

TORONTO PARKING AUTHORITY

POLICY RESOLUTION

4-22

ITEM: **Workplace Harassment & Violence Policy**
(To Be Posted)

PAGE 1 OF 10

1. Policy Statement

The *Toronto Parking Authority* believes in the prevention of *harassment* and *violence* and promotes a harassment / violence-free workplace in which all people respect one another and work together to achieve common goals. The *Toronto Parking Authority* is committed to working with its employees to provide a safe work environment. The *Toronto Parking Authority* will not tolerate any acts of harassment/violence and will take all reasonable and practical measures to prevent harassment/violence and protect employees. In response to violations of this policy, appropriate remedial, disciplinary, and /or legal action will be taken according to the circumstances. This policy applies to all employees, partners, students, contractors and representatives of *Toronto Parking Authority* (hereinafter referred to as “representatives”), and to all activities, including the use of social media, that occur while on *Toronto Parking Authority* premises or while engaging in *Toronto Parking Authority* business, activities, or social events.

2. Purpose

The purpose of this policy is to ensure that all requirements of Part III.0.1 – *Occupational Health and Safety Act*, are adhered to and that:

- a) individuals are aware of and understand that acts of workplace harassment or violence are considered a serious offence for which necessary action will be imposed;
- b) those subjected to acts of workplace harassment or violence are encouraged to access any assistance they may require in order to pursue a complaint; and
- c) individuals are advised of available recourse if they are subjected to, or become aware of, situations involving workplace harassment or violence.

3. Toronto Parking Authority Commitment

The *Toronto Parking Authority* is committed to:

- a) investigating reported incidents of workplace harassment or violence in an objective and timely manner;
- b) taking necessary action to respond to those incidents; and
- c) providing support for complainants.

FIRST ADOPTED: April 20, 2009
LAST AMENDED: April 24, 2017
LAST REVIEWED:

MINUTE NUMBER: 17-055
BOARD APPROVAL REF: Mtg 13: August 24, 2018 Item PA13.4

TORONTO PARKING AUTHORITY

POLICY RESOLUTION

4-22

ITEM: **Workplace Harassment & Violence Policy**
(To Be Posted)

PAGE 2 OF 10

4. Definition

The *Occupational Health and Safety Act* (Ontario) – Sec 1. (1) states:

“workplace violence” means,

- a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Examples of workplace violence include, but are not limited to:

- a) any threat, behaviour or action which is interpreted to carry the potential to harm or endanger the safety of others, result in an act of aggression, or destroy or damage property;
- b) threatening behaviour such as shaking fists, throwing objects, or disruptive behaviour that is not appropriate to the work environment;
- c) verbal or written threats that express an intent to inflict harm;
- d) physical acts (e.g., hitting, shoving, pushing, kicking, sexual assault);
- e) bullying;
- f) any other act that would arouse fear in a reasonable person in the circumstances.

Workplace violence also includes domestic violence that occurs in the workplace as well as domestic violence that would likely expose a worker to physical injury that may occur in the workplace.

The *Occupational Health and Safety Act* (Ontario) – Sec 1 (1) states:

“workplace harassment” means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

FIRST ADOPTED: April 20, 2009
LAST AMENDED: April 24, 2017
LAST REVIEWED:

MINUTE NUMBER: 17-055
BOARD APPROVAL REF: Mtg 13: August 24, 2018 Item PA13.4

TORONTO PARKING AUTHORITY

POLICY RESOLUTION

4-22

ITEM: **Workplace Harassment & Violence Policy**
(To Be Posted)

PAGE 3 OF 10

Examples of workplace harassment include, but are not limited to:

- a) insulting, intimidating, demeaning, annoying, embarrassing or otherwise offensive behavior;
- b) inappropriate or unwelcome focus or comments on a person's physical characteristics or appearance;
- c) bullying or cyber bullying;
- d) isolation or shunning, gossip, rumours, negative blogging, insults, and name calling;
- e) slamming doors, throwing objects or physical contact;
- f) offensive or intimidating comments or jokes;
- g) displaying or circulating offensive pictures or materials;
- h) inappropriate staring;

Reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace does not constitute workplace harassment.

