

COMMITTEE OF THE WHOLE (WORKING SESSION) – OCTOBER 10, 2007

HUMAN RESOURCES POLICIES

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor, and the Director of Human Resources, recommend:

THAT this report be received; and,

THAT the revised Disciplinary Procedures Policy, Employee Recognition Policy, Mileage and Transportation Reimbursement Policy; Hiring and Nepotism Policy; Human Rights Policy (Workplace Discrimination and Harassment) and Workplace Violence Policy, be adopted.

Economic Impact

This report has no cost associated with implementing the recommendations.

Communications Plan

With regard to the rolling out of approved policies, the Human Resources Department will provide training to various management staff with regard to the policy and those management staff will be provided with the materials to present the new policies to the staff in their areas. In addition, approved policies will be made available on the VIBE, in the Employee Handbook, and will be provided in hard copy as appropriate to update policy manuals. For policies such as the Human Rights and Workplace Violence policies, all employees will be required to sign-off acknowledging that they have been provided with a copy and that the policy has been explained to them.

Purpose

This report provides draft policies which have been updated to reflect current trends and to ensure that the policies are consistent with the mission, values and goals of the Corporation.

Background and Analysis

The Human Resources Department has reviewed all of the organizational policies as they relate to Human Resources and compared that to other municipalities to determine what policies need to be updated, what policies need to be drafted and which policies are appropriate at this time to ensure that we have a complete set of current appropriate policies. To date, we have reviewed and drafted revised policies for Disciplinary Procedures, Employee Recognition, Mileage and Transportation Reimbursement, Hiring and Nepotism, Human Rights (Workplace Discrimination and Harassment) and Workplace Violence Policies. The draft revised policies are included in this package for the Committee's consideration.

Relationship to Vaughan Vision 2007

The updating of policies relates to the Vaughan Vision 2020 goal of Staff Excellence.

Regional Implications

This report does not have any Regional implications.

Conclusion

The updating of policies displays to employees that we believe that they are important and that we believe they should have information available to them as it relates to their employment with the Corporation.

Attachments

1. Disciplinary Procedures Policy
2. Employee Recognition Policy
3. Mileage and Transportation Reimbursement Policy
4. Hiring and Nepotism Policy
5. Human Rights Policy
Workplace Harassment and Discrimination
6. Workplace Violence Policy

Report prepared by:

Janet Ashfield, Director of Human Resources

Respectfully submitted,

Janice Atwood-Petkovski
Commissioner of Legal & Administrative Services
and City Solicitor

Janet Ashfield
Director of Human Resources

**CITY OF VAUGHAN
POLICY MANUAL**

SECTION: LEGAL AND ADMINISTRATIVE SERVICES	POLICY NO:
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DEPARTMENT: HUMAN RESOURCES	SUBJECT: DISCIPLINARY PROCEDURES
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PURPOSE: The Corporation of the City of Vaughan, at all times, should be fair and uniform in its handling of personnel and it should not be open to claims of discrimination. It is therefore necessary that a uniform policy for disciplinary procedures must be followed whereby an employee will be given sufficient notice that the continuation of his/her inappropriate actions will eventually bring about his/her discharge.

The purpose of this policy is to implement a corrective disciplinary process designed to be applied consistently and fairly throughout the Corporation of the City of Vaughan. The City recognizes the need to effectively, fairly and consistently manage all aspects of employee performance in order to sustain employee contribution and enthusiasm.

APPLICATION:

This policy applies to all employees.

DEFINITIONS:

Non-Culpable: Situations or behaviours over which the employee has no control.

Culpable: Situations or behaviours over which the employee has control.

RESPONSIBILITIES:

When an employee violates a rule, regulation, policy, notice or standard, the supervisor must conduct an investigation to determine if there was an acceptable reason for breaking the rule, regulation, policy, notice or standard. When a manager or supervisor believe that a rule may have been broken, they should contact the Human Resources Partner who will assist them in the investigation of any potential misconduct.

