

# Protecting your right to a respectful workplace

## Understanding the Harassment and Discrimination policy

The City of Guelph is committed to providing an environment free from all forms of harassment, discrimination and disrespectful behaviour.

The City will not tolerate, ignore or condone workplace harassment, discrimination or any pattern of inappropriate, disrespectful behaviour that a reasonable person would consider to be humiliating, demeaning, offensive or intimidating.

The Harassment and Discrimination policy addresses workplace harassment, discrimination or other unwanted behaviour from all sources such as other employees, supervisors, managers, contractors, members of Council and the public while at work, including while at off-site job related functions and social events related to work and employment.

This policy applies to all full-time, part-time, casual and temporary employees. Volunteers and Councillors are afforded the same rights and protections provided by this policy, while performing authorized activities for the City of Guelph.

## Policy snapshot

The Harassment and Discrimination policy is not new but it has been updated. Here's some of what has changed.

### Scope

You have the right to a workplace that is free from harassment and discrimination. That includes that which is caused by the public. The policy scope has been amended to protect you from members of the public.

### You are not alone

If you are asked to be an interview subject, you may be accompanied by a person of your choice (if you are bargaining unit employee, this would be your union support person) for moral support during any step of the investigation, as long as that person is not a potential witness.

### Formal vs informal complaints

It doesn't matter! All complaints will be investigated in a way that is appropriate for the nature of the concern raised.

### Questions?

If you have questions about how to interpret or apply the policy, contact your immediate manager or myHR at [myHR@guelph.ca](mailto:myHR@guelph.ca) or x 6947.

### It's never too late to raise a sexual harassment concern

The sooner you raise a concern, the better. We encourage you to raise your concern(s) within one year of the incident but if it has been longer that's okay for sexual harassment complaints. Just be aware if it has been longer than a year, it will be more difficult to investigate. Not impossible, just more difficult.

### Records

We will keep records for three years, seven in the case of sexual violence.

### It's in the details

The Harassment and Discrimination policy is available on the infonet. All employees are required to read and understand their responsibilities under the policy.

## Definitions

**Workplace discrimination** is the unequal treatment, exclusion or preference based on the protected grounds in the Ontario Human Rights Code, which reduces the equality of opportunity or causes a disadvantage in the terms or conditions of employment.

**Systemic (Indirect) Discrimination** occurs when policies or practices exclude, limit or restrict members of designated groups from employment or opportunities within employment even if it is unintentional.

**Workplace sexual harassment** is engaging in a course of vexatious comment or conduct against a worker in a 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.

**Discriminatory harassment** is a pattern of inappropriate actions or ongoing behaviour that a reasonable person would consider to be humiliating, demeaning or intimidating.

**Workplace harassment** is engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

For additional definitions refer to the policy.

# CORPORATE POLICY AND PROCEDURE



POLICY	<b>Workplace Harassment &amp; Discrimination Policy</b>
CATEGORY	Corporate
AUTHORITY	All Departments
RELATED POLICIES	Workplace Violence Prevention Program Safety Management When Outside Contractors are Retained (Contractor Safety Management Program) Code of Conduct Policy Social Media Policy
APPROVED BY	Council
EFFECTIVE DATE	December 22, 2008
REVISION DATE	April 26, 2021

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## POLICY STATEMENT

In keeping with its Corporate Values, the Corporation of the City of Guelph is committed to providing an environment free from all forms of harassment, discrimination and disrespectful behaviour. The City expects and promotes respectful interactions which show regard for the rights, dignity, health and safety of all.

This policy is consistent with the spirit and provisions of the *Ontario Human Rights Code*, *Occupational Health and Safety Act* and the *Sexual Violence and Harassment Action Plan Act* and shall be read in conjunction with any applicable collective agreement provisions.

