number of months. The tow truck owner's licence would be parked and when the new tow vehicle was acquired the licence was reactivated. This was viewed as necessary by some industry members. Had the owner's licence expired during the time necessary to obtain a replacement vehicle, there would be no opportunity to re-licence as this would be viewed as a new licence and prohibited by the moratorium.

Some of these owners' licences remained parked for periods of time far in excess of what was originally intended. This has resulted in a situation whereby companies that had larger numbers of owners' licences, prior to the moratorium, have been permitted to park licences and then reactivate them as their business needs dictated. This resulted in an unfair competitive disadvantage to smaller companies that were unable to obtain new owners licences.

There is currently no provision in the Tow Truck Licensing By-law 521-04, as amended, that states that a tow truck owners licence can be parked. However, the By-law is clear in Section 19(4) that, “No Licence may be renewed more than sixty (60) days after the date upon which it expires.”

Currently there are 70 tow truck owners' licences that are parked at Mobile Licensing. These licences are associated with 11 different licensees. Some of the licences have been parked since 2013.

At the TIAC meeting held on December 4, 2017, staff identified that Mobile Licensing Enforcement would be returning to a practice that is consistent with the By-law. Staff outlined the enforcement plan to bring this about, which included:

- notifying all licensees associated with the parked licences of the by-law requirements.
- providing 60 days for the licensees to renew any or all of the parked owners licences.
- treating any un-renewed owners licences as expired once the 60 days has elapsed.

Members of TIAC requested that staff bring a report to the next meeting providing details regarding the parked owners' licences. It was also requested that staff contact these licensees

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to inform them of the situation and determine what their intentions were with regards to their parked owners licences.

Comments

Staff were able to contact 10 of the 11 licensees associated with the parked tow truck licences. Collectively, these owners represent 69 of the 70 parked licences (99%).

Of the ten licensees contacted, eight were aware that they had tow truck owners licences parked. However, some were unsure as to how many licences they actually had parked.

All ten of the licensees indicated that they would be re-activating at least some parked licences in the immediate future. Combined, the licensees indicated that they would be re-activating a total of 40 tow truck licences of the 69 that were linked to this group (58%).

Nine of the ten licensees contacted indicated that they would reactivate most or all of the tow truck owners' licenses that they had parked. The tenth company estimated that they would only reactivate 10 of the 36 owners licences for which they have an interest in.

Staff estimate that adherence to the requirements of the Tow Truck Licensing By-law will result in the issuance of approximately 40 to 45 additional tow truck licences that have previously been parked.

Mississauga currently licences 381 tow trucks. An additional 40 to 45 owners' licences would represent an increase of 10% - 12% and bring the total number of licenced tow trucks to between 421 and 426. Currently there are only 283 tow truck driver licences that have been issued. The disparity between the number of owners' licences and drivers' licences is likely to continue as industry members have identified a shortage of drivers that meet the current By-law requirements.

Financial Impact

There would be a positive financial impact of approximately \$25,000 in additional revenue for 2018.

Conclusion

It is imperative that those charged with the responsibility of enforcing by-laws be seen as operating in a consistent manner in accordance with the requirements of the by-law. The cessation of the past practice of parking tow truck owners licences supports Mobile Licensing Enforcement's commitment to public safety, consumer protection and fairness in its dealings with the industry.

Staff have identified an enforcement plan that is fair and provides time for each licensee with an interest in a parked owner's licence to take the necessary action to re-activate the licence if that is their wish.

Staff have projected that there will be an increase to the total number of tow truck owners licences of approximately 10% to 12%. While this is not an insignificant increase it should be noted that the current shortage of qualified drivers will likely slow the entry of these vehicles into actual use in Mississauga and many of these vehicles may be licensed as a hedge against future needs by current owners, given the current moratorium on the issuance of new owner's licences. It is also noteworthy that of the 40 to 45 parked licences that will likely be re-issued, only 21 are associated with companies that are linked to chasing activities on the road. This combined with the current paucity of licensed drivers will minimize the overall impact that the licences may have on the industry in total.

