

Respectful Workplace Policy

(Policy to Support a Respectful Workplace and Prevent Workplace Harassment and Discrimination)

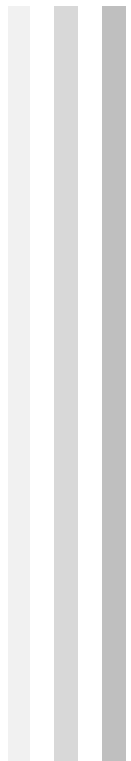


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RESPECTFUL WORKPLACE POLICY
(Policy to Support a Respectful Workplace and
Prevent Workplace Harassment and Discrimination)

1. Effective Date September 1, 2016

2. Original Date June 1, 1998

3. Last Revised Date December 1, 2014

4. Policy Statement

4.1. The Ontario Public Service (OPS) is committed to fostering and sustaining a respectful workplace. A respectful workplace is one that values diversity and inclusion, dignity, courteous conduct, fairness, positive communication and professional working relationships. A respectful workplace is inclusive, diverse, equitable, accessible and free from workplace harassment and discrimination.

4.2. The policy of the OPS is to take every reasonable step to:

- cultivate and sustain a respectful, positive, inclusive and supportive work culture
- promote awareness of rights and responsibilities
- prevent, identify and eliminate workplace harassment and discrimination in a timely manner
- improve and/or restore work environments and work relationships affected by incidents or allegations of workplace harassment or discrimination.

5. Purpose

5.1. The purpose of this policy is to:

- promote respectful and inclusive behaviours in support of the health, safety, human rights and dignity of individuals in OPS workplaces
- establish principles for maintaining positive and productive workplaces and mandatory requirements for the prevention of workplace harassment and discrimination.

6. Application and Scope

6.1. This policy applies to all:

- ministries and Commission public bodies (CPBs)
- [deputy ministers](#), [chairs of CPBs](#) and [prescribed PSC delegates of CPBs](#)
- public servants appointed under Part III of the *Public Service of Ontario Act, 2006* (PSOA)

- 6.2. The workplace harassment provisions outlined under this policy apply to [workers](#) (including contractors) as defined in the [Occupational Health and Safety Act \(OHSA\)](#).
- 6.3. This policy upholds the [Ontario Human Rights Code \(the Code\)](#), and complies with the *Occupational Health and Safety Act (OHSA)*, and relevant legislation (including the *Accessibility for Ontarians with Disabilities Act, 2005 (AODA)* and the *Criminal Code of Canada*), directives, policies and collective agreements.
- 6.4. This policy supports the [Human Resources Management Directive](#) and complements other human resource policies that promote and sustain positive, inclusive and supportive workplaces including the:
- [Policy on Preventing Barriers in Employment](#) which provides requirements and direction on the identification, removal, mitigation and prevention of systemic employment barriers that may arise from human resource management policies and practices.
 - [Disability Accommodation Policy](#) which provides requirements and direction on providing timely and effective employment accommodation and accessibility for persons with disabilities.
 - [Workplace Violence Prevention Policy](#) which provides requirements and direction on preventing and effectively responding to workplace violence.
- 6.5. This policy does not limit other statutory or collectively bargained rights. [Employees](#), [other workers](#) and former employees may file complaints under this policy within six (6) months of the most recent alleged incident of workplace discrimination or harassment. Any complaint received beyond six (6) months may be considered in extenuating circumstances.
- 6.6. Subject to stipulated time limits, employees, former employees and other workers where applicable may also:
- file a grievance under the PSOA if they have grievance rights in relation to working conditions
 - file a grievance in accordance with the applicable collective agreement if they have grievance rights
 - apply to the Human Rights Tribunal of Ontario.
- 6.7. This policy does not apply to:
- complaints arising under Part VI of the PSOA, disclosing and investigating wrongdoing (see [Disclosure of Wrongdoing Directive](#))
 - allegations of systemic employment barriers (see the [Policy on Preventing Barriers in Employment](#)).
- 6.8. When a uniformed member of the Ontario Provincial Police (OPP) is alleged to have violated this policy, the OPP Professional Standards Bureau shall determine whether potential policy violations will be addressed under the *Police Services Act*. If the matter is not addressed under the *Police Services Act*, it must be addressed by the OPP in accordance with this policy and the OPP's WDHP program and process.