If the result of the investigation is that the supervisor concludes that the behaviour was non-culpable he/she will proceed as follows:

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- a) Review the situation with the employee
- b) Counsel the employee by clarifying the rule, regulation, policy, notice or standard for typical situations
- c) Explain the reasons why the employee's behaviour is not appropriate
- d) The supervisor and the employee must work towards establishing a plan of action to avoid a similar misconduct in the future (i.e, training)

If the result of the investigation is that the supervisor concludes that the behaviour was culpable he/she will refer to the progressive levels of discipline, indicated below.

It is imperative that the employee is advised of what is expected of him/her and the possible consequences should their conduct fail to improve.

Once the investigation is complete, the Human Resources Partner is available to assist the manager or supervisor in assessing the results of the investigation and determining the appropriate disciplinary response if any.

LEVELS OF DISCIPLINE

- 1: The first level should be a verbal warning given by the employee's immediate supervisor and/or Department head. This official verbal warning should be given in a private setting with another management person as a witness. The warning should be confirmed in writing and recorded as a Note to File with a copy to the employee.
- 2: The second level should be a verbal and written notification to the employee listing the infraction(s) and stating that further action will be forthcoming if corrective measures are not taken. Written notification should include a jointly, employee/management developed Performance Improvement Plan to address inappropriate conduct.
- 3: The third level would be a verbal and written notification of an unpaid disciplinary suspension stating how long, what for, and the possible repercussions if the situation is not corrected.

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- 4: The fourth level is a verbal and written notification informing the employee that he/she has been discharged, on what date, and giving the reason(s).

Discipline is cumulative and will not be assigned in silos. There are circumstances where major misconduct has occurred such that discipline above a verbal warning up to and including discharge may be initiated. Further there are situations in which a level of discipline will be repeated.

The Human Resources Partner is available to assist the Manager or supervisor by drafting appropriate responses to the employee based on the decision related to the appropriate level of discipline and will assist the Manager or supervisor in delivering the discipline to the employee if warranted.

Records must be kept of all disciplinary actions in case of further proceedings. Copies of disciplinary action must be placed in the Human Resources file. If the employee being disciplined is a union employee, then a copy of disciplinary documents will be forwarded to the Union and the Union representative must be available for all meetings where discipline is to be distributed. The employee may waive union representation solely at their discretion.

In any matter where discharge is being considered for employees below the level of Director, approval of the Commissioner of Legal and Administrative Services and the City Manager is required prior to implementation.

In any matter where discharge is being considered for Directors and employees above the level of Director, approval of Council is required prior to implementation.

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DEPARTMENT: HUMAN RESOURCES	SUBJECT: EMPLOYEE RECOGNITION
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PURPOSE:

To establish methods of recognition to ensure that the City of Vaughan's most valuable resources, the employees, are recognized and thanked for their achievements and their exceptional service.

Recognition means honouring, encouraging, and supporting both individuals and teams who contribute through their behaviour and their actions, to the success of the Corporation. These awards reinforce how important an employee's contribution is to the overall growth and success of our corporation.

APPLICATION:

This policy applies to all permanent employees of the Corporation.

DEFINITIONS:

- Retirement: Someone who has retired from the City of Vaughan and is in receipt of OMERS pension benefits.
- Service: Measured in years of continuous permanent service with the City of Vaughan
- Year: One year shall be equal to 1820 hours (2040 hours for hourly positions)

PROGRAM:

It is important to include a mix of recognition activities and award programs that will target different goals and different types of contribution.

Recognition programs should include non-monetary rewards such as positive feedback from a Supervisor or Commissioner, City Manager or Council. Recognition programs should include spontaneous activities as well as informal and formal awards so that the appropriate recognition may be given in a timely manner. The City of Vaughan will have a variety of different methods for recognizing employees contributions through the establishment and maintenance of a recognition program approved through Council.

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Retirement Recognition

Upon retirement, employees will receive a certificate signed by the Mayor acknowledging their years of service. The employee will receive a gift related to their years of service, as well as a City of Vaughan Pen and Pencil set.