The upper projection of total tow truck owners' licences, 426 still represents a significant reduction (-15%) from the 491 tow truck owners' licences in 2012, the year the moratorium took effect.



Geoff Wright, P. Eng, MBA, Commissioner of Transportation and Works

Prepared by: Mike Foley, Manager, Mobile Licensing Enforcement

Towing Industry Advisory Committee Action List

7.2

Issue	Last Discussed on	Who	Status
Training/qualifications for drivers	May 6, 2014 September 14, 2015	Enforcement Office	To be brought back to a future meeting
Central City pound facility	February 29, 2016	Enforcement Office	Completed
By-law review – WSIB/Insurance requirements	September 20, 2016	Enforcement Office	In progress
Bill 15 Update	May 4, 2015	Enforcement Office	Completed
Centralized Vehicle Pound Facility Feasibility Study	February 29, 2016	Chris Rouse	Completed
Accepting all forms of payment	December 4, 2017	Enforcement Office	Completed
Tow truck licensed ceases to engage in business for a period of longer than 30 days	November 22, 2016	Enforcement Office	To be brought back to a future meeting
Tow truck owners to notify Mobile Licensing Enforcement of the name of the licensed driver	November 22, 2016	Enforcement Office	To be brought back to a future meeting
Having all licensed drivers renewed at the same time instead of being renewed by birthdate	November 22, 2016	Enforcement Office	To be brought back to a future meeting
Increase for the re-tows and tow rates	March 21, 2017	Enforcement Office	To be brought back to a future meeting
Report on Tow Truck Owners License Moratorium	September 26, 2017	Enforcement Office	To be brought back to a future meeting
Report on Vehicle Pound Moratorium	June 13, 2017	Enforcement Office	To be brought back to a future meeting
Parked plates and the enforcement plan	January 22, 2018	Enforcement Office	To be brought back to a future meeting

City of Mississauga Memorandum



Date: 2018/01/23

To: Chair and Members of Towing Industry Advisory Committee

From: Stephanie Smith, Legislative Coordinator

Meeting Date: 2018/02/20

Subject: Updates to the Workplace Violence and Respectful Workplace Policies

In late 2017, the City updated Corporate Policy 01-07-01 on *Workplace Violence*, and Corporate Policy 01-03-04 on *Respectful Workplace*.

These Policies apply to all employees, elected officials, citizen members of committees and volunteers acting on behalf of the City of Mississauga and in all areas of the City's Workplace. In addition, all persons who attend a City Workplace including, but not limited to, visitors, members of the public, contractors, vendors, delivery persons, customers, etc., are expected to adhere to the principles of these policies and contribute to a workplace that is respectful and free of violence.

Attachments

Appendix 1: Workplace Violence Corporate Policy

Appendix 2: Respectful Workplace Corporate Policy

SSmith

Prepared by: Stephanie Smith, Legislative Coordinator

Corporate Policy & Procedure



Policy Title: Workplace Violence

Policy Number: 01-07-01

Section:	Human Resources	Subsection:	Health and Safety
Effective Date:	September 28, 2017	Last Review Date:	September 2017
Approved by: Council		Owner Division/Contact: HR Business Partner Manager or Health and Safety Specialist	

Policy Statement

The City of Mississauga is committed to providing a safe workplace, free from actual, attempted or threatened violence. The City will not tolerate any acts of violence and will take all reasonable and practical measures to prevent violence in the workplace.

Purpose

The purpose of this policy is to:

- Create and foster a work environment that is free from Workplace Violence
- Define “Workplace Violence” and “Workplace”
- Clarify legislative requirements
- Identify the responsibilities of the City and all Employees to maintain a Workplace free from actual, attempted or threatened Workplace Violence
- Outline the roles and responsibilities of all City employees for reporting Workplace Violence, and
- Ensure that complaints and/or incidents of Workplace Violence are handled/investigated in accordance with this policy and the City’s Workplace Violence Program

Scope

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

In addition, all persons who attend a City Workplace including, but not limited to, visitors, members of the public, contractors, vendors, delivery persons, customers, etc., are expected to adhere to the principles of this policy and contribute to a workplace free of violence.

