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## The Corporation of the City of Stratford Policy Manual

<b>Policy Number:</b>	H.1.36
<b>Policy Section:</b>	Human Resources
<b>Department:</b>	Human Resources

<b>Date Adopted:</b>	May 8, 2023
<b>Date Amended:</b>	
<b>Scheduled for Review:</b>	
<b>Date of Last Review:</b>	
<b>Policy Type:</b>	Council Adopted Policy

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### “Respectful Workplace Policy”

#### **Policy Statement:**

The Corporation of the City of Stratford (the City) is committed to providing quality service to all members of the public. Our goal is to promote a safe, healthy, respectful, inclusive and positive environment for all members of the public, council and our employees.

The City will not tolerate any behaviour that is hostile, offensive, humiliating and denies people their dignity and respect in our workplace. All City employees, council members and members of the public have a responsibility to treat people with respect.

Creating a safe and respectful workplace and public spaces is a shared responsibility.

#### **Purpose:**

There are several purposes of this policy. The first is to define behaviour that may create unsafe or harmful conditions that negatively impact the experience of people who work at the City, access City services and visit the workplace. This policy seeks to contribute to the overall intent of dealing with people in ways which are consistent, equitable, and reasonable while acknowledging that there may be a need to ensure that employees, council members and members of the public are not exposed to any disrespectful and inappropriate behaviours. This policy also outlines how these behaviours will be addressed when they occur on City property or in association with any service, program or event provided by, or associated with the City. City employees are expected to treat all members of the public respectfully when

carrying out their duties and providing services. They are required to follow the City's policies and procedures and should not be subject to disrespectful and inappropriate behaviour throughout the course of their work.

**Scope:**

This policy and procedures shall apply to all members of the public, residents, non-residents, visitors, tenants, vendors, contractors, employees, volunteers, and council members. These procedures apply to all in-person interactions and all forms of communication including social media, telephone, and written correspondence (electronic or hardcopy).

This policy is intended to align with the City's Workplace Harassment, Sexual Harassment and Discrimination Policy, Workplace Violence Policy, Code of Conduct Policies, Health and Safety Policy and the Facilities Code of Conduct Policy.

**Definitions:**

"City Business" means all business activities related to the City's operations, whether conducted on or outside of city work facilities.

"City Facilities or Premises" for the purpose of this policy means, but is not restricted to, all land, property, structures, installations, vehicles or equipment owned, leased, operated, used, or otherwise controlled by the City for the purpose of conducting business operations.

"CAO" means the City's Chief Administrative Officer

"Employee" means all City unionized and non-unionized employees, full-time, part-time casual, call in and students.

"Council Member" means any current council members of The Corporation of the City of Stratford.

"Disrespectful and Inappropriate Behaviour" means behaviours that obstruct or hinder the ability of people to work and access the City's facilities, services, programs, or events, that are known or ought to be known to cause emotional harm and/or compromise the safety and health of people. Disrespectful, Inappropriate, and vexatious behaviours are specifically defined further in this policy and are prohibited by the City.

"Harassment" means engaging in a course of vexatious comment or conduct that is known or ought to be reasonably to be known as unwelcome.

"Members of the Public" for the purpose of this policy means any person (s) who is not a City employee and/or volunteer or a Council Member.

"Notice of Trespass" means a written notice prohibiting a person from entering an identified City property for a specified duration under the Trespass to Property Act. It is issued to an person for the purpose of imposing a ban either outright or subject to various conditions. "Vandalism" is the malicious, willful and deliberate destruction, damage or defacing of buildings, structures or property owned or leased through the City.

“A Respectful Workplace” is characterized by courteous and considerate behaviour towards others; inclusion of all persons of different backgrounds, cultures or opinions; safety from inappropriate behaviour; and includes constructive resolution of disputes.

“Violence” means the exercise of physical force, or attempt to exercise physical force, by a person, against another, that causes or could cause physical injury. A statement or behaviour that it is reasonable for a person to interpret as a threat to exercise physical force that could cause physical injury.

“City Workplace” for the purposes of this policy, the workplace includes, but is not limited to, all City facilities and worksites, including off-site meetings/events, community engagement activities, and all locations where the business of the organization is conducted.