The presentation of the retirement gifts is by choice of the employee. The gifts can be presented by the Mayor at a Council meeting or through a departmental presentation by the Mayor, City Manager, Commissioner and/or the Director.

Service Awards

These awards reinforce how important an employee's contributions are to the overall growth and success of our corporation. The intent in implementing a variety of awards is to administer a personalized recognition program which not only awards past successes, but also encourages continued achievement and ensures that employees receive recognition in a format that is meaningful to them.

Starting with an employee's 5th Anniversary and continuing every five years thereafter, employees will receive an award for their years of service. All awards are accompanied by a Certificate signed by the Mayor.

Gifts representing the service award will be chosen from a catalogue by the individual employee prior to the Awards Presentation.

In addition to awards for service, the Corporation shall develop, implement, maintain and enhance a variety of recognition programs including spontaneous recognition programs, awards celebrating excellence on an individual and a team level.

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DEPARTMENT: HUMAN RESOURCES	SUBJECT: MILEAGE AND TRANSPORTATION REIMBURSEMENT POLICY
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PURPOSE: The purpose of this policy is to provide fair compensation for travel expenses incurred by City employees while on authorized City business over and above their usual travel to and from work. The remuneration rate is based on the estimated cost including depreciation, insurance, fuel, repairs and maintenance.

APPLICATION:

This policy applies to all employees as well as the members of Council.

DEFINITIONS

- Mileage:** The distance travelled between two locations or the cumulative distance travelled between multiple locations, measured in kilometres.
- Tolls:** Refer to charges to utilize a particular roadway and are charged to the vehicle using that roadway, ie., the 407.
- TTC:** Toronto Transit Commission (including commuter parking and fares)
- YRT:** York Regional Transit
- GO:** GO Transit

MILEAGE REIMBURSEMENT:

The City of Vaughan reimburses employees using their personal vehicle on authorized City business. Mileage reimbursement must be authorized by a Manager/Supervisor and can be claimed using the City's Expense Form. Any travel between home and any specified work location, except where the travel is to respond to an off duty call, is a personal responsibility and will not be eligible for such allowance. Daily distance to be reimbursed is the total distance traveled between the normal work location and the visiting site location, not including any travel between home and the employee's normal work location.

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Employees who are required to report to an alternate location (not their regular workplace(s)), may claim mileage only if the distance to the alternate location is farther than the distance to their regular workplace from their place of residence. The mileage claimed under these circumstances would be the shorter of the distance between the regular workplace and the alternate location or place of residence to the alternate location. If eligible, mileage can be claimed for the return travel as well.

Kilometre reimbursement rates will be in accordance with the CRA guidelines.

TOLLS: Reimbursement for pre-authorized toll charges as a result of travel for authorized City business will be reimbursed through the City's Expense Form. All such charges shall be supported with documentation appended to the Expense Form.

PARKING: Employees will be reimbursed for all reasonable parking expenses incurred in the performance of their duties. All such charges shall be supported with documentation appended to the Expense Form.

TRANSIT FARES: Consistent with the City of Vaughan's desire to be increasingly "green" conscious, employees will be reimbursed for all authorized transit fares as a result of travel for authorized City Business. These costs will be reimbursed through the City's Expense Form. All such charges shall be documented on the Expense Form.

**CITY OF VAUGHAN
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SECTION: LEGAL AND ADMINISTRATIVE SERVICES	POLICY NO:
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DEPARTMENT: HUMAN RESOURCES	SUBJECT: HIRING AND NEPOTISM
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PURPOSE: The purpose of this policy is to ensure that employment related decisions concerning existing or potential City employees are free from any real or perceived improper influence or conflict of interest based on familial or other personal relationships, and to maintain confidence in the integrity of the City's hiring and employment practices.

The City of Vaughan will not favour nor will it inhibit any process relating to the employment and management of relatives who wish to apply for employment with the Corporation.