Workplace Harassment

- 6.9. For the purposes of this policy, *workplace harassment* is defined consistent with the *OHSA* and the *Code* as engaging in a course of vexatious comment or conduct against an employee or other worker in the workplace that is known or ought reasonably to be known to be unwelcome or, workplace sexual harassment (defined below) (*OHSA*, s.1(1)).
- 6.10. A reasonable action taken by an employer or supervisor relating to the management and direction of work or the workplace is not workplace harassment (*OHSA*, s.1 (4)).

Workplace Sexual Harassment

- 6.11. For the purposes of this policy, *workplace sexual harassment* is defined, consistent with the *OHSA*, as:
- Engaging in a course of vexatious comment or conduct against an employee or other worker in the workplace 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 employee or other worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome (*OHSA*, s.1(1)).

Discrimination

- 6.12. For the purposes of this policy, *discrimination* is defined as any practice or behaviour, whether intentional or not, which has a negative impact on an individual or group based on one or more of the prohibited grounds of discrimination in employment under the *Code*, except where the conduct is permitted under the *Code*. Discrimination may arise due to treatment which though applied equally has an unequal effect on an individual or group protected from discrimination under the *Code*.
- 6.13. The prohibited grounds of discrimination in employment are age, ancestry, citizenship, colour, creed, disability, ethnic origin, family status, gender expression, gender identity, marital status, place of origin, race, record of offences, sex (including pregnancy and breastfeeding), and sexual orientation.

Additional Definitions

6.14. See also [section 11](#) for additional definitions.

7. Principles

- 7.1. Employees are responsible for respecting the dignity and rights of other employees, other workers and the public they serve. Managers, employees and other workers are responsible for demonstrating standards of respectful and professional behaviour consistent with the principles outlined in this policy, [OPS Code of Ethics and organizational values](#).
- 7.2. Supporting a respectful workplace including the prevention of workplace harassment and discrimination is an integral part of all workplace activities, and is a shared responsibility requiring cooperation between the employer, employees and, where applicable, bargaining agents.
- 7.3. Managers, with the assistance of human resource advisors, take timely action to resolve situations contrary to respectful workplaces such as behaviours negatively impacting the workplace (e.g., conflict, poor communication), even where such behaviours are not workplace harassment or discrimination.
- 7.4. All allegations of workplace harassment or discrimination are treated seriously and handled on a timely and confidential basis in accordance with this policy, the applicable program and applicable law with an aim to preserve the dignity, self-respect and rights of all parties.
- 7.5. The OPS offers employment accommodation short of undue hardship in accordance with its legal obligations, including under the *Code*.

8. Policy Violations

- 8.1. Engaging in workplace harassment or discrimination is a violation of this policy. Behaviours and practices that are workplace harassment or discrimination contrary to this policy include, but are not limited to the following examples:
 - a) workplace harassment or discrimination in any aspect of employment, which may include, but is not limited to: recruitment, selection, promotion, learning and development, performance management, redeployment, layoff, pay and benefits, termination, job assignment, and granting leaves of absence
 - b) workplace harassment or discrimination of an individual or group based on relationship, association, or dealings with a person or group identified by a prohibited ground under the *Code*, or because the individual or group is believed to be a member of a group covered by a prohibited ground under the *Code*
 - c) [sexual harassment](#) as prohibited under the *Code* and the OHSA
 - d) [sexual solicitation and related reprisal](#) as outlined under the *Code* and the OHSA
 - e) [hate activity](#)

