

## CORPORATE POLICY



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[Code of Conduct for Members of Council](#)  
[Corporate Employee Code of Conduct Policy](#)  
[Corporate Health and Safety Policy](#)  
[Corporate Respectful Behaviour Policy](#)  
[Corporate Workplace Violence Policy and Program](#)  
[Employee Performance Procedure](#)  
Form - [Workplace Respect Complaint Form](#)  
[Accessibility for Ontarians with Disabilities Act](#)  
[Occupational Health & Safety Act \(OHSA\)](#)  
[Ontario Human Rights Code \(OHRC\)](#)

Key Word(s): disrespect, discrimination, harassment, protected grounds, respect, sexual harassment

### **POLICY STATEMENT:**

The City of Waterloo is committed to providing and maintaining a physically, emotionally and psychologically safe workplace that is respectful, inclusive, and where all individuals are valued. The City will not tolerate disrespectful workplace behaviour(s), workplace harassment, including sexual harassment, and/or discrimination from any person in a City workplace. The City is committed to resolving all complaints received within the scope of this policy and program in a manner that respects the dignity, privacy, and rights of everyone involved.

### **PURPOSE:**

The purpose of the *Respectful Workplace Policy and Program* is to set clear expectations of respectful workplace behaviour and to prevent disrespectful, harassing or discriminatory workplace behaviours from occurring. Additionally, the policy and program outline the steps required to report and resolve complaints of disrespect, harassment and discrimination.

**Mandatory Policy, *Municipal Act*: No**  
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**Corporate Management Team, Review Date TBD November 12, 2025**

This is a companion policy to the *Workplace Violence Policy and Program*, which addresses workplace violence, including actual, attempted or threatened violence and domestic violence that may occur in the workplace.

## **DEFINITIONS:**

**Balance of probabilities** is the standard of proof used in a workplace investigation whereby the assessment of evidence establishes whether it is more likely than not that an event occurred.

**Complainant(s)** is the person(s) who alleges they have been subjected to disrespectful, harassing, and/or discriminatory behaviour in the workplace.

**Contractor** is any person(s) or firm(s) that provides goods or services to the City under terms specified in a contract or other agreement and is not paid through the City's payroll.

**Discrimination** is any form of unequal treatment based on a protected ground under the *Ontario Human Rights Code (OHRC)*, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on the surface, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people.

**Disrespectful Behaviour** is failing or refusing to treat others in a professional, courteous, dignified and/or equitable manner, whether through words or actions.

**Investigator** is the person responsible for ensuring a timely, thorough and fair investigation of a complaint. The investigator may be someone from the City or an external third party.

**Mediation** is a tool used to address conflict by having a neutral person assist the parties in reaching a mutually acceptable solution.

**Protected Grounds** as they relate to employment under the *OHRC* include:

- age;
- creed;
- sex (including pregnancy and breastfeeding);
- sexual orientation;
- gender identity;
- gender expression;
- family status (being in a parent and child relationship);
- marital status (including married, single, widowed, divorced, separated or living in a conjugal relationship outside of marriage, whether in a same-sex or opposite-sex relationship);

- disability (including mental, physical, developmental or learning disabilities, as well as drug and alcohol dependency);
- race;
- ancestry;
- place of origin;
- colour;
- ethnic origin;
- citizenship; and,
- record of offences.

**Psychological safety** is the absence of harm and/or threat of harm to mental well-being that a worker might experience.

**Reprisal** includes discipline, up to and including termination, penalties or punishment, or coercion against a worker that has acted in compliance with the OHSA or the regulations.

**Respondent(s)** is the person(s) who the allegations of disrespectful, harassing, and/or discriminatory behaviour in the workplace have been made against.

**Supervisor** is a person who has charge of a workplace or authority over a worker. *For the purpose of this policy and program, 'supervisor' includes employees with the titles of Supervisor, Manager, Assistant Deputy Chief, Deputy Chief, Director, Fire Chief, Commissioner, CAO or equivalent.*

**Support Person** is the person who may be present in an interview to provide support to the interviewee but cannot respond to questions or interfere with the proceedings of the investigation. A support person cannot be someone who is a potential witness in an investigation.

