



City of Hamilton

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REVISED

Meeting #: 23-013
Date: September 7, 2023
Time: 9:30 a.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

Tamara Bates, Legislative Coordinator (905) 546-2424 ext. 4102

1. CEREMONIAL ACTIVITIES

2. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with *)

3. DECLARATIONS OF INTEREST

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 August 17, 2023

5. COMMUNICATIONS

*5.1 Tina Iacoe, Manager of Procurement, Procurement Policy and Procedure Regarding Vendor Performance Evaluation

Be received and referred to consideration of Item 14.1, Commercial Relationship Between the City of Hamilton and Ibrahim Nassri Trading Inc. (FCS23097) (City Wide) – Confidential

6. DELEGATION REQUESTS

6.1 AJ Nassri, Snow Wrangler, respecting relationship with Snow Wrangler as a Vendor (for today's meeting)

7. DELEGATIONS

- 7.1 Hafeez Hussain, respecting Improving Service Standards and Transparency with the General Public at the City Clerk Office (approved, August 17, 2023)

8. STAFF PRESENTATIONS

- 8.1 Harassment and Discrimination Prevention Policy (HUR23011) (City Wide)

- 8.2 RZone Respectful Environments Policy (HUR23012) (City Wide)

9. CONSENT ITEMS

- 9.1 Voluntary Advisory Committee Review (CM23025) (City Wide) (Outstanding Business List Item) - REVISED

10. DISCUSSION ITEMS

- 10.1 Policy 14 - Microsoft (FCS23093/CM23019) (City Wide) - REVISED

11. MOTIONS

- 11.1 Review of the City of Hamilton Volunteer Advisory Committees (deferred from July 13, 2023)

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

- 13.1 Amendments to the Outstanding Business List

- a. Items Considered Completed and to be Removed

- a. Review of the City of Hamilton Volunteer Advisory Committees

OBL Item: 23-K

Addressed as Item 9.1 on today's agenda

- b. Workplace Mental Health and Wellbeing Strategy (2019-2021) (HUR19010) (Item 10.2)

OBL Item: 19-G

Addressed as Item 9.2 on the May 18, 2023 agenda

14. PRIVATE AND CONFIDENTIAL

14.1 Commercial Relationship Between the City of Hamilton and Ibrahim Nassri Trading Inc. (FCS23097) (City Wide) - Confidential

Pursuant to Section 9.3, Sub-sections (e) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (e) and(k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on by or on behalf of the municipality.

15. ADJOURNMENT



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE MINUTES 23-012

9:30 a.m.

August 17, 2023

Council Chambers

Hamilton City Hall

Present: Councillors C. Kroetsch (Chair), B. Clark, M. Spadafora M. Tadeson, A. Wilson, and M. Wilson

Absent with

Regrets: Councillor J. Beattie – Personal, Councillor T. Hwang – City Business

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Consent Items (Items 9.1 to 9.5)

(A. Wilson/Tadeson)

That the following Reports, be received:

- (a) Development Agreement Surety Bonds (FCS21056(a)) (City Wide) (Outstanding Business List Item) – REVISED (Item 9.1)
- (b) 2023 First Quarter Emergency and Non-competitive Procurements Report - FCS (City Wide) (FCS23019) (Item 9.2)
- (c) 2023 First Quarter Non-compliance with the Procurement Policy Report – FCS (City Wide) (FCS23020) (Item 9.3)
- (d) 2023 First Quarter Request for Tenders and Proposals Report – FCS (City Wide) (FCS23021) (Item 9.4)
- (e) Roads Value for Money Audit and Roads Quality Assurance Supplementary Audit Report (PW22007(a)) (City Wide) (Outstanding Business List Item) (Item 9.5)

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
ABSENT - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson

YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

**2. Delegated Authority By-law Amendment: Appeals (FCS23089) (City Wide)
(Item 10.1)**

(Clark/M. Wilson)

That By-law for the “Delegation of Authority to the Treasurer and Deputy Treasurers for Taxation Proceedings” being a By-law to Repeal and Replace By-law No 13-064 “Delegation of Authority to the Treasurer and Deputy Treasurers for Assessment Appeals” as identified in Appendix A to report FCS23089 “Delegated Authority By-law Amendment: Appeals” be approved.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
ABSENT - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

**3. Low Income Seniors Utility Rebate Program (FCS23045(a)) (City Wide)
(Outstanding Business List Item) (Item 10.2)**

(A. Wilson/M. Wilson)

- (a) That the Low Income Seniors Utility Rebate Program as outlined in Appendix “A” of Report FCS23045(a) be approved;
- (b) That funding previously allocated to the Housing Stability Benefit be reallocated to fund the new Low Income Seniors Utility Rebate Program in the 2024 Rate Supported Budget;
- (c) That staff be directed to report back on options to expand the eligibility criteria of the Low Income Seniors Utility Rebate Program beyond seniors upon assuming Utility Billing responsibilities from Alectra; and

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
ABSENT - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

**4. Request to Extend Banking Services Agreement (City Wide) (FCS23036(a))
(Outstanding Business Item) (Item 10.3)**

(Clark/Tadeson)

That Council approve the single source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, for a five-year contract extension to Contract C12-01-11 for Professional Banking Services, and that the General Manager, Finance and Corporate Services Department be authorized to execute an amendment(s) to the City of Hamilton's existing agreement and any ancillary documents required to give effect thereto with Royal Bank of Canada (RBC), in a form satisfactory to the City Solicitor.

Result: Motion CARRIED by a vote of 4 to 2, as follows:

YES - Ward 1 Councillor Maureen Wilson
NO - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
ABSENT - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
NO - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

The Committee Clerk advised of the following changes to the agenda:

5. COMMUNICATIONS

5.2 Michelle Diplock, West End Home Builders' Association, respecting Requesting the City of Hamilton enable the Transference of Letters of Credit to Surety Bonds

Recommendation: Be received and referred to consideration of Item 9.1

6. DELEGATION REQUESTS

6.2 Michelle Diplock, West End Home Builders' Association, respecting a user fee model to allow for the transference of existing Letters of Credit to Surety Bonds (for today's meeting)

(A. Wilson/Tadeson)

That the agenda for the August 17, 2023 Audit, Finance and Administration Committee meeting, be approved, as amended.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
ABSENT - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

(b) DECLARATIONS OF INTEREST (Item 3)

There were no Declarations of Interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) July 13, 2023 (Item 4.1)

(Clark/Tadeson)

That the Minutes of the July 13, 2023 meeting of the Audit, Finance and Administration Committee, be approved, as presented.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
ABSENT - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

(d) COMMUNICATIONS (Item 5)

(A. Wilson/Tadeson)

That the following Communications Items, be approved, as presented:

- (i) Dan Misutka, DLA Piper (Canada) LLP, respecting Property Tax Arrears - Scenic Trails Ltd. (Item 5.1)

Recommendation: Be received.

- (ii) Michelle Diplock, West End Home Builders' Association. respecting Requesting the City of Hamilton enable the Transference of Letters of Credit to Surety Bonds (Added Item 5.2)

Recommendation: Be received and referred to consideration of Item 9.1

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
ABSENT - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

(e) DELEGATION REQUESTS (Item 6)

(A. Wilson/Tadeson)

That the following Delegation Requests, be approved as presented:

- (i) Hafeez Hussain, respecting Improving Service Standards and Transparency with the General Public at the City Clerk Office (for a future meeting) (Item 6.1)
- (ii) Michelle Diplock, West End Home Builders' Association, respecting a user fee model to allow for the transference of existing Letters of Credit to Surety Bonds (for today's meeting) (Added Item 6.2)

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
ABSENT - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

(f) DELEGATIONS (Item 7)

- (i) **Michelle Diplock, West End Home Builders' Association, respecting a user fee model to allow for the transference of existing Letters of Credit to Surety Bonds (Added Item 7.1)**

Michelle Diplock, West End Home Builders' Association, addressed Committee respecting a user fee model to allow for the transference of existing Letters of Credit to Surety Bonds.

(M. Wilson/Tadeson)

That the presentation from Michelle Diplock, West End Home Builders' Association, respecting a user fee model to allow for the transference of

existing Letters of Credit to Surety Bonds, be received and referred to consideration of Item 9.1, Development Agreement Surety Bonds.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
ABSENT - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

(g) CONSENT ITEMS (Item 9)

**(i) Development Agreement Surety Bonds (FCS21056(a)) (City Wide)
(Outstanding Business List Item) - REVISED**

(A. Wilson/M. Wilson)

That staff report back to the Audit, Finance and Administration Committee on a full cost recovery approach as it relates to the transference of Letters of Credit and cash securities to Surety Bonds, such report to include an assessment of how this program will assist the City's housing pledge.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
ABSENT - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

For further disposition of this matter, refer to Item 1(a).

(h) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Amendments to the Outstanding Business List (Item 13.1)

(A. Wilson/Tadeson)

That the following amendments to the Outstanding Business List, be approved:

1. Items Considered Completed and to be Removed
 - a. Pending Staff Reports on the Feedback Received from the Advisory Committees on the new Code of Conduct (in effect

May 1, 2023) and the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards
Item on the OBL: 23-B
Addressed on the March 27, 2023 and May 25, 2023
Governance Review Sub-Committee Agendas

- b. Development Agreement Surety Bonds (FCS21056 / LS21021) (City Wide)
Item on OBL: 21-G
Addressed as Item 9.1 on today's agenda
- c. Roads Value for Money Audit (AUD21006) (City Wide)
Item on OBL: 21-J
Addressed as Item 9.5 on today's agenda
- d. Roads Value for Money Audit - Roads Quality Assurance Supplementary Audit Report (AUD21006(a)) (City Wide)
Item on OBL: 22-H
Addressed as Item 9.5 on today's agenda
- e. Hamilton Water and Wastewater Customer Assistance Programs (FCS23045) (City Wide)
Item on OBL: 23-I
Addressed as Item 10.2 on today's agenda
- f. Request to Extend Banking Services Agreement (FCS23036) (City Wide)
Item on OBL: 23-E
Addressed as Item 10.3 on today's agenda

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
ABSENT - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

(i) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Minutes - July 13, 2023 (Item 14.1)

(A. Wilson/Tadeson)

That the Closed Session Minutes of the July 13, 2023 meeting of the Audit, Finance and Administration Committee, be approved and remain confidential.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
ABSENT - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

(j) ADJOURNMENT (Item 15)

(Tadeson/A. Wilson)

That, there being no further business, the Audit, Finance and Administration Committee, be adjourned at 11:34 a.m.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
ABSENT - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

Respectfully submitted,

Councillor Cameron Kroetsch, Chair
Audit, Finance and Administration
Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk

Procurement Section, Financial Services Division

MEMORANDUM

TO: Chair and Members
Audit, Finance and Administration Committee

DATE: September 6, 2023

FROM: Tina Iacoe
Manager of Procurement, Financial Services Division

SUBJECT: Procurement Policy and Procedure Regarding Vendor Performance Evaluation

During agenda review for the Audit, Finance and Administration Committee meeting scheduled for September 7, 2023, there were a number of questions that were posed of staff regarding the policy and procedure for Vendor Performance Evaluation. Therefore as requested, please find attached Procurement Policy #8 Vendor Performance Evaluation and the corresponding Procedure for Vendor Performance. Both of these documents can be found on the City's enet site, under the Procurement Resource page.

Thank you.

Copied: S. Hesmer, Acting Director, Financial Services and Taxation & Corporate Controller

POLICY # 8 - Vendor Performance Evaluation

SECTION 4.8

- (1) On an annual basis and at the completion of every Contract for Goods and/or Services of \$100,000 or greater, the Client Department shall complete a *Vendor Performance Evaluation Form*. The General Manager of the Client Department shall ensure this performance evaluation is completed for these Contracts. Such evaluation shall be completed and a copy will be forwarded to the Procurement Section.
- (2) In the event of a vendor's unsatisfactory performance as determined by the City in its absolute discretion, including the vendor's refusal to perform or to complete performance of a Contract with the City at any time during the term of any City Contract, the General Manager or an Authorized Delegate of the Client Department shall complete and forward a copy of the Vendor Performance – Incident Reporting Form as soon as reasonably possible after the occurrence.
- (3) Documented unsatisfactory performance on any City Contract will be used to determine the eligibility of a vendor to continue to provide Goods and/or Services to the City on a current Contract and to determine their ability to participate on future City Contracts. Any vendor may be excluded from a bidding process due to unsatisfactory performance, where in the opinion of the Procurement Sub-Committee or Council, the commercial relationship between the City and such vendor has been impaired.
- (4) The City's Public Works Department shall be responsible for the vendor performance evaluation process with respect to linear construction Contracts issued by that department under Policy # 7 – Construction Contracts in a format which includes feedback from area residents and elected officials.
- (5) In the event of a vendor's breach of a City Contract, the Manager of Procurement in consultation with the Client Department shall have the discretion to either:
 - (a) re-issue the RFQ, RFT or RFP; or
 - (b) negotiate and enter into a new Contract for the remainder of the Contract with the second lowest bidder of the original RFT or RFQ, or the next qualified Proposal of the original RFP,whichever is in the best interests of the City.

**Procurement Procedure – Vendor Performance / Contract Management
Related to Procurement Policy: Policy # 8 – Vendor Performance Evaluation**

Effective Date:	January 24, 2014
Last Revision Date:	NEW

1.0 Purpose

This procedure outlines the steps that shall be taken to ensure that vendor management and performance monitoring is conducted as part of the contract management process in accordance with the Policy # 8 – Vendor Performance Evaluation. Vendor performance monitoring is a quality assurance process to promote continual improvement in overall contract performance

2.0 Scope

This procedure applies to all City staff and agents acting on behalf of the City, which have the authority to approve payment or manage a contract.

3.0 Responsibility

Client Departments utilizing any City contract shall ensure that the work is performed in accordance with that contract. Procurement will assist the Client Department as outlined in this procedure and in Policy # 8.

4.0 Authority

Procurement Policy # 1 – Vendor Eligibility
Procurement Policy # 7 – Construction Contracts
Procurement Policy # 8 – Vendor Performance Evaluation

5.0 Procedure

5.1 Contract Management Preparation

5.1.1 Prior to the start of the contract the Client Department shall become familiar with the contract requirements; including the vendor's and City's respective responsibilities. Information requiring review includes a copy of all contract documents, including any addenda that were issued and contract pricing information for the vendor.

5.1.2 It is strongly recommended that the Client Department develops a checklist of contract requirements. It is important that the checklist highlights those contract requirements that are anticipated to be problematic. This checklist should be made available to all City staff utilizing and/or responsible for the contract. A copy of the checklist (if created), shall be provided to the vendor.

5.1.3 When the Client Department feels it is appropriate and before the work commences, an initial meeting with the vendor should be held to ensure that everyone understands the contract requirements and responsibilities and to establish performance expectations. If

performance expectations are not explicitly detailed in the contract, consideration should be given to adding them to the checklist referenced in 5.1.2 after discussion with the vendor. The Client Department must understand that there is a learning process with any new contract and/or vendor and must ensure that the vendor clearly understands the contract requirements before they start work.

- 5.1.4 Contract Management Guidelines are reference material that has been prepared to assist the Client Department with the contract management process (see Section 7). The Client Department should follow these guidelines as appropriate.
- 5.2 It is important that there is open communication with the vendor throughout the term of the project/contract. Any discussions should be with the intent of ensuring that the City's contract requirements are understood and met. The dialogue should be timely, and shall be communicated to ensure that the contract is fulfilled (i.e. avoid being confrontational, accusatory or laying blame). Any verbal discussions should be followed up in writing, with the vendor (e.g. letter, email, and minutes) with a copy kept in the Client Department's vendor file with action items and key decisions clearly identified.
- 5.3 The Client Department is to monitor the vendor's activities and performance in accordance with the contract documents. This may include such things as site visits to ensure that the work is correct and complete, and review of invoices for correct contract pricing and supporting documentation. Any deficiencies identified in site visits shall be documented and followed up in accordance with Section 5.2.
- 5.4 Dealing with Performance Issues During the Contract
- 5.4.1 The Client Department is to refer to the contract documents to confirm the exact requirements.
- 5.4.2 The Client Department will then discuss the issue with the vendor to see if the issue can be resolved easily. The goal is to have the deficiencies corrected by the vendor. The Client Department shall document these discussions and provide the vendor a copy of the documentation.
- 5.4.3 If these discussions result in clarifications to the contract requirements, they should be included in the Client Department's documentation and a copy forwarded to Procurement. If these discussions result in changes being proposed to the contract, contact Procurement before proceeding with or agreeing to any changes.
- 5.4.4 When dealing with contract or performance management issues, the premise of "reasonableness" shall be applied.
- 5.4.5 If the issue cannot be resolved cooperatively with the vendor, the Client Department shall complete the Vendor Performance - Incident Reporting Form and forward it to Procurement, who shall then provide a copy to the vendor.
- 5.4.5.1 The information on the incident reporting form needs to be detailed and complete. For example, if the vendor is unresponsive to the City, the information on the form should not be 'several attempts were made to contact the vendor'.