The City will not tolerate, ignore or condone workplace harassment, discrimination or any pattern of inappropriate, disrespectful behaviour that a reasonable person would consider to be humiliating, demeaning, offensive or intimidating. The City considers such actions to be a serious offence, which may result in disciplinary action up to and including termination of employment.

The City will:

- work to prevent incidents from taking place through information, education, early identification and corrective discipline where appropriate
- thoroughly investigate reported incidents in an objective, sensitive and timely manner with due regard to the confidentiality of all parties concerned
- provide fair and effective resolution of complaints
- take necessary action against those who are found in contravention of this policy; up to and including termination of employment

- provide support to those affected by misconduct, to maintain self-worth, health and wellness

## **SCOPE**

This policy applies to all City of Guelph full-time, part-time, casual and temporary employees and addresses workplace harassment, discrimination or other unwanted behaviour from all sources such as other employees, supervisors, managers, contractors, members of Council and the public. Volunteers and Councillors are afforded the same rights and protections provided by this policy, while performing authorized activities for the City of Guelph. This may include off-site, job related functions and social events related to work and employment.

## **DEFINITIONS**

### **Discrimination**

Workplace discrimination is the unequal treatment, exclusion or preference based on the protected grounds in the Ontario Human Rights Code, which reduces the equality of opportunity or causes a disadvantage in the terms or conditions of employment. The protected grounds of discrimination are:

- Race, colour, ancestry, citizenship, ethnic origin or place of origin
- Creed, religion
- Age
- Sex (including pregnancy and gender identity/expression)
- Sexual orientation
- Family, marital (including same-sex partnership) status
- Disability or perceived disability
- A record of offences for which a pardon has been granted under the *Criminal Records Act* (Canada) and has not been revoked, or an offence in respect of any provincial enactment

### **Systemic (Indirect) Discrimination**

Systemic discrimination occurs when policies or practices exclude, limit or restrict members of designated groups from employment or opportunities within employment even if it is unintentional. Systemic discrimination consists of attitudes, patterns of behaviour, policies or practices that are part of the social or administrative structures of an organization, and that create or perpetuate a position of relative disadvantage for people based on the prohibited grounds. The attitudes, behaviour, policies or practices appear neutral on the surface but nevertheless have an “adverse effect” or exclusionary impact on employees.

### **Workplace Sexual Harassment**

Workplace sexual harassment is a health and safety issue that is covered under the Occupational Health and Safety Act and the Sexual Violence and Harassment Action Plan Act. The acts define **workplace sexual harassment** as:

Engaging in a course of vexatious comment or conduct against a worker in a 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 worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Anyone can be a victim of harassment regardless of gender or gender identity.

Examples may include, but are not limited to:

- Persistent leering (suggestive staring) or other obscene/offensive gestures
- Unwanted and inappropriate physical contact such as touching, kissing, patting, pinching, brushing up against a person
- Unwelcome sexually oriented remarks, invitations, requests, jokes, gestures
- Unwelcome sexual flirtations, advances, propositions
- Inquiries or comments about a person's sex life
- Demands or requests for sexual favours, especially by a person who is in a position of authority
- Displaying sexually offensive materials
- Sexual assault
- Refusal to address someone using their preferred pronoun or comments meant to belittle employees for using washrooms, locker rooms and change rooms that correspond to their gender identity, regardless of their sex assigned at birth.

### **Discriminatory Harassment**

Discriminatory harassment is a pattern of inappropriate actions or ongoing behaviour that a reasonable person would consider to be humiliating, demeaning or intimidating. It includes comments or conduct based on the prohibited grounds in the *Ontario Human Rights Code*, which the recipient does not welcome or that offends him or her. A single incident may constitute harassment, depending on the severity of the behaviour.

Some examples of discriminatory harassment include:

- Offensive comments, jokes or behaviour that belittle or ridicule a person's membership in one of the protected grounds, such as race, religion or sexual orientation
- 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; or
- Inappropriate comments or jokes about an individual's age, sexual orientation, personal appearance or weight

Harassing comments or conduct can poison someone's working environment, making it a hostile or uncomfortable place to work, even if the person is not being directly targeted.