**Systemic Discrimination** includes patterns of behaviour, policies or practices that are part of the structure of an organization which create or perpetuate disadvantage for anyone based on the protected grounds under the *OHRC*. Systemic discrimination may be intentional or unintentional.

**Vexatious** is causing or tending to cause annoyance, frustration or worry.

**Volunteer** is a person who performs tasks and/or services without compensation or expectation of compensation.

**Witness(es)** is a person(s) believed to have observed the alleged behaviour or conduct and/or who is believed to have any information that may assist in the investigation.

**Worker** is a person who performs work (also known as employee) or supplies services for monetary compensation (as defined under the *Occupational Health and Safety Act*

(OHSA)). It also includes all secondary or post-secondary students who perform work or supply services for no monetary compensation under a work experience program operated by or approved by a secondary or post-secondary institution.

**Workplace** is any land, property, structures, facilities, premises, location, City vehicle and equipment owned, leased, operated or otherwise controlled by the City or any other place at, upon, from or near which an employee works in the course of their duties. This may include social functions, training and conferences, during travel, at restaurants, hotels or meeting facilities being used for business purposes, during telephone, email or other electronic communications such as texting and instant messaging, and social media.

**Workplace harassment** is (a) engaging in a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, that is known or ought reasonably to be known to be unwelcome, or (b) workplace sexual harassment. *For the purpose of this policy and program, this definition also includes discrimination based on the protected grounds under the OHRC also known as Code-based harassment.*

**Workplace sexual harassment** is (a) engaging in a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, 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 (b) 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 conduct or comments of a sexual nature that the recipient does not welcome or that offend them. Sexual and gender-based harassment also includes negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are demeaning to an individual because of their gender or sex. The comments or conduct may constitute sexual or gender-based harassment even if they are not directed at a particular individual but are unwelcome.

### **SCOPE:**

This policy applies to all workers, members of council, students, contractors and volunteers.

Examples of where this policy applies includes, but is not limited to:

- the workplace;
- during work-related travel;
- at restaurants, hotels, conferences or meeting facilities that are being used for business purposes;

- in corporation owned or leased facilities;
- during telephone, email, electronic meetings, and other communications, including but not limited to social media;
- during meetings of Council;
- dialogue that extends from the workplace related to work or workplace relations as well as comments made on social media pertaining to or associated with workers, work or the workplace;
- at any work-related social event, whether or not it is sponsored by the City; and,
- discrimination and harassment that occurs outside the workplace, which may adversely impact workplace relationships or the workplace.

### **POLICY COMMUNICATION:**

This policy will be made available to staff through the City's website, intranet and in the new hire orientation package. In accordance with the *OHSA*, this policy will also be posted to all facility health and safety boards.

### **POLICY AND PROGRAM:**

This policy and program contains the following sections:

- 1.0 [GENERAL POLICY](#)
- 2.0 [RESPONSIBILITIES](#)
- 3.0 [SUBMITTING A COMPLAINT](#)
  - [INFORMAL PROCEDURE](#)
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### **1.0 GENERAL POLICY**

The City of Waterloo strives to maintain a positive and respectful workplace where all individuals have a shared responsibility to:

- promote positive communication;
- embrace diversity, equity, and inclusion including anti-racism and reconciliation to foster a sense of belonging, acceptance and value for all;
- support an inclusive atmosphere where everyone can thrive;
- encourage fair and respectful treatment;
- encourage thinking about how other people want and deserve to be treated;
- acknowledge and reward polite, courteous and considerate conduct;
- promote collaboration, teamwork and active listening;
- support the sharing of opinions and ideas in an open-minded, understanding manner;
- encourage positive feedback for ideas, suggestions or successes; and,
- encourage thinking before we act, speak or type and considering how our actions affect others.

The City prohibits workplace harassment, including workplace sexual harassment, and discrimination. The City also prohibits disrespectful workplace behavior that may not rise to the level of harassment and discrimination but is inappropriate, and/or creates a negative work environment.

