

Harassment, Discrimination or Workplace Violence Procedures **(H.1.6. & H.1.23-001)**

The Corporation of the City of Stratford (the City) has established the following procedure for lodging an employee complaint of harassment, discrimination, workplace violence, or retaliation. The City will treat all aspects of the procedure confidentially to the extent reasonably possible.

Upon becoming aware of any incident which may fall under the definition of harassment, sexual harassment, discrimination or workplace violence as outlined in the City's Policies, the City will ensure that an investigation into the concern is conducted. Any formal complaint that is filed requiring an investigation will be initiated and concluded within (90) ninety days of receipt of a formal complaint.

Nothing precludes the City from deciding, where appropriate, that it may be necessary to take appropriate action, including a formal investigation, even in the absence of a formal complaint [or complainant] or if the complainant does not wish the matter to proceed or if an informal resolution has taken place between the complainant and the respondent.

Procedure

If an employee believes they are being subjected to harassment, discrimination or violence in the workplace, or they have witnessed an incident, they are encouraged to do the following:

1. If it is possible, tell the offending person that their behaviour is offensive, unwelcome and ask them to stop. Make a note of the incident including details, witnesses, date, time and resolution.
2. If the behaviour continues or the conduct causes mental or physical harm the employee should report the problem to the contact persons listed below.
 - a. the employees **Supervisor, Manager or Director**;
 - b. the **Director of Human Resources** if the department management are the source of the problem;
 - c. the **Chief Administrative Office (CAO)** if the Director of Human Resources is the source of the problem;
3. Employees should also keep records of the incident(s) (date, times, locations, possible witnesses, what happened, their response). A record of events is not required to make a complaint, but a record can strengthen your case and help you remember details over time.

In some situations telling the offending person may be difficult or the concern may be ignored. If an employee is unable to talk to the offending person or the concern is ignored they should notify either their own supervisor/manager or the offending persons manager; once made aware, the supervisor/manager is to address concerns immediately. If the offending behaviour does not stop, the employee should proceed to file a formal complaint.

The City's *Employee Assistance Program* (EAP) is available to provide support for employees. Employees may also seek support through the City's Diversity, Equity and Inclusion Division.

Reporting a Formal Complaint

Step 1 - Formal complaints must be made in writing using the "Respectful Workplace Incident Reporting Form", signed by the Complainant and submitted as soon as possible after the incident occurred.

The Respectful Workplace Incident Reporting Form must be filled out accurately and completely. The employee making the complaint (the Complainant) may attach additional information or documentation to support their complaint.

All formal complaints must be forwarded to the Director of Human Resources or designate who will determine if the complaint falls under the Respectful Conduct Policy and determine what investigation is appropriate in the circumstances within seven (7) business days of receipt.

Step 2 - The investigation will be conducted either internally by the Director of Human Resources or at the Director's discretion by appointing an external investigator.

Step 3 - Once the investigation is complete, the investigation outcomes will be reported to the Complainant and Respondent in writing.

Formal Complaint Investigation Process:

1. Once a formal complaint is received by the Director of Human Resources or designate, it will be kept strictly confidential to the extent reasonably possible.
2. Pending the results of a formal investigation the City may take interim measures as it deems necessary to ensure the comfort and safety of employees involved in an investigation. The Diversity, Equity and Inclusion Department may be consulted to provide guidance or subject matter expertise as required. Interim measures may include relocating the respondent or claimant, changing reporting structures or placing an employee on a non-disciplinary suspension with pay pending the outcome of the investigation.

3. The Director of Human Resources or designate will proceed to inform the employee who the complaint has been made against (the Respondent) and will provide a summary of the complaint. The respondent will be permitted to provide a response in writing to address the details of the complaint which will be given to the investigator. The Director of Human Resources or designate will advise the employee making the complaint (the Complainant) and the respondent that an investigation has been initiated, will provide an outline of the investigation process and will provide the name(s) of the internal or external investigator(s).
4. **Investigation Interviews:** The assigned investigator(s) will conduct interviews with all relevant parties including any witnesses, review any relevant material to clarify the details of the reported incident(s) and keep written records of all discussions held with the complainant, the respondent and all witnesses. Both the complainant and respondent will be given full opportunity to present their cases.
5. **Report of Findings:** The investigator(s) will, after completing the investigation, produce a final written report which will be reviewed by the Director of Human Resources and CAO. This report will include the investigator's findings of fact, their opinion on whether harassment, sexual harassment or discrimination has occurred. The complainant and respondent will be advised in writing of the results of the investigation and any corrective action to be taken.

Corrective and/or Disciplinary Action

If, after an investigation, the investigator(s) finds that a complaint is substantiated, the CAO in consultation with the Director of Human Resources will determine what corrective action and/or disciplinary action is to be taken.

The appropriate action will depend on the following factors:

- the severity, frequency and pervasiveness of the conduct.
- prior complaints made by the Complainant.
- prior complaints made against the Respondent; and
- the quality of the evidence (e.g., firsthand knowledge, credible corroboration).

If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the Director of Human Resources and/or the Chief Administrative Officer may recommend appropriate preventive action.

Potential corrective actions will follow the City's Disciplinary Policy and may include, but are not limited to, the following:

1. a formal apology;
2. the introduction of information or education sessions for the Respondent(s) or a particular work group;

3. requiring the Respondent(s) to participate in a counselling process;
4. imposing discipline on the Respondent(s) in accordance with the City's disciplinary policy, ranging from a letter of warning to file, a suspension or termination of employment;
5. requiring a review and modification of policies, procedures and practices for a particular work group.

Where a complaint of harassment, sexual harassment or discrimination is substantiated, a formal record of the action taken will be placed in the Respondent(s)'s employee file in Human Resources.

Union Representation

A Complainant or Respondent may elect to have a union representative present during their investigation interview(s). Union representatives may not disrupt the investigation or instruct a Complainant or Respondent not to answer questions, except where there are criminal proceedings underway and there is a serious risk that the employee may incriminate them self. Union representatives may not answer questions on behalf of the Complainant or Respondent; their role is limited to clarifying questions or providing support if the person being interviewed is unclear about the question being asked of them.

No Retaliation or Reprisal

A reprisal is an action, or threat, that is intended as retaliation for bringing forward a complaint or participating in an investigation process. Such action will not be tolerated and will be subject to progressive discipline up to and including dismissal. However, if it is determined that the complaint was made in a frivolous or vexatious manner, the Complainant may be disciplined according to the City's disciplinary policy.