This is commonly referred to as a **poisoned work environment** and it is also a form of harassment.

Some examples of actions that can create a poisoned work environment include:

- Displaying offensive or sexual materials such as posters, pictures, calendars, web sites or screen savers
- Distributing offensive e-mail messages or attachments such as pictures or video files
- Practical jokes that embarrass or insult someone; or
- Jokes or insults that are offensive, racist or discriminatory in nature

## **Workplace Harassment and Bullying**

Workplace harassment is a health and safety issue that is covered under the Occupational Health and Safety Act. It defines **workplace harassment** as:

Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

Workplace harassment may have some or all of the following components:

- It is generally an ongoing behaviour, although a single incident may constitute harassment, depending on the severity of the behaviour
- It is hostile, abusive or inappropriate
- It affects the person's dignity
- It results in a poisoned work environment
- It intimidates, isolates or discriminates against the recipient

Some examples of workplace harassment are:

- Verbally abusive behaviour such as yelling, insults, ridicule and name calling, including remarks, jokes or innuendos that demean, ridicule, intimidate or offend
- Workplace pranks, bullying and hazing
- Gossiping or spreading malicious rumours
- Excluding or ignoring someone, including persistent exclusion of a particular person from workplace social gatherings
- A leader undermining someone else's efforts by setting impossible goals, with short deadlines and deliberately withholding information that would enable a person to do their job
- A leader providing only demeaning or trivial tasks in place of normal job duties
- Humiliating someone
- Sabotaging someone else's work
- Displaying or circulating offensive pictures or materials
- Offensive or intimidating phone calls or e-mails
- A leader blocking an individual's efforts at promotions or transfers for reasons that are not legitimate; and
- Making false allegations about someone

Harassing behaviour can occur in person, over the phone, through email, by letter or through social media.

### **What Isn't Harassment**

Workplace harassment should not be confused with legitimate, reasonable management actions that are part of the normal work function, including:

- Actions to correct performance deficiencies
- Imposing discipline for workplace infractions
- Requesting medical documents in support of an absence from work
- Normal workplace conflict that may occur between individuals or differences of opinion between co-workers
- Friendly teasing or bantering that is mutually acceptable and not offensive to others

### **Workplace**

Any location where a City of Guelph employee is carrying out their occupational duties, including those locations that are not on primary work sites. This may include a social function, training and conferences, during travel, at restaurants, hotels or meeting facilities being used for business purposes, during telephone, e-mail or other communications. This may also include social networking sites (Facebook, Twitter, Linked-In, etc.).

### **Poisoned Work Environment**

Workplace harassment may also include behaviour, conduct, comments or activities which are not directed specifically at an individual, but which nonetheless create a degrading or offensive "poisoned" work environment.

### **Abuse of Authority**

An individual using undue authority or power related to their position with the intention of undermining an employee's job performance.

### **Retaliation**

Being penalized or treated in a hostile manner for filing a complaint and/or participating as a witness in an investigation in relation to a complaint. Some examples of this include shunning or contacting participants to discuss their involvement in a case.

### **Complainant**

A person who has allegedly been the target of harassment or discrimination and who brings a complaint forward under this policy.

### **Respondent**

A person alleged to have engaged in behaviour of harassment or discrimination under this policy.

## **Investigator**

A person designated by the General Manager, Human Resources to conduct investigations under this policy. Allegations against Senior Management staff, Council members or Human Resources staff will be investigated by an external third party, selected by the City.