Some examples of **workplace harassment** may include:

- offensive or intimidating comments or jokes;
- verbally abusive behaviour such as yelling, insults, ridicule and name-calling, including but not limited to remarks, teasing, jokes or innuendos that demean, ridicule, intimidate or offend;
- workplace pranks, vandalism, bullying, hazing or aggressive behavior;
- gossiping or spreading rumours, regardless of whether they are malicious;
- excluding or ignoring someone, such as persistent exclusion of a particular person from workplace-related social gatherings;
- workplace supervision done in a demeaning or abusive manner;
- humiliating someone;
- sabotaging someone else's work;
- displaying or circulating offensive pictures or materials;
- offensive or intimidating phone calls, emails, texts or social media communications;
- a supervisor impeding an individual's efforts at promotions or transfers for reasons that are not legitimate;
- making false allegations about someone in memos or other work-related documents; and/or,
- menacing behaviours such as staring, glaring, inappropriate gestures or unwelcome physical closeness.

Some examples of **sexual harassment** may include:

- sexual advances or demands that the recipient does not welcome or want;

- unwelcome solicitation or advances from a supervisor or other person who has the power to reward or punish the worker;
- threats, punishment or denial of a benefit for refusing a sexual advance;
- offering a benefit in exchange for a sexual favour;
- leering (persistent inappropriate staring);
- displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic websites or other electronic material;
- distributing sexually explicit e-mail messages or attachments such as pictures or video files;
- sexually suggestive or obscene comments or gestures;
- unwelcome remarks, jokes, innuendos, propositions or taunting about a person's body, clothing or sex;
- sexual banter;
- persistent, unwanted attention after a consensual relationship ends or where the person knew or ought to have known the attention was not welcome or wanted;
- unwanted physical contact of a sexual nature, such as touching or caressing;
- gossip or rumours regarding a person's sexual activities or relationships, regardless of whether or not they are malicious; and/or,
- sexual assault.

Some examples of **discriminatory harassment** may include:

- offensive comments, jokes or behaviour that disparage or ridicule a person's membership or perceived membership in one of the protected grounds, including exclusionary behaviours in the form of unwelcome questions or comments about a person's accent, physical appearance, items of clothing representing someone's faith and/or place of origin;
- unequal treatment or offensive comments, jokes or behaviour based on an individual's association or relationship with a person identified by a protected ground;
- imitating a person's accent, speech or mannerisms;
- persistent or inappropriate questions about whether a person is pregnant, has children or plans to have children;
- inappropriate comments or jokes about an individual's age, sexual orientation or sex;
- words or actions that are known or ought to be known to be offensive, embarrassing, humiliating, demeaning or unwelcome, based on one of the protected grounds; and/or,
- systemic discrimination.

Disrespectful behavior may rise to the level of workplace harassment if it is significant or happens repeatedly. Some examples of **disrespectful behaviour** may include:

- failing to return phone calls, voice mails, or e-mails;
- failing to acknowledge others;

- habitually being late for appointments and meetings or repeatedly not showing up or unnecessarily rescheduling meetings without approval from a supervisor;
- gossiping or speaking negatively about others;
- disrespectful conduct during meetings including repeatedly interrupting, talking over people, having side conversations, or repeatedly texting/emailing;
- disrespectful emails or other written communications;
- communicating private information, including reprimands, in a public forum;
- rude comments and statements whether directed at a particular individual or not; and/or,
- using demeaning and inappropriate language.

Disrespectful workplace behaviours, harassment and/or discrimination should not be confused with reasonable actions taken by an employer or supervisor relating to the management and direction of workers or the workplace, unless these actions are not exercised reasonably and fairly. Examples of **reasonable actions** include, but are not limited to:

- reasonable changes in work assignments or scheduling;
- job assessment;
- providing constructive feedback and performance evaluation;
- workplace inspections;
- implementation of health and safety measures;
- enforcement of workplace rules and policies/procedures;
- imposing discipline for workplace infractions;
- measures to correct performance concerns; and/or,
- reasonable and respectful workplace disagreements or differences of opinion between co-workers.

The City encourages employees to report disrespectful, harassing, or discriminatory behavior immediately and in accordance with section **3.0 Submitting a Complaint**. The City believes that early reporting and resolution of disrespectful behaviour may prevent escalation to workplace harassment or discrimination, ultimately reducing the extent to which individuals may be harmed and the impact on the City as a whole.

The City considers any behaviour in contravention of this policy as serious and may respond with reasonable corrective and/or disciplinary action in accordance with the City's *Employee Performance Procedure*, up to and including termination of employment where necessary.