- f) creating or contributing to a [poisoned work environment](#) (including through the use of government property such as information technology resources (refer to [OPS Social Media Guidelines](#) for more information), use of social media or the public display of materials that create a negative, hostile or unpleasant workplace)
- g) failure of management, in keeping with its authority, to respond appropriately and expeditiously to workplace harassment or discrimination
- h) interference with a workplace harassment or discrimination investigation, including but not limited to intimidating a complainant, respondent or witness, or influencing a person to give false or misleading information
- i) reprisal, including threatening or retaliating against an employee or other worker for exercising a right under this policy, or participating in the process (e.g., investigation) against any other person who is performing a legitimate role under this policy
- j) bad faith allegations, complaints, or accusations (e.g., submitting a Workplace Discrimination and Harassment Prevention (WDHP) complaint knowing there has been no policy violation)
- k) breach of confidentiality contrary to this policy
- l) failure to offer effective or appropriate employment accommodation, short of undue hardship, in keeping with the *Code*, Disability Accommodation Policy, and other applicable legislation.

Consequences for Policy Violations

- 8.2. Employees, including managers, found to have violated this policy will be held accountable and may be subject to discipline up to and including dismissal in accordance with the principles of progressive discipline.
- 8.3. Other workers found to have violated this policy will be subject to appropriate action up to and including removal from the workplace.

9. Mandatory Requirements

Information and Awareness

- 9.1. Newly appointed managers must complete workplace harassment and discrimination prevention education and/or training on the content of this policy and associated programs within six (6) months of their start date.
- 9.2. Existing managers must participate in education and/or training at least every two (2) years in support of respectful workplaces and/or human rights (e.g., policy changes, conflict management, diversity, human rights, fair hiring).
- 9.3. Employees and other workers who are new to the OPS must receive information and complete training on this policy and associated programs as part of their orientation.

- 9.4. Employees and other workers shall receive information about changes to this policy and associated program, as required.
- 9.5. Performance commitments for employees shall incorporate requirements that contribute to a positive, professional and respectful workplace, free from workplace harassment and discrimination.

Confidentiality and Privacy

- 9.6. Information obtained about an incident or complaint of workplace harassment or discrimination including identifying information about any individuals involved, will not be disclosed unless:
 - the disclosure is necessary for the purposes of investigation, or
 - for taking corrective action with respect to the incident or complaint, or
 - is otherwise required by law.
- 9.7. Respondents and complainants must have access to sufficient information about the allegations to allow effective participation in the process.
- 9.8. Personal information must be collected, used and disclosed in accordance with applicable policies or guidelines and law.
- 9.9. There must be no reference to a complaint under this policy in an employee's human resource file unless disciplinary action was taken against the employee. When disciplinary action has been taken, retention of information in the employee's human resource file is subject to the applicable collective agreement and otherwise the Archives of Ontario records retention schedules.

Timeliness

- 9.10. Each timeframe outlined in this policy is considered to be the maximum expected time allowed for each WDHP activity, unless extenuating circumstances apply (e.g., a party is on leave of absence and unavailable, scope of investigation expands, additional evidence is discovered late in the process). Failure to meet suggested timelines, however, does not void the process.
- 9.11. All parties involved in the resolution of workplace harassment or discrimination issues or complaints, including managers, employees/other workers, and advisors, must make every effort to act as quickly as possible and to demonstrate full, timely and complete cooperation in the resolution of issues or complaints.

Addressing Workplace Harassment and Discrimination

- 9.12. Employees are encouraged, when possible, to tell the alleged offender about unwelcome conduct or actions perceived to be workplace harassment or discrimination and ask the alleged offender to stop.

Other workers are encouraged, when possible, to tell the alleged offender about unwelcome conduct or actions perceived to be workplace harassment and ask the alleged offender to stop.

- 9.13. Employees and other workers are encouraged to quickly notify their immediate supervisor, appropriate management representative or the appropriate WDHP Section, Centre for Employee Health, Safety and Wellness (CEHSW), OPP contact, or CPB office, about discriminatory or harassing incidents or conduct that allegedly violate this policy. The responsible manager or the appropriate WDHP advisor may contact the employers of other workers regarding alleged violations of this policy.