- It should state specifics, such as: 'March 15, 2013: called vendor's cell number at 10:15 am, 12:30 pm and 2:35 pm. Vendor did not respond within the contract response time. (Reference specific section of the contract terms of reference). See Appendix A for an example of how a Vendor Performance - Incident Reporting Form shall be filled out. It is important to avoid the use of acronyms when completing the form.
- 5.4.5.2 Documentation is key when dealing with vendor performance issues. The Client Department shall document repeatedly and continuously for ease of tracking.
 - 5.4.5.3 Procurement will facilitate obtaining a response from the vendor. The information requested will be to address why/how the incident occurred and what corrective actions or process the vendor is putting in place to ensure that the incident does not reoccur. A due date should accompany the City's request to remedy and address the issues identified on the Vendor Performance - Incident Reporting Form.
- 5.4.6 If the issue is not resolved by the vendor, the Client Department in consultation with Procurement will determine if the matter should be escalated to Legal Services. Procurement will make the initial request (as well as any follow up) to Legal Services for assistance. The Client Department should contact Procurement for status updates when required.
- The course of action may change depending on the characterization of the issue as a nuisance or a default. Significant defaults (that pose a risk to the public or which may be health and safety related) ought to be flagged as they may constitute a basis for immediate escalation.
- 5.4.7 At the completion of every contract, a Vendor Performance Evaluation Form is required. The purpose of this form is to document what worked well, what didn't work well and to itemize any continual improvements that should be incorporated in the new contract.
- 5.4.7.1 The premise is to capture and document lessons learned throughout the contract. If there were no vendor incidents of poor performance, the vendor should be rated favourably.
 - 5.4.7.2 Any Vendor Performance - Incident Reporting Forms that have been completed shall be referenced by the Client Department when completing the Vendor Performance Evaluation Form.
 - 5.4.7.3 The documentation of vendor performance is an essential process to promote improved contract performance and where required, for establishing whether the commercial relationship between the City and the vendor has been impaired. Policy # 1 – Vendor Eligibility outlines the conditions that allow the City to ban a vendor from doing further business with the City.

6.0 Related Forms

Vendor Performance Evaluation Form
Vendor Performance – Incident Reporting Form

7.0 Supporting Documentation

Procurement Policy # 1 – Vendor Eligibility
Procurement Policy # 7 – Construction Contracts
Procurement Policy # 8 – Vendor Performance Evaluation
Contract Management Guidelines

8.0 Appendices

Appendix A – Vendor Performance - Incident Reporting Form example

9.0 Revision History

Date:	Description of Revision:
January 24, 2014	Initial release of procedure.

Bates, Tamara

Subject: FW: Webform submission from: Request to Speak to a Committee of Council

Submitted on Wed, 08/30/2023 - 16:16

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee
Audit, Finance & Administration Committee

Will you be delegating in-person or virtually?
In-person

Will you be delegating via a pre-recorded video?
No

Requestor Information

Requestor Information
AJ Nassri
Snow Wrangler
Oakville , ON.
aj@snowwrangler.ca

Reason(s) for delegation request
Consideration by committee on relationship with Snow Wrangler as a Vendor.

Will you be requesting funds from the City?
No

Will you be submitting a formal presentation?
No

Bates, Tamara

Subject: FW: Webform submission from: Request to Speak to a Committee of Council**From:** City of Hamilton <hello@hamilton.ca>**Sent:** July 17, 2023 12:57 PM**To:** clerk@hamilton.ca**Subject:** Webform submission from: Request to Speak to a Committee of Council

Submitted on Mon, 07/17/2023 - 12:56

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee

Audit, Finance & Administration Committee

Will you be delegating in-person or virtually?

Virtually

Will you be delegating via a pre-recorded video?

No

Requestor Information

Requestor Information

Hafeez Hussain

Etobicoke , ON.

Preferred Pronoun

he/him

Reason(s) for delegation request

Council Delegation Request - Improving Service Standards and Transparency with the General Public at the City Clerk Office

As council has passed a resolution of having City Hall and Transparency in Municipal Government as top priority, I would like to bring to the attention of the audit, finance and administration committee the redundancies of no digital tools to submit Privacy and Access to Information Request Intakes to the city, service level standards to ensure the City Clerk office keeps its SLA, and ensuring that the City Clerk Office is always transparent to citizens when it comes to submitting privacy complaints and access to records requests. Also, there is no formal policy passed by City Council for residents to submit fee waivers due to financial hardships or impact from City Staff which is required to obtain a record.

Focus needs to be putting the taxpayer/resident at the centre of everything and ensuring that taxpayers see value for money for what our property taxes roll is paying for administrative and corporate services functions at the City of Hamilton.

Will you be requesting funds from the City?


No

Will you be submitting a formal presentation?

Yes



CITY OF HAMILTON
CITY MANAGER'S OFFICE
Human Resources Division

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	September 7, 2023
SUBJECT/REPORT NO:	Harassment and Discrimination Prevention Policy (HUR23011) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Jodi Koch (905) 546-2424 Ext. 3003
SUBMITTED BY:	Lora Fontana Executive Director Human Resources
SIGNATURE:	

RECOMMENDATION

That the following, be approved:

- (a) The revisions to Policy HR-61-13 Harassment and Discrimination Prevention Policy set out in Appendix "A" to Report HUR23011; and,
- (b) The Procedure for Resolving Harassment and Discrimination Issues under Policy HR-61 Harassment and Discrimination Prevention Policy, as set out in Appendix "B" to Report HUR23011.

EXECUTIVE SUMMARY

The revised Policy is a consolidation of two previous policies, HR-61-13 Harassment and Discrimination Prevention Policy and HR-62-13 Personal (Workplace) Harassment Prevention Policy. The content is virtually unchanged with the exception of the inclusion of citizens being able to utilize the City of Hamilton's internal policy and procedure for resolving Harassment and Discrimination allegations. For reference, new content has been highlighted in Appendix "A" to Report HUR23011. Consolidation of these two policies provides for a comprehensive and streamlined approach for accessing

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information and guidance respecting harassment and discrimination prevention in the workplace.

Alternatives for Consideration

Not applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None unless increased volume requires outsourcing of investigations.

Staffing: None

Legal: None

HISTORICAL BACKGROUND

Under the Occupational Health and Safety Act, the City of Hamilton is required to have a policy for dealing with harassment and discrimination related complaints and a process to handle and investigate such complaints. This policy and its associated procedure are consistent with the City's obligations under the Occupational Health and Safety Act.

The Human Rights Workplace and Harassment Investigators have the primary responsibility for investigating any allegations of harassment and discrimination and personal harassment at the City of Hamilton. The team consists of three investigators who have all received specialized Human Rights Investigation training from leading Canadian law firms. The policy and procedure are reflective of best practices for investigations in this field.

Since 2016, the Human Rights & Workplace Harassment Investigators have conducted investigations stemming from complaints from citizens alleging harassment and/or discrimination while accessing a City Service or Facility. The current Policies are silent on citizen complaints with respect to their ability to submit a complaint for appropriate follow up. While the policy consolidation work has been underway for some time, the presentation of the consolidated policy was delayed until the new 22-019 By-Law to Establish a Code of Conduct for Local Boards came into effect as of May 1, 2023. The revised policy explicitly states that citizen complaints that meet specific criteria would fall within the scope of the consolidated Policy and that complaints relating to Volunteer Advisory Committees, Agencies and Boards would be investigated by the Integrity Commissioner. The revised policy and accompanying procedure provide greater clarity on expectations and roles and responsibilities for all involved.

Additionally, in the past two years, there has been an increase in requests from staff to address inappropriate behaviours of citizens and clients as they interact with our employees. Harassing behaviour from citizens and clients has been identified as an ongoing opportunity in the 2017 and 2021 Our People Survey results. More specifically,

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City staff servicing the public have continually and increasingly identified being subjected to negative behaviours from the public, thereby affecting their psychological safety and well-being.

In an attempt to manage these behaviours, Human Rights has developed a template “Letter of Expectation” for management to provide to a citizen which clearly outlines the expected behaviours and consequences for not abiding by those expectations. Additionally, Human Rights will send out “Cease and Desist” letters to citizens who have engaged in an ongoing pattern of harassing behaviours towards staff. While these measures have provided additional tools, we continue to strive to make improvements to provide a safe and respectful work environment for all staff.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The relevant legislation and City of Hamilton policies include:

- Ontario Human Rights Code
- Ontario Occupational Health and Safety Act
- Accessibility for Ontarians with Disabilities Act, 2005
- Harassment and Discrimination Prevention Policy
- Personal Harassment Prevention Policy
- Protocol for Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Persons
- Use of Indigenous Medicines Policy

RELEVANT CONSULTATION

Consultations have taken place with Labour Relations, Health and Safety, Legal Services, Policy Review Group, and Senior Leadership Team. Input from these groups have been incorporated into the final versions.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Managing inappropriate behaviours within the workplace, as well as those inappropriate behaviours with City clients and customers continues to be a concern. Providing the proper supports and training to staff is crucial in our ability to ensure a respectful workplace, that is free from harassment and discrimination.

The Human Resources’ Human Rights team continues to manage through several challenging circumstances and behaviours and continue to experience a significant number of consultations and complaints.

The Human Rights team also provides consultation to stakeholders including people leaders, employees, and citizens on how best to manage and respond to such issues as

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accommodations related to creed, disability, family status and medical restrictions and limitations, Accessibility for Ontarians with Disabilities Act compliance, and various Ontario Human Rights Code issues as well as sexual and personal harassment. The team also takes carriage of all Ontario Human Rights Tribunal (HRTO) Applications on behalf of the organization.

The Human Rights Office intake data (see Appendix “C” to Report HUR23011) is as follows:

Year	Consultations	Investigations	HRTO Applications
2017	110	25	3
2018	176	26	8
2019	115	38	8
2020	118	31	7
2021	154	31	8
2022	118	30	4
2023 YTD	124	21	4

Of the investigations conducted in 2022 a total of 30 investigations were conducted (see Appendix “D” to Report HUR23011). Of those, 12 had substantiated policy violations and 18 were unsubstantiated. The nature of allegations is most often related to Personal Harassment, which has been consistent over the data collection period. The breakdown of complaints included 17 related to Personal Harassment, 6 related to Sexual Harassment, 5 Code Related (1 related to Race and 4 related to Disability), 1 was related to Breach of Confidentiality/Code of Conduct and 1 related to Anti-Nepotism. A total of 6 investigations and 3 consultations were related to citizen issues.

In the first six months of 2023, the team has conducted 21 investigations (see Appendix “E” to Report HUR23011). Of those, 8 had substantiated policy violation findings, 4 were unsubstantiated, and 9 remain open as active files. A total of 12 investigations are related to Personal Harassment, 7 related to Sexual Harassment, 2 Code Related to Race. Six of these investigations were initiated by citizens. Interestingly, there have been a total of seven situations where citizens have been named as Respondents. In total 28 issues relate to citizens of the 145 consults/investigations in 2023.

The majority of complaints and consultations are not related to Code protected grounds but rather continue to reflect an increase in Workplace or Personal Harassment which includes behaviours such as bullying, condescending comments, false accusations, etc.

Complaints from citizens about staff are often alleged to be discrimination simply because staff are following established procedures and policies, but the citizen is desiring a different outcome. The Human Rights team will continue to strive to achieve

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a work environment that is free from any form of discrimination and harassment while balancing the needs and perceptions of citizens.

For reference, the previous policies and accompanying procedure are attached as Appendix “F”, “G” and “H” to Report HUR23011.

ALTERNATIVES FOR CONSIDERATION

Not applicable


APPENDICES AND SCHEDULES ATTACHED


Appendix “A” to Report HUR23011 - Revised Harassment and Discrimination Prevention Policy
Appendix “B” to Report HUR23011 - Revised Procedure for Resolving Harassment and Discrimination Issues
Appendix “C” to Report HUR23011 - Human Rights Data 2017 – 2023 YTD June 30
Appendix “D” to Report HUR23011 - Detailed Report 2022
Appendix “E” to Report HUR23011 - Detailed Report 2023
Appendix “F” to Report HUR23011 – Harassment and Discrimination Prevention Policy – 2022
Appendix “G” to Report HUR23011 – Personal Harassment Prevention Policy – 2022
Appendix “H” to Report HUR23011 – Procedure for Resolving Harassment and Discrimination Issues - 2020


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HARASSMENT AND DISCRIMINATION PREVENTION POLICY
(in accordance with the Ontario Human Rights Code and Occupational Health and Safety Act)


POLICY STATEMENT	<p>The City of Hamilton is committed to maintaining an inclusive work environment that promotes mutual respect for the dignity and worth of each person. In this diverse and equitable Workplace, all Employees will have the opportunity to contribute fully to the City of Hamilton’s mission, vision and values, and each Employee’s unique contribution will be respected.</p> <p>The City upholds an environment free from any form of Harassment or Discrimination by any of its Employees, in the Workplace, and at any work-related functions, or in any other work-related and/or staff social functions, such as holiday parties sanctioned by the Employer, or in any other work-related circumstances. The City prohibits Harassment and Discrimination, and it will not be tolerated from any person including Employees, Employers, members of Volunteer Advisory Committees, Agencies and Boards, Elected Officials, volunteers, service users, and citizens in the Workplace or in City owned and operated public spaces.</p> <p>The City of Hamilton upholds a zero tolerance to Harassment and Discrimination. Employees of the City of Hamilton are entitled to work in an environment free from Harassment and Discrimination that is based on any of the protected grounds under the Ontario <i>Human Rights Code</i>, which includes:</p> <ul style="list-style-type: none"> • Race • Sex (including pregnancy) • Colour • Disability • Ancestry • Sexual Orientation • Place of Origin (where one was born) • Age • Ethnic Origin • Marital Status (includes same sex partnership status) • Citizenship • Family Status • Creed • Gender Identity
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	<ul style="list-style-type: none"> • Gender Expression • Record of Offence, for which a pardon has been granted (in employment only) • Receipt of Public Assistance (in housing/accommodation only) <p>as well as the broader definitions of Workplace Violence and Workplace Harassment as outlined in the <i>Occupational Health and Safety Act</i>.</p> <p>The City seeks to ensure the safety and security of all Employees and service users and will not tolerate harassment involving any form of violence or other inappropriate behaviors at any City owned or operated facilities or public space, in written or verbal communications with Employees, members of Volunteer Advisory Committees, Agencies and Boards, Elected Officials, service users, and citizens, or at any other location where City staff are considered to be working.</p>	
<p>PURPOSE</p>	<p>The intention of this policy and its procedure is to outline the City of Hamilton’s commitment to maintain a healthy, respectful and supportive workplace by preventing Harassment and Discrimination from occurring in the workplace and in any City owned or operated facility or public space and, where necessary, to act upon complaints of Harassment and Discrimination promptly, fairly, thoroughly and with due regard for confidentiality for everyone involved.</p> <p>Under the <i>Occupational Health and Safety Act</i>, the City of Hamilton is required to have a policy and procedure for managing and investigating Harassment complaints. This policy and its associated procedure (Procedure for Resolving Harassment and Discrimination Issues) are consistent with the City’s obligations under the <i>Occupational Health and Safety Act</i>.</p> <p>Any individual has the right to pursue complaints relating to Harassment and Discrimination based on any of the prohibited grounds under the Ontario <i>Human Rights Code</i> with the Ontario Human Rights Tribunal. All Employees also have the right to file a complaint with the Ministry of Labour, Immigration, Training and Skills Development. The rights and processes for unionized employees may be guided or varied under their collective agreements.</p>	