## 2.0 RESPONSIBILITIES

**All Employees (including supervisors)** are responsible to:

- model and promote respectful behaviour;
- adhere to the requirements in the *Respectful Workplace Policy and Program* including refraining from engaging in disrespectful behaviour, workplace

harassment, including sexual harassment, and/or discrimination as defined in this policy and program;

- report complaints of disrespectful, harassing or discriminatory behaviour(s) in accordance with this policy and program; and,
- actively participate in investigations when required.

The above applies with necessary modifications to volunteers and contractors.

**Supervisors** are responsible to:

- ensure all employees are aware of and appropriately trained on the *Respectful Workplace Policy and Program*;
- support a respectful work environment that is free from harassment by actively promoting a positive environment and intervening early when issues arise;
- resolve or report inappropriate actions that come to their attention in accordance with this policy and program;
- provide an environment that encourages employees to report their concerns and receive supports;
- actively participate in investigations when required; and,
- refrain from reprisal of any employee who has filed a complaint in accordance with this policy or program or participated in a workplace investigation.

**The City** is responsible to:

- implement and maintain the *Respectful Workplace Policy and Program*;
- address and/or investigate complaints in a fair and timely manner as appropriate to the circumstances;
- provide a psychologically safe environment that encourages employees to report their concerns and access supports;
- actively participate in investigations when required;
- implement reasonable corrective and/or disciplinary actions in accordance with the City's *Employee Performance Procedure* as a result of breaches to the policy where necessary;
- take every precaution reasonable to ensure that information about a complaint or incident remains confidential except to the extent necessary to protect workers, investigate the complaint or incident, to take corrective action or as otherwise required by law;
- take every reasonable precaution to prevent reprisal against employees for filing a complaint in good faith or participating in a workplace investigation;
- lead the annual review of the *Respectful Workplace Policy and Program* which involves Council, Leadership, unions/associations and the Joint Health and Safety Committees (JHSCs); and,
- ensure all employees are aware of and appropriately trained on the *Respectful Workplace Policy and Program*.

**Members of Council** are responsible to:

- model and promote respectful behaviour;

- adhere to the requirements in the *Respectful Workplace Policy and Program* including refraining from engaging in disrespectful behaviour, workplace harassment, including sexual harassment, and/or discrimination as defined in this policy and program;
- report complaints of disrespectful, harassing or discriminatory behaviour(s) to the Chief Administrative Officer; and,
- actively participate in investigations when required.

### 3.0 SUBMITTING A COMPLAINT

Complaints made under this policy and program may be reported by the employee experiencing disrespectful, harassing or discriminatory behaviour. However, anyone who has witnessed or is aware of such behaviour is encouraged to report it. Complaints can be submitted to any supervisor or HR team member.

Supervisors have the added responsibility of supporting a respectful work environment, which includes intervening when issues are brought to their attention or when there is a noticeable change in an employee's behaviour, regardless of whether there is a formal complaint and regardless of whether the individuals involved report to that supervisor. Supervisors are required to report suspected or actual behaviours of disrespect, harassment or discrimination to the HR team in a timely matter to support early resolution where possible.

Refer to the *Code of Conduct for Members of Council* for complaints against members of Council.

#### INFORMAL PROCEDURE

1. If an employee is experiencing disrespectful, harassing or discriminatory behaviour, they may approach the individual either verbally or electronically (e.g., e-mail, text), to explain that the conduct is unwelcome and ask them to stop if they feel comfortable and safe in doing so. This is often enough to stop the behaviour. If the concerns are stated verbally, employees are encouraged to follow up in writing to ensure the concerns are clearly communicated.

The following phrase cues may be used to ensure clarity:

- 'It makes me uncomfortable when you...'
- 'I feel disrespected when you...'
- 'Please stop doing or saying...'
- 'I don't find it funny when...'
- 'Can you please explain what you meant when you...'

If disrespectful behaviour, harassment or discrimination continues after the employee has confronted the person(s), the employee may want to provide the

person(s) with a written statement of the situation. This statement could read, for example:

- “On DATE I asked you to stop engaging in X behaviour. Since that time, you have continued to do so. I am again asking that you stop. If you do not, I will have no choice but to file a complaint and would prefer that we work this out informally without having to do so.”

