

**APRIL 9, 2025**

**COMMITTEE OF THE WHOLE REPORT**

**REPORT NO. CW-035-2025**

**DISCRIMINATION, HARASSMENT AND VIOLENCE  
IN THE WORKPLACE POLICY AND PROGRAM**

**RICK PURDY  
MANAGER, HUMAN RESOURCES**

**KIMBERLY LITTLE  
DIRECTOR, CORPORATE SERVICES**

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**RECOMMENDATIONS**

**THAT** Committee of the Whole recommends the adoption of the new Discrimination, Harassment and Violence in the Workplace Policy and Program; and

**THAT** By-law 97-20 be revised to remove and retire the policy A-8 Respect in the Workplace; and

**THAT** By-law 09-88 be revised to remove and retire policies A-9 Misconduct/Violence in the Workplace and A-10 Ontario Human Rights Code Violations; and

**THAT** the necessary by-law be prepared.

**FINANCIAL IMPLICATIONS**

There are no financial implications related to the consolidation and updating of this legislatively required policy. In the event an external third-party investigator is engaged, the associated cost is attributed to the operating budget of the respective Division.

### **CLIMATE CHANGE IMPLICATIONS**

Where possible reports are provided in a digital format to reduce the Counties carbon footprint. Likewise, policies are made available to staff in digital format through posting on the intranet.

### **ACCESSIBILITY CONSIDERATIONS**

This report and the associated policy can be made available in alternate accessible formats on request.

### **COMMUNICATIONS CONSIDERATIONS**

Based on the direction provided, this matter requires regular communication protocols to be completed including release of the policy electronically, and posting of the policy on the intranet and all workplace health and safety boards.

### **BACKGROUND**

The Respect in the Workplace Policy was approved by Council in August 1997. The Ontario Human Rights Code Violation Policy and the Misconduct/Violence in the Workplace policies were approved by Council in November 2009.

This new policy consolidates and replaces existing policies A-8 Respect in the Workplace, A-9 Misconduct/Violence in the Workplace, and A-10 Ontario Human Rights Code Violation. The consolidation of these policies was recommended by both legal and external workplace investigators experienced in the use and application of these policies.

The *Ontario Health and Safety Act* (OHSA) requires that every employer in Ontario prepare and review, at least annually, a policy on workplace violence. For an employer the size of the Counties, this policy must be written and posted in a conspicuous place in the workplace.

## **DISCUSSION/ALTERNATIVES**

Key changes and features of the new consolidated Discrimination, Harassment and Violence in the Workplace Policy and Program include:

- Modernized and simplified
- Added language about,
  - all employees and the union(s) being partners in helping to ensure a safe and harassment-free workplace
  - no recording of meetings; and
  - the proper role of a support person.
- Incorporation of the requirements of the Code of Practice approved by the Minister of Labour under Part III.I of the OHSA.

The policy also removes the option for review/appeal of the investigation process and its findings to avoid duplication and overlap of processes. Investigations are conducted by an independent party, whether it be internal or external to ensure an unbiased process and objective findings. For this reason, any Reviewer would be challenged to arrive at a different conclusion without repeating the full investigation. It is the responsibility of HR staff to ensure investigations are unbiased and sufficiently thorough. Further, legal counsel could not identify other instances of policies having this feature, for the reasons as above.

The policy has been revised from the earlier version, to afford non-union employees who are respondents who received discipline as a result of the findings of an investigation, the opportunity to appeal the discipline received. This ensures all employees have a mechanism to have such discipline reviewed.

Legal has also recommended that Policy A-8 Respect in the Workplace be retired and considered as replaced by the Discrimination, Harassment and Violence in the Workplace Policy and Program. Respect in the workplace essentially means to not engage in harassment/discrimination which is well covered by this new policy. Likewise, the investigation process outlined in the existing Policy A-8 Respect in the Workplace is now included in the amalgamated policy.

This policy is applicable to all Counties employees, volunteers, students, and interns. It also applies to instances of discrimination, harassment and/or violence in the workplace against workers by non-worker third-parties, including contractors, guests, visitors, and Members of Council. The policy was drafted by legal counsel, and has had review by the

Interim Chief Administrative Officer, Director Corporate Services, the Manager of Human Resources and representatives from the Ministry of Labour.

Communication of policy changes will ensure it is well understood by employees and supervisors/managers alike. The Policy will be reviewed at least annually and posted on all Counties Health and Safety Boards and the internal Intranet as required.

### **ATTACHMENTS**

Discrimination, Harassment and Violence in the Workplace Policy and Program

The report set out above has been reviewed and the information verified by the individuals below.

**RICK PURDY**  
**MANAGER OF HUMAN RESOURCES**

**MARCH 28, 2025**  
**DATE**

**KIMBERLY LITTLE**  
**DIRECTOR OF CORPORATE SERVICES**

**MARCH 28, 2025**  
**DATE**

**ALISON TUTAK**  
**INTERIM CHIEF ADMINISTRATIVE OFFICER**

**APRIL 1, 2025**  
**DATE**