Right to Representation

- 9.14. Complainants, respondents and witnesses have the right to be accompanied by a support person and/or bargaining agent representative where applicable, during complaint resolution processes related to this policy. Employees must actively participate in the process; the support person or bargaining agent representative does not advocate on the employee's behalf.

Management Response to Alleged Workplace Harassment or Discrimination

- 9.15. Managers and human resource advisors must notify the WDHP Section, Centre for Employee Health, Safety and Wellness (CEHSW), Ministry of Government and Consumer Services (MGCS), or the applicable OPP contact/CPB office upon receipt of an alleged workplace harassment or discrimination complaint or upon becoming aware of a potential violation of this policy.

Managers have a general duty to take action as soon as possible after becoming aware of situations that endanger employee and/or worker health and safety (OHSA, s. 25)

- 9.16. The WDHP advisor shall conduct a preliminary assessment within 15 working days of complaint receipt.
- 9.17. Managers, with advice from the WDHP Section, CEHSW or OPP contact/CPB office, will determine the complaint resolution method and initiate the activity within 15 working days of the preliminary assessment. They will complete the resolution method in a timely manner ([direct management action](#) (within 30 working days), [alternate dispute resolution](#) (within 50 working days), [investigation](#) (within 90 working days for internal investigations and 120 working days for external investigations) and will use the least disruptive approach appropriate in the circumstances.
- 9.18. Managers must ensure employees and other workers are made available at the earliest opportunity to participate in all applicable stages of the WDHP process and implement appropriate measures to ensure a safe workplace.
- 9.19. Managers must notify police and consult legal services, as required, when information is brought forward about workplace harassment or discrimination that may constitute criminal behaviour (e.g., sexual assault).

- 9.20. Complainants and respondents must be kept apprised of the status of the WDHP complaint resolution process.
- 9.21. Managers must, in writing, inform the complainant who has allegedly experienced workplace harassment and the respondent, if he or she is an employee, of the results of the investigation and of any corrective action(s) that has been or will be taken as a result of the investigation of workplace harassment (OHSA, s.32.0.7).
- 9.22. Managers must take appropriate steps to improve and/or restore work environments and work relationships affected by allegations or incidents of workplace harassment or discrimination. Workplace restoration shall be initiated within one month of complaint resolution. As part of workplace restoration and corrective actions, managers must consider undertaking appropriate actions such as, but not limited to:
- providing appropriate direction
 - providing remedial education or training to employees who are found to have violated this policy
 - using Alternate Dispute Resolution (ADR) approaches to help restore and promote positive working relationships
 - monitoring future behaviour.
- 9.23. Managers must review workplaces affected by incidents or allegations of workplace harassment or discrimination no later than six months after the conclusion of the complaint resolution process to determine whether additional workplace restoration strategies should be engaged.
- 9.24. Decision makers must declare any potential conflict of interest (e.g., personal relationship with the complainant or respondent) in relation to an alleged violation of this policy.

In such a case, the next level of manager not involved in the alleged incident or conduct (i.e., responsible manager) must assume responsibilities associated with a resolution. When appropriate, management of another area, including another ministry or CPB, may be asked to assume responsibilities associated with a resolution.

WDHP Service Delivery Model

- 9.25. The WDHP Section, CEHSW, MGCS shall develop and administer a corporate workplace program to help prevent and mitigate harassment and discrimination. The program will implement this policy, and include measures and procedures to address policy violations. It provides discrimination and harassment complaint resolution and workplace restoration advisory services for all ministry organizations, except the OPP.
- 9.26. The Ontario Provincial Police's Career Development Bureau provides discrimination and harassment complaint resolution and workplace restoration advisory services for the OPP.

Measurement and Review

- 9.27. Workplace harassment and discrimination prevention policy and program metrics must be established and collected by TBS and MGCS. Program metrics must be reviewed by TBS and MGCS, and results reported to the Public Service Commission (PSC) every year.
- 9.28. OPP and CPB offices who do not receive services from the WDHP Section, MGCS that provide internal complaint resolution and workplace restoration advisory services under this policy must collect and maintain statistics and program measures on workplace harassment and discrimination activity, and report them to the PSC upon request.