It is very helpful to document incidents of disrespectful behaviour, harassment and/or discrimination and to save copies of relevant documents such as emails and text messages.

2. As an alternative or in addition to Step 1, an employee can contact any of the following City of Waterloo staff to obtain advice, assistance or support, or to discuss possible informal means of addressing the concerns:
  - HR
  - Supervisor(s)
  - Union or Association Representative
  - Joint Health and Safety Committee member

Depending on the seriousness of the allegation, HR representatives or a supervisor, may have a legal obligation as representatives of the City to escalate the matter to a formal investigation in accordance with the *OHSA*, regardless of the Complainant(s) preference. Refer to section **5.0 Legal Requirement to Investigate**.

## FORMAL PROCEDURE

3. If the behaviour(s) or conduct is not resolved informally via Step 1 or 2 of this section, or the employee chose to file a formal complaint from the onset, the employee should complete the **Workplace Respect Complaint Form** and submit to the Employee Relations section of Human Resources. If the employee is unable to complete the **Workplace Respect Complaint Form** independently, they should contact HR for alternate options. Employees are encouraged to report an incident or complaint as soon as reasonably possible after experiencing or witnessing the behaviour(s).
4. Upon receipt of a complaint, HR will complete a preliminary review to assess whether informal resolution may be of assistance in addressing the matter or whether a formal investigation is required by law or circumstances (refer to section **4.0 Planning and Conducting the Investigation**).

Circumstances in which an informal course of action may be appropriate include, but are not limited to the following:

- the alleged behaviour would not meet the legal threshold of workplace harassment and/or discrimination; and/or,

- there is a willingness on behalf of the individuals involved to participate in an informal means of resolution.

Informal action may include but is not limited to the following:

- consulting or advising an employee on appropriate methods to address the matter directly with the individual(s) they believe to have engaged in disrespectful or inappropriate behaviour;
- the supervisor and/or HR addressing the matter directly with the individual(s) believed to have engaged in disrespectful or inappropriate behaviour;
- facilitated discussion(s) with the parties individually and/or together in an attempt to resolve the issues (e.g., mediation); and/or,
- providing training/ coaching to affected and/or involved employees, as appropriate. accused of inappropriate behaviour.

In order to assess appropriate opportunities for informal resolution, HR may need to interview the parties involved and/or review documentary evidence, as necessary, to understand the scope of the situation and the willingness of the parties to actively participate in resolving the matter informally. Where appropriate, resolution through informal means will be encouraged as a best practice. An attempt to resolve the matter informally does not prohibit the matter from escalating to the formal procedure at a later date, where circumstances warrant.

If the individual who is alleged to have engaged in disrespectful behaviour, harassment, or discrimination is not a City employee (third party), the issue will be addressed by divisional supervisors in accordance with the *Respectful Behaviour Policy*. Divisional supervisors can contact HR as necessary where supports for the employee are required.

*Where security footage may be required as evidence of disrespectful workplace behaviour, access to such footage will be provided in accordance with the Corporate Security Policy, CCTV Protocol and Procedure and/or other related policies, procedures and protocols.*

## **4.0 PLANNING AND CONDUCTING A FORMAL INVESTIGATION**

Where required, HR will ensure that an investigation appropriate to the circumstances is conducted.

### **4.1 ASSIGNING AN HR LEAD**

Upon review of the complaint by HR, an appropriate HR representative will be assigned to lead the investigation based on the details of the case.

## 4.2 SELECTING AN INVESTIGATOR

Depending on the nature and circumstances of the complaint, HR will determine whether an internal or external investigator is appropriate.

Whether internal or external, an investigator must be impartial to the proceedings and will be selected based on their knowledge of:

- a. general human rights issues and principles;
- b. requirements of the *OHSA*, *OHRC* and other relevant legislation;
- c. the City's *Respectful Workplace Policy and Program*; and,
- d. best practice methods for conducting investigations.

For internal investigations, the investigator will assign a note-taker to assist in the investigation.

## 4.3 DURATION OF INVESTIGATION

The investigation and appropriate resolution(s) will be completed in a timely manner and generally within ninety (90) calendar days or less from receiving the complaint, unless there are extenuating circumstances that warrant an extended timeframe, such as, but not limited to, a complex investigation involving multiple parties or the illness of a party that prevents them from participating in the process. In the event that an investigation will surpass ninety (90) calendar days, the Complainant(s) and Respondent(s) will be notified by the HR Lead.

