

City of  
Peterborough

## Workplace Discrimination and Harassment Policy

<b>Department:</b>	Corporate Services
<b>Division:</b>	Human Resources
<b>Section/Function:</b>	N/A
<b>Approval Level:</b>	Council
<b>Effective Date:</b>	2019-09-05
<b>Revision #:</b>	5

### 1.0 Purpose

- 1.1. The City of Peterborough (“City”) will promote and maintain a work environment that is free from Harassment and Discrimination in accordance with the **Human Rights Code** and the **Occupational Health and Safety Act**.

### 2.0 Application

- 2.1. This Policy applies to all City employees, volunteers, co-op students, interns, contract staff, elected officials and Appointees acting on behalf of the City, customers and those who work for a contractor who conducts business with the City.
- 2.2. This Policy refers to Discrimination of an individual based on the perception that one of the grounds apply, or because of an individual’s association or relationship with a person identified by one of the prohibited grounds as well as Harassment for any reason.
- 2.3. The **Human Rights Code** prohibits Harassment and Discrimination of an individual on the basis of age, creed (religion), sex, sexual orientation, Gender Identity, Gender Expression, Family Status, Marital Status, Disability, race, ancestry, place of origin, ethnic origin, citizenship, colour, or Record of Offences.
- 2.4. This Policy refers to Harassment in the Workplace for any reason, not solely on one of the prohibited grounds defined by the **Human Rights Code**
- 2.5. A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the Workplace, such as, but not limited to, performance reviews, work assignments, work evaluation and disciplinary measures, is not Workplace Harassment.

### 3.0 Definitions/Acronyms

**Appointee** – A person who is appointed or assigned to a City committee and who is not an employee of the City.

**City** – The Corporation of the City of Peterborough, its elected officials, advisory committees, agencies, boards, and commissions.

**Disability** – Is:

- (a) any degree of physical Disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- (b) a condition of mental impairment or a developmental Disability,
- (c) a learning Disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- (d) a mental disorder, or
- (e) an injury or Disability for which benefits were claimed or received under the insurance plan established under the **Workplace Safety and Insurance Act, 1997**.

**Discrimination** – Unfair treatment of a person or group based on personal characteristics, whether intentional or not, that has the effect of imposing disadvantages on such individual or group or that denies or limits access to opportunities, benefits and advantages available to others.

**Family Status** – The status of being in a parent and child relationship.

**Gender Expression** – The external attributes, behaviour, appearance, dress, etc. by which people express themselves and through which others perceive that person's gender.

**Gender Identity** – A person's sense of self, and the sense of being male or female. A person's Gender Identity is different from their sexual orientation. A person's Gender Identity may be different from their birth-assigned sex, and may include Transgender, Transsexual, Intersex, Crossdresser or Trans.

**Harassment** – (a) Engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome, or (b) Workplace Sexual Harassment.

**Marital Status** – The status of being married, single, widowed, divorced or separated and includes the status of living with a person in a conjugal relationship outside marriage.

**Record of Offences** – A conviction for:

- (a) an offence in respect of which a pardon has been granted under the **Criminal Records Act** (Canada) and has not been revoked, or
- (b) an offence in respect of any provincial enactment.

**Sexual Harassment** – Engaging in a course of vexatious comment or conduct 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.

**Workplace** – All locations where business or social activities of the City of Peterborough are conducted.

## **4.0 Policy Statement(s)**

- 4.1.** The City is committed to providing an environment free of Discrimination and Harassment in which all individuals:
  - a) are treated with respect
  - b) are able to contribute fully; and
  - c) have equal opportunities
- 4.2.** The City strives to create an inclusive Workplace that values and appreciates the diversity and contributions of all its employees.
- 4.3.** The City will not tolerate, condone or ignore Discrimination and Harassment and where a claim of such action has been proven, disciplinary action will be taken, up to and including termination.

## **5.0 Appendix, Related Documents & Links**

Note: All references refer to the current version, as may be amended from time to time.