10. Responsibilities

All responsibilities in the [Human Resource Management Directive](#) and [Human Resource Management Delegation of Authority Directive](#) apply to this policy. Additional responsibilities that are specific to this policy are set out below.

Employees and Other Workers (where applicable)

- 10.1. Review information and complete instructional programs as directed by management related to this policy.
- 10.2. Report alleged policy violations they have witnessed or experienced to a management representative or WDHP advisor.
- 10.3. Follow the complaint filing protocols outlined under the program and advise the responsible manager or WDHP office of related proceedings (e.g., grievance) as soon as possible.
- 10.4. Cooperate fully in the early resolution efforts, mediation, investigation, workplace reviews, and/or workplace restoration in response to workplace harassment or discrimination allegations.
- 10.5. Not threaten, intimidate or retaliate against another employee or worker for exercising a right under this policy or participating in an investigation or resolution approach.
- 10.6. Meet performance commitments associated with respectful workplaces and prevention of workplace harassment and discrimination.
- 10.7. Exercise rights under this policy in good faith.

Managers/Supervisors

- 10.8. Create a respectful and inclusive workplace where people feel safe to raise their concerns about human rights, workplace harassment and discrimination and have them effectively addressed, accessing specialized expertise as required.
- 10.9. Fulfill responsibilities of an employee to the extent that they are applicable.
- 10.10. Understand their obligations as a “competent” supervisor, as defined by the OHSA and ensure compliance with the OHSA and, immediately seek clarification when they have questions.

- 10.11. Ensure this policy is posted in a conspicuous place in the workplace (OHSA, s. 32.0.1(2)).
- 10.12. Complete mandatory education and/or training as outlined in this policy (OHSA, s.32.0.8).
- 10.13. Inform employees and other workers:
 - that disrespectful behaviours, workplace harassment and discrimination will not be tolerated
 - of their rights and responsibilities under this policy, including ways in which incidents or allegations of workplace harassment and discrimination can be resolved.
- 10.14. Advise members of the public, as applicable, including visitors to OPS facilities or individuals conducting business with the government, that they are expected to be respectful and not discriminate against or harass employees, other workers, and other members of the public.
- 10.15. Monitor and maintain awareness of potential workplace harassment or discrimination and take steps to prevent or address these issues.
- 10.16. Following an incident of potential workplace harassment or discrimination, take immediate action, in consultation with the appropriate HR professional, to protect the health and safety of employees and/or other workers, which may include removal of the alleged offender from the workplace.
- 10.17. [Restore workplaces](#) disrupted by alleged or actual policy violations, or complaint resolution processes.

Joint Health and Safety Committee/Health and Safety Representative

- 10.18. Represent the health and safety interests of all workers in the workplace by making recommendations relating to the WDHP program, as appropriate.

Deputy Ministers and Chairs of Commission Public Bodies (CPBs)

- 10.19. Provide leadership in fostering and sustaining respectful, inclusive, diverse, equitable and accessible workplaces free from workplace harassment or discrimination.
- 10.20. Apply and monitor this policy and related policies and programs.
- 10.21. Consider developing prevention strategies based on analyses of workforce data, various dimensions of diversity and policy and program measures.
- 10.22. Integrate workplace harassment and discrimination prevention strategies into ministry/CPB business plans by:
 - allocating funds and human resources to address local workplace harassment and discrimination issues
 - establishing internal reporting requirements, regularly reviewing ministry/CPB WDHP data and developing strategies and priorities for

ministry/CPB workplace harassment and discrimination prevention programs, if appropriate

- evaluating and reporting on the effectiveness of the ministry's or CPB's workplace harassment and discrimination prevention initiatives, where applicable.