## 4.4 SUPPORT FOR PARTIES

The City recognizes that involvement in a workplace investigation may be stressful and emotionally disruptive. Involved parties are encouraged to access counselling services and support provided by the City's Employee Family Assistance Program or through other agencies.

**Employees represented by CUPE Local 1542, Staff Association or Waterloo Professional Fire Fighters Association who will be interviewed in an investigation can elect to have an executive member or legal representative (at their own expense) observe their interview as a support person.** The executive member chosen cannot otherwise be involved in the investigation, which includes acting as a support person for other individuals involved in the investigation, wherever possible.

Employees not affiliated with a union or association can request to have a support person or legal representative (at their own expense) attend their interview as well. The support person cannot be a City of Waterloo employee or be otherwise involved in the investigation.

If a support person is being disruptive to the process, they may be asked by the investigator to leave the interview.

The HR Lead will remain a neutral party in all investigations and will support all parties by answering questions on the investigation process and directing employees to resources as required.

#### 4.5 INTERIM MEASURES

Where necessary, HR will work with the employee and relevant management to determine any interim measures required to protect and support the Complainant(s), Respondent(s), and/or Witnesses prior to and throughout the investigation process. This may include but is not limited to temporarily relocating either party to an alternate work location, providing a leave of absence with pay during the investigation (alternative leave), modifying schedules, or providing temporary alternate reporting relationships.

Interim measures will be implemented on a case-by-case basis in consideration of the specific circumstances required to maintain a physically, emotionally, and psychologically safe workplace.

#### 4.6 INVESTIGATION PROCESS

If an internal HR representative is assigned to complete the investigation, they will assume responsibility for the investigation and contact the Complainant(s), Respondent(s), and any witnesses directly throughout the process.

If an external investigator is assigned to complete the investigation, the HR Lead will coordinate the process in collaboration with the investigator.

Depending on the circumstances of the complaint, the investigation may include, but is not limited to the following:

- conducting initial and subsequent interviews with the Complainant(s), Respondent(s), and any Witness(es) identified by the investigator, as necessary and relevant, in an attempt to collect the facts and circumstances relevant to the alleged behaviours that form the complaint;
- reviewing evidence (documentary, physical, etc.) or other information submitted by any party interviewed or otherwise obtained during the investigation; and,
- reviewing relevant workplace policies and any other related legislation and regulations.

In all cases, the interviewee may request an opportunity to review the notes taken during their interview prior to submission to the investigation file.

At the conclusion of the investigation, the investigator will prepare a report of the findings. The report will include a summary of the allegations, the evidence, and the findings of a balance of probabilities assessment as to whether the allegations are substantiated. Where applicable, the report will also confirm whether there has been a breach of the City's *Respectful Workplace Policy and Program*, other City policy or procedure, and/or applicable legislation, and whether such breach meets the legal definition of workplace harassment, sexual harassment, and/or discrimination.

The report will be submitted to the Director of HR or the HR Lead as applicable for review. An executive summary of the allegations, findings and HR's recommended corrective actions will be prepared and submitted to the Corporate Management Team for consultation and approval. Unless there are extenuating circumstances that result in a delay, the Complainant(s) and Respondent(s) will be provided with a written summary of the findings; and, corrective and support measures taken, if any, or that will be taken to prevent similar incidents within ten (10) business days of receipt of the investigation report. HR will determine the appropriate amount of information to be shared with the Complainant(s) and Respondent(s). HR will also issue letters to Witness(es) to confirm the investigation has concluded.

Corrective and supportive measures that may be taken at the conclusion of an investigation may include, but are not limited to, one or more of the following:

- coaching and/or formal referral for counselling;
- conflict mediation;
- education and training;
- reassignment or transfer;
- demotion or denial of promotion;
- updates to policies/procedures/processes;
- disciplinary action up to and including termination of employment, in accordance with the City's *Employee Performance Procedure*; and/or,
- any other action deemed appropriate under the circumstances.