### **5.1. Pertinent Resources:**

- Human Rights Code  
<https://www.ontario.ca/laws/statute/90h19>
- Workplace Safety and Insurance Act, 1997  
<https://www.ontario.ca/laws/statute/97w16>
- Criminal Records Act (Canada)  
<https://laws-lois.justice.gc.ca/eng/acts/c-47/>
- Occupational Health and Safety Act  
<https://www.ontario.ca/laws/statute/90o01>
- Report CPHR10-005 Workplace Harassment and Discrimination Policy/Workplace Violent Prevention Policy
- Committee of the Whole Report No. 12 of a meeting of May 17, 2010
- Minutes of the City Council Meeting of May 25, 2010
- Report CSHR09-003 Occupational Health and Safety Policy and Workplace Discrimination and Harassment Policy
- Committee of the Whole Report No. 7 of a meeting of April 6, 2009
- Minutes of the City Council Meeting of April 14, 2009
- Report HR04-005 Human Resources Policy Updates dated December 6, 2004
- Minutes of the City Council Meeting of December 13, 2004

### **5.2. Related Policies:**

- Workplace Violence Prevention Policy
- Code of Conduct Policy

### **5.3. Related Procedures:**

- Workplace Discrimination and Harassment Complaint Procedure
- Workplace Violence Prevention Procedure

**5.4. Related Forms:**

- N/A

**5.5. Miscellaneous:**

- N/A

**6.0 Amendments/Reviews**

Date (yyyy-mm-dd)	Section # Amended	Comments
2004-12-06	N/A	Report HR04-005 approved by Council December 13, 2004 revising the existing Workplace Harassment Policy.
2009-04-06	N/A	Committee of the Whole Report No. 7 of a meeting of April 6, 2009 endorsed Report CPHR09-003 recommending approval of the Workplace Discrimination and Harassment Policy and rescinding all earlier versions of the City's Workplace Harassment Policy with the exception of the information following the section titled "Harassment Complaint Procedures". The information under this Section shall stand until the related procedures are updated and approved.
2009-04-14	N/A	Policy and other recommendations of Report CPHR09-003 approved by Council.
2010-05-17	N/A	Committee of the Whole Report No. 12 of a meeting of May 17, 2010 recommending that: <ul style="list-style-type: none"> <li>- the Workplace Harassment and Discrimination Policy in Report CPHR10-005 be approved; and</li> <li>- the Workplace Discrimination and Harassment Policy #0013 that was approved by Council on April 14, 2009 through Report HR04-005 dated December 6, 2004 be rescinded.</li> </ul>

2010-05-25	N/A	City Council approved Item 2 of Committee of the Whole Report No. 12 of a Meeting of May 17, 2010 (refer to the recommendations immediately above).
2013-01-01	N/A	Revision #1 - No changes were made to the content of the Policy. Policy revised to move to new Policy Template (i.e. Policy Statements moved to Section 2.0, Application moved to Section 3.0, Definitions moved to Section 4.0) and to move to new protocol for showing defined terms (i.e. capitalizing the first letters).
2013-05-08	N/A	Review of Policy completed by HR - No changes required. Next Review Date set for 2015-01-01.
2013-09-04	Section 1.2 – Added new prohibited grounds (Gender Identity, Gender Expression) in keeping with changes to the Human Rights Code	Revision # 2 - Policy revised as a result of change in legislation in 2012. Policy changes approved by Senior Administrative Staff Committee (changes viewed by ASC as a housekeeping change).

2015-04-28	<p>Section 1.2 moved under Application Section</p> <p>Definition of Disability revised to incorporate full wording from legislation consistent with other policies</p>	<p>Revision #3 - Policy updated as a regularly scheduled review. Viewed as housekeeping changes, not requiring review by ASC. Next Review Date set for 2016.</p>
2016-10-05	<p>Updated to reflect OHSA changes related to Sexual Harassment</p>	<p>Revision #4 – Updated to reflect OHSA changes. Changes approved by ASC.</p>
2017-07-31	<p>Updated to amend to annual review</p>	<p>Changed viewed by ASC as a housekeeping change.</p>
2018-07-05	<p>Date amended for annual review</p>	<p>Policy reviewed by HR No amendments required.</p>
2019-09-05	<p>Date amended for annual review</p>	<p>Policy reviewed by HR. No amendments required.</p>
2021-12-01	<p>N/A</p>	<p>Revision #5 – No changes were made to the content of the Policy. Policy moved to updated Policy Template; (Section 2.0 moved to Section 4.0, Section 3.0 moved to Section 2.0, Section 4.0 moved to Section 3.0). Links in Section 5.1 - Pertinent Resources have been updated. Policy document format has been updated to become compliant with the Accessibility for Ontarians with Disabilities Act (AODA) Regulation 191/11 Integrated Accessibility Standards.</p>

<b>Next Review Date:</b>	<b>2020-01-01</b>
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