The City’s Corporate Policy and Procedure – Human Resources – [Respectful Workplace](#) should be consulted regarding procedures for dealing with bullying, workplace harassment, workplace sexual harassment and/or harassment related to the Ontario *Human Rights Code*.

Policy Number: 01-07-01

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

Workplace Violence Program

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

Legislative Requirements

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.

Definitions

For the purposes of this policy:

“Employee” encompasses all union and non-union staff, 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/

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supervisors, team leaders and any other person having a leadership role, such as trainers, project leaders, facilitators, etc.

“Workplace Violence” means any of the following:

- (a) The use of physical force against or by an Employee in the Workplace that causes or could cause physical injury
- (b) The attempted use of physical force against or by an Employee in a Workplace that could cause physical injury
- (c.) A statement(s) or behaviour(s) that is reasonably believed to be a threat of physical harm or threat to safety or security in the Workplace that could cause physical injury

The “Workplace” 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. Threats of violence that occur by way of electronic communication (e.g. unwelcome phone calls, voice mail, 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.

Responsibilities

City Responsibilities

The City is responsible to:

- Take reasonable preventative measures to protect Employees and others from Workplace Violence
- Ensure that workplace violence assessments are conducted as often as is necessary to protect workers from Workplace Violence
- Advise the Joint Health and Safety Committee of the results of the workplace violence assessments, and provide a copy of the assessments in writing
- Address Workplace Violence risks identified through workplace violence assessments
- Ensure that all Employees are trained on this policy and maintain a record of all completed training
- Post this policy in a conspicuous place in the Workplace
- Establish a process for reporting and responding to complaints and/or incidents of Workplace Violence
- Ensure the process for reporting and responding to complaints and/or incidents of Workplace Violence, including corrective action, is communicated, maintained and followed by all Employees, and

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- Provide Employees with information, including personal information that is reasonably necessary for the protection of Employees, related to a risk of Workplace Violence from a person with a history of violent behaviour if:
 - The Employee can be expected to encounter that person in the course of his or her work, or
 - The risk of Workplace Violence is likely to expose the Employee to physical injury.

Management Staff Responsibilities

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

Management Staff are expected to:

- Actively promote a Workplace free of violence
- Understand and abide by the requirements of this policy, including the responsibilities listed in the “Employee Responsibilities” section below
- Immediately respond to all complaints and/or incidents of Workplace Violence they receive or witness
- Report all complaints and/or incidents of Workplace Violence
- Summon immediate assistance when Workplace Violence occurs
- Communicate and review this policy with the Employees they supervise or manage
- Ensure that all Employees are trained in this policy
- Take corrective action to address the conduct of Employees who violate the policy, including but not limited to disciplinary action, coaching/counselling, training, education or such other measures as are deemed appropriate in the circumstances
- Encourage Employees to report complaints and/or incidents of Workplace Violence
- Ensure that all Employees are aware of who to contact in the event of an incident of Workplace Violence
- Consult with the Director of HR or designate prior to releasing any personal information
- Provide a response, in writing, to all written recommendations from the Joint Health and Safety Committees related to Workplace Violence within 21 days, and
- Become familiar with all aspects of the Workplace Violence Program

Employee Responsibilities

Employees are expected to:

- Promote a work environment free from Workplace Violence and refrain from contributing to or engaging in any acts of Workplace Violence
- Comply with this policy at all times

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- Immediately notify Management Staff or their departmental Human Resources (HR) representative of any Workplace Violence, whether the notifying Employee is the victim or not. In the case of an extreme or imminent threat of Workplace Violence, to themselves or any person, the Employee should contact Security Services, Corporate Services Department, and/or the police
- Where appropriate, go to a safe location at the Workplace and immediately report the incident to any Management Staff
- Participate in training regarding this policy and City procedures related to risks of Workplace Violence, and
- Fully cooperate in any investigation of complaints and/or incidents of Workplace Violence or breaches of this policy, including attending interviews and/or providing information