## 5.0 LEGAL REQUIREMENT TO INVESTIGATE

The *OHSA* places a legal obligation on employers to conduct an investigation appropriate in the circumstances of all incidents and complaints of workplace harassment. As a result, the option to pursue informal action may not be available depending on the circumstances of the incident and/or complaint brought forward.

If informal action would not be appropriate in a given situation, HR will notify the parties that a formal investigation will proceed in accordance with section **4.0 Planning and Conducting the Investigation**. Additionally, if the employer becomes aware of a matter and a formal complaint has not been submitted and/or the employee who was on the

receiving end of the alleged behaviour is not willing to put forth a formal complaint, the employer may still have an obligation to act including but not limited to conducting a formal investigation into the matter.

If the investigator determines through evidence that a complaint was made maliciously appropriate corrective actions and/or disciplinary measures up to and including termination of employment will be taken. If a respondent or anyone else involved in the investigation believes a complaint was made maliciously, they are encouraged to notify the investigator and submit any evidence they have. A malicious complaint is one that is knowingly false and/or intended to result in harm. A complaint that is brought forward in good faith, even if not substantiated, will not be considered malicious.

## **6.0 DISCRETION REGARDING INVESTIGATIONS**

The City may decide not to act or investigate, or discontinue an informal action or investigation in appropriate circumstances, including, but not limited to, where:

- the alleged behaviour, if true, would not be a breach of this policy;
- the complaint is anonymous and there is insufficient information to warrant any further steps;
- the complaint was made maliciously or in bad faith;
- another complaint avenue has been pursued or engaged regarding the same or related concern/complaint; and/or,
- having regard to all of the circumstances, further investigation of the matter is unnecessary.

The HR representative will provide a rationale for the decision in writing to the Complainant(s), supervisor and union/association (if applicable) in a timely manner. Human Resources will work with the employee to ensure appropriate supports are provided, where possible.

## **7.0 REPRISAL**

Every person has a right to a workplace free of disrespectful, harassing, or discriminatory behaviour. No person shall be subject to retaliation or reprisal for bringing forward a complaint in good faith, providing information related to a complaint, or helping to resolve a complaint.

It is a violation of the *OHSA*, *OHRC* and this policy and program to discipline, punish, or coerce a person or threaten to do the same because they have brought forward a complaint in good faith, or otherwise been involved in the complaint resolution process. Reprisal may be the subject of a complaint under this policy and program and persons engaging in reprisal are subject to corrective action and disciplinary measures, up to and including termination of employment.

Please note that while an employee will not be subject to disciplinary action in accordance with the City's *Employee Performance Procedure* for bringing forth a complaint in good faith, an employee may be subject to disciplinary action should the investigation determine that they have acted in contravention of a City policy or procedure, and/or relevant legislation.

## **8.0 CONFIDENTIALITY**

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint made under this policy and program, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect workers, to address or investigate the complaint or incident, to take corrective action or otherwise as required by law.

During and after the investigation, the Complainant(s), Respondent(s), and any Witness(es) should not discuss the incident, complaint or investigation with each other or other employees at the City of Waterloo, with the exception of their union or association representative (where applicable), the HR Lead, or the investigator. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

All records of the investigation will be kept confidential in an investigation file separate from the employee's file in accordance with the City's retention by-law. Any corrective or disciplinary action issued as a result of the investigation will be added to the employee's file.

## **9.0 TRAINING**

A training program on the *Respectful Workplace Policy and Program* will be maintained and updated in consultation with, and in consideration of the recommendations of the JHSCs.

All new hires will review this policy and program and complete the associated training as part of their new hire orientation. Supervisors must ensure that existing employees have reviewed this policy and program and the associated training as directed by HR.

## **10.0 REVIEW**

Human Resources will review this policy and program annually and reserves the right to evaluate on a regular basis and amend as necessary. Leadership, the unions/associations and the JHSCs will have the opportunity to participate in the review.

## **COMPLIANCE**

In cases of policy violation, the City may investigate and determine appropriate corrective action.

Signed upon approval of Council and in accordance with the Occupational Health and Safety Act.

| <b>Name</b>                                | <b>Signature</b> | <b>Date</b> |
|--|------------------|-------------|
| Dorothy McCabe, Mayor                      |                  |             |
| Tim Anderson, Chief Administrative Officer |                  |             |