### **Examples of Disrespectful or Inappropriate Behaviour**

Disrespectful and/or inappropriate behaviour includes, but is not limited to, the following:

- Racism and discriminatory acts, language, gestures or other intentional racial, cultural, gender or any other discriminatory action.
- Harassment (any form).
- Targeted vulgarity and rudeness.
- Use of profanity or obscene language.
- Yelling and shouting at people
- Unreasonable fixation on an individual employee resulting in fear and intimidation
- Behaviour that frightens, belittles and degrades.
- Persistent threats of retaliation.
- Constant criticism with the intention to humiliate and demean people.
- Refusal to follow City Policies/Procedures/Posted Facility Rules/By-Laws; Rental Agreements, Regional, Provincial or Federal Statutes.
- Making derogatory, insensitive and offensive jokes, gestures or demeaning comments towards others.
- Forms of micro-aggression
- Verbal abuse
- Unwanted physical contact.
- Display of lewd, illegal, or offensive material including but not limited to pornography or material that includes violent acts, indecency, hate, profanity, as well as material with text or imagery that has explicit or malicious intent.
- Causing unsanitary conditions (i.e. expulsion of bodily fluids).
- Engaging in sexual activity.
- Theft of property.
- Vandalism of any kind.
- Illegal consumption of alcohol, drugs, or other substances on the City’s premises
- The use of all cell phones, cameras, video recording devices, personal digital devices, or any other equipment with video or photographic abilities in change rooms and public washrooms.

Violence of any kind including:

- Aggressive or intimidating verbal assaults.
- Threats and/or attempts to intimidate.
- Deliberate throwing of articles in an aggressive or disruptive manner.
- Actual or attempted physical assaults of another person.
- Sexual violence.
- Attempts to goad or incite violence in others.
- Possession of weapons.

Police should be called to respond to all occurrences of illegal or acts of violent activity. Other types of disrespectful or inappropriate behaviour may also be reported to the Stratford Police Services. Charges may follow.

## **Reporting an Incident of Disrespectful and Inappropriate Behaviour**

### **Procedure:**

#### **Members of the Public**

Members of the public can report acts of disrespectful and inappropriate behaviour they experience or witness towards City employees or other visitors on our premises. To report a concern they can notify a City employee on premises to assist and will be directed to the Report an Issue form found on the City Respectful Workplace Webpage. The employees and management involved with the incident will follow the guidelines of the Respectful Workplace Policy when responding to an occurrence of disrespectful and inappropriate behaviour.

In accordance with the Occupiers Liability Act, the Occupational Health and Safety Act, the Trespass to Property Act, the Criminal Code and any other relevant Provincial Legislation, the City management and employees are authorized to respond at a City facility if disrespectful and inappropriate behaviours or activities are observed or reported.

Once the Incident Report Form and all other related documentation are received by the City the assigned Director and CAO will assess the circumstances and determine if additional action should be taken in accordance with the Respectful Workplace Policy.

#### **Employees and Volunteers**

Employees and volunteers shall report any incidents of disrespectful and inappropriate behaviour defined under this policy to their manager/director or the Human Resources Director as soon as possible.

If the behaviour warrants an incident report in accordance with any of the City's policies referenced in this document, the employee dealing with an incident and/or any employee witnessing the circumstances will be asked to submit a formal incident report. Employees completing an incident report can provide a written report using the Respectful Workplace Incident Report Form (PDF version) which is located on the City's Respectful Workplace web

page. Any hardcopy written incident report should be submitted to the respective manager/director.

Incident Reports are required to maintain a formal record of occurrences that are deemed unsafe or harmful to an employee under this policy. Incident Reports also serve to identify repeat offenders and will be used to track an escalating situation.

Once the Incident Report and all other related documentation are received by the appropriate manager/director in consultation with the Director of Human Resources and/or the CAO, they will determine what action should be taken in accordance with the Respectful Behaviour Policy application of restrictions.

### **Council Members**

Members of council who encounter disrespectful and inappropriate behaviour as defined in this policy during the course of administering their duties shall report incidents using the Respectful Workplace Incident Report Form (PDF) version located on the City's Respectful Workplace web page. The completed form should be sent to the Integrity Commissioner.