- 10.23. Ensure managers, employees and other workers receive information and instruction on this policy and maintain training records.
- 10.24. Hold managers accountable for maintaining respectful workplaces, free from workplace harassment and discrimination.
- 10.25. Involve the MGCS and TBS in ministry or CPB-based activities that may have enterprise-wide implications for managing workplace harassment and discrimination issues.
- 10.26. Receive, review and act upon workplace harassment and discrimination reports arising from external investigations within 30 working days of receiving the final report.
- 10.27. Delegate appropriate authorities and responsibilities under this policy.

Prescribed Public Service Commission delegates of Commission public bodies (CPBs)

- 10.28. Act on delegated authority to discipline an employee and carry out other functions under this policy.
- 10.29. Receive and review reports arising from external investigations.
- 10.30. Decide on appropriate remedies including discipline, when assigned within 30 working days of receiving the final report.
- 10.31. Ensure effective implementation of settlements, remedies and corrective actions.
- 10.32. Inform the deputy minister or chair of the policy breach and remedy applied.

Treasury Board Secretariat (TBS)

- 10.33. Develop and communicate the corporate workplace harassment and discrimination prevention policy and policy tools.
- 10.34. Conduct the [annual review](#) of this policy (OHSA, s.32.0.1) and recommend policy improvements, if any, to the Management Board of Cabinet.
- 10.35. Interpret this policy and establish reporting requirements.
- 10.36. Liaise with bargaining agents on workplace harassment and discrimination issues with enterprise-wide significance.
- 10.37. Assist MGCS with the development of training and education programs for preventing and responding effectively to workplace harassment and discrimination issues.

Ministry of Government and Consumer Services (MGCS)

WDHP Section, Centre for Employee Health, Safety and Wellness

- 10.38. Conduct the annual review of the written workplace harassment program (OHSA, s. 32.0.6).
- 10.39. Provide expertise, advice, guidance, instructional materials and information to ministries on workplace harassment and discrimination prevention programs.
- 10.40. Provide workplace harassment and discrimination complaint resolution and workplace restoration advisory services for all ministry organizations except the Ontario Provincial Police.
- 10.41. Lead the development of training and education programs for preventing and responding effectively to alleged workplace harassment and discrimination.
- 10.42. Provide advice and assistance to managers and human resource advisors in handling workplace harassment or discrimination.
- 10.43. Provide neutral information and support to all parties (e.g., complainant, respondent witness, decision maker) throughout the complaint resolution and workplace restoration process.
- 10.44. Manage applicable vendor of record agreements, including vendor performance, and provide orientation to vendors on the application of this policy.
- 10.45. Monitor program activity and report back to senior management and the PSC.

OPS Diversity Office

- 10.46. Lead the development of tools and training aimed at building the skills required to identify and mitigate disrespectful behaviour.
- 10.47. Support the implementation of education and awareness aimed at promoting and sustaining an inclusive, diverse, equitable and accessible work environment, free of workplace harassment and discrimination.
- 10.48. Support the analyses of workforce data on various dimensions of diversity (e.g., race, age, disability, sexual orientation).
- 10.49. Undertake analyses of policy and program measures and workforce data on various dimensions of diversity (e.g., race, age, disability, sexual orientation).

Human Resource Professionals

- 10.50. Assist managers in resolution of workplace conflict and other issues to better support respectful workplaces.
- 10.51. Refer managers, employees and other workers to the appropriate WDHP office (e.g., WDHP Section, CEHSW; OPP Career Development Bureau) in relation to allegations of workplace harassment and discrimination.
- 10.52. Provide support and assistance throughout the complaint process in the OPP and CPBs.

The Ontario Provincial Police (OPP) and Commission Public Body (CPB) Offices that provide internal complaint resolution and workplace restoration advisory services

- 10.53. Support OPP or CPB managers and employees and other workers, where applicable, by developing proactive and responsive internal programs/strategies to prevent and respond effectively to workplace harassment and discrimination issues.
- 10.54. Provide advice and assistance to managers and human resource advisors in preventing and handling workplace harassment and discrimination issues and complaints.
- 10.55. Provide advice and support to parties (e.g., complainant, respondent, witness, decision-maker, liaisons/ investigators) throughout the complaint resolution and workplace restoration process by answering questions, providing information on process and where to find appropriate resources.
- 10.56. Provide information and instruction on the content of this policy and associated programs.
- 10.57. Oversee investigations and review draft WDHP investigation reports to ensure findings and conclusions are based on collected evidence and can withstand third-party scrutiny.
- 10.58. Maintain statistical information on WDHP complaint activity and upon request, report it to the PSC.
- 10.59. Monitor compliance of this policy and establish internal reporting requirements.
- 10.60. Provide reports to deputy ministers or chairs on complaints that remain open for more than nine months after the preliminary assessment has been completed.
- 10.61. Liaise with the CEHSW and share best practices.

