



Town of Pelham
Solutions Manual:
Administration

Solution Title:	Respectful Workplace Policy	
Council Approved:	May 5, 2014	<u>S101-03</u>

HOW MIGHT WE:

How Might the Town of Pelham provide a respectful workplace where all employees contribute toward and benefit from a respectful workplace that is free from discrimination, harassment or bullying?

KEY FACTS:

Definitions:

- **Complainant** means the person who believes that they are a victim of discrimination, disrespectful conduct, harassment, or violence and this term will be used to refer to this person whether or not a formal complaint has been filed.
- **Discrimination** is any distinction, whether intentional or not, but based on prohibited grounds* which has the effect of imposing burdens, obligations or disadvantages on an individual that are not imposed on others, or which withholds or limits access to opportunities, benefits and advantages available to others.
- **Disrespectful conduct** is the vexatious or malicious verbal, nonverbal or behavioral actions (overt or covert) by any individual or group of individuals that a reasonable person would find offensive, patronizing, intimidating, humiliating, threatening, disparaging, abusive, coercive, belittling, sabotaging, isolating, an abuse of authority, or an unjustified punishment that has an adverse impact on the employee.
- **Harassment** means a course of comment or conduct directed toward an individual or group of individuals that is known or ought reasonably to be known to be unwelcome or unwanted. This includes comments or actions which are insulting, degrading, humiliating, malicious, or offensive. Single actions of sufficient severity may constitute harassment.
- **Respondent** means the person alleged to have discriminated against the complainant.
- **Violence** means any threat or act of aggression arising out of or during the course of work resulting in physical or psychological damage, pain or injury to another.

Responsibilities and Rights:

- Employees have a right to a positive and respectful work environment;
- Employees are responsible to manage their conduct in accordance with this policy and associated procedures;



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- Employees also have the responsibility to address issues directly with the individual(s) to achieve early resolution before escalating the matter to a complaint investigation;
- Employees have the responsibility to report acts of disrespectful conduct in accordance with Responsibility for Employee Complaint Management protocols appended hereto;
- Consistent with procedures under the Ontario Human Rights Code, all complaints filed under this policy must be initiated within six months of the incident occurring;
- Employees are entitled to representation during any stage of a formal/informal complaint procedure, which representative could be a fellow employee, friend or lawyer (at the employee's expense).

Confidentiality:

- It is recognized that it can be extremely difficult to come forward with a complaint against a colleague, and that it can be devastating to be wrongly accused or convicted of harassment. The Corporation recognizes the interests of both the complainant and the respondent in keeping the matter confidential and expects that all parties will respect this confidentiality.

Fairness for All:

- Complainants should feel free to bring complaints forward, and those against whom allegations are made should have a full and fair opportunity to respond to such allegations.

False, Vexatious, or Bad Faith Complaints:

- It is a misapplication of this policy to make a false report against another employee;
- False, vexatious or malicious complaints are defined as those complaints which are determined to be unfounded at the time they were made;
- Purposeful misapplication of the complaint processes by anyone is a form of disrespectful misconduct and will lead to consequences appropriate in the circumstances, which may include discipline up to and including termination.

Informing, Educating and Training:

- Copies of this policy and any accompanying procedures or explanatory information about the policy shall be made readily available;



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- A copy of this policy shall be included in an employee or elected official orientation package;
- Training for all supervisors and/or managers regarding the content, expectations and application of the policy shall be conducted;
- All employees shall be made aware of this policy and an educational overview of its application shall occur on a regular basis, through the Human Resources Specialist.

Properly Discharged Supervision:

- It is a supervisor's or manager's right, and not disrespectful conduct, to exercise his or her responsibilities as they relate to assigning tasks, reprimanding or imposing disciplinary sanctions and conducting performance management reviews or coaching sessions, provided such standards are not arbitrary and are applied in a non-discriminatory manner.

Restorative and Disciplinary Action:

- To all extents possible, where a complaint is found to have been substantiated, the primary objective is to restore a complainant to the position he or she would have been in had the discrimination not occurred. It is recognized that while substantiated acts of discrimination or harassment may be cause for disciplinary action, up to and including the possibility of discharge, it is preferable for the respondent to recognize the inappropriate conduct and commit to the standards of behaviour as outlined in this policy.

Right to Withdraw

- At any time during the complaint process, the complainant has the right to withdraw a complaint, while recognizing that the Corporation may continue to act on the matter to comply with any legal obligations.

SOLUTION STATEMENT:

The Town of Pelham is committed to ensuring that a respectful workplace is provided for all employees, and will make every attempt to ensure all complaints, investigations and related records are managed in a respectful and confidential manner and that only those persons necessary to investigate and resolve the complaint are involved in the process. Complaints and investigations shall be conducted in accordance with the Procedure pursuant to this Solution Statement.



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***Prohibited Grounds Under the Human Rights Code:**

Prohibited Grounds refer to those personal attributes recognized as the most common targets of harassing and discriminatory actions. For offensive behaviour to be considered discrimination, or harassment, the focus of the comment or conduct must be directed toward one of these aspects of your background:

Age	Ancestry
Citizenship	Colour
Creed or Religion	Disability
Ethnic or National Origin	Record of Offences (federal or provincial)
Marital/Family Status	Receipt of Public Assistance
Place of Origin	Race
Sex Including Pregnancy and Transgender	Sexual Orientation