## **ROLES AND RESPONSIBILITIES**

All employees, volunteers and members of Council have a responsibility to ensure their own behaviour and interactions are respectful and not in contravention of this policy. It is critical to understand that the intention behind one's actions is not relevant in the determination of a finding of harassment or discrimination; what matters is the impact the actions have on others. All staff, volunteers and Councillors have a role in not tolerating such behaviour and reporting it, if it does occur. Specific groups or individuals have particular responsibilities as follows:

### **Leaders**

It is the responsibility of those in supervisory/management positions, up to and including the CAO, to actively foster respectful interactions in the workplace through the provision of information, training, clear expectations and modeling desired behaviour. Leaders must not condone inappropriate workplace behaviour. In the event of an alleged incident of harassment and/or discrimination, Leaders will immediately provide supports to maintain the physical and emotional health of those affected, provide information on the procedures associated with this policy and inform Human Resources.

During an investigation, Leaders will cooperate with and respond to the needs of the Investigator to ensure an effective and timely investigation. The Leader will demonstrate and promote the maintenance of confidentiality.

A person in authority who does not take active steps to ensure a harassment free workplace may be held responsible for failing to do so and face disciplinary action up to and including termination of employment. Active steps include, but are not limited to:

- ensuring employees are aware of this policy
- regularly reinforcing the requirement for respectful interactions
- modeling behaviour in keeping with the Corporate Values
- supporting employees who come forward with complaints under this policy
- notifying Human Resources when becoming aware of harassment and discrimination, regardless of whether the employee wishes to pursue a complaint
- consulting with HR, investigating and addressing workplace harassment, discrimination or other unwanted behaviour, including harassment by a member of the public against an employee.

### **Union/Association Executive**

Executive members of our Unions and Associations play a leadership role in partnering with the City to promote a workplace that is free of harassment and discrimination. They

will ensure their own behaviour is in compliance with this policy, guide the behaviour of others and support training initiatives.

### **Employees, Volunteers, Members of Council**

Anybody who is the target of harassment or discrimination is asked to take action toward a resolution, as outlined in the procedure associated with this policy. Employees, volunteers and members of Council are encouraged to report harassment or discrimination to Human Resources as outlined in this policy.

Those who have become aware of or have directly observed harassment or discrimination are asked to provide support to the target of the behaviour and encourage them to take action toward a resolution. If that person does not take action, observers are asked to bring information forward to any Leader, the Union or Human Resources staff.

Anyone involved in the investigation of an alleged incident is required to cooperate with the Investigator and to maintain confidentiality at all times.

### **Human Resources**

Human Resources staff will receive complaints and conduct an initial assessment to determine appropriate next steps. Every effort will be made to receive and resolve complaints in a timely manner.

Human Resources will obtain the following information regarding the complaint(s):

- name of complainant(s) and contact information
- name of alleged harasser(s), position and contact information
- name of witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
- details of what happened including date(s), frequency and location(s) of the alleged incident(s)
- any supporting documents the complainant may have in his/her possession that are relevant to the complaint
- a list of any documents a witness, or another person, or the alleged harasser may have in their possession that are relevant to the complaint

Where the complaint involves a member of the Executive Team, Human Resources or Council, or in any other instance at the discretion of the City, they will facilitate appointment and coordination of an outside, third party investigator.

### **Investigator**

The Investigator (either Human Resources staff or an external, third party resource) will conduct investigations where necessary and make a determination as to whether harassment or discrimination is present or not. Additionally, the Investigator/HR staff will be able to provide recommendation of supports such as coaching, training, mediation, monitoring and/or additional disciplinary measures. Allegations against members of the Executive Team, Council or Human Resources, and in other instances at the discretion of the City, will be investigated by an external third-party investigator.



## **General Manager, Human Resources**

The General Manager, Human Resources will be informed of all formal or complex complaints and receive investigation findings from the Investigator. The General Manager, Human Resources will work collaboratively with the impacted departmental leaders and, as applicable, the Manager, Labour Relations and Customer Service (or designate) and/or external legal counsel in determining the outcome and implementation of the investigation and recommendations. The General Manager, Human Resources will inform the CAO and applicable DCAOs of all complaints which involve a formal investigation or are considered complex and informal in nature. The CAO/DCAO will be consulted as necessary during the investigation and resolution determination process.