Public Service Commission

- 10.62. Review policy and program performance results that are reported by TBS and MGCS every year.

Management Board of Cabinet

- 10.63. Approve updates to this policy.

11. Definitions

For purposes of this policy, and, as applicable, in accordance with the *Human Rights Code*, the *Occupational Health and Safety Act* and other legislation, the terms listed below have the following meaning:

Annual Review: review by the employer of its workplace harassment policy and program in compliance with sections 32.0.1 and 32.0.7(1)(c) of the OHS Act.

Alternate Dispute Resolution (ADR): interest-based resolution process where, through mutual agreement, parties attempt to resolve disputes using a variety of approaches facilitated by a neutral individual.

Chairs/Prescribed Public Service Commission delegates of Commission public bodies: person prescribed under section 55 of PSOA to whom the Public Service Commission may delegate its PSOA powers and duties, or where no one is prescribed, the chair.

Complainant: person who alleges to be a recipient of workplace harassment or discrimination.

Deputy Minister: a deputy minister or a person delegated or assigned to perform the power, duty or function in accordance with Public Service Commission and ministry or Commission public body human resource delegations as applicable.

Direct Management Action (DMA): involves managers exercising their authority appropriately to enforce OPS policies and practices to help resolve issues while outlining future expectations. DMA may include discussion with the respondent on why the behaviour was inappropriate or disrespectful and what is the expected workplace behaviour; formal or informal educational training; verbal warning or letter of counsel; progressive discipline (e.g., letter of reprimand); other training as appropriate.

Discrimination: see section 6.12 and 6.13.

Diversity: refers to the multi-faceted ways we all differ and along a wide range of human qualities and attributes including, but not limited to, the prohibited grounds of the Code, educational background, expertise, and experiences.

Employee: public servant appointed under Part III of the PSOA, 2006 (including Ministers' staff), deputy ministers, chairs of Commission public bodies and prescribed PSC delegates of CPBs.

Employer: has the same meaning as defined in s.1 of OHS Act and means "a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services."

Hate Activity: comment or actions against a person or group motivated by bias, prejudice or hate based any of the prohibited grounds under the code or any other similar factor. Includes, but is not limited to, hate crime, hate propaganda, advocating genocide, telephone/electronic communications promoting hate, and the public display of hate through any notice, sign, symbol, emblem.

Health and Safety Representative (HSR): A health and safety representative selected under the OHSA.

Human Rights Code, R.S.O. 1990, c.H.19: Ontario law that protects persons from employment-related discrimination and harassment based on prohibited grounds and recognizes the dignity and worth of every person. Grounds are age, ancestry, citizenship, colour, creed, disability, ethnic origin, family status, gender expression, gender identity, marital status, place of origin, race, record of offences, sex (including pregnancy and breastfeeding), and sexual orientation.

Investigation: systematic attempt to learn the facts about a complaint under this policy to determine whether the policy has been violated.

Joint Health and Safety Committee (JHSC): A committee as constituted under the OHSA.

Manager: individual to whom human resource management powers, duties or functions have been delegated, including hiring and terminating. In the case of Commission public bodies, includes the person to whom any of the Public Service Commission's powers, duties and functions has been delegated under subsection 44(4) of *Public Service of Ontario Act, 2006* other than the deputy or a chair.

Occupational Health and Safety Act R.S.O. 1990, c.0.1 and its regulations: Ontario law that outlines legislative obligations to protect workers, roles and responsibilities for all parties, and outlines enforcement and penalties for unsafe working conditions and practices.

