



Policy Type: Human Resources

Policy #: HR-600-03

Approved by Council on: June 25, 2018

Human Resources – Workplace Discrimination

Policy

The Ontario Human Rights Code (the "Code") states “that it is public policy to recognize the inherent dignity and worth of every person, and to provide for equal rights and opportunities without discrimination”.

The Town of Prescott’s policies state that dealings between Employees at all levels of the organization, are to be based on high standards of justice and integrity. The Town strives to create work environments where all individuals are treated fairly, with complete respect, and where personnel decisions are clearly made on the basis of job qualifications, competency, and merit.

The Town of Prescott does not tolerate discrimination in the workplace perpetrated by or against staff, volunteers, and clients, or other third parties.

Although harassment is a form of discrimination, this policy will not deal with this specific form. For specific information on workplace harassment, refer to the Town of Prescott’s Workplace Violence and Workplace Harassment Policy – HR-600-02.

Objective

The objective of this policy is to establish procedures to minimize discrimination in the workplace; and to foster equality and fair treatment of Employees, contractor, members of the public and visitors to Town work sites.

Scope

This policy applies to all Employees of the Town of Prescott, contractors, members of the public, and visitors to the Town of Prescott.



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Definitions

Discrimination means unequal treatment with respect to employment because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, gender, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, or disability.

Workplace means any land, premises, location or thing at, upon, in, or near which a worker works.

Roles and Responsibilities

Employer

The Town of Prescott will not tolerate discrimination under any circumstances. Any Employee experiencing discrimination has the full support of the Town in resolving the issue. All complaints of discrimination will be promptly and thoroughly investigated.

Management (Manager/Supervisor)

- Provide a work environment that is free from discrimination, including actively promoting a positive, discrimination-free work environment, and intervening when problems occur.
- Deal with inappropriate actions of others that come to their attention.
- Cooperating with Town investigators or other authorities, as required during any investigation related to workplace discrimination.

Employee

- Informs Management of any discrimination he/she experiences or witnesses.
- Reports to Management any incidents of discrimination, according to the procedures set out in this policy.



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- Attends all training or information sessions provided by the Employer to reduce discrimination.
- Cooperates with Town investigators or other authorities as required during any investigation related to workplace discrimination.

Procedure

General

Employees are encouraged to attempt to resolve their concerns by direct communication with the person(s) engaging in the discriminating behaviour. Where employees feel confident or comfortable in doing so, they should communicate their disapproval in clear terms to the person(s) whose conduct or comments are offensive.

The Employee should keep a written record of the date, time, details of the conduct and witnesses, if any.

Employees who are not confident or comfortable with direct communication and who believe they are subjects of discrimination, or become aware of situations where such conduct may be occurring, must report these matters to his or her Supervisor, Manager, or Union Representative.

If informal attempts at resolving the issue are not appropriate, or prove to be ineffective, a formal complaint may be filed.

To file a formal complaint;

- Provide a letter of complaint that contains a brief account of the offensive incident (i.e., when it occurred, the persons involved, and names of witnesses, if any).
- File the complaint with a member of Senior Management unless it is in relation to the CAO, in which case it is to be filed with the Mayor or two members of Council.
- Cooperate with those responsible for investigating the complaint.



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Reporting and Investigation

This section is an overview of the investigation procedure. For further details on the investigation procedure please review Town of Prescott Policy – Investigation Procedure – HR-600-04.

All complaints of discrimination shall be handled in a confidential manner. Information concerning a complaint, or action taken as a result of the investigation, will not be released to anyone who is not involved with the investigation.

- The CAO or designate shall assess the complaint and determine if an investigation into the complaint is warranted.
- In the event an investigation is warranted, an Investigation Team will be established for the investigation process.
- Interviews will be held with the complainant, witnesses and accused to establish the facts of the complaint.
- Upon completion of the interviews the Investigation Team will determine the likeliness of the complaint as to whether or not it occurred.
- A written report of the findings will be provided to the CAO or designate for review and determination of any potential disciplinary action.

Disciplinary Action

Disciplinary action for violations of this policy will take into consideration the nature and impact of the violations, and may include a verbal or written reprimand, suspension (with or without pay), or termination (with or without notice). Reference will be made to the Discipline Policy – HR-300-01 when determining disciplinary action relating to this policy.

Unsubstantiated Complaints

If a person, in good faith, files a harassment complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed and no record of it will be put in the accused harasser's file. As long as the complaint was made in good faith there will be no penalty to the person who complained, and no record in her or his file.



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Confidentiality

The Town of Prescott will not disclose a complainant's or respondent's name, or any circumstances related to a complaint, to anyone, except as necessary to investigate the complaint or take disciplinary action related to the complaint, or as required by law. Managers involved in a complaint are reminded to keep all information confidential, except in the above circumstances. Any breach of confidentiality will be disciplined up to and including dismissal.

Retaliation

Retaliation is considered a serious disciplinary breach. Anyone who retaliates in any way against a person who has complained of discrimination, given evidence in a discrimination investigation, or been found guilty of discrimination, will themselves be considered guilty of discrimination and disciplined accordingly. The possible penalties are the same as those assessed against discriminators.

Malicious Reporting

In the event that the complaint was made in bad faith (with malicious intent to harm another person's reputation) that person will be disciplined and a record of the incident will be put in her or his file.

Penalties for someone who complains in bad faith will be the same as for a case of discrimination and will depend on the seriousness of the situation but may be up to and including dismissal.

Education

All new Employees will receive a copy of this Policy and all other related policies during that Employee's documentation and orientation process.

This Policy shall be posted so that it is available to all Employees.

Review

All aspects of the discrimination prevention plan including the policies will be reviewed annually to ensure the plan is effective.