Where a member of Human Resources is the respondent, the General Manager will appoint another appropriate person to perform these duties.

Where the General Manager of Human Resources is the respondent, the DCAO, Corporate Services or designate will appoint another appropriate person to perform these duties.

## **PROCEDURE**

Any person who feels they have been the target of or has observed harassment or discrimination is encouraged to document details of the incident shortly after it has occurred. Points to include:

- Name of the Complainant and Respondent
- Date, time and location of the incident
- Description of the incident, including words, gestures
- Names of witnesses to incident
- Any documents relevant to the incident such as email or text messages

### **Assisted Resolution**

Those who feel they have been the target of offensive behaviour, are encouraged as an initial step to raise their concern with the offender either in person, by phone or in writing. This step is only suggested if the employee feels comfortable to do so. Human Resources staff can support the Complainant to prepare for this conversation and can act as an informal or formal mediator for both parties.

Often times, the person may not be aware that their behaviour is offensive and unwelcome. A clear message to them may stop the behaviour with no further intervention required. If the behaviour does not stop, you are asked to bring your complaint forward to Human Resources more formally.

### **Complaint**

A complaint may be initiated in the following ways:

- Submitting a written complaint to Human Resources. The Complaint Form may be completed independently or with the assistance of Human Resources.

- Contacting your workplace Joint Health & Safety Committee representative or leader
- Filing a grievance, as applicable under a relevant Collective Agreement

Results of the interventions and/or investigation will be shared with the leaders of the parties to the complaint.

Making a complaint in writing makes it much easier for the City to review the complaint, understand it, and decide upon an appropriate response. Employees should complete a Complaint Form. However, all complaints will be taken seriously and investigated in a way that is appropriate in the circumstances. Employees may choose not to pursue a complaint; However, they should be aware that once the organization is aware of the incident, it may be necessary to proceed with an investigation and take appropriate action in any event.

Complaints should be made as soon as possible the incident occurs. This will allow for proper investigation while evidence is still fresh in the minds of witnesses and to ensure timely action occurs.

Nothing in this policy prevents an employee from initiating a complaint to the Human Rights Tribunal of Ontario or Ministry of Labour, as applicable or from seeking outside legal assistance at their own expense at any time during this internal process. Even if an employee brings an outside complaint, the City may still continue with its internal processes to investigate and resolve the complaint.

Acts of violence and criminal harassment such as stalking, threats, sexual or physical assault are addressed through the Workplace Violence Prevention Policy and the Criminal Code and may be supported by the local Police.

Complaints may be assessed to require no further action in the following circumstances:

- the alleged incident occurred more than twelve months before the date of the complaint; however, in some cases the City may be required by law to investigate complaints that were made outside the twelve-month window
- an investigation regarding the same incident has already been initiated by another party or the incident has already been addressed
- the alleged incident does not comply with the definition of harassment and discrimination under this policy even if all of the allegations were proven to be true

## **Investigation**

An investigation will be conducted that is appropriate in the circumstances. Sometimes, the only investigation necessary may be a meeting with the Complainant; some enquiries don't require a meeting with a respondent. In other cases, a full, formal investigation may be required.

The Investigator will determine what kind of investigation is appropriate, in consultation with Human Resources staff as necessary.

In any investigation, the Investigator will inform the immediate supervisor of the Complainant and Respondent. During the investigation, the City may put interim measures and/or corrective action(s) in place to protect the parties involved in the investigation.

Individual interviews will occur as follows:

Complainant - to discuss, confirm and formally document details of the incident(s) and, potentially, to reply to issues raised in course of the investigation

Respondent – to inform of the concern and to enable them to provide a full response to the allegations

Witnesses (if necessary) – may include those with direct observations of the incident or those with historical information – to provide additional accounts of the incident or surrounding dynamics.