Other workers: workers as defined in the OHSA but excluding employees as defined for the purposes of this policy.

Poisoned Work Environment: negative, hostile or unpleasant workplace due to harassing or discriminatory comments or conduct as defined in this policy. A poisoned work environment may result from a serious and single event, remark or action.

Preliminary Assessment: initial review of issues, allegations, or WDHP complaints under this policy to clarify details, to consider whether there has been a potential policy violation (in-scope), and to determine appropriate resolution mechanisms or other actions.

Prohibited (or protected) Grounds: personal attributes that are recognized as the basis of harassing and discriminatory actions under the *Code*.

Respondent: person alleged to have harassed or discriminated against an employee, other worker or member of the public (e.g., complainant).

Responsible Manager: the first level of manager who is not involved in the complaint, for example, the director of a manager.

Supervisor: A person who has charge of a workplace or authority over a worker as defined in s.1 of the OHSA.

Systemic Employment Barrier: a human resource management rule, standard, requirement, or practice, in whole or in part, which, when applied in the same way to everyone, has the effect of excluding or restricting the participation of some individuals within the workplace, based on prohibited grounds of discrimination in employment under the *Human Rights Code*.

Worker: has the same meaning as defined in s.1 of OHSA and means “any of the following, but does not include an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program;

1. A person who performs work or supplies services for monetary compensation.
2. A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.
3. A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university or other post-secondary institution.
4. A person who receives training from an employer, but who under the *Employment Standards Act, 2000*, is not an employee for the purposes of that Act because the conditions set out in subsection 1(2) of that Act have been met.
5. Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation.”

Workplace: means any land, premises, location or thing at, upon, in or near which a worker works and sites at which work-related activities or events take place, for example, off-site training locations, conferences, work-related social events and business travel.

Workplace Harassment: see section 6.9.

Workplace Restoration: promoting and/or restoring positive and respectful workplace relationships following a complaint of workplace harassment or discrimination.

Workplace Sexual Harassment: see section 6.11.

12. Enquiries

- a) For more information about this policy, contact:

HR Policy & Planning Branch
Treasury Board Secretariat

Telephone: 416-327-1090

Email: HRPolicyTeam@ontario.ca

- b) For information about the OPS WDHP Program, contact:

WDHP Section, Centre for Employee Health, Safety and Wellness
Ministry of Government and Consumer Services

Email: wdhp@ontario.ca

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Appendix A – Policy Revisions

Date	Revision	Reference Sections
September 1, 2016	Policy name changed from Workplace Discrimination and Harassment Prevention Policy to the Respectful Workplace Policy (Policy to Support a Respectful Workplace and Prevent Workplace Harassment and Discrimination)	Cover page and throughout
	Effective date - updated to September 1, 2016	Section 1
	Last revised date updated to December 1, 2014	Section 3
	Policy statement - includes commitment to fostering and sustaining a respectful workplace and what is meant by a respectful workplace	Section 4
	Purpose - updated to include promoting respectful and inclusive behaviours in support of health, safety, human rights and dignity of individuals in OPS workplaces	Section 5
	Application and scope - updated to clarify Inclusive policy framework and associated policies	Section 6
	Principles - streamlined and revised	Section 7
	Streamlined WDHP complaint process details since they are already in WDHP program guidance	Section 8
	Added JHSC responsibilities and definition	Sections 10 & 11
	Aligned definitions with OHS Policy, Workplace Violence Prevention Policy, and HR Management Directive	Section 11
	Amended definitions for workplace harassment and workplace sexual harassment and added annual harassment program review requirement to align with the OHSA amendments in force on Sept. 8, 2016	Section 11
December 1, 2014	Changes reflect organizational changes	
	Effective date updated to December 1, 2014	1
	Last revised date updated to October 1, 2013	3
	Ministry names updated	9.1, 9.24, 9.26, 10.30, 10.33, 10.57, 10.59, 10.65, 10.74, 10.76, 10.77