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	<p>The City also has a <i>Violence in the Workplace Prevention Policy</i> that addresses concerns related to Workplace Violence.</p> <p>This policy contains definitions related to Harassment and Discrimination and identifies the rights and responsibilities of all Employees, including Management, as well as the rights and responsibilities of members of Volunteer Advisory Committees, Agencies and Boards, Elected Officials, volunteers and service users.</p>	
<p>SCOPE</p>	<p>This policy applies to all City of Hamilton Employees, including but not limited to regular, temporary, contract and probationary employees, and to contractors, consultants, volunteers, students, interns, as well as applicants for employment. This policy also applies to members of Volunteer Advisory Committees, Agencies, and Boards, Elected Officials, volunteers and members of the public. Service recipients, visitors to and users of City facilities/public space and individuals conducting business with the City of Hamilton, or with support from the City of Hamilton, are also expected to adhere to the intent of this policy and are expected to demonstrate respectful behaviour and not to engage in any form of Harassment or Discrimination against Employees or other individuals/groups. If Harassment or Discrimination occurs, the City will take all reasonable and necessary steps to ensure an environment free from Harassment and Discrimination to the extent possible, which may include: communication of expected behaviours; cease and desist letters; issuance of No Trespass notices; contacting Police; requesting injunctions; and, prosecution.</p> <p>Should members of the public believe they have been subject to or have witnessed Harassment or Discrimination involving an Employee, they can initiate a complaint under this policy.</p> <p>Anyone who has a concern of Harassment or Discrimination involving an individual who is a member of a Local Board, Agency or Volunteer Advisory Committee would pursue a complaint through the Integrity Commissioner as per the Complaint Protocol outlined within By-Law 22-019 Code of Conduct for Local Boards</p>	


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Definitions			
Abuse of Authority	<p>An individual's improper use of power or authority or perceived authority to intimidate, threaten or coerce an individual in a manner that is not consistent with City policies. May include behaviours such as, but not limited to:</p> <ul style="list-style-type: none"> • taking advantage of a position of authority to exploit, compromise or mistreat others; • endangering a person's job or threatening a person's economic livelihood, or interfering with or influencing the career of an individual; • intimidation, threats, blackmail and coercion. <p>Abuse of authority may also take the form of behaviours such as shouting, belittling a person's work, favouritism/exclusion, unjustifiably withholding information that a person needs to perform their work and asking subordinates to take on personal errands.</p>		
Bad Faith	<p>Refers to a complaint brought with an ulterior motive, for example, motivated by ill will, hostility, malice, personal animosity, lack of fairness or impartiality, lack of total honesty such as withholding information. It includes serious carelessness, recklessness, and intentional fault. It is characterized by an intention to mislead.</p>		
Complainant	<p>Any person who makes a complaint.</p>		
Disability	<p>Defined as:</p> <ol style="list-style-type: none"> 1. any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device, 2. a condition of mental impairment or a developmental disability, 		

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Discrimination	<p>3. a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,</p> <p>4. a mental disorder, or</p> <p>5. an injury or disability for which benefits were claimed or received under the insurance plan established under the <i>Workplace Safety and Insurance Act, 1997</i>.</p> <p>Disability should be interpreted in broad terms. It includes both present and past conditions, as well as a subjective component, namely, one based on perception of disability.</p> <p>Involves differential treatment of an individual or group of individuals which is based, in whole or in part, on one or more of the protected grounds under the <i>Ontario Human Rights Code</i> and which has an adverse impact on the individual or group of individuals. According to the Ontario Human Rights Commission, it includes the following elements:</p> <ol style="list-style-type: none"> 1. not individually assessing the unique merits, capacities and circumstances of a person; 2. instead, making stereotypical assumptions based on a person's presumed traits; 3. having the impact of excluding persons, denying benefits or imposing burdens. 		
Employee	Workers in an employment relationship with an Employer. This includes all Employees of the City of Hamilton, union and non-union including, but not limited to, regular, casual, temporary, probationary and contract Employees.		
Employer	In accordance with the <i>Occupational Health and Safety Act</i> , 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.		

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Frivolous	Characterized by a lack of seriousness or sense; of little or no weight, worth or importance, not worthy of serious notice; not reasonably purposeful.		
Harassment	Engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.		
Management	Any individual responsible for directing the work of others, including but not limited to elected officials (when in a supervisory relationship with City Employees), the City Manager, General Managers, Executive Directors, Directors, Managers, and Supervisors, and People Leaders. These individuals are considered a part of the "directing mind" of the organization and the City of Hamilton could be held liable by a court or tribunal if these individuals violate the Ontario <i>Human Rights Code</i> themselves or fail to engage in actions that prevent and disrupt Harassment or Discrimination in the Workplace. Even non-supervisors may be considered to be part of the "directing mind" if they have <i>de facto</i> supervisory authority or have significant responsibility for the guidance of employees.		
Workplace Harassment	Workplace Harassment as defined by the <i>Occupational Health and Safety Act</i> means: <ol style="list-style-type: none"> a) 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, or b) Workplace Sexual Harassment. <p>Workplace Harassment can make a person feel uncomfortable, distressed, offended or intimidated. Types of behaviour that may constitute Workplace Harassment include, but are not limited to:</p> <ul style="list-style-type: none"> • Ongoing condescending comments or name calling • Repeated offensive gestures or comments • Practical jokes • False accusations • Spreading malicious rumours, gossip, or innuendo • Excluding, isolating or ignoring someone • Undermining or deliberately impeding a person's work • Constantly changing work guidelines • Withholding necessary information or purposefully giving the wrong information 		

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<p>Poisoned (Toxic) Work Environment</p>	<ul style="list-style-type: none"> • Yelling or using profanity • Criticizing a person persistently or constantly • Belittling a person's opinions • Unreasonable blocking of applications for training, leaves of absence. or promotion • Tampering with a person's personal belongings or work equipment • Abuse of power or authority which negatively disrupts or prevents the performance of Workplace duties or unduly influences Workplace decisions, or requests to perform duties outside the scope of job requirements such as requests for personal errands • Persistent, excessive or unjustified criticism and constant scrutiny beyond reasonable exercise of supervisory duties • Intimidation • Public performance reviews that undermine the individual's credibility or undermine their ability to perform • Being coerced to engage in conduct that is not consistent with Workplace expectations of the City of Hamilton. • Bullying • Actions which create a "Poisoned Work Environment" which is hostile, intimidating or offensive <p>Workplace Harassment is generally not an isolated insult or adverse comment; nor is it a reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace.</p> <p>A work environment where inappropriate comments, behaviour or the display of offensive material has an adverse impact on an individual or a group. The offending behaviour does not need to be directed towards an individual but may have an adverse impact in the Workplace that goes beyond the original incident. The adverse impact can include psychological suffering.</p> <p>A Poisoned Work Environment may result from a pattern of events or a single, serious remark or action.</p> <p>A Poisoned Work Environment can also be known as a toxic work environment.</p>	

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Respondent	Any person who is the subject of a complaint (i.e., a complaint is made against them).		
Sexual and Gender-based Harassment	<p>Sexual and Gender-Based Harassment includes unwanted or unwelcome actions or comments of a sexual or gender-related nature. Sexual and Gender-based Harassment does not have to be sexual in nature. Stereotypical comments or actions about one's gender can be a form of Sexual and Gender-based Harassment. Sexual and Gender-based Harassment can happen to anyone. This includes Workplace Sexual Harassment.</p> <p>Usually, Sexual and Gender-based Harassment is a pattern of behaviour that occurs over a period of time; however, a single incident can be serious enough to be considered Sexual and Gender-based Harassment.</p> <p>Workplace Sexual Harassment is further defined under the <i>Occupational Health and Safety Act</i> to include:</p> <ul style="list-style-type: none"> 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 to be known to be unwelcome, 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. 		
Bullying	<p>Bullying is the misuse of power or position to persistently criticize, condemn or openly humiliate an individual, in a manner that undermines their ability. This involves the misuse of power or aggression to control or distress another. The power differential can take various forms, including the exercise of power in numbers, through one's position etc. The behaviour is often repeated. Bullying can also take many different forms, including physical, verbal, non-verbal, unduly influencing a decision, social isolation or overt exclusion etc.</p>		
Trivial	Of very little value or importance.		


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Vexatious	Without reasonable or probable cause or excuse; harassing; annoying; instituted maliciously or on the basis of improper motives; intended to harass or annoy.		
Workplace	Workplace includes all locations where business or social activities of the City are conducted. This policy may apply to incidents that happen away from work (e.g., inappropriate social media posts, phone calls, e-mails or visits to an employee's home, incidents at luncheons, after work socials).		
Terms & Conditions	The following terms and conditions apply to this Policy:		
1. Discriminatory or Harassing Behaviours	<p>Discriminatory or harassing behaviour results from actions directed at specific individuals or groups, which are unwelcome or unwanted; or may be actions which are not directed at a particular individual, but have created a "Poisoned Work Environment" which is hostile, intimidating or offensive.</p> <p>Examples of discriminatory or harassing behaviours include, but are not limited to:</p> <ul style="list-style-type: none"> • Racial or ethnic slurs • Written or verbal abuse or threats based on a protected ground • Unwelcome remarks, jokes, nicknames, taunts, suggestions related to a person's body, attire, age, marital status, sex or gender, ethnic or racial origin, creed, disabilities, sexual orientation, or any protected grounds • Practical jokes related to a protected ground which result in embarrassment or insult or negatively affect work performance • Abuse of Authority which undermines performance or threatens careers, based on a protected ground • Vandalism of personal property • Displays of racist or other offensive or derogatory material • Derogatory cartoons or graffiti based on a protected ground • Patronizing or condescending behaviour or language which reinforces stereotypes and undermines self-respect • Inappropriate references to racist organizations or individuals • Accessing, displaying, transmitting or storing (including on the City's technology systems, including computer network etc.) material which violates any Canadian federal or provincial law or City by-law or directive, or is harassing, 		


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discriminatory, or obscene and conducive to a Poisoned Work Environment. (See [City of Hamilton Computer Acceptable Use Policy](#)).

Examples of Sexual and Gender-based harassment include but are not limited to:

- Demanding hugs
- Cornering, leaning over or similar examples of invading personal space
- Making unnecessary physical contact, including unwanted touching
- Using language that puts someone down and/or comments towards a person that are sex-specific derogatory names
- Leering or inappropriate staring
- Making gender-related comments about someone's physical characteristics or mannerisms
- Making negative comments or treating someone badly because they don't conform with sex-role stereotypes
- Showing or sending pornography, sexual pictures or cartoons, sexually explicit graffiti, or other sexual images (including online)
- Sexual jokes, including passing around written sexual jokes (for example, by e-mail)
- Rough and vulgar humour or language related to gender
- Using sexual or gender-related comments or conduct to bully someone, spreading sexual rumours (including online)
- Making suggestive or offensive comments or hints about members of a specific gender
- Making sexual proposition
- Verbally abusing in a sexual manner
- Threatening or taunting someone based on gender
- Bragging about sexual prowess
- Demanding dates or sexual favours
- Asking questions or talking about sexual activities
- Making an employee dress in a sexualized or gender-specific way
- Engaging in behaviours that undermine someone's status or position of responsibility
- Making threats to penalize or otherwise punish a person who refuses to comply with sexual advances (known as reprisal).
- Display of sexually offensive material


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	<ul style="list-style-type: none"> • Making sexual requests or suggestions (known as sexual solicitation) 	
2. Complaints	<p>Complainants and Respondents have the right to confidential, objective advice from the Human Rights & Workplace Harassment Investigator for the City of Hamilton.</p>	
	<p>The Procedure for Resolving Harassment and Discrimination Issues outlines the steps for handling of complaints, including the following options:</p> <ul style="list-style-type: none"> • Complaint to the City of Hamilton, through an Employee’s Supervisor • Complaint directly to the Human Rights & Workplace Harassment Investigator in the Human Resources Department • Application to the Human Rights Tribunal of Ontario • Filing of a grievance for those Employees covered under a collective agreement • Complaint to Police if a criminal act is believed to have occurred 	
3. Confidentiality	<p>The City of Hamilton will make every reasonable effort to maintain confidentiality for Employees involved in Harassment and Discrimination complaints or incidents subject to the requirements of procedural fairness of the investigation and resolution procedure. Confidentiality extends to all records relating to complaints, including but not limited to meetings, interviews and investigation results. Breaches of confidentiality may be subject to appropriate disciplinary action. Complainants, Respondents and witnesses will be advised to maintain confidentiality concerning complaints or incidents. Any record of discipline which occurs as a result of a complaint will be included in the disciplined Employee’s file for the length of time required by law. However, all records are subject to the provisions of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> and may be subject to disclosure under the Act or as otherwise required by law.</p>	
4. Procedural Fairness	<p>The rules of procedural fairness govern all activities occurring under this policy. Procedural fairness ensures that parties are provided with a fair assessment of the complaint, Respondent(s) will be informed of the allegations raised against them and parties to the</p>	


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5. Reprisal	investigation will be provided with a meaningful opportunity to respond to allegations made against them.		
	A reprisal is an action or threat that is intended as retaliation for claiming or enforcing a right under the <i>Ontario Human Rights Code</i> and <i>Occupational Health and Safety Act</i> .		
	Any form of retaliation against parties involved in a complaint (including a Complainant, Respondent, Witness, Investigator etc.) will be considered a serious violation of this Policy and will not be tolerated. Such retaliatory actions may be subject to disciplinary action, up to and including termination of employment.		
6. Trivial, Frivolous/ Vexatious Complaints	The City of Hamilton prohibits complaints that are trivial, frivolous, vexatious or made in bad faith. Any Employee found to have lodged such a complaint may be subject to disciplinary action, up to and including termination of employment.		
Responsibilities			
Shared Responsibility	<ul style="list-style-type: none"> All Employees have the right to work in a healthy, respectful and supportive environment free from Harassment and Discrimination. Employees share a collective responsibility to ensure that their work environment is free from Harassment and Discrimination. All Employees have a positive obligation to report incidences of Harassment and Discrimination when they become aware of them. All individuals have the right to access and enjoy City owned and operated facilities and public spaces in a respectful and inclusive manner. The responsibilities of Employees, the Employer, Management, members of Volunteer Advisory Committees, Agencies and Boards, Elected Officials, volunteers and service users are specified below. 		
Employee Responsibility	<ul style="list-style-type: none"> All Employees are required to attend mandatory training related to Harassment and Discrimination prevention. Failure to attend such mandatory training without a valid reason approved by a 		


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<p>Employer Responsibility</p>	<p>member of Management shall result in discipline up to and including termination.</p> <ul style="list-style-type: none"> • Employees must not engage in any behaviour or comments that are or may be perceived as Harassment or Discrimination. Employees are required to report incidents of Harassment, Discrimination, Personal Harassment, or Reprisal to their Supervisors or Managers or to the Human Rights & Workplace Harassment Investigator in Human Resources immediately. • It is the responsibility of all individuals covered by this Policy to cooperate fully in any attempts to resolve a matter under this Policy and to cooperate fully in the investigation of any Complaint. This includes maintaining confidentiality in relation to the ongoing investigation as well as upon completion of the investigation. Any Employee who refuses to participate in an investigation or the resolution of a matter under this Policy, or who knowingly or recklessly makes a false statement or gives false or misleading information, will be subject to disciplinary action up to and including termination of employment. • Provide a Workplace free from Harassment and Discrimination that is based on the protected grounds under the Ontario <i>Human Rights Code</i> and Personal (Workplace) Harassment as outlined in the <i>Occupational Health and Safety Act</i>. • Ensure corporate Policies and Procedures comply with the Ontario <i>Human Rights Code</i> and <i>Occupational Health and Safety Act</i>. • Ensure information and instruction on the content of a Harassment prevention program is shared with all Employees. • Ensure visible notification of Harassment prevention program in City owned or operated facilities and public spaces. • Provide Harassment and Discrimination prevention education to all Employees. • Create an environment that encourages the reporting of all incidents of Harassment and Discrimination. • Provide a process to handle and investigate Harassment and Discrimination complaints in the most effective, fair and timely manner, and appropriate in the circumstances. • Inform the Complainant and Respondent (if Employees of the Employer) of the results of the investigation in writing and advise 	