Interview subjects may be accompanied by a person of their choice for moral support during any step of the investigation, as long as that person is not a potential witness. Where interview subjects are part of a bargaining unit, a union representative will act as their support person. The role of this person is to attend meetings with the party, take notes if requested, call a break if needed or ask process related questions for the individual they are supporting.

Where appropriate, and if possible, interviewees will be asked to review meeting notes and sign them to indicate their accuracy.

The City will endeavour to investigate the matter on an expedited basis. Where there are extenuating circumstances such as more than five witnesses or where one of the parties or a relevant witness is on vacation, sick or other leave, the investigation may take additional time.

Upon completion of the interviews, the Investigator will review all evidence collected determine what occurred based on a "balance of probabilities" (which means is it more likely than not that something occurred). The investigator will also determine whether the behaviour constitutes harassment and/or a breach of the Code of Conduct or other applicable policy.

In formal or complex cases, the Investigator will provide an Investigation Report to the General Manager, Human Resources with a determination of findings. Human Resources may seek advice from legal counsel, or the Ontario Human Rights Commission as required. If the General Manager, Human Resources is a party to the complaint (Complainant, Respondent or witness), the findings will be provided to the General Manager's supervisor.

Human Resources will meet with the affected employee's leaders and, as applicable, to review the findings of the investigation. The General Manager, Human Resources will work collaboratively with the leadership group in determining the outcome of the investigation and implementation plan. The applicable DCAO(s) and CAO will be informed of all outcomes.

## **Complaints Against Executive Staff or Elected Officials**

Complaints initiated against Senior Staff (CAO, Deputy CAO) or Elected Officials (Mayor, Councillors) should be directed to Human Resources, who will support the Complainant in developing a detailed written complaint. Subsequent actions will be dependent on the Respondent identified in the complaint, as follows:

In the case of the **Mayor** being the Respondent, the Investigator shall notify the General Manager, Human Resources, who shall advise the CAO, the applicable DCAO(s) and the three longest serving members of Council authorized to act in place of the Mayor. An external Investigator will be selected and retained by Council to collect facts regarding the complaint and make recommendations. Findings of the investigation will be shared with the Council Members, CAO, and General Manager, Human Resources who will develop a recommended outcome and implementation. The recommendations will be reported to Council, who will decide the actions to be taken toward the Mayor, in keeping with the provisions of the Municipal Act. The CAO will provide a summary report to the Complainant, outlining the actions taken in response to their claim.

In the case of a **Councillor** being the Respondent, the Investigator staff shall notify the General Manager, Human Resources who shall notify the applicable Deputy CAO(s) and provide a confidential report on the matter to the Mayor. An external Investigator will be selected and retained by Council to collect facts regarding the complaint and make recommendations. Findings of the investigation will be shared with the Mayor, CAO and General Manager, Human Resources who will develop a recommended outcome and implementation. The recommendations will be reported to Council, who will decide the actions to be taken toward the Respondent, in keeping with the provisions of the Municipal Act. The CAO will provide a summary report to the Complainant, outlining the actions taken in response to their claim.

In the case of the **Chief Administrative Officer** being the Respondent, the Investigator staff shall notify the General Manager, Human Resources, who will inform the applicable DCAO(s) and provide a confidential report on the matter to the Mayor. An external Investigator will be selected and retained by Council to collect facts regarding the complaint and make recommendations. Findings of the investigation will be reported to the Mayor and General Manager, Human Resources who will develop a recommended outcome and implementation. The recommendations will be reported to Council, who will decide the actions to be taken toward the CAO, up to and including termination of employment. The Mayor will provide a summary report to the Complainant, outlining the actions taken in response to their claim.

In the case of a **Deputy CAO** being the Respondent, the Investigator shall notify the General Manager, Human Resources, who will inform the Chief Administrative Officer. An external Investigator will be selected and retained by the CAO to collect facts regarding the complaint and make recommendations. Findings of the investigation will be reported to the CAO and (as applicable) General Manager, Human Resources who will determine a recommended outcome and implementation, up to and including termination of employment. The CAO will provide a summary report to the Complainant, outlining the actions taken in response to their claim.

