

Q's and A's

Respectful Workplace Policy

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

Questions and Answers

This document provides guidance only and is intended to answer general questions about the policy. Refer to the [Respectful Workplace Policy \(Policy to Support a Respectful Workplace and Prevent Workplace Harassment and Discrimination\)](#) for specific policy requirements.

Introduction

1. What is the policy of the Ontario Public Service (OPS) regarding workplace harassment and discrimination?

The policy of the Ontario Public Service 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

The 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 harassment and discrimination.

2. Does the Respectful Workplace Policy replace the Workplace Discrimination and Harassment Prevention (WDHP) Policy?

Yes. The WDHP Policy has been revised and updated as the Respectful Workplace Policy (Policy to Support a Respectful Workplace and Prevent Workplace Harassment and Discrimination). Workplace harassment and discrimination matters are addressed in the Respectful Workplace Policy.

3. Why was the WDHP Policy revised and updated as the Respectful Workplace Policy?

The OPS is committed to fostering and sustaining a respectful workplace that is inclusive, diverse, accessible and free from discrimination and harassment. To continue to be a modern and effective public service, the OPS needs policies and programs in place so all employees feel welcomed in their workplace and are able to make a full contribution.

Policy Features

4. What is the purpose of the Respectful Workplace Policy?

The purpose of the Respectful Workplace Policy (Policy to Support a Respectful Workplace and Prevent Workplace Harassment and Discrimination) 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.

The policy complies with the *Occupational Health and Safety Act* (OHSA) requirement for employers to prepare a policy with respect to workplace harassment.

5. Who does the policy apply to?

The Respectful Workplace Policy applies to all employees of ministries and Commission public bodies (CPBs). This includes Deputy Ministers, chairs of CPBs, prescribed Public Service Commission delegates of CPBs, and Ministers' office staff.

Workplace harassment, including sexual harassment, provisions outlined under the policy also apply to 'workers' as defined in the *Occupational Health and Safety Act* (for example, temporary work agency staff).

6. Who provides programs and services to support policy implementation?

The WDHP Section, Centre for Employee Health, Safety and Wellness (CEHSW), Ministry of Government and Consumer Services (MGCS), provides discrimination and harassment complaint resolution and workplace restoration advisory services for all OPS ministries, except the Ontario Provincial Police (OPP) and Commission public bodies.

The OPP and Commission public bodies are responsible for maintaining their own internal complaint resolution and workplace restoration advisory services and are required to comply with the mandatory requirements set out under the policy. Within the OPP, these responsibilities rest with the Career Development Bureau.

Human resource (HR) professionals help managers resolve workplace conflict and other issues to better support respectful workplaces. If contacted, HR professionals also refer managers, employees and other workers to the appropriate WDHP office (e.g., WDHP Section in MGCS or OPP Career Development Bureau) in relation to allegations of workplace harassment and discrimination.

Definitions

7. What is the definition of a workplace?

It is important to understand the formal definition of “workplace” according to the *Occupational Health and Safety Act*, as it extends beyond what some employees may view as their regular workplace.

“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.

Some examples (not exhaustive) of OPS workplaces include:

- A regular office in a government office building
- A temporary fire camp set up for Ministry of Natural Resources and Forestry (MNRF) fire fighters
- Ontario business locations that Ministry of Labour (MOL) inspectors attend to inspect premises under the OHS Act
- A staff retirement party at a local restaurant or pub
- Vehicles while travelling on OPS business

8. What is discrimination under the policy?

Discrimination is 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 *Human Rights Code (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*.

The prohibited grounds relating to 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.

9. What is workplace harassment under the policy?

Workplace harassment is defined 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”.

For example, workplace harassment could include repeated and intentional behaviour that offends, belittles, or undermines an individual or group where the average person would have known the behaviour was inappropriate.

Workplace harassment does not have to be linked to a prohibited ground of discrimination under the *Code*.

Workplace conflict, e.g., negative interpersonal interaction between individuals or groups, is not always harassment. Where workplace conflict is not workplace harassment, it would not be appropriate to file a complaint under the WDHP program.

A reasonable action taken by an employer or supervisor relating to management and direction of work or the workplace is not workplace harassment.

10. What is workplace sexual harassment under the policy?

Workplace sexual harassment is defined 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.”

11. What is a poisoned work environment?

A poisoned work environment is a negative, hostile or unpleasant workplace due to harassing or discriminatory comments, including a workplace that demeans a group identified by one or more of the prohibited grounds under the Code, even if not directed at a specific individual. A poisoned work environment may result from a serious single event, remark or action.

Creating, contributing to or condoning a poisoned work environment is a violation of the Respectful Workplace Policy.

Violations of the Respectful Workplace Policy

12. What are the policy violations?

Engaging in workplace harassment or discrimination are violations of the policy. The Respectful Workplace Policy includes examples of policy violations, such as:

- Workplace harassment or discrimination in any aspect of employment
- Sexual harassment, sexual solicitation and related reprisal
- Creating or contributing to a poisoned work environment including through the use of IT resources, social media or the public display of materials that create a negative, hostile or unpleasant workplace
- Hate activity (comment or actions against a person or group motivated by bias, prejudice, or hate based on any of the prohibited grounds under the Code or any other similar factor)
- Reprisal, including threatening or retaliating against an employee or other worker for exercising a right under the Respectful Workplace Policy or participating in the process
- Bad faith allegations, complaints or accusations (e.g. submitting a complaint knowing there has been no policy violation)
- Breach of confidentiality related to a complaint of workplace harassment and discrimination.