### **Disrespectful Behaviour involving Minors**

Occurrences of inappropriate behaviour involving minors must include parent or guardian contact as soon as possible if a claim for costs will/may be made, and/or where a trespass notice is implemented.

### **Incident Consideration**

Before classifying a person's behaviour or request as disrespectful, inappropriate, or vexatious, the assigned director and CAO must be satisfied that:

1. The request has been thoroughly investigated.
2. Communication with the alleged offender has been adequate.
3. The alleged offender has not attempted to provide added information when contacting an employee.

Each case will be considered on an individual case-by-case basis. The Director and CAO may seek legal advice or refer the incident to a consultant at any time for investigation if deemed necessary.

### **Application of Restrictions**

If the incident is found to be in contravention of this Policy to the point that restrictions or other actions are deemed appropriate, the person, where possible and appropriate, will receive written communication that:

1. Explains the decision the City has made in response to an interaction or event deemed unreasonable, inappropriate, or vexatious.

2. Details the implication(s) of this decision on the person's future interactions with the Corporation.
3. Sets out any restrictions being imposed.
4. Advises how long the restriction(s) will last.
5. Advises how the person may appeal the decision.

Restrictions will be based on individual circumstances and as deemed appropriate in the circumstances. Such restrictions may include, but are not limited to the following:

- Pursuing legal action in consultation with the City Solicitor, including the issuance of a Notice of Trespass or pursuing cost recovery.
- Refusing the person(s) access to certain or all City properties or programs indefinitely or a specified period of time.
- Refusing the person(s) access to certain or all City properties or programs except by appointment and/or with specific conditions.
- Issuing a warning letter outlining that any further incident will result in restrictions being applied.
- Limiting the number and duration of the person's interactions with employees.
- Limiting the person(s) to one method of contact (examples: telephone, e-mail, appointment-based service, etc.).
- Limiting the person(s) to one City point of contact for all interactions.
- Informing the person(s) that further complaints or requests regarding a matter, and/or just general contact will not be acknowledged by employees.

### **Appeal Process**

If a person wishes to appeal any action taken by the City in response to disrespectful or inappropriate behaviour, the person may address their concerns in writing to:

1. The CAO, or should the occurrence involve the CAO, to the Director of Human Resources within 14 days of the decision.
2. The appeal will be reviewed by the assigned City Director and CAO. The review will result in confirming, rescinding, or amending the restriction. The CAO may consult with the City's Diversity Equity and Inclusion division to garner subject matter expertise. The CAO may seek legal advice or refer the incident to a consultant at any time for investigation if deemed necessary.
3. The person making the appeal will receive a letter outlining the outcome of the decision.
4. The CAO's decision will be final. If the appellant is not satisfied, all further inquiries regarding the incident shall be referred to the Ontario Ombudsman.

### **Evaluation of Occurrences**

On an annual basis, an analysis of occurrences will be completed by the Corporate Leadership Team. The Procedures and Guidelines will be evaluated and revised as needed.

## **Communication**

A copy of this policy and procedures will be posted on the City's website. Signage will be posted at all facilities and public service areas. Facility users/tenants who sign contracts or acquire permits from the City will, at a minimum, be notified of the policy and its location on the City's website. Employees will receive training on the policy. Management will review the policy with their employees and provide any additional site-specific training required.

**Legislative Authority:** The parameters of this policy adhere to the applicable policies and regulations:

Ontario Human Rights Code (OHRC)  
Occupation Health and Safety Act (OHSA)  
Accessibility for Ontarians with Disabilities Act (AODA)  
Occupiers Liability Act  
Trespass to Property Act (R.S. O. 1990, c.T.21)  
Criminal Code (R.S.C., 1985, c. C-46)

## **Related Documents:**

H.1.6 Workplace Harassment, Sexual Harassment and Discrimination Policy  
H.1.23 Workplace Violence Policy  
H.1. 27 Employee Code of Conduct Policy  
Council Code of Conduct  
C.1.13 Facilities Code of Conduct Policy  
H.1.12 Health & Safety Policy  
Health and Safety Manual