## **Outcomes and Resolutions**

Outcomes and resolutions are made by Human Resources and may include but not be limited to:

- Education to an individual and/or group
- Mediation or facilitated meeting
- Review and modification of workplace policies, procedures and practices
- Discipline including, but not limited to, a reprimand, suspension, demotion, transfer, termination of employment

The complainant and respondent are not entitled to a copy of the full report but will be informed in writing of the results of the investigation and corrective action that has been taken as a result of the investigation, including measures taken to prevent a recurrence, as appropriate. As required, applicable leaders of both the complainant and respondent will be advised of the results and corrective actions.

A plan to monitor the results of the recommendations and behaviour of individuals and dynamics of the group impacted will be developed by the applicable leaders. Human Resources will follow up periodically, for up to six months after the conclusion of the investigation. This measure is set to guard against potential retaliation, prevent future issues and evaluate the effectiveness of resolution strategies.

## **Malicious Complaints**

Complaints determined as malicious will be considered a contravention of this policy. The resolution and outcomes will focus appropriate disciplinary action toward the original Complainant, up to and including termination of employment.

## **Retaliation**

Retaliation, penalties, or threats to that effect, toward anyone involved in a complaint or investigation is viewed as a violation of this Policy. Investigation of such behaviour will occur and appropriate disciplinary action taken, up to and including termination of employment.

## **Confidentiality**

All information related to a complaint and investigation is confidential. Information obtained during the investigation will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident, or is otherwise required by law. Anyone involved, including witnesses, union support people, leaders, etc., in an investigation shall not disclose information, except as required by this procedure or by law and will be required to sign a confidentiality statement. Anyone who breaches confidentiality of any part of a complaint, whether or not they sign a confidentiality statement will be subject to discipline, up to and including termination of employment.

## **Records Retention**

All records related to meetings, interviews or any part of the investigation will be treated as confidential and not be disclosed, except as required by law. Documentation related to the investigation will be retained as a separate file in Human Resources for a period of three years from the conclusion of the investigation. Records relating to sexual violence will be kept for seven years. Records may be subject to release under the Municipal Freedom of Information and Protection of Privacy Act or legal proceedings.

Copies of any disciplinary action will be placed in the employee’s file.

**Information and Training**

The City of Guelph will ensure all employees and volunteers have read this policy and will make it readily available for reference. Councillors and new employees will be provided with the policy upon hire. Online orientation programs will include content on the policy including examples and the process for bringing forward and resolving concerns. Training to enhance understanding of how to prevent and respond to Harassment and Discrimination will be available annually. Regular training for employees and leaders will be scheduled and monitored for effectiveness. More frequent or additional training may be requested or directed to individuals or groups as required. Supervisors and managers are provided with instruction on how to recognize workplace harassment and how to handle complaints of workplace harassment

**FORMS**

Complaint under the Harassment and Discrimination Policy form  
 Response to complaint under the Harassment and Discrimination Policy

**LEGISLATION**

Ontario Human Rights Code  
 Occupational Health & Safety Act  
 Sexual Violence and Harassment Action Plan Act

**COLLECTIVE AGREEMENTS**

CUPE 241 Collective Agreement, Article 5.0  
 CUPE 973 Collective Agreement, Article 4.0  
 CUPE 1946 Collective Agreement, Article 4.0  
 ATU 1189 Collective Agreement, Article 6.0  
 OPSEU Local 231 Collective Agreement, Articles 3.0 and 18.0

<b>Revision History</b>	<b>Issue / Revised Date</b>	<b>Reason For Changes</b>
<b>Document Owner</b> Talent and Organizational Development	April 26, 2021	Review and update. Departmental Restructure.