The *Ontario Human Rights Code* – Sec 10 (1) states:

“Harassment” means engaging in a course of vexatious comments or conduct that is known or ought reasonably be known to be unwelcome.

The *Occupational Health and Safety Act* (Ontario) – Sec 1 (1) states:

“sexual harassment” means

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably be known to be unwelcome, or
- b) 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 worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

FIRST ADOPTED: April 20, 2009
LAST AMENDED: April 24, 2017
LAST REVIEWED:

MINUTE NUMBER: 17-055
BOARD APPROVAL REF: Mtg 13: August 24, 2018 Item PA13.4

TORONTO PARKING AUTHORITY

POLICY RESOLUTION

4-22

ITEM: **Workplace Harassment & Violence Policy**
(To Be Posted)

PAGE 4 OF 10

Examples of workplace sexual harassment include, but are not limited to:

- a) unwelcome sexual advances and requests for sexual favours;
- b) sexual jokes and graphic spoken commentary about a person's body;
- c) derogatory or degrading remarks;
- d) unwanted touching such as kissing, hugging, pinching or patting;
- e) leering or whistling;
- f) enquiries or comments about a person's sex life;
- g) displaying sexually offensive material in the workplace.

5. **Prohibited Conduct**

No representative or any other individual affiliated with the *Toronto Parking Authority* shall subject any other person to workplace harassment or violence or allow or create conditions that support workplace harassment or violence.

A representative of the *Toronto Parking Authority* that subjects another *Toronto Parking Authority* representative, client, or business associate to workplace harassment or violence may be subject to disciplinary action commensurate to the incident including:

- a) training;
- b) referral to an assistance program;
- c) reassignment or relocation;
- d) formal reprimand;
- e) suspension;
- f) discharge; and / or
- g) legal action.

6. **Management Responsibilities**

For the purposes of this policy, as a *Toronto Parking Authority* supervisor or manager, you are responsible to:

- a) act respectfully towards other individuals while at work and participating in any work-related activity;
- b) Promote a non-harassment and non-violent workplace;
- c) Ensure that this policy is explained to all employees that you supervise or manage;

FIRST ADOPTED: April 20, 2009
LAST AMENDED: April 24, 2017
LAST REVIEWED:

MINUTE NUMBER: 17-055
BOARD APPROVAL REF: Mtg 13: August 24, 2018 Item PA13.4

TORONTO PARKING AUTHORITY

POLICY RESOLUTION

4-22

ITEM: **Workplace Harassment & Violence Policy**
(To Be Posted)

PAGE 5 OF 10

- d) Identify training needs for employees;
- e) Ensure that employees understand who to contact regarding concerns about the policy or when reporting an incident;
- f) Ensure your own immediate physical safety if an incident of workplace violence occurs, then report criminal behaviour to the appropriate law enforcement agency; and
- g) Ensure the security and safety of all parties involved during an investigation of an incident of workplace harassment or violence;
- h) Report all incidents of violence / harassment to the Director of Human Resources;
- i) Investigate the incident in consultation with the Director of Human Resources;
- j) Discipline, in consultation with the Director of Human Resources, representatives of the *Toronto Parking Authority* who engage in workplace violence / harassment as defined in the policy.

7. **Worker Responsibilities**

For the purposes of this policy, as a representative of the *Toronto Parking Authority*, you are responsible:

- a) to act respectfully towards other individuals while at work and participating in any work-related activity;
- b) to ensure your own immediate physical safety in the event of workplace violence;
- c) to report the incident to a Supervisor, or Manager, or to the Director of Human resources and, if the situation warrants, the police;
- d) to co-operate with any efforts to investigate and resolve matters arising under this policy.

Evaluation / Joint Health and Safety Committee / Hazard Assessment

This policy will be reviewed by the *Joint Health & Safety Committee* on an annual basis to ensure that it conforms with any changes to the *Occupational Health & Safety Act and Regulations* (Ontario) and that it continues to address the needs of the *Toronto Parking Authority* regarding workplace harassment and violence.