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<p>Management Responsibility</p>	<p>of any corrective action that has been or will be taken by the City of Hamilton to address workplace Harassment or Discrimination.</p> <ul style="list-style-type: none"> • Management is responsible for providing a Workplace that is free of Harassment and Discrimination, and for intervening if Harassment or Discrimination occurs. They must ensure that incidents of Harassment and Discrimination are not tolerated, ignored or condoned. • Management is responsible for their own actions as well as managing and addressing the actions of staff under their supervision. In order to prevent Harassment and Discrimination, to address perceived Harassment and Discrimination, and to address Employee complaints with respect to Discrimination or Harassment on the basis of the protected grounds under the <i>Ontario Human Rights Code</i> and the <i>Occupational Health and Safety Act</i>, Management will undertake the following actions: <ul style="list-style-type: none"> ○ Demonstrate appropriate behaviour by never engaging in, tolerating or condoning Harassment or Discrimination. ○ Ensure Employees are attending mandatory training related to Harassment and Discrimination prevention. ○ Make all reasonable efforts possible to protect Employees from Harassment and Discrimination. ○ Consult with the Human Rights & Workplace Harassment Investigator on all matters that may pertain to this Policy. ○ If Harassment or Discrimination is suspected, or if an Employee reports that they are being harassed or discriminated against, action must be taken in accordance with this Policy and the associated Procedure (Procedure for Resolving Harassment & Discrimination Issues). Accordingly, Management must consult with the Human Rights & Workplace Harassment Investigator immediately upon learning or suspecting that Harassment or Discrimination may be occurring. In consultation with the Human Rights & Workplace Harassment Investigator, Management must approach an Employee if Harassment or Discrimination is suspected because some Employees may be reluctant to bring forward concerns. ○ Respond immediately to any Harassment or Discrimination complaints by contacting the Human Rights & Workplace Harassment Investigator. Only a Human Rights & Workplace Harassment Investigator may formally investigate a Harassment or Discrimination Complaint (see the Procedure
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<p>Service Recipient/User/Visitor /Volunteer Responsibility</p>	<p>for Resolving Harassment and Discrimination Issues). Management who are aware of Harassment or Discrimination and do not take corrective action in consultation with the Human Rights & Workplace Harassment Investigator, may be subject to disciplinary action, up to and including termination of employment.</p> <ul style="list-style-type: none"> ○ In consultation with the Human Rights & Workplace Harassment Investigator/Labour Relations, take remedial action with Employees who violate this Policy, including disciplinary action, training, education or any other action deemed appropriate given the circumstances. ● Service recipients, visitors to and users of City facilities/public space and individuals conducting business with the City of Hamilton, or with support from the City of Hamilton are expected to demonstrate respectful behaviour and must not engage in any behaviour or comments that are or may be perceived as Harassment or Discrimination towards employees and/or other individuals/groups. ● In addition, volunteers and service users have a duty to report of acts of violence, vandalism and/or inappropriate behaviours to a City employee and/or a designated person of the appropriate organization within 24 hours. ● Any individual who is not an Employee who refuses to participate in an investigation or the resolution of a matter under this Policy will be subject to appropriate suspension, denial of services, prohibited from accessing City facilities, or suspension/removal from Volunteer Advisory Committee, Agency, Board, etc., as deemed appropriate in the circumstances. 	
<p>RELATED DOCUMENTS</p>	<p>The following are related documents to this Policy:</p> <p>Legislation:</p> <ul style="list-style-type: none"> ● Ontario <i>Human Rights Code</i> ● <i>Occupational Health and Safety Act</i> ● <i>Accessibility for Ontarians with Disabilities Act</i> ● <i>Municipal Freedom of Information and Protection of Privacy Act</i> <p>Procedure:</p>	

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	<ul style="list-style-type: none"> • <i>Procedure for Resolving Harassment and Discrimination Issues</i> <p>Policies:</p> <ul style="list-style-type: none"> • <i>Protocol for Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Persons</i> • <i>Violence in the Workplace Prevention Policy</i> <p>Contact: For more information on this Policy, contact a Human Rights & Workplace Harassment Investigator in Human Resources, City Manager's Office.</p>	
<p>HISTORY</p>	<p>This policy replaces previous Harassment and Discrimination Prevention Policy, approved by Council on April 27, 2005 (Report HUR05005).</p> <p>The Corporate Policy Review Group and an Employment Lawyer, specializing in Human Rights, were consulted in the revisions made to this Policy.</p> <p>Approved by Council of the City of Hamilton 2014-02-12.</p> <p>This Policy was updated to be consistent with Bill 132 and changes to the <i>Occupational Health and Safety Act</i> coming into effect on September 8, 2016.</p> <p>The policy was revised to combine the Harassment & Discrimination Policy and the Personal Harassment Prevention Policy.</p> <p>HRLT reviewed the updated policy 2023-05-29.</p> <p>Corporate Policy Review Group reviewed the updated policy on 2023-06-05.</p> <p>Senior Management Team reviewed updated policy on 2023-07-20.</p> <p>Legal Services reviewed the updated policy on 2023-08-16.</p>	


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Procedure for Resolving Harassment & Discrimination Issues	
PURPOSE	This procedure outlines steps to be taken to address issues of Harassment and/or Discrimination by Employees of the City of Hamilton. They are in accordance with the Harassment and Discrimination Prevention Policy . Please refer to this policy for definitions and further information.
SCOPE	This procedure applies to all City of Hamilton employees, including but not limited to regular, temporary, contract and probationary employees, and to contractors, consultants, volunteers, students, interns, as well as applicants for employment. This procedure also applies to members of Volunteer Advisory Committees, Agencies, and Boards, Elected Officials, volunteers and service users. This Procedure will also apply should a citizen file a complaint of Harassment and Discrimination against an Employee under the City's Harassment and Discrimination Prevention Policy


ROLES & RESPONSIBILITIES	
Employee	Any Employee who has a complaint alleging a violation of the Harassment and Discrimination Prevention Policy is encouraged to attempt the following before a formal complaint is filed: <ul style="list-style-type: none"> ○ If possible, make your disapproval known to the person who is causing the offence and ask that all offensive behaviour stop. ○ If an Employee approaches you in this regard it is expected that you will: <ul style="list-style-type: none"> ○ make all reasonable efforts to resolve the matter; and/or, ○ discuss concerns with your immediate Supervisor or another member of management; and/or

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<p>Human Rights & Workplace Harassment Investigator</p>	<ul style="list-style-type: none"> ○ seek advice from a union representative (where applicable); and/or ○ contact the Human Rights & Workplace Harassment Investigator in Human Resources for advice/consultation even if there is no intent to file a complaint. <p>Do not discuss the alleged Harassment and/or Discrimination or intent to file a complaint with other co-workers, as this could be a potential breach of the Harassment and Discrimination Prevention Policy.</p> <p>Where possible, Employees who believe that they have been subjected to Harassment or Discrimination should maintain a written record of the nature of the alleged conduct, date(s), time(s), behaviour, impact and list of witnesses.</p> <p>If the Harassment or Discrimination continues, or the Complainant is uncomfortable speaking to the person who is causing offence, or to their own Supervisor or another member of management, the Complainant may bring the matter to the attention of the Human Rights & Workplace Harassment Investigator as a complaint (see Complaint Procedures for next steps).</p> <p>The Human Rights & Workplace Harassment Investigator works in Human Resources and acts as an impartial advisor to any City Employee (including Management representatives). The Human Rights & Workplace Harassment Investigator maintains a fair and unbiased attitude to all complaints, and to all those involved in complaints, at all times. The Human Rights & Workplace Harassment Investigator is responsible for providing education and information concerning all forms of Harassment and Discrimination,</p>
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<p>Manager/Supervisor</p>	<p>initiating efforts to resolve complaints, and investigating complaints.</p> <p>A Manager/Supervisor who receives a complaint must immediately contact the Human Rights & Workplace Harassment Investigator. The Human Rights & Workplace Harassment Investigator may suggest any of the following steps be taken by management:</p> <ul style="list-style-type: none"> ○ take immediate action in the event of a real or potential threat to personal safety; and/or ○ provide a copy of the policy and procedure to the Complainant to ensure awareness of the options under the policies, including protection from reprisal; and/or provide contact information (name, telephone number, office location) of the Human Rights & Workplace Harassment Investigator to the Complainant.
<p>COMPLAINT PROCEDURES</p> <p>1. Complaint Assessment Phase</p>	<p>The City’s complaint procedures are intended to be a timely forum to address Harassment and Discrimination complaints. Any costs incurred by the parties during an investigation (legal, travel, etc.) are their own responsibility.</p> <p>Citizens who have a complaint of Harassment or Discrimination against a City Employee may elect to utilize the City of Hamilton’s internal Harassment and Discrimination Prevention Policy and Procedure as a method to resolve their concern.</p> <p>In certain circumstances, the Human Rights & Workplace Harassment Investigator and the Labour Relations Officer or other appropriate Human Resources staff will work in coordination to resolve a matter.</p> <p>Once a complaint has been received, the Human Rights & Workplace Harassment Investigator shall</p>