Health and Safety Specialists Responsibilities

Health and Safety Specialists are responsible for:

- Conducting violence assessments, and reassessments as necessary, in conjunction with the appropriate Management Staff and providing the applicable Joint Health and Safety Committee(s) with the results
- Responding as required to any complaints and/or incidents of Workplace Violence and communicating complaints and/or incidents of Workplace Violence to the departmental HR representative, and
- Investigating complaints, in consultation with the applicable departmental HR representative and Legal Services, where appropriate

Joint Health and Safety Committees Responsibilities

Joint Health and Safety Committees are responsible for:

- Receiving and reviewing the City's Workplace Violence assessments
- Submitting written recommendations, where appropriate, to management regarding Workplace Violence risks identified through the assessment process, and
- Participating in investigations involving complaints and/or incidents of Workplace Violence when required

Investigator Responsibilities

Investigators are responsible for:

- Investigating complaints and/or incidents filed under this policy
- Involving joint health and safety committees where required
- Exercising objectivity and impartiality
- Ensuring confidentiality, where possible
- Recording/maintaining appropriate documentation
- Making all necessary findings of fact with respect to allegations in the complaint

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Effective Date: September 28, 2017

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Last Review Date: September 2017

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- Discussing findings, conclusions or recommendations with the departmental commissioner, director and/or manager, and
- Submitting recommendations as appropriate to control or prevent Workplace Violence

Domestic Violence

Any Employee experiencing domestic violence that may create a risk of danger to themselves or others in the Workplace is encouraged to report such violence to Management Staff so that the City can take reasonable preventive steps to ensure safety in the Workplace and provide the Employee with internal and external resources to assist, as required and in accordance with the Workplace Violence Program.

Confidential advice and referral for counselling/assistance is available through Employee Health Services and/or the Employee Family Assistance Program (EFAP) for anyone experiencing domestic violence or for those who become aware of someone who is.

Right to Refuse Work

An Employee has the right to refuse unsafe work in accordance with section 43 of the *Occupational Health and Safety Act*, as amended. For more information refer to the [Work Refusal Process](#).

Reprisals

Employees who engage in reprisals or threats of reprisals may be disciplined according to the Corrective Action section of this policy. Reprisal includes:

- Any act of retaliation that occurs because a person has complained of or provided information about an incident of Workplace Violence
- Intentionally pressuring a person to ignore or not report an incident of Workplace Violence, and
- Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incidence of Workplace Violence

Complaint Resolution

Complaints under this policy will be resolved in accordance with the City's Workplace Violence Program.

Police Complaints

Employees have the right to contact police regarding complaints and/or incidents of Workplace Violence.

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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*.

Individuals acting as Investigators should advise all persons interviewed that they are expected to treat the matter as confidential and that they may be subject to discipline if they breach confidentiality. 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
GC-0403-2010 2010 06 09	
June 05, 2012	Housekeeping - included Manager, Health and Safety in Investigator definition; updated position names
September 28, 2017	Major review. Policy now supported by a Workplace Violence Program.

Corporate Policy & Procedure



Policy Title: Respectful Workplace

Policy Number: 01-03-04

Section:	Human Resources	Subsection:	Employee Conduct
Effective Date:	September 28, 2017	Last Review Date:	September, 2017
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](#).

Policy Number: 01-03-04

Effective Date: September 28, 2017

Policy Title: Respectful Workplace

Last Review Date: September, 2017

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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 Support 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

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- 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.

The “Workplace” 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. Incidents that occur by way of electronic communication (e.g. unwelcome phone calls, voice mail, messages on e-mail or other social media and the display of offensive materials on computers, smartphones or other computing devices) are 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.

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“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

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- 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 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 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 Manager/Consultant must disclose the role he/she has already taken and provide the names of others who can advise or investigate.

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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 any corrective action 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:

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	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