FIRST ADOPTED: April 20, 2009
LAST AMENDED: April 24, 2017
LAST REVIEWED:

MINUTE NUMBER: 17-055
BOARD APPROVAL REF: Mtg 13: August 24, 2018 Item PA13.4

TORONTO PARKING AUTHORITY

POLICY RESOLUTION

4-22

ITEM: **Workplace Harassment & Violence Policy**
(To Be Posted)

PAGE 6 OF 10

Joint Health & Safety Committee will:

- Participate in the development of a *Workplace Violence Hazard Assessment Program*
- Review the *Workplace Violence Hazard Assessment Program* results and provide recommendations to management to reduce or eliminate the risk of violence
- Review all reports forwarded to the JHSC regarding workplace violence and other incident reports, as appropriate, pertaining to incidents of workplace violence that result in personal injury or threat of personal injury, property damage, or police involvement

- Participate in the investigation of critical injuries (e.g., incidents that place life in jeopardy, result in substantial blood loss, fracture of leg or arm, etc.)
- Recommend corrective measures for the improvement of the health and safety of workers
- Respond to employee concerns related to workplace violence and communicate these to management
- Participate in the review of the policy and guidelines for continuous improvement

8. Complaint Procedure

1. A Complainant should discuss and ask for support from a Supervisor or Manager or Human Resources or Manager of Health and Safety/Corporate Security to communicate their objections to an incident and / or to prepare and submit a formal complaint if they choose. In the event that a complaint arises in which the alleged harasser is the Complainant's Supervisor or Manager, the complainant should report his or her complaint directly to the Director of Human Resources.
2. The Complainant should carefully record details of the incident including the date and time of the incident, the nature of the harassment / violence, and names of people who may have witnessed the incident. This document is the Complainant's personal record and property.
3. The Complainant may choose to file a formal complaint that documents their concerns to the Director of Human Resources.

FIRST ADOPTED: April 20, 2009
LAST AMENDED: April 24, 2017
LAST REVIEWED:

MINUTE NUMBER: 17-055
BOARD APPROVAL REF: Mtg 13: August 24, 2018 Item PA13.4

TORONTO PARKING AUTHORITY

POLICY RESOLUTION

4-22

ITEM: **Workplace Harassment & Violence Policy**
(To Be Posted)

PAGE 7 OF 10

The *Toronto Parking Authority's* first priority is to maintain a safe and violence-free workplace. Further to this objective, nothing in the complaint procedure is intended to discourage representatives from seeking immediate assistance in the event that an incident of workplace violence occurs. In such an instance, a representative should summon immediate assistance, and where appropriate, should call 911. Once immediate assistance has been summoned, the representative should then take steps to notify Management and Security.

9. Confidentiality

Anyone with knowledge of a violent workplace incident ought not to speak to others about it until the incident has been investigated by management. The facts must be dealt with as much accuracy as possible. Gossiping about an incident seriously undermines the privacy of all parties involved and significantly interferes with the investigation. If you have any questions or concerns about an incident, you should speak to the Director of Human Resources.

10. Reprisal

This policy prohibits reprisals against individuals, acting in good faith, who report incidents of workplace harassment / violence, or act as witnesses. Management will take all reasonable and practical measures to prevent reprisals, threats of reprisals, or further harassment / violence. All persons involved in the processing of a complaint will ensure that the complainant is neither penalized nor subjected to any prejudicial treatment as a result of making the complaint. Disciplinary action will be taken against any person who takes any reprisal against a person who reports workplace harassment / violence. Reprisal is defined as any act of retaliation, either direct or indirect.

11. Investigation

1. Upon receipt of a complaint of workplace harassment / violence, the Director of Human Resources will investigate and advise the Complainant of the steps that will be taken. For unionized employees, collective agreement requirements will be complied with if it is determined that discipline may result in the circumstances. The Director of Human Resources may assign an internal or external person to investigate. The Director of Human Resources may suggest that the police be notified.
2. The investigation by management;
 - a) will ensure that unionized employees are dealt with as required by the collective agreement;

FIRST ADOPTED: April 20, 2009
LAST AMENDED: April 24, 2017
LAST REVIEWED:

MINUTE NUMBER: 17-055
BOARD APPROVAL REF: Mtg 13: August 24, 2018 Item PA13.4

TORONTO PARKING AUTHORITY

POLICY RESOLUTION

4-22

ITEM: **Workplace Harassment & Violence Policy**
(To Be Posted)