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	<p>assess the complaint to determine appropriate next steps. This may involve a preliminary fact-finding process to ascertain:</p> <ul style="list-style-type: none"> ○ Type of behaviour complained about and whether it is covered under the Harassment and Discrimination Prevention Policy ○ Severity of the situation ○ Identification of parties to make initial inquiries with (i.e. Complainant, Respondent, Management, Witnesses) ○ Whether other initial steps need to be taken (i.e. involvement of Health, Safety and Wellness Specialist, separation of parties to the complaint notification to Police, etc.) ○ Whether or not there is a need to intervene further or to investigate <p>At any point during the Assessment Phase, it may be determined by the Human Rights & Workplace Harassment Investigator that no intervention from Human Resources is required or that an investigation into the matter is not required. The Human Rights & Workplace Harassment Investigator has discretion to decide not to intervene or investigate or may discontinue an intervention or investigation, or may refuse to take action on any complaint in situations where:</p> <ul style="list-style-type: none"> ○ the complaint is made more than one year after the date of the last incident of Harassment or Discrimination; ○ the complaint is determined to be Trivial, Frivolous, Vexatious or made in Bad Faith; ○ the actions reported have also been the subject of criminal charges; ○ the action(s) reported do not fall within the definitions of Harassment and Discrimination as outlined in the Harassment and Discrimination Prevention Policy;
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<p>2. Complaint Resolution Phase</p>	<ul style="list-style-type: none"> ○ an adequate remedy already exists; ○ the issue is most appropriately addressed by another Department within the City, such as the Integrity Commissioner, Health, Safety & Wellness and/or Labour Relations. ○ having regard to all the circumstances, further investigation of the matter is deemed unnecessary <p>Where appropriate, the Human Rights & Workplace Harassment Investigator may facilitate a resolution of complaints under the Harassment and Discrimination Prevention Policy.</p> <p>Depending upon the circumstances or the Complainant's desired outcome, the Human Rights & Workplace Harassment Investigator may pursue resolution without receiving a written complaint and/or without informing the Respondent.</p> <p>For the purposes of the Harassment and Discrimination Prevention Policy and Procedure, fact-finding conducted during the Assessment Phase of these complaints may also satisfy the <i>Occupational Health and Safety Act</i> requirement that "an investigation is conducted into incidents and complaints of workplace harassment that is confidential in the circumstances."</p> <p>The goal of many Employees who seek assistance is to stop the offending behaviour. Informal resolution facilitated by the Human Rights & Workplace Harassment Investigator can often be effective in addressing unwanted comments or conduct. In most circumstances, resolution efforts should be completed within 30 days.</p> <p>Some examples of resolution include:</p> <ul style="list-style-type: none"> ○ <u>Education/Training</u> - for a group of
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<p>3. Complaint Investigation Phase</p>	<p>Employees, or one-on-one where appropriate. In some cases, education and training can be conducted without the Respondent being identified;</p> <ul style="list-style-type: none"> ○ <u>Involving Manager/Supervisor</u> - informing a Supervisor of concerns and developing a management plan to ensure a respectful and supportive workplace; ○ <u>Changing Work Responsibilities</u> - to minimize contact between the Complainant and Respondent where operationally feasible; <p>If a resolution is not appropriately achieved in the Complaint Resolution Phase, or if the nature of the complaint warrants, an investigation may begin, as determined by the Human Rights & Workplace Harassment Investigator.</p> <p>The Human Rights & Workplace Harassment Investigator has discretion to require a signed written complaint from the person making the complaint before an investigation may begin. The written complaint should be submitted to the Human Rights & Workplace Harassment Investigator setting out in detail the nature of the complaint, any information in support of the complaint including the specific incidents of Harassment and/or Discrimination and the names of possible witnesses.</p> <p>The Human Rights & Workplace Harassment Investigator will conduct investigations unless otherwise noted.</p> <p>Investigations may also be undertaken by an External Investigator engaged by the City. Any investigation of a complaint made against an Elected Official or a Senior Manager will be carried</p>
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	<p>out by an external investigator.</p> <p>A Complainant cannot be compelled to proceed with a complaint. The City of Hamilton may be obligated to proceed with an investigation in the absence of a formal written complaint if the allegation(s) constitute a violation of the <i>Harassment and Discrimination Prevention Policy</i>. In these cases, the City of Hamilton will proceed with either resolution or an investigation, with the intent of stopping the alleged behaviour and/or preventing further incidents from occurring if there has been a violation of the policies.</p> <p>Complaints are investigated by interviewing the Complainant(s), the Respondent(s), any witnesses and reviewing any available documentation. An investigation report should normally be completed within 90 days after a written complaint has been filed. The length of an investigation depends on many variables including but not limited to, the number of witnesses, complexity of the investigation, workplace schedules etc. If a report cannot be completed within the established timelines of this procedure, the parties to a complaint will be advised of the delays and any reasons why. It is incumbent on all parties to a complaint to arrange schedules or support persons so as not to delay the process.</p> <p>In some circumstances, special arrangements may be advisable (where possible) to separate the Complainant and the Respondent in the workplace, temporarily re-locate either party to a complaint, or re-assign alternate duties to either party to a complaint (depending on the circumstances), pending the results of an investigation. The Human Rights & Workplace Harassment Investigator may recommend and facilitate such arrangements.</p> <p>Any Employee (including Manager or Supervisor)</p>
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<p>4. Complaint Investigation</p>	<p>interviewed by the Human Rights & Workplace Harassment Investigator is entitled to be accompanied by one other person of their choice, as a support person. The Human Rights & Workplace Harassment Investigator will make every effort to determine the identity of the support person prior to the meeting, to ensure that the presence of that particular support person would not present a conflict of interest in regard to the ongoing investigation.</p> <p>Unionized Employees may be supported by their respective unions. Employees are also encouraged to utilize the City’s Employee and Family Assistance Program for additional support or Lifespeak resources available on the City’s e-Net.</p> <p>Respondent(s) to any complaint being investigated are entitled to know the allegations against them and have the opportunity to respond in full. A written notice of the complaint will be provided to the Respondent, with the general allegations. If necessary, statements from the Respondent(s) are disclosed back to the Complainant(s).</p> <p>Interviews will be arranged and completed with witnesses and any other individuals who may have information pertinent to the investigation, as deemed necessary by the Human Rights & Workplace Harassment Investigator. In certain circumstances, the Human Rights & Workplace Harassment Investigator may determine that a witness(es) will not be interviewed.</p> <p>At the end of each interview, Complainant(s), Respondent(s) and witness(es) will be asked to review the notes describing the interview and initial them to indicate accuracy. The Human Rights & Workplace Harassment Investigator has the</p>
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	<ul style="list-style-type: none"> ○ The General Manager of the Employee’s department and the Human Rights & Workplace Harassment Investigator shall consult with the Executive Director, Human Resources and the City Manager. ○ Employees of the City of Hamilton shall not conduct the investigation of any complaint against an Elected Official. The Executive Director, Human Resources shall refer the matter to the Integrity Commissioner and shall advise the Integrity Commissioner that, where an investigation is to be conducted, Human Resources will retain a third-party Human Rights Investigator. The third-party Human Rights Investigator will gather and examine the facts relating to the complaint and make the findings and recommendations to the Integrity Commissioner. A matter referred to the Integrity Commissioner pursuant to this Procedure shall be deemed a complaint to the Integrity Commissioner duly filed under the <i>Integrity Commissioner By-law</i>, and the Integrity Commissioner shall report, as appropriate, pursuant to the Integrity Commissioner By-law. ○ Where a Workplace Investigation has been conducted, no further investigation may be conducted by the Integrity Commissioner. ○ Where the Executive Director, Human Resources, in consultation with the Human Rights & Workplace Harassment Investigator, determines that no third party investigation is warranted, the Executive Director, Human Resources shall refer the complaint to the Integrity Commissioner to carry out a similar procedure used by the Human Rights & Workplace Harassment Investigator in Human Resources for Assessment and
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<p>COMPLAINTS AGAINST CITY MANAGER</p>	<p>Resolution (by the Integrity Commissioner), and the Integrity Commissioner shall report, as appropriate, pursuant to the Integrity Commissioner By-law.</p> <p>In addition to the steps outlined under “Complaint Procedures”, the following applies to complaints from Employees against the City Manager:</p> <ul style="list-style-type: none"> ○ The Employee may bring the matter to the attention of the Human Rights & Workplace Harassment Investigator, the General Manager of their department or their Supervisor, Manager or Director. The Supervisor, Manager or Director shall immediately inform their General Manager of the complaint. ○ The General Manager of the Employee’s department and the Human Rights & Workplace Harassment Investigator shall consult with the Executive Director, Human Resources and they shall jointly provide a confidential report advising of the complaint to the Mayor and Members of the Audit, Finance and Administration Committee. ○ Employees of the City of Hamilton shall not conduct an investigation of any complaint against the City Manager. ○ The Mayor and Members of the Audit, Finance and Administration Committee shall retain an External human rights Investigator to gather and examine the facts relating to the complaint and to make findings and recommendations. ○ The External Investigator shall report their findings and recommendations for action to the Mayor and to the Audit, Finance and
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<p>COMPLAINTS AGAINST GENERAL MANAGERS</p>	<p>Administration Committee. The Mayor and the Audit, Finance and Administration Committee shall provide City Council with a report summarizing the findings and recommendations for appropriate action.</p> <ul style="list-style-type: none"> ○ If the investigation substantiates in whole or in part that the City Manager violated any City policy related to Harassment and Discrimination, City Council shall determine an appropriate sanction. ○ When City Council has determined what action, if any, will be taken against the City Manager, the Mayor shall provide a written summary of the findings resulting from the investigation to the Complainant(s). <p>In addition to the steps outlined under "Complaint Procedures", the following applies to complaints from Employees against a General Manager:</p> <ul style="list-style-type: none"> ○ The Employee may bring the matter to the attention of the Human Rights & Workplace Harassment Investigator, or their Supervisor, Manager or Director, or to the City Manager. If the matter is brought to the attention of the Human Rights & Workplace Harassment Investigator or Supervisor, Manager or Director, it shall immediately be directed to the City Manager. ○ Employees of the City of Hamilton shall not conduct an investigation of any complaint against a General Manager. The City Manager will retain an external Human Rights investigator to gather and examine the facts relating to the complaint and to make findings and recommendations. ○ The External Investigator shall report their findings and recommendations for action to the City Manager who will
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<p>HARASSMENT ALLEGATIONS INVOLVING MEMBERS OF THE PUBLIC</p> <p>External Investigator</p> <p>Confidentiality</p>	<p>determine the appropriate action.</p> <ul style="list-style-type: none"> ○ When the City Manager has determined what action, if any, will be taken against the General Manager, the City Manager and Executive Director, Human Resources shall provide a written summary of the findings resulting from the investigation to the Complainant(s) and Respondent(s). <p>If members of the public in any capacity are deemed to have violated the City's Harassment and Discrimination Prevention Policies, the City of Hamilton will take all reasonable efforts to stop the reported behaviour, which may involve issuing a letter clarifying expectations of behaviour, cease and desist notification, banning a person(s) from City facilities, issuing No Trespass notices, refusal to continue to provide City services, and involvement of internal Legal services or Police involvement.</p> <p>In complaints where an External Investigator is retained, the External Investigator shall have regard for the City of Hamilton's Harassment and Discrimination Prevention Policy, the Procedure for Resolving Harassment & Discrimination Issues relating to this policy and any relevant law. The External Investigator may modify the investigation process as appropriate to the circumstances, subject to the review of any modifications with the Human Rights & Workplace Harassment Investigator, and shall make determinations with regard to applicable policies, procedures and any relevant law.</p> <p>Employees who are involved in any way in complaints or incidents of Harassment or Discrimination must not disclose to anyone in the workplace the details of the complaint or incident, except as required by this Procedure and the</p>
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<p>Requests for Review</p>	<p>City’s Harassment and Discrimination Prevention Policy. Confidentiality extends to all records relating to complaints, including but not limited to, records of meetings, interviews and investigation results. Breaches of confidentiality may be subject to appropriate disciplinary action up to and including termination of employment.</p> <p>The Human Rights & Workplace Harassment Investigator will retain documentation related to complaints in a secure file for seven years from the date of the complaint. All records are subject to the provisions of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> and may be subject to disclosure under the Act, or other applicable law.</p> <p>Either the Complainant(s) and/or the Respondent(s) may make a Request for Review of the findings of the investigation if they have new and relevant information that was not previously available or have substantive reasons why the findings were not reasonable. The intent to file a Request for Review must be made known to the Human Rights & Workplace Harassment Investigator in writing within ten calendar days of the date the parties were notified of the findings. Thereafter, there will be a discussion between the person(s) making the Request for Review, and the Human Rights & Workplace Harassment Investigator as to when the request must be submitted (never to exceed more than 20 calendar days from the date of this discussion). The Request for Review must include a statement of the reasons why the findings of the investigation were not reasonable and should be re-considered. If the Request for Review does not include new and relevant information that was not previously available or does not provide substantive reasons why the investigation findings were not reasonable, the Executive Director, Human Resources, or their designate, shall deny the</p>
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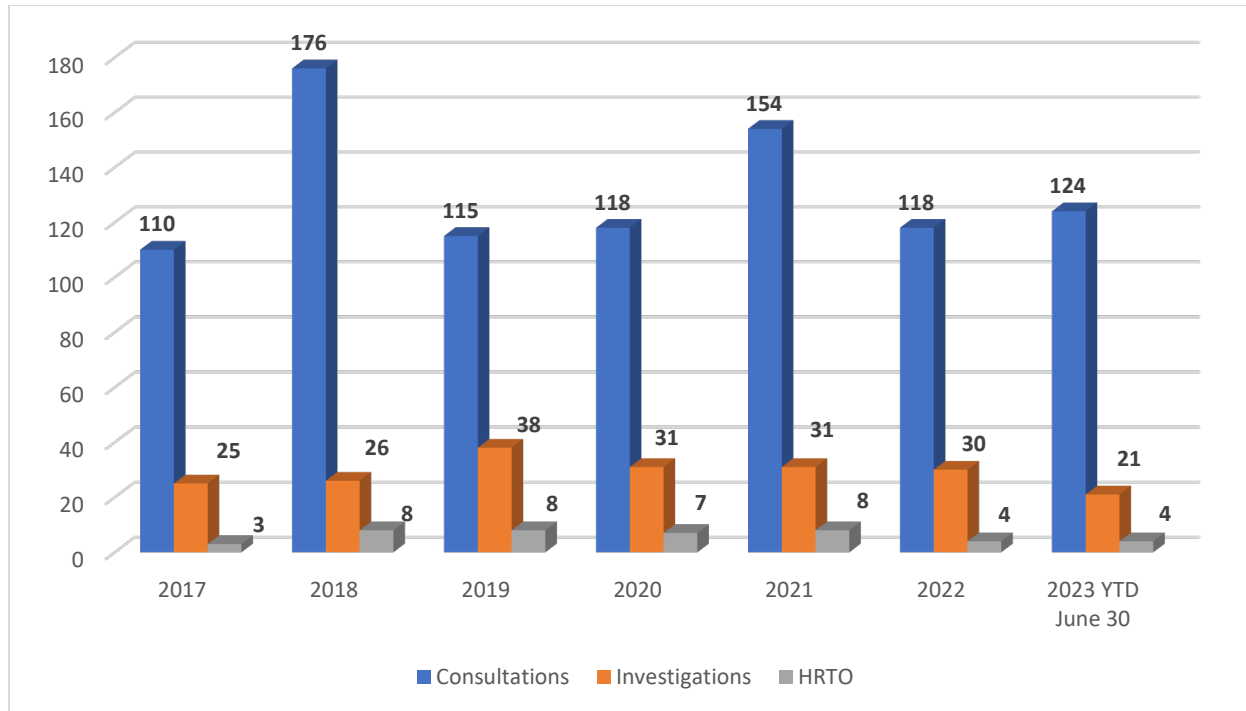
Corporate Human Resources Procedure	 Hamilton	Content Updated: 2023-05-19
Supports Policies: HR-61-13		Date of Last Review: 2020-12-01
Policy No: <<Insert Here>>		Supersedes: Resolving Harassment & Discrimination Issues Procedure (Approved by CMT: April 7, 2005)
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	<p>request. If it appears that there are substantive grounds to reconsider the findings of the investigation, Complainant(s) or Respondent(s) will be informed that a Request for Review has been made and will be given an opportunity to reply. The Executive Director, Human Resources, or their designate, will make a final decision on the final disposition of the review.</p>
COMPLIANCE	<p>Any Employee who is found to have violated this Procedure or its associated Policy may be disciplined according to the severity of the actions, up to and including termination of employment</p>
RELATED DOCUMENTS	<p>The following related documents are referenced in this Procedure:</p> <ul style="list-style-type: none"> • <i>Harassment and Discrimination Prevention Policy</i> • <i>Violence in the Workplace Prevention Policy</i> • <i>Integrity Commissioner By-law</i> • <i>Occupational Health and Safety Act</i> • <i>Municipal Freedom of Information and Protection of Privacy Act</i> • <i>Ontario Human Rights Code</i> • <i>Protocol for Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Persons</i>
CONTENT UPDATED	<p>2016-03-29 to reflect changes in Bill 132 and OHS 2018-07-06 to clarify language 2023-05-19 to reflect consolidated policies</p>
HISTORY	<p>This procedure replaces the procedure approved by Corporate Management Team of the City of Hamilton on April 7, 2005. Procedure was last updated June 21, 2013.</p> <p>The Corporate Policy Review Group, HRLT, Legal Services, and SLT were consulted in the revisions made to this Procedure. Approved by Council of the City of Hamilton 2014-02-12 This Policy was updated to be consistent with Bill 132 and changes to the OHS coming into effect on September 8, 2016.</p>

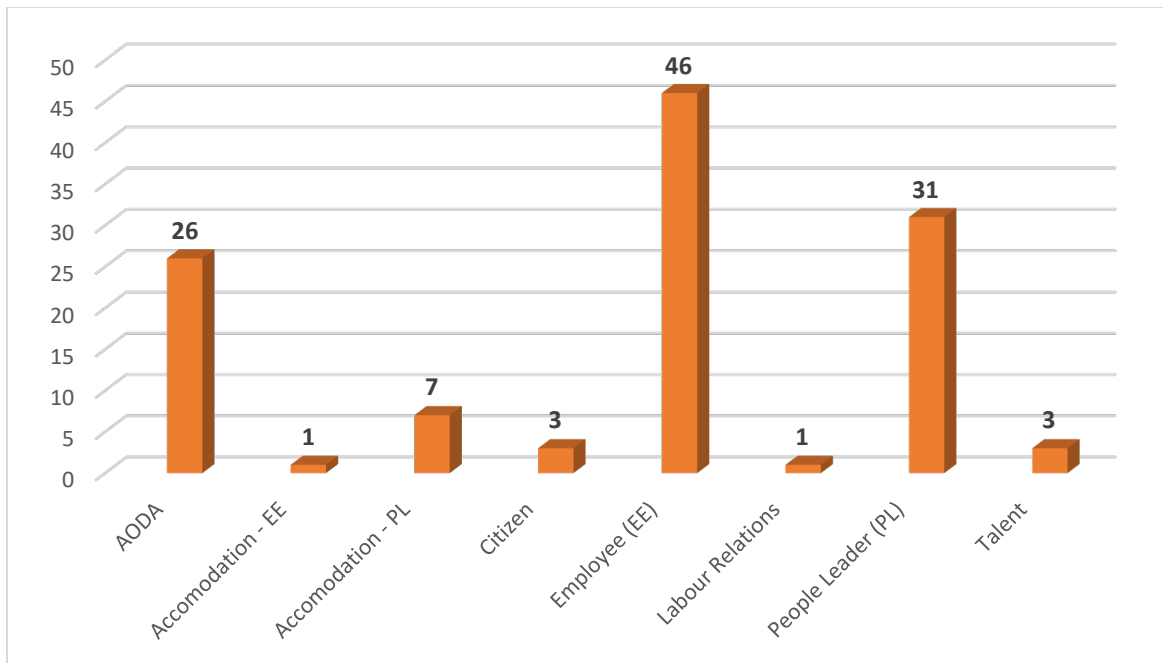
Corporate Human Resources Procedure	 Hamilton	Content Updated: 2023-05-19 Date of Last Review: 2020-12-01
Supports Policies: HR-61-13		Supersedes: Resolving Harassment & Discrimination Issues Procedure (Approved by CMT: April 7, 2005)
Policy No: <<Insert Here>>		
Page 16 of 16		Council Approval: 20XX-XX-XX

	<p>Review History: Senior Management Team 2016-03-31 Corporate Policy Review Group 2017-06-01 Corporate Policy Review Group 2018-07-06 Corporate Policy Review Group 2019-06-28 Human Resources 2020-12-01 Human Resources Leadership Team 2023-05-29 Corporate Policy Review Group 2023-06-05 Senior Leadership Team 2023-07-20 Legal Services Team 2023-08-16</p> <p>Contact: For more information on this Procedure contact a Human Rights & Workplace Harassment Investigator in Human Resources, City Manager's Office.</p>
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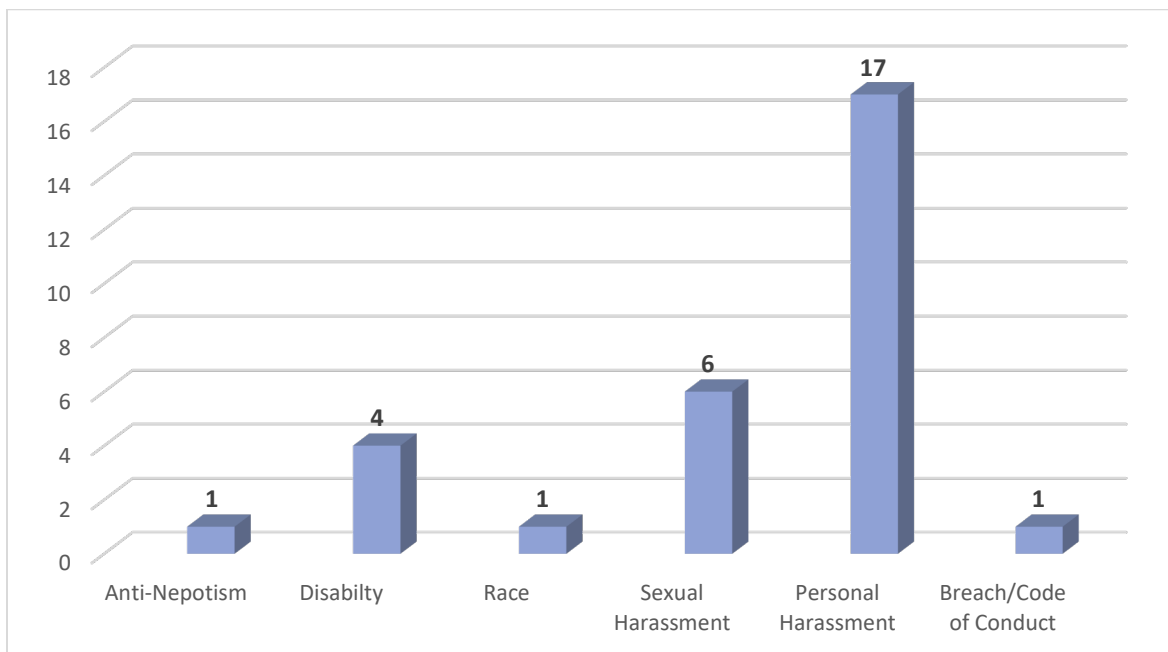
Human Rights Data 2017- 2023 as of June 30, 2023



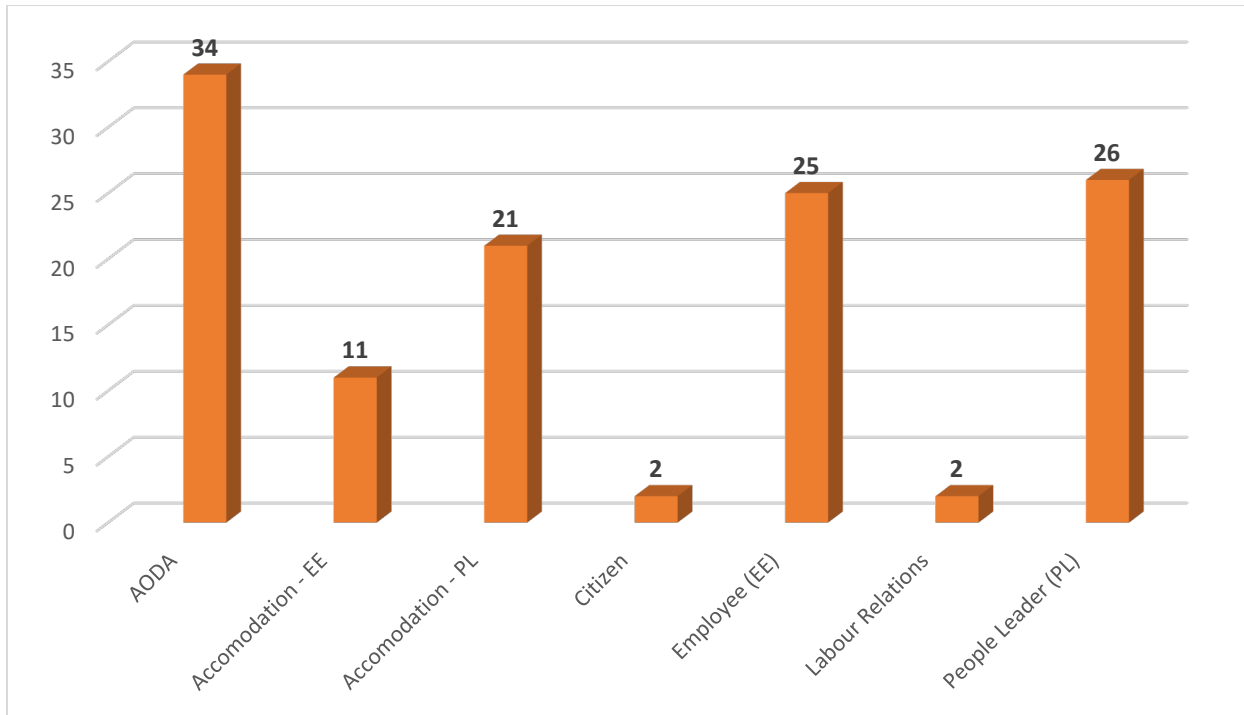
2022 Consultations by Source



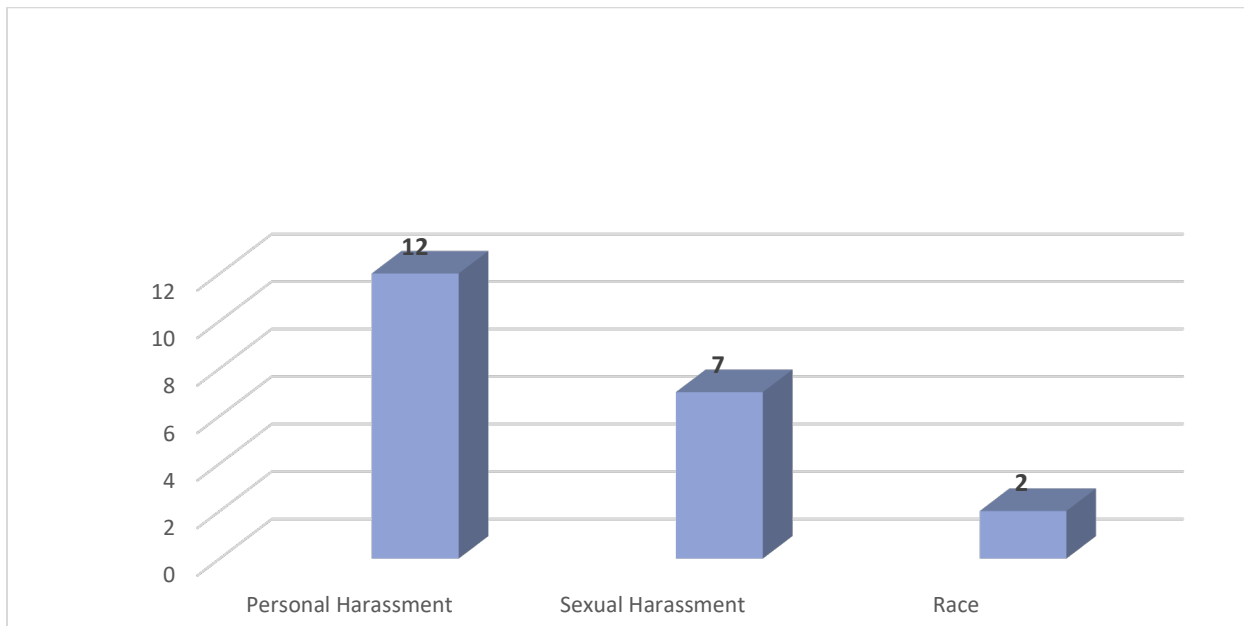
2022 Investigations by Ground



2023 Consultations by Source as of June 30, 2023



2023 Investigations by Ground as of June 30, 2023



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HARASSMENT AND DISCRIMINATION PREVENTION POLICY
(in accordance with the Ontario Human Rights Code)


POLICY STATEMENT

The City of Hamilton is committed to maintaining an inclusive Workplace climate that promotes mutual respect for the dignity and worth of each person. In this diverse and equitable Workplace, all Employees will have the opportunity to contribute fully to the City of Hamilton's mission, vision and values, and each Employee's unique contribution will be respected.

The City of Hamilton upholds a zero tolerance to harassment and discrimination. Employees of the City of Hamilton are entitled to work in an environment free from Harassment and Discrimination, that is based on the **prohibited grounds** under the *Ontario Human Rights Code*, which includes:


- Race
- Sex (including pregnancy)
- Colour
- Disability or perceived disability
- Ancestry
- Sexual orientation
- Place of origin (where one was born)
- Age
- Ethnic origin
- Marital Status (includes same sex partnership status)
- Citizenship
- Family Status
- Creed (religion)
- Gender Identity
- Gender Expression
- Record of offence, for which a pardon has been granted (in employment only)
- Receipt of public assistance (in housing/accommodation only)


The City prohibits Harassment or Discrimination of or by any of its Employees, in the Workplace, or at any work-related and/or staff social functions, or in any other work-related circumstances. The City of Hamilton will not engage in any actions that contribute to Harassment and/or Discrimination in its Workplace. Discrimination


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	and Harassment are violations of the Ontario <i>Human Rights Code</i> upon which this policy is based.	
PURPOSE	<p>The intention of this policy and its procedure is to prevent Discrimination and Harassment from occurring in the workplace and where necessary, to act upon complaints of such behaviour promptly, fairly, judiciously and with due regard to confidentiality for everyone involved. An effective element in preventing Harassment and Discrimination is education. To this end, education programs and information sessions are provided to promote awareness of human rights and to foster an environment free of Discrimination and Harassment within the City of Hamilton.</p> <p>The City of Hamilton has implemented a policy on Personal Harassment in addition to this policy on Harassment and Discrimination. The <i>Personal Harassment Prevention Policy</i> may provide means for addressing concerns which are not covered by the Harassment and Discrimination Prevention Policy. The City also has a <i>Workplace Violence Prevention Policy</i> that addresses concerns related to Workplace violence. Some Employees may also have rights under collective agreements. Any individual has the right to pursue their complaint the Human Rights Tribunal of Ontario.</p> <p>This policy contains definitions related to harassment and discrimination and identifies the rights and responsibilities of all Employees, including Management.</p>	
SCOPE	<p>This policy applies to all City of Hamilton Employees, including but not limited to regular, temporary, contract and probationary Employees, and to contractors, consultants, volunteers, students, interns as well as applicants for employment. This policy also applies to elected officials.</p> <p>Members of the public, visitors to City facilities, and individuals conducting business with the City of Hamilton, are expected not to engage from Harassment and Discrimination against Employees. If such Harassment or Discrimination occurs, the City will take reasonable and necessary steps to ensure a Workplace free from Harassment and Discrimination to the extent possible, which may include issuing trespass notices, contacting Police, and involvement of Legal Services etc.</p>	


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DEFINITIONS	
Abuse of Authority	An individual's improper use of power or authority to intimidate, threaten or coerce an individual in a manner that is not consistent with City policies. Abuse of Authority must be linked to prohibited grounds as identified in the Ontario <i>Human Rights Code</i> to fall under this policy.
Complainant	Any person who makes a complaint.
Disability	<p>Any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device; a condition of mental impairment or a developmental disability; a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language; a mental disorder; or an injury or disability for which benefits were claimed or received under the insurance plan established under the <i>Workplace Safety and Insurance Act, 1997</i>.</p> <p>"Disability" should be interpreted in broad terms.[1] It includes both present and past conditions, as well as a subjective component, namely, one based on perception of disability.</p>
Discrimination	Discrimination means differential treatment of an individual or group of individuals which is based, in whole or in part, on one or more of the prohibited grounds under the Ontario <i>Human Rights Code</i> and which has an adverse impact on the individual or group of individuals. Discrimination may be intentional or unintentional, direct or indirect.
Employee	All Employees of the City of Hamilton, union and non-union including but not limited to, regular, temporary, probationary and contract Employees.
Employer	In accordance with the <i>Occupational Health & Safety Act</i> , means a person who employs one or more workers or contracts for the


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	<p>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.</p>	
Frivolous	<p>Characterized by a lack of seriousness or sense; of little or no weight, worth or importance, not worthy of serious notice.</p>	
Harassment	<p>Engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. This comment or conduct may be offensive, intimidating, hostile or inappropriate, based on the prohibited grounds set out in the <i>Ontario Human Rights Code</i>. Refer to the <i>Personal Harassment Prevention Policy</i> for Harassment that is not based on the prohibited grounds of the <i>Ontario Human Rights Code</i>.</p>	
Management	<p>Any individual responsible for directing the work of others, including but not limited to elected officials (when in a supervisory relationship with City Employees), the City Manager, General Managers, Executive Directors, Directors, Managers, Supervisors, and team leaders. These individuals are considered a part of the “directing mind” of the organization and the City of Hamilton could be held liable by a court or tribunal if these individuals violate the Code themselves or do nothing to prevent and stop Harassment or Discrimination in the Workplace.</p>	
Poisoned Work Environment	<p>Is a work environment where inappropriate comments, behaviour or the display of offensive material has an adverse impact on an individual or a group. The offending behaviour does not need to be directed towards an individual, but may have an adverse impact in the Workplace that goes beyond the original incident. The adverse impact can include psychological suffering.</p> <p>A Poisoned Work Environment may result from a pattern of events or a single, serious remark or action.</p>	
Respondent	<p>Any person who is the subject of a complaint (ie. a complaint is made against them).</p>	
Sexual Harassment	<p>The Ontario Human Rights Code defines harassment as “engaging in a course of vexatious comment or conduct that is known or ought</p>	


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<p>Adverse Effect Harassment/ Discrimination</p> <p>Systemic Discrimination</p> <p>Trivial</p> <p>Vexatious</p> <p>Workplace</p>	<p>to be known to be unwelcome.” Sexual harassment includes unwanted or unwelcome actions or comments of a sexual or gender-related nature. Sexual Harassment does not have to be sexual in nature. Stereotypical comments or actions about one gender or the other can be a form of Sexual Harassment. Sexual Harassment can happen to anyone regardless of their sex. Usually Sexual Harassment is a pattern of behaviour that occurs over a period of time; however a single incident can be serious enough to be considered Sexual Harassment. Sexual Harassment is further defined under the <i>Occupational Health and Safety Act</i> to include:</p> <ul style="list-style-type: none"> • 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 to be known to be unwelcome, • 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. <p>Policies, practices, procedures, actions or inactions that appear neutral, but have an adverse impact on persons identifiable on a prohibited ground set out in the Ontario <i>Human Rights Code</i>.</p> <p>Is similar to adverse effect discrimination but arises out of long-standing stereotypes and value assumptions resulting in discriminatory effects which are more subtle in appearance. In some cases, the action/decision may appear to be justified but in fact relies on stereotypes/value assumptions.</p> <p>Of very little importance or value; insignificant.</p> <p>Conduct that is inappropriate, unnecessary, and that a reasonable person would consider to be offensive, upsetting, distressing, demeaning or would make a person uncomfortable.</p> <p>Any building or part of a building in which one or more Employees work, including Employee eating, changing and lounge areas, and any vehicle or conveyance, or any area including outside worksites,</p>	


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	<p>where Employees perform their duties (construction site, open field, parking lot, road, park). A workplace also includes any work-related function or circumstances. In some instances, harassing or discriminatory behaviour which occurs outside of the physical Workplace and/or adversely affects relationships in the work environment may be covered under this policy (e.g., work-sanctioned social functions, conferences, <i>etcetera</i>).</p>	
TERMS & CONDITIONS 1. Discriminatory or Harassing Behaviours	<p>The following terms and conditions apply to this Policy:</p> <p>Discriminatory or harassing behaviour results from actions directed at specific individuals or groups, which are unwelcome or unwanted; or, may be actions which are not directed at a particular individual, but have created a “Poisoned Work Environment” which is hostile, intimidating or offensive. To be covered under this policy, the harassing or discriminatory behaviours must be linked to one or more of the prohibited grounds.</p> <p>Examples of discriminatory or harassing behaviours include, but are not limited to:</p> <ul style="list-style-type: none"> • Racial or ethnic slurs • Written or verbal abuse or threats based on a prohibited ground • Unwelcome remarks, jokes, nicknames, taunts, suggestions related to a person’s body, attire, age, marital status, sex or gender, ethnic or racial origin, religion, disabilities, sexual orientation, or any prohibited grounds • Practical jokes related to a prohibited ground which result in embarrassment or insult or negatively affect work performance • Abuse of Authority which undermines performance or threatens careers, based on a prohibited ground • Vandalism of personal property (if the employee is targeted because he/she is identifiable on a prohibited ground) • Displays of racist or other offensive or derogatory material • Derogatory cartoons or graffiti based on a prohibited ground • Patronizing or condescending behaviour or language which reinforces stereotypes and undermines self-respect • Inappropriate references to racist organizations or individuals 	


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<p>2. Complaints</p>	<ul style="list-style-type: none"> • Accessing, displaying, transmitting or storing (including on the City’s technology systems, including computer network etc.) material which violates any Canadian federal or provincial law or City by-law or directive, or is harassing, discriminatory, or obscene and conducive to a Poisoned Work Environment. (See City of Hamilton Computer Acceptable Use Policy). <p>Examples of sexual harassing behaviours include but are not limited to:</p> <ul style="list-style-type: none"> • Unwanted touching or patting • Sexually suggestive or obscene remarks or gestures • Leering (suggestive staring) at a person’s body • Display of sexually offensive material • Making sexual requests or suggestions • Unwelcome sexual flirtations, advances, propositions • Sexual assault • Sexist jokes causing embarrassment or offence, told or carried out after the joker has been advised that they are embarrassing or offensive, or that is by their nature, clearly embarrassing or offensive. • Derogatory or degrading remarks directed toward members of one sex or sexual orientation • Verbal abuse or threats of a sexual nature. • Offensive comments or conduct around someone’s sexual orientation, gender identity or gender expression <p>Complainants and Respondents have the right to confidential, unbiased advice from the Human Rights Specialist for the City of Hamilton.</p> <p>The Procedures for Resolving Harassment and Discrimination Issues outline the steps for handling of complaints, including the following options:</p> <ul style="list-style-type: none"> • Complaint to the City of Hamilton, through an Employee’s Supervisor • Complaint directly to the Human Rights Specialist in Human Resources 	


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3. Confidentiality	<ul style="list-style-type: none"> • Complaint to the Human Rights Tribunal of Ontario • Filing of a grievance for those Employees covered under a collective agreement • Complaint to Police if a criminal act has occurred. <p>The City of Hamilton will make every reasonable effort to maintain confidentiality for Employees involved in Harassment and Discrimination complaints or incidents. Confidentiality extends to all records relating to complaints, including but not limited to meetings, interviews and investigation results. Breaches of confidentiality may be subject to appropriate disciplinary action. Complainants, Respondents and witnesses will be advised to maintain confidentiality concerning complaints or incidents. Any record of discipline which occurs as a result of a complaint will be included in the disciplined Employee's file. However, all records are subject to the provisions of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> and may be subject to disclosure under the Act or to a court of law.</p>		
4. Procedural Fairness	<p>The rules of procedural fairness govern all activities occurring under this policy.</p>		
5. Reprisal	<p>Any form of retaliation against parties involved in a complaint (including a Complainant, Respondent, witness, investigator etc.), will be considered a serious violation of this policy and will not be tolerated. Such retaliatory actions may be subject to disciplinary action up to and including termination of employment.</p>		
6. Trivial, Frivolous/ Vexatious Complaints	<p>The City of Hamilton prohibits complaints that are trivial, frivolous, vexatious or made in bad faith. Any Employee found to have lodged such a complaint may be subject to appropriate disciplinary action, up to and including dismissal.</p>		
RESPONSIBILITIES			
Shared Responsibility (All Employees)	<p>All Employees have the right to work in an environment free from Harassment and Discrimination. All Employees share the responsibility to support human rights and equality. The particular responsibilities of the Employer, Management and non- Management Employees are specified below.</p>		

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<p>Employer Responsibility</p>	<p>Employees share in the responsibility to ensure that their work environment is free from Harassment and Discrimination.</p> <p>Employees must not engage in any behaviour or comments that are or may be perceived as Harassment or Discrimination. Employees are required to report incidents of Harassment, Discrimination, or Reprisal to their Supervisors or Managers or to the Human Rights Specialist in Human Resources.</p> <p><i>It is the responsibility of every Employee to co-operate fully in any attempts to resolve a matter under these policies and to co-operate fully in the investigation of any complaint. Any Employee who refuses to participate in an investigation or the resolution of a matter under these policies, or who knowingly or recklessly makes a false statement or gives false or misleading information, will be subject to disciplinary action up to and including termination of employment.</i></p> <ul style="list-style-type: none"> ○ Provide a Workplace free from Harassment and Discrimination that is based on the prohibited grounds under the Ontario <i>Human Rights Code</i>. ○ Ensure corporate policies and procedures comply with the Ontario <i>Human Rights Code</i>. ○ Provide Human Rights awareness education to all Employees. ○ Create an environment that encourages the reporting of all incidents of Harassment and Discrimination. ○ Provide a process to handle and investigate Harassment and Discrimination complaints in the most effective, fair and timely manner, given the circumstances. <p>Management Responsibility</p> <p>Management is responsible for providing a Workplace that is free of Harassment and Discrimination, and for intervening if Harassment or Discrimination occurs. They must ensure that Harassment and Discrimination are not tolerated, ignored or condoned.</p> <p>Management is responsible for not only their own actions, but also for dealing with the actions of staff under their supervision. In order to prevent Harassment and Discrimination, address perceived</p>	

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	<p>Harassment and Discrimination, and to address Employee complaints with respect to Discrimination or Harassment on the basis of the prohibited grounds under the Ontario <i>Human Rights Code</i>,</p> <p>Management will undertake the following actions:</p> <ul style="list-style-type: none"> ○ Set a good example by never engaging in, tolerating or condoning Harassment or Discrimination. ○ Make all reasonable efforts possible to protect Employees from Harassment and Discrimination. ○ Consult with the Human Rights Specialist on all matters that may pertain to this policy. ○ If Harassment or Discrimination is suspected, or if an Employee complains that they are being harassed or discriminated against, action must be taken in accordance with this policy and the associated procedure (<i>Resolving Harassment & Discrimination Issues</i>). Accordingly, Management must consult with the Human Rights Specialist as soon as possible, upon learning or suspecting that Harassment or Discrimination may be occurring. In consultation with the Human Rights Specialist, Management must approach an Employee if Harassment or Discrimination is suspected because some Employees may be embarrassed and/or reluctant to complain. ○ Respond immediately to any Harassment or Discrimination complaints by contacting the Human Rights Specialist. Only the Human Rights Specialist may formally investigate a Harassment or Discrimination Complaint (see the associated procedures – <i>Resolving Harassment and Discrimination Issues</i>). Management who are aware of Harassment or Discrimination and do not take corrective action in consultation with the Human Rights Specialist, may be subject to disciplinary action, up to and including termination of employment. ○ In consultation with the Human Rights Specialist/Labour Relations, take remedial action with Employees who violate this policy, including disciplinary action, training, education or any other action deemed appropriate given the circumstances. 	


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COMPLIANCE	<p>Any Employee who is found to have violated this Harassment and Discrimination Prevention Policy may be disciplined according to the severity of the actions, up to and including termination of employment with cause and without termination pay/severance. Such terminations will be communicated to City Manager and Council.</p>	
RELATED DOCUMENTS	<p>The following related documents are referenced in this Policy:</p> <ul style="list-style-type: none"> • <i>Personal Harassment Prevention Policy</i> • <i>Violence in the Workplace Prevention Policy</i> • <i>Procedures for Resolving Harassment and Discrimination Issues</i> • <i>Occupational Health and Safety Act (OHSA)</i> • <i>Municipal Freedom of Information and Protection of Privacy Act</i> • <i>Ontario Human Rights Code</i> • <i>Protocol for Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Persons</i> <p>Contact: For more information on this Policy, contact a Human Rights Specialist in Human Resources, City Manager's Office.</p>	
HISTORY	<p>This Policy replaces previous Harassment and Discrimination Policy, approved by Council on April 27, 2005 (Report HUR05005).</p> <p>The Corporate Policy Review Group and an Employment Lawyer, specializing in Human Rights, were consulted in the revisions made to this Policy.</p> <p>Approved by Council of the City of Hamilton 2014-02-12</p> <p>Update History:</p> <ul style="list-style-type: none"> • Policy was updated to be consistent with Bill 132 and changes to the <i>OHSA</i> taking effect on September 8, 2016 • Updates were made in June 2018 to clarify language, align more closely to legislation and to reference the 	


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Policy No: HR-70-13		
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	<p style="text-align: center;">Protocol on Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Persons</p> <p>Review History:</p> <ul style="list-style-type: none"> • Senior Management Team 2016-03-31 • Corporate Policy Review Group 2017-06-01 • Corporate Policy Review Group 2018-07-02 • Corporate Policy Review Group 2019-06-28 • Human Resources 2020-12-01 • Corporate Policy Review Group 2022-06-27 	


Corporate Human Resources Policy		Content Updated: 2018-06-04 Date of Last Review: 2022-06-27
Work Environment		Supersedes Policy: Personal Harassment Prevention Policy 2005-04-27
Policy No: HR-71-13		
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PERSONAL (WORKPLACE) HARASSMENT PREVENTION POLICY
(In accordance with the Occupational Health & Safety Act)


POLICY STATEMENT	<p>The City of Hamilton is committed to maintaining a Workplace climate that embodies mutual respect for the dignity and worth of each person. The City upholds a zero tolerance to Personal Harassment and as such, does not condone Personal Harassment of or by any of its Employees, in the Workplace, and at any work-related functions, or in any other work-related circumstances.</p> <p>In this diverse and equitable Workplace, all Employees will have the opportunity to contribute fully to the City of Hamilton’s mission, vision and values and each Employee’s unique contribution will be respected.</p>
PURPOSE	<p>Under the <i>Occupational Health and Safety Act</i>, the City of Hamilton is required to have a policy for dealing with harassment complaints and a process to handle and investigate harassment complaints. This policy and its associated procedure (Resolving Harassment and Discrimination Issues) are consistent with the City’s obligations under the <i>Occupational Health and Safety Act</i>.</p> <p>The intention of this policy and its procedures is to promote a healthy, respectful and supportive Workplace by preventing Personal Harassment from taking place, and where necessary to act upon complaints of such behaviour in the most prompt, fair, and timely manner with due regard to confidentiality for all parties concerned. An effective element in preventing Personal Harassment is education. To this end, education programs and information sessions will be provided to promote awareness of the issues of Personal (Workplace) Harassment and to foster an environment free of Personal (Workplace) Harassment within the City of Hamilton.</p> <p>The City of Hamilton has implemented a policy on harassment and discrimination based on the prohibited grounds under the Ontario <i>Human Rights Code</i> – see the <i>Harassment and Discrimination Prevention Policy (HDPP)</i>. The HDPP may provide means for addressing concerns which do not fall within the provisions of the Personal Harassment Prevention Policy. The City also has a <i>Violence in the Workplace Prevention Policy</i> that addresses concerns related to Workplace violence. Some Employees may</p>


Corporate Human Resources Policy	 Hamilton	Content Updated: 2018-06-04 Date of Last Review: 2022-06-27
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	<p>also have rights under collective agreements.</p> <p>This policy defines Personal Harassment and identifies the rights and responsibilities of all Employees including Management.</p>	
SCOPE	<p>This policy applies to all Employees of the City of Hamilton, including but not limited to regular, temporary, probationary and contract Employees, and to consultants, volunteers, students and interns. This policy also applies to elected officials.</p> <p>Members of the general public, visitors to City facilities, or individuals conducting business with the City of Hamilton are expected to refrain from Personal Harassment of Employees. If such Personal Harassment occurs, the City will take any reasonable and necessary steps to stop the Personal Harassment to the extent possible, which may include issuing trespass notices, contacting police, and involvement of internal Legal Services etc.</p>	
DEFINITIONS Personal (Workplace) Harassment	<p>The following definitions apply to this Policy:</p> <p>Personal (Workplace) Harassment as defined by the Occupational Health and Safety “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 or workplace sexual harassment.”</p> <p>Personal Harassment does not violate any of the prohibited grounds outlined in the Ontario <i>Human Rights Code</i>. Personal Harassment can make a person feel uncomfortable, distressed, offended or intimidated. Types of behaviour that may constitute Personal Harassment include, but are not limited to:</p> <ul style="list-style-type: none"> • Ongoing condescending comments or name calling • Repeated offensive gestures or comments • Practical jokes • False accusations • Repeatedly excluding or ignoring the victim • Spreading malicious rumours or gossip • Abuse of power or authority which negatively disrupts or prevents the performance of Workplace duties or unduly influence Workplace decisions, or requests to perform duties outside the scope of job requirements such as requests for personal errands 	


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<p>Sexual Harassment</p> <p>Bullying</p> <p>Complainant</p> <p>Employee</p>	<ul style="list-style-type: none"> • Persistent, excessive or unjustified criticism and constant scrutiny beyond reasonable exercise of supervisory duties • Intimidation • Being coerced to engage in conduct that is not consistent with Workplace expectations of the City of Hamilton. • Bullying • Actions which create a “Poisoned Work Environment” which is hostile, intimidating or offensive <p>An isolated insult or adverse comment typically does not constitute Personal Harassment.</p> <p>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 to be known to be unwelcome; 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.</p> <p>A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment. Actions such as performance management, training, directing work assignments and discipline does not constitute Personal (Workplace) Harassment.</p> <p>The misuse of power or position to persistently criticize, condemn or openly humiliate an individual, in a manner that undermines their ability. This involves the misuse of power or aggression to control or distress another. The power differential can take various forms, including the exercise of power in numbers, through one’s position etc. The behaviour is often repeated. Bullying can also take many different forms, including physical, verbal, non-verbal, unduly influencing a decision, social isolation or overt exclusion etc.</p> <p>Any person who makes a complaint.</p> <p>All Employees of the City of Hamilton, union and non-union including but not limited to, regular, temporary, probationary and contract Employees.</p>	


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Employer	In accordance with the <i>Occupational Health & Safety Act</i> , 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.	
Frivolous	Characterized by a lack of seriousness or sense; of little or no weight, worth or importance, not worthy of serious notice.	
Management	Any individual responsible for leading or directing the work of others, including but not limited to elected officials (when in a supervisory relationship with City Employees), the City Manager, General Managers, Executive Directors, Directors, Managers, Supervisors and team leaders. These individuals are considered a part of the “directing mind” of the organization and the City of Hamilton could be held liable by a court or tribunal if these individuals do nothing to prevent and stop Personal Harassment in the Workplace.	
Poisoned Work Environment	A work environment in which inappropriate comments, behavior, or the display of offensive material has an adverse impact on an individual or a group. The offending behaviour does not need to be directed towards an individual, but may have an adverse impact beyond the original incident. The adverse impact can include psychological suffering. A Poisoned Work Environment may result from a pattern of events or a single, serious remark or action.	
Respondent	Any person who is the subject of a complaint (i.e. a complaint is made against them).	
Trivial	Of very little importance or value, insignificant.	
Vexatious	Conduct that is inappropriate, unnecessary, and that a reasonable person would consider to be offensive, upsetting, distressing, demeaning or would make a person uncomfortable.	
Workplace	Any building or part of a building in which one or more Employees work, including Employee eating, changing and lounge areas, and any vehicle or conveyance, or any area including outside worksites, where Employees perform their duties (construction site, open field,	


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	<p>parking lot, road, park). A workplace also includes any work-related function or circumstances. In some instances, harassing or discriminatory behaviour which occurs outside of the physical Workplace and/or adversely affects relationships in the work environment may be covered under this policy (e.g., work-sanctioned social functions, conferences, <i>etc</i>).</p>	
TERMS & CONDITIONS	<p>The following terms and conditions apply to this Policy:</p>	
1. Complaints	<p>Complainants and Respondents have the right to confidential, unbiased advice from the Human Rights Specialist for the City of Hamilton.</p> <p>The Procedure for <i>Resolving Harassment and Discrimination Issues</i>, outline the steps for handling of complaints, including the following options:</p> <ul style="list-style-type: none"> • Complaint to the City of Hamilton, through an Employee’s Supervisor • Complaint directly to the Human Rights Specialist in the Human Resources Department • In consultation with the Human Rights Specialist and Labour Relations, filing of a grievance for those Employees covered under a collective agreement • Complaint to Police if a criminal act has occurred. 	
2. Confidentiality	<p>The City of Hamilton will make every effort to maintain confidentiality for Employees involved in Personal (Workplace) Harassment complaints or incidents. Confidentiality extends to all records relating to complaints, including but not limited to meetings, interviews and investigation results. Breaches of confidentiality may be subject to appropriate disciplinary action. Complainants, Respondents and witnesses will be advised to maintain confidentiality concerning complaints or incidents. Any record of discipline which occurs as a result of a complaint will be included in the disciplined Employee’s file. However, all records are subject to the provisions of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> and may be subject to disclosure under the Act or to a court of law.</p>	
3. Reprisal	<p>Any form of retaliation against any parties involved in a complaint</p>	

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<p>4. Trivial, Frivolous or Vexatious Complaints</p> <p>5. Procedural Fairness</p>	<p>(including a Complainant, Respondent, witness or investigator) will be considered a serious violation of this policy and will not be tolerated. Such retaliatory actions may be subject to disciplinary action up to and including termination of employment.</p> <p>The City of Hamilton prohibits complaints that are Trivial, Frivolous, Vexatious or made in bad faith. Any Employee found to have lodged such a complaint may be subject to appropriate disciplinary action up to and including termination of employment.</p> <p>The rules of procedural fairness govern all activities occurring under this policy.</p>	
<p>RESPONSIBILITIES</p> <p>Shared Responsibility</p> <p>Employer Responsibility</p> <p>Management Responsibility</p>	<p>All Employees have the right to work in a healthy, respectful and supportive work environment that is free from Personal Harassment, and all Employees share the responsibility to support a harassment-free Workplace. The particular responsibilities of the Employer (City of Hamilton), Management and non-Management Employees are specified below:</p> <ul style="list-style-type: none"> ○ Promote a healthy, respectful, and supportive work environment. ○ Ensure information and instruction on the content of a harassment prevention program is shared with all Employees. ○ Create an environment that encourages the reporting of all incidents of Personal Harassment. ○ Provide a process to handle and investigate Personal Harassment complaints in the most effective, fair and timely manner, given the circumstances. ○ Inform the Complainant of the results of the investigation and any corrective action that has been or will be taken by the City of Hamilton to address workplace harassment <p>Management is responsible for promoting a Workplace that is healthy, respectful and supportive and for intervening if harassment occurs. They must ensure that Personal (Workplace) Harassment is not tolerated, ignored or condoned.</p>	


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	<ul style="list-style-type: none"> ○ They must develop and maintain a written program to implement the Personal Harassment Policy in consultation with the joint health and safety committee. The Procedures for <i>Resolving Harassment and Discrimination Issues</i> form the basis and provide the elements for the workplace program. The program must be reviewed at least annually. <p>Management is responsible for not only their own actions, but also for dealing with the actions of Employees under their supervision. The following are actions which Management must undertake to prevent Personal (Workplace) Harassment and to address perceived harassment or complaints by Employees that are being harassed.</p> <ul style="list-style-type: none"> ○ Set a good example by never engaging in, tolerating or condoning harassment. ○ Make all reasonable efforts to protect Employees from harassment. ○ Consult with the Human Rights Specialist on all matters that may pertain to this policy. ○ If harassment is suspected, or if an Employee complains that they are being harassed, take action in accordance with this policy and the associated procedure (<i>Resolving Harassment and Discrimination Issues</i>). ○ Consult with the Human Rights Specialist as soon as possible, upon learning or suspecting that harassment may be occurring. In consultation with the Human Rights Specialist, Management must approach an Employee if harassment is suspected because some Employees may be embarrassed and/or reluctant to complain. ○ Respond immediately to any harassment complaints, by contacting the Human Rights Specialist. In most cases, only the Human Rights Specialist can formally investigate a Personal Harassment complaint (see the associated procedures – <i>Resolving Harassment and Discrimination Issues</i>). Management that are aware of Personal Harassment and do not take corrective action, in consultation with the Human Rights Specialist, may be subject to disciplinary action 	


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Employee Responsibility (including Management)	<p>up to and including termination of employment.</p> <ul style="list-style-type: none"> ○ Take remedial action with Employees who violate this policy, including disciplinary action, training, education, or other actions as deemed appropriate given the circumstances. <p>Employees share in the responsibility to maintain a work environment that is healthy, respectful and supportive.</p> <ul style="list-style-type: none"> ○ Do not engage in any behaviour that is or may be perceived as harassment. ○ Report incidents of harassment or retaliation (reprisal) to Supervisor or Manager, or to the Human Rights Specialist in Human Resources. ○ Co-operate fully in any attempts to resolve a matter under these policies and co-operate fully in the investigation of any complaint. <p>Any Employee who refuses to participate in an investigation or the resolution of a complaint/matter under these policies, or who knowingly or recklessly makes a false statement or gives false or misleading information, will be subject to disciplinary action, up to and including, termination.</p>	
COMPLIANCE	<p>Any Employee who is found to have violated this Personal (Workplace) Harassment Prevention Policy may be disciplined according to the severity of the actions, up to and including termination of employment with cause and without termination pay/severance. Such terminations will be communicated to City Manager and Council.</p>	
RELATED DOCUMENTS	<p>The following related documents are referenced in this Policy:</p> <ul style="list-style-type: none"> ○ <i>Harassment and Discrimination Prevention Policy</i> ○ <i>Violence in the Workplace Prevention Policy</i> ○ <i>Procedures for Resolving Harassment and Discrimination Issues</i> ○ <i>Occupational Health and Safety Act (OHSA)</i> ○ <i>Municipal Freedom of Information and Protection of Privacy Act</i> ○ <i>Ontario Human Rights Code</i> ○ <i>Protocol for Gender Identity and Gender Expression;</i> 	


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	<p style="text-align: center;"><i>Transgender and Gender Non-Conforming Persons</i></p> <p>Contact: For more information on this Policy, contact a Human Rights Specialist in Human Resources, City Manager’s Office.</p>	
HISTORY	<p>This Policy replaces previous Personal Harassment Prevention Policy, approved by Council on April 27, 2005 (Report HUR05005).</p> <p>The Corporate Policy Review Group and an Employment Lawyer, specializing in Human Rights, were consulted in the revisions made to this Policy.</p> <p>Approved by Council of the City of Hamilton 2014-02-12</p> <p>Revision History:</p> <ul style="list-style-type: none"> • 2016-09-08 this policy was updated to be consistent with Bill 132 and changes to the <i>OHSA</i> • 2018-06-04 policy updated to clarify language, align more closely to legislation and to add reference to the Protocol on Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Persons <p>Review History:</p> <ul style="list-style-type: none"> • Senior Management Team 2016-03-31 • Corporate Policy Review Group 2017-06-01 • Corporate Policy Review Group 2018-07-06 • Corporate Policy Review Group 2019-06-28 • Human Resources 2020-12-01 • Corporate Policy Review Group 2022-06-27 	


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<i>Procedure for Resolving Harassment & Discrimination Issues</i>	
PURPOSE	This Procedure outlines steps to be taken to address issues of harassment and/or discrimination by employees of the City of Hamilton. They are in accordance with the <i>Harassment and Discrimination Prevention Policy</i> and the <i>Personal (Workplace) Harassment Prevention Policy</i> . Please refer to these policies for further information.
SCOPE	This Procedure applies to all Employees of the City of Hamilton, including but not limited to regular, temporary, probationary and contract Employees, and to consultants, volunteers, students and interns. This Procedure also applies to elected officials.
ROLES & RESPONSIBILITIES Employee	<p>Any Employee who has a complaint alleging violation of either the <i>Harassment and Discrimination Prevention Policy</i> or the <i>Personal (Workplace) Harassment Prevention Policy</i> is encouraged to attempt the following before a formal complaint is filed;</p> <ul style="list-style-type: none"> ○ if possible, make your disapproval known to the person who is causing the offence and ○ ask that all offensive behaviour stop (If an Employee approaches you in this regard it is expected that you will make all reasonable efforts to resolve the matter); and/or ○ discuss concerns with your immediate Supervisor or another member of management; and/or ○ seek advice from a union representative (where applicable); and/or ○ contact the Human Rights Specialist in Human Resources for advice/consultation even if there is no intent to file a complaint. <p>Do not discuss the alleged harassment or discrimination or intent to file a complaint with other co-workers, as this could be a potential breach of the Harassment and Discrimination Prevention Policies.</p> <p>Where possible, Employees who believe that they have been subjected to Harassment or Discrimination should maintain a written record of the nature of the alleged conduct, date(s),</p>


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Human Rights Specialist	<p>time(s), behaviour, impact and list of witness(es). If the Harassment or Discrimination continues, or the Complainant is uncomfortable speaking to the person who is causing offence, or to their own Supervisor or another member of management, the Complainant may bring the matter to the attention of the Human Rights Specialist as a complaint (see Complaint Procedures for next steps).</p> <p>The Human Rights Specialist works in Human Resources and acts as an impartial advisor to any City Employee (including Management representatives). The Human Rights Specialist maintains a fair and unbiased attitude to all complaints, and to all those involved in complaints, at all times. The Human Rights Specialist is responsible for providing education and information concerning all forms of Harassment and Discrimination, initiating efforts to resolve complaints, and investigating complaints.</p>	
Manager/Supervisor	<p>A Manager/Supervisor who receives a complaint must immediately contact the Human Rights Specialist. The Human Rights Specialist may suggest any of the following steps be taken by management:</p> <ul style="list-style-type: none"> ○ take immediate action in the event of a real or potential threat to personal safety; and/or ○ provide a copy of the policies and procedure to the Complainant to ensure awareness of the options under the policies, including protection from reprisal; and/or ○ provide contact information (name, telephone number, office location) of the Human Rights Specialist to the Complainant. 	
COMPLAINT PROCEDURES	<p>The City's complaint procedures are intended to be a timely forum to address harassment and discrimination complaints. Any costs incurred by the parties during an investigation (legal, travel, etc.) are their own responsibility.</p> <p>In certain circumstances, the Human Rights Specialist and the Labour Relations Officer or other appropriate Human Resources staff will work in coordination to resolve a matter.</p>	


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1. Complaint Assessment Phase	<p>Once a complaint has been received, the Human Rights Specialist shall assess the complaint to determine appropriate next steps. This may involve a preliminary fact finding process to ascertain:</p> <ul style="list-style-type: none"> • Type of behaviour complained about and whether it is covered under the Harassment/Discrimination Prevention Policies or Procedure • Severity of the situation • Identification of parties to make initial inquiries with (i.e. Complainant, Respondent, Management, Witnesses) • Whether other initial steps need to be taken (i.e. Police involvement, involvement of Health, Safety and Wellness Specialist, separation of parties to the complaint etc.) • Whether or not there is a need to intervene further on an informal basis or to investigate <p>At any point during the Assessment Phase it may be determined by the Human Rights Specialist that no intervention from Human Resources is required or that an investigation into the matter is not required. The Human Rights Specialist has discretion to decide not to intervene or investigate or may discontinue an intervention or investigation, or may refuse to take action on any complaint in situations where:</p> <ul style="list-style-type: none"> • the complaint is made more than one year after the date of the last incident of harassment or discrimination; • the complaint is determined to be trivial, frivolous, vexatious or made in bad faith; • the actions complained of have also been the subject of criminal charges; • the action(s) complained of do not fall within the definitions of Harassment and Discrimination or Personal (Workplace) Harassment as defined in the Harassment and Discrimination Prevention Policy and the Personal (Workplace) Harassment Prevention Policy; • an adequate remedy already exists; • the issue is most appropriately addressed by another area of the organization; • having regard to all the circumstances, further investigation of the matter is deemed unnecessary 	
2. Complaint Informal Resolution Phase	<p>Where appropriate, the Human Rights Specialist may facilitate an informal resolution of complaints under the Harassment and Discrimination Prevention Policy and the Personal Harassment</p>	


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<p>Prevention Policy. Depending upon the circumstances or the Complainant’s desired outcome, the Human Rights Specialist may pursue informal resolution without receiving a written complaint and/or without informing the Respondent.</p> <p>For the purposes of the Personal (Workplace) Harassment Prevention Policy and Procedure, fact-finding conducted during the Assessment Phase of these complaints may also satisfy the <i>Occupational Health and Safety Act</i> requirement that “an investigation is conducted into incidents and complaints of workplace harassment that is confidential in the circumstances.”</p> <p>The goal of many Employees who seek assistance is to stop the offending behaviour. Informal resolution facilitated by the Human Rights Specialist can often be effective in addressing unwanted comments or conduct. Each situation is unique and creativity may be necessary in devising options for informal resolution. If the matter is addressed through the informal resolution phase, there will be no formal findings of fact. In most circumstances, informal resolution efforts should be completed within 30 days.</p> <p>Some examples of informal resolution include:</p> <ul style="list-style-type: none"> • <u>Education/Training</u> - for a group of Employees, or one-on-one where appropriate. In some cases, education and training can be conducted without the Respondent being identified; • <u>Involving Manager/Supervisor</u> - informing a Supervisor of concerns and developing a management plan to ensure a respectful and supportive workplace; • <u>Changing work responsibilities</u> - to minimize contact between the Complainant and Respondent where operationally feasible; • <u>Alternative Dispute Resolution</u> – The Human Rights Specialist may determine that some form of Alternative Dispute Resolution (ADR) or Mediation may be tried in order to settle the complaint. Any discussions concerning settlement will take place on a “without prejudice” basis. (This means that the rights of the parties involved will not be lost or waived by entering into talks to resolve the complaint). A settlement may need to be approved by the General Manager(s) of the Department(s) involved, or their 		


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3. Complaint Investigation Phase	<p>designate. A written record of any settlement agreed to by the parties will be retained by the Human Rights Specialist, and where deemed appropriate by the Human Rights Specialist and by the Supervisor(s) for both parties. ADR can address multiple, complex issues and should generally conclude within 60 days. If the parties are not agreeable to ADR or a settlement is not successful, the Human Rights Specialist may decide to conduct an investigation.</p> <p>If a resolution is not obtained in the Informal Resolution Phase, or if the nature of the complaint warrants, an investigation may begin, as determined by the Human Rights Specialist.</p> <p>The Human Rights Specialist has discretion to require a signed written complaint from the person making the complaint before an investigation may begin. The written complaint should be submitted to the Human Rights Specialist setting out in detail the nature of the complaint, any information in support of the complaint including the specific incidents of Harassment and the names of possible witnesses.</p> <p>The Human Rights Specialist will conduct investigations unless otherwise noted.</p> <p>Investigations may also be undertaken by an external investigator engaged by the City. Any investigation of a complaint made against a member of Council or a Senior Manager will be carried out by an external investigator.</p> <p>A Complainant cannot be compelled to proceed with a complaint. The City of Hamilton may be obligated to proceed with an investigation in the absence of a formal written complaint if the allegation(s) constitute a violation of the <i>Harassment and Discrimination Prevention Policy</i> or <i>Personal (Workplace) Harassment Prevention Policy</i>. In these cases, the City of Hamilton will proceed with either informal resolution or an investigation, with the intent of stopping the alleged behaviour and/or preventing further incidents from occurring if there has been a violation of the policies.</p> <p>Complaints are investigated by interviewing the Complainant(s), the Respondent(s), any witnesses and reviewing any available documentation. An investigation report should normally be</p>	


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<p>completed within 90 days after a written complaint has been filed. The length of an investigation depends on many variables including but not limited to, the number of witnesses, complexity of the investigation, workplace schedules etc. If a report cannot be completed within the established timelines of this procedure, the parties to a complaint will be advised of the delays and any reasons why. It is incumbent on all parties to a complaint to arrange schedules or support persons so as not to delay the process.</p> <p>In some circumstances, special arrangements may be advisable (where possible) to separate the Complainant and the Respondent in the workplace, temporarily re-locate either party to a complaint, or re-assign alternate duties to either party to a complaint (depending on the circumstances), pending the results of an investigation. The Human Rights Specialist may recommend and facilitate such arrangements.</p> <p>Alternative Dispute Resolution or mediation is to remain available (subject to mutual consent) to the parties prior to or during an investigation. As above, any settlement discussions will be held 'without prejudice' and separate from the investigation process.</p> <p>Any Employee (including Manager or Supervisor) interviewed by the Human Rights Specialist is entitled to be accompanied by one other person of their choice, as a support person. The Human Rights Specialist will make every effort to determine the identity of the support person prior to the meeting, to ensure that the presence of that particular support person would not present a conflict of interest in regard to the ongoing investigation. Unionized Employees may be supported by their respective unions. Employees are also encouraged to utilize the City's Employee and Family Assistance Program for additional support or Lifespeak resources available on the City's e-Net.</p> <p>Respondent(s) to any complaint being investigated are entitled to know the allegations against them and have the opportunity to respond in full. A written notice of the complaint will be provided to the Respondent, with the general allegations. If necessary, statements from the Respondent(s) are disclosed back to the Complainant(s).</p> <p>Interviews will be arranged and completed with witnesses and any other individuals who may have information pertinent to the</p>		

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<p>COMPLAINTS AGAINST CITY MANAGER</p>	<p>Supervisor, Manager or Director shall immediately inform the General Manager of the department of the complaint.</p> <ul style="list-style-type: none"> ⊖ The General Manager of the Employee's department and the Human Rights Specialist shall consult with the Executive Director, Human Resources and the City Manager. ⊖ Employees of the City of Hamilton shall not conduct the investigation of any complaint against an elected official. The Executive Director of Human Resources shall refer the matter to the Integrity Commissioner and shall advise the Integrity Commissioner that, where an investigation is to be conducted, Human Resources will retain a third party Human Rights Investigator. The third party Human Rights Investigator will gather and examine the facts relating to the complaint and make the findings and recommendations to the Integrity Commissioner. A matter referred to the Integrity Commissioner pursuant to this Procedure shall be deemed a complaint to the Integrity Commissioner duly filed under the <i>Integrity Commissioner By-law</i>, and the Integrity Commissioner shall report, as appropriate, pursuant