13. If someone is disrespectful, is that a policy violation?

No. The policy is intended to support the creation and maintenance of workplaces that are inclusive and respectful. It is focused on the prevention of workplace harassment and discrimination. Not all objectionable behaviour equates to workplace harassment or discrimination, or should be dealt with through a harassment or discrimination complaint.

14. What happens if an employee contravenes the Respectful Workplace Policy?

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

15. Does the policy address workplace harassment or discrimination that is carried out using social media?

Yes. Creating or contributing to a poisoned work environment, including through the use of social media, is an example of a policy violation in the Respectful Workplace Policy. Refer to the [OPS Social Media Guidelines](#) for more information about the requirements for OPS employees when using social media.

16. How does the policy apply to harassment that may occur in OPS workplaces involving members of the public?

a) Harassment by members of the public towards an OPS employee:

In situations where a member of the public engages in discriminatory or harassing behaviour towards an employee, the manager has a responsibility to take action. For example, depending on the situation, the manager may advise the individual that he or she is expected to be respectful and not discriminate against or harass employees. In addition, it may be appropriate and necessary for the manager to take additional action (for example, calling building security) to intervene to stop the unacceptable behaviour.

b) Harassment by an OPS employee towards a member of the public:

One of the principles of the policy is that employees are responsible for respecting the dignity and rights of the public they serve.

c) Harassment between members of the public in an OPS workplace:

Managers have a responsibility to 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. In some situations it may be appropriate and necessary for the manager to take additional action to stop the unacceptable behaviour (for example, calling building security to potentially have them removed from the premises).

Responsibilities

17. What are the responsibilities of employees under this policy?

All employees have a role to play in ensuring respectful workplaces.

The responsibilities of employees include:

- Complying with obligations under the Respectful Workplace Policy not to engage in workplace harassment or discrimination
- Reviewing information and completing instructional programs as directed
- Reporting alleged policy violations they have witnessed or experienced to a management representative or WDHP advisor
- Following the complaint filing protocols outlined under the program
- Cooperating fully in early resolution efforts, mediation, investigation, workplace reviews, and/or workplace restoration, as applicable.

Employees (and other workers where applicable) are responsible for complying with *Human Rights Code*, *Occupational Health and Safety Act*, the Respectful Workplace policy and other policies, programs and procedures that support an inclusive, respectful workplace free from discrimination and harassment.

18. What are the responsibilities of managers regarding discrimination and harassment prevention?

In addition to their responsibilities as employees, the responsibilities of managers include:

- Creating a respectful and inclusive workplace for their employees / staff where people feel safe to raise their concerns about human rights and workplace harassment and discrimination
- Understanding their obligations as a “competent” supervisor, as defined by the Occupational Health and Safety Act (OHSA)
- Ensuring the policy is posted in the workplace
- Completing mandatory education and/or training every two years and upon becoming a manager

- Informing employees and other workers of their rights and responsibilities under the Respectful Workplace Policy and informing employees and other workers that disrespectful behaviours, workplace harassment and discrimination will not be tolerated
- Taking immediate action following an incident of potential workplace harassment or discrimination
- Taking steps to restore workplaces disrupted by allegations or actual policy violations or complaint resolution processes

19. If an employee shares information about a workplace harassment or discrimination complaint, does a manager have an obligation to act?

Yes. The policy requires managers to act immediately upon becoming aware of a potential policy violation, whether or not a complaint has been filed (see Management Response section of Respectful Workplace Policy). In some cases, early management intervention (e.g., directing an employee to remove inappropriate material posted in their work-space as soon as a manager becomes aware of the issue) may preclude the necessity for an employee to file a complaint.

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).

Confidentiality and Privacy

20. Is there a requirement to maintain confidentiality about a workplace harassment or discrimination complaint under the policy?

Yes. It is a violation of the policy to breach confidentiality.

21. Under what circumstances can information obtained about an incident or complaint of workplace harassment or discrimination be shared?

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 where the disclosure is otherwise required by law.

22. What information will be retained in an employee's file?

There must be no reference to a workplace harassment or discrimination complaint in an employee's human resource file unless disciplinary action was taken against the employee for violating the policy. 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 record retention schedules.

Resources and Contacts

23. What other tools and supports are available for employees and managers?

Visit the [OPS Wellness](#) website on MyOPS for information on workplace discrimination and harassment prevention.

The OPS Centre for Leadership and Learning [LearnON](#) website also provides training and information on workplace discrimination and harassment prevention, respect in the workplace, and other related topics.

24. Who do I contact with further questions on the Respectful Workplace Policy and WDHP program?

If you have questions regarding the WDHP program and process for filing a complaint you may contact the WDHP Section at the Centre for Employee Health, Safety and Wellness, Ministry of Government and Consumer Services at wdhp@ontario.ca, or by contacting your WDHP Advisor.

Questions regarding the Respectful Workplace Policy may be directed to the HR Policy & Planning Branch, Treasury Board Secretariat at hrpolicyteam@ontario.ca.

Commission Public Bodies staff may contact their human resources office or advisor.

OPP staff may contact the Ontario Provincial Police (OPP) WDHP Program by telephone at (705) 329-6771 or by visiting the [OPP Connections intranet site](#).

You may also speak to your manager or bargaining agent representative where applicable.

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