PAGE 8 OF 10

- b) will act cooperatively with police and take their direction if the police become involved;
 - c) will be as discreet as possible in its investigation given the nature and substance of the complaint;
 - d) will gather information in a thorough fashion; and
 - e) will advise all directly concerned about the results of the investigation.
3. The investigator will investigate the incident expeditiously and report his/her findings to the Complainant and to senior management. For unionized employees, any decision respecting discipline will be dealt with in accordance with the collective agreement. For non-unionized staff, the Complainant and the person(s) who are the subject of the investigation will be advised of the results of the investigation and whether corrective action is to be taken.

12. Corrective Action and Discipline

1. If the results of the investigation result in discipline, the following factors will be considered in determining the appropriate corrective action:
- a) the impact of the incident on the Complainant;
 - b) the nature of the incident;
 - c) the degree of aggressiveness and physical contact;
 - d) the period of time and frequency of the incidents;
 - e) the vulnerability of the Complainant;
 - f) whether there was an admission of responsibility;
 - g) whether there was an expression of remorse;
 - h) whether the person who is being disciplined has a disciplinary record; and
 - i) whether the person who is being disciplined has sincerely apologized to the Complainant.
2. The following corrective actions may be considered depending on the particular incident and the factors in the previous paragraph:
- a) training;
 - b) referral to an assistance program;
 - c) reassignment or relocation;
 - d) formal reprimand;
 - e) suspension;
 - f) discharge; and / or
 - g) legal action.

FIRST ADOPTED: April 20, 2009
LAST AMENDED: April 24, 2017
LAST REVIEWED:

MINUTE NUMBER: 17-055
BOARD APPROVAL REF: Mtg 13: August 24, 2018 Item PA13.4

TORONTO PARKING AUTHORITY

POLICY RESOLUTION

4-22

ITEM: **Workplace Harassment & Violence Policy**
(To Be Posted)

PAGE 9 OF 10

13. Record Keeping

If the investigation of the incident results in discipline, the discipline will become part of the employee's disciplinary record.

If the incident does not result in discipline, the investigation documents will be kept on file in a secured location, separate from any personnel files, to be available for inspection by an Occupational Health and Safety Branch Inspector from the Ministry of Labour, a WSIB Officer, or by management, as may be necessary in the investigation of other incidents covered by this policy.

The disciplinary records of unionized employees will be dealt with in accordance with the collective agreement.

14. False Accusations

A person who submits a complaint in good faith is acting appropriately in accordance with this policy whether or not the complaint is made out.

If an investigation results in a finding that the Complainant falsely accused the Respondent of workplace harassment / violence knowingly or in a malicious manner, the Complainant will be subject to appropriate discipline up to and including discharge.

15. Complaint Resolution Alternatives

In addition to reporting workplace harassment / violence incidents to management, unionized employees may file a human rights grievance under the collective agreement. Non-unionized employees may file a complaint under the *Human Rights Code* or seek legal recourse in the courts.

All employees may file a safety-related workplace violence complaint under the *Occupational Health and safety Act*.

All employees may call the police about an incident.

FIRST ADOPTED: April 20, 2009
LAST AMENDED: April 24, 2017
LAST REVIEWED:

MINUTE NUMBER: 17-055
BOARD APPROVAL REF: Mtg 13: August 24, 2018 Item PA13.4

TORONTO PARKING AUTHORITY

POLICY RESOLUTION

4-22

ITEM: **Workplace Harassment & Violence Policy**
(To Be Posted)

PAGE 10 OF 10

16. Assistance

Anyone associated with the Toronto Parking Authority, directors, officers and employees may contact the Director of Human Resources for help and advice respecting this policy. Enquiries and concerns will be kept in confidence by the Director of Human Resources. Complaints will be investigated as described above. Confidentiality will be maintained unless disclosure is required by law. Decisions respecting imminent threats of physical violence will be acted upon immediately.

FIRST ADOPTED: April 20, 2009
LAST AMENDED: April 24, 2017
LAST REVIEWED:

MINUTE NUMBER: 17-055
BOARD APPROVAL REF: Mtg 13: August 24, 2018 Item PA13.4