APPLICATION:

This policy applies to all employees, as well as all members of Council unless conflicted by a departmental policy.

DEFINITIONS:

For the purposes of this policy "relative" is defined as:

- spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage
- parent, including step-parent and legal guardian
- child, including step-child and grandchild
- siblings and children of siblings
- aunt/uncle, niece/nephew
- in-laws, including mother/father, sister/brother, daughter/son
- any person who lives with the employee on a permanent basis

PROCESS: The City of Vaughan hires based on merit and it is the City's policy to provide equal opportunity for employment without discrimination, consistent with the requirements of the *Ontario Human Rights Code*. Consistent with recruitment and selection procedures, a relative of an existing employee, who is identified as being the best candidate based on merit, may be hired if the individuals do not find themselves in a position where one relative, supervises the other or where one can exert a significant influence through reporting relationships on the work or career advancement of the other.

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The City of Vaughan will not tolerate acts of favouritism or discrimination in the selection process and elected officials, appointed officers or employees shall not attempt to influence the recruitment procedure of any applicant whether a family member or someone with whom the elected official, appointed officer or employee has a personal relationship.

Where employees who become related while employed by the City or who by means of transfer or promotion find themselves in a position where one supervises the other, or where one can exert a significant influence through reporting relationships on the work or career advancement of the other, the employees must declare a conflict of interest to their manager/supervisor who will then address the matter accordingly with the Human Resources Department.

Employees in a position of a conflict of interest may attempt to secure alternative employment within the City, with the City's assistance. If after six months the City is unable to accommodate the employee or the employee is unable to find alternative employment, then the employee must be removed from the current position.

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DEPARTMENT: HUMAN RESOURCES	SUBJECT: HUMAN RIGHTS POLICY WORKPLACE HARASSMENT AND DISCRIMINATION
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PURPOSE This policy ensures, to the best of our ability, a safe work environment and appropriate management of any occurrences of prohibited harassment and discrimination.

APPLICATION

Who This policy applies to all, employees of the Corporation of the City of Vaughan.

Where: This policy applies to discrimination or harassment that may occur at any location where the business of the municipality is being conducted or during the course of all Corporation business, activities and events. It also applies to harassment between individuals associated with the Corporation but outside Corporation business, activities and events when such harassment has an adverse affect on the work environment.

The Human Rights Policy shall be implemented in accordance with the Human Rights Process and Procedures.

DEFINITIONS

Discrimination: Discrimination is any distinction, whether intentional or not, 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.

Harassment: A course of vexatious 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. Harassment consists of comments or conduct linked to one of the prohibited grounds, which are insulting, intimidating, humiliating, malicious, degrading or offensive. **Single acts of sufficient severity may constitute harassment.**

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Prohibited Grounds:

The prohibited grounds refer to those personal attributes that are 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
- Citizenship
- Creed or Religion
- Ethnic or National Origin
- Marital/Family Status
- Place of Origin
- Sex (Pregnancy)
- Ancestry
- Colour
- Disability
- Record of Offences (pardoned Federal or Provincial)
- Same Sex Partnership Status
- Race
- Sexual Orientation

Sexual Harassment:

One or a series of comments or conduct of a gender-related or sexual nature, that is known or ought reasonably to be known to be unwelcome/unwanted, offensive, intimidating, hostile or inappropriate. Sexual harassment includes unwelcome sexual advances and requests for sexual favours where:

- Submitting to or rejecting this conduct is used as the basis for decisions which affect the individual's employment
- Such conduct has the purpose or effect of interfering with an individual's job performance
- Such conduct creates an intimidating or offensive environment

Work Site:

A work site includes not only physical locations, but also any other location associated with the work of the Corporation, such as corporate social gatherings, conferences, training sessions, business travel or customer calls.

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POLICY The City of Vaughan recognizes that the most effective way to deal with harassment and discrimination is through preventative action, including informing, educating and good management and to ensure that this policy is fair and applied consistently.

It is the policy of the City to take all reasonable steps to provide its elected representatives, employees, appointees, people under contract, students and volunteers with a work and service environment that is free of any form of discrimination, including harassment, and that respects the dignity, self-worth and human rights of every individual.

The City Manager, on behalf of the City of Vaughan, is committed to providing a workplace and service environment that is conducive to creating a climate of mutual respect that reinforces opportunity and allows for each person to contribute fully to the development and well being of the Corporation.

This policy provides for an internal complaint resolution process where every effort will be made to facilitate an early resolution.

Nothing in the policy or related procedures is intended to prevent a complainant from using alternate methods of resolution such as the Ontario Human Rights Code, a Collective Agreement, Workplace Violence and Harassment Policy or other legal action.

Retaliation against an individual for filing a complaint, participating in any procedure or being associated with a person who filed a complaint under this policy will not be tolerated.

Complaints which are found to be vexatious or made in bad faith will result in a penalty against the complainant. The severity of the penalty will be determined based on the seriousness and impact of the complaint following an investigation.

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RESPONSIBILITY

Everyone is Responsible

Everyone associated with the Corporation has a responsibility to ensure that our environment is free from harassment. This means not engaging in, allowing, condoning or ignoring behaviour contrary to this policy. In addition, anyone who believes that harassment is taking place is encouraged to notify his/her supervisor, the Human Rights Policy Coordinator or the Corporate Health and Safety Officer.

Management/Supervisor/Responsibility

The Ontario Human Rights Code provides that a person such as a manager or supervisor who has the authority to prevent or discourage harassment and discrimination **will be held responsible for failing to do so**. All managers and supervisors therefore have a particular duty to act and deal with such incidents when they ought reasonably to have known that there is an issue to address. This duty includes the obligation to be familiar with and uphold this policy and any associated procedures

Policy Advisors

All managers and supervisors are responsible to act as Policy Advisors.

Human Rights Policy Coordinator

The Corporation shall designate a Human Resources representative to be the Corporate Human Rights Policy Coordinator. This person will have overall responsibility for the administration of this policy.

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DEPARTMENT: HUMAN RESOURCES	SUBJECT: WORKPLACE VIOLENCE POLICY
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PURPOSE This policy, in addition to the Human Rights Policy, Workplace Harassment and Discrimination is established to further protect employees from Workplace Violence beyond the parameters established in the Human Rights Code.

The City of Vaughan maintains a zero-tolerance approach to Workplace Violence whether between Employees, or involving an Employee, an Official (Elected or Appointed) or a Patron of the City in the exercise of workplace responsibilities. All reported incidents of Workplace Violence shall be considered serious, will be promptly investigated, and appropriate action shall be taken.

This policy does not deal with claims of discrimination or harassment dealt with under the Human Rights Code. Those claims of discrimination and harassment will be dealt with under the Human Rights Policy, Workplace Harassment and Discrimination.

RIGHT TO REFUSE WORK

Nothing in this policy shall be deemed to limit the rights of any worker in Part V of the Occupational Health and Safety Act to refuse unsafe work.

RIGHT TO RESPOND TO ANY INCIDENT OF WORKPLACE VIOLENCE

The Workplace Violence Policy is both a complaint and an incident driven policy meaning that nothing in this policy shall be deemed to limit the right of the Corporation to respond to an incident of Workplace Violence of which the Corporation is aware whether or not any Employee has made a complaint.

RIGHT TO DISCIPLINE

Nothing in this policy shall be deemed to limit or in any other way affect the right of the Corporation to discipline Employees for insubordination or other breaches of Employee Conduct whether or not the action was accompanied by an act of violence.

APPLICATION

Who This policy applies to all elected representatives, employees, appointees, people under contract, students, patrons and volunteers associated with the Corporation of the City of Vaughan.

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Where someone who is not a member of the Corporation perpetrates the harassment or discrimination, every effort will be made by the Corporation to address the situation with the appropriate organization.

Where: This policy applies to discrimination or harassment that may occur at any location where the business of the municipality is being conducted or during the course of all Corporation business, activities and events. It also applies to harassment between individuals associated with the Corporation but outside Corporation business, activities and events when such harassment has an adverse affect on the work environment.

This policy shall be implemented in accordance with the Workplace Violence and Harassment Process and Procedures.

DEFINITIONS

Employee: Includes all union and non-union, regular and temporary full and part-time staff as well as students, interns, secondments, contractors, volunteers, and seasonal staff.

Work Site: A work site includes not only physical locations, but also any other location associated with the work of the Corporation, such as corporate social gatherings, conferences, training sessions, business travel or patron calls.

Official (Elected or Appointed):
A person who holds a public office or membership on a Council Committee with the City of Vaughan whether obtained by election or by nomination of the City Council or the Corporation of the City of Vaughan.

Patron: A person who is a customer, client, resident or guest of the City of Vaughan,

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Personal Harassment:

Any unwanted or unwelcome acts of coercion and harassment or misuse of power through repeated and hostile or unwanted conduct, verbal comments, emails, threats, actions or gestures that affect a person's dignity or integrity and that result in a harmful workplace environment. Single severe acts of harassing behaviour may be sufficient to be defined as Personal Harassment under this policy. Properly discharged management responsibilities are not considered to be acts of harassment. Any harassment under any prohibited grounds under the Human Rights Code will be dealt with under the Human Rights Policy.

Discriminatory Harassment:

Personal Harassment which is based on a prohibited ground of discrimination under the Ontario human Rights Code and is dealt with under the Corporate Human Rights Policy. The prohibited grounds of discrimination include: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or disability.

Workplace Violence:

Any incident in which an Employee, Patron or Official (Elected or Appointed) is threatened, coerced, abused or sustains an Injury in, at, or related to the workplace and includes threats, coercion or abuse that is transmitted in writing or electronically. Workplace Violence can include acts of violence that occur when an Employee or Official (Elected or Appointed) is off duty if the interaction was related to the workplace or has the potential to compromise the safety of the workplace. Workplace Violence includes Personal Harassment as defined in this policy.

Workplace Violence Policy Co-ordinator:

The Director of Human Resources or his or her designate.

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GUIDING PRINCIPLES:

There are several guiding principles which govern the organization in dealing with workplace violence. These include:

- Duty to report Workplace Violence
- Safety of all Employees, Patrons, and Officials (Elected or Appointed) in all City workplaces and City owned or operated facilities
- Mutual respect between all Employees, between Employees and Patrons of the City, and between Employees, Patrons and Officials (elected or Appointed)
- Co-ordinated application of all components of the Code of Conduct
- Compliance with the Ontario Health and Safety Act, the Ontario Human Rights Code and the common law
- Respect for the collective agreements between the City unions and the Corporation
- Ease of use by both Employees and Management
- Availability of informal resolutions
- Enforceability and clarity
- Protection against retaliation
- Privacy and confidentiality

The City of Vaughan provides a workplace for Employees that is free from violence by:

- Having a written policy regarding Workplace Violence in which all Employees have a duty to report Workplace Violence and a right to be safe from Workplace Violence
- Providing training and information regarding the Respectful Workplace Program and the Workplace Violence Policy to all Employees
- Establishing measures to prevent violence in the workplace
- Performing a Threat Risk Analysis for all worksites as required
- Undertaking thorough investigations of alleged incidents
- Holding perpetrators of inappropriate behaviour accountable
- Providing assistance and support to any Employees who are involved in incidents of violence including alleged perpetrators and victims

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RESPONSIBILITIES

The Director of Human Resources is designated as the Workplace Violence Policy Coordinator and is responsible for the management and direction of the Workplace Violence Policy and Procedures. Where the Workplace Violence Policy Coordinator is a party to an incident of Workplace Violence the City Manager shall appoint a suitable alternate for that incident.

All Employees and Officials (Elected or Appointed) are responsible to abide by and uphold the Workplace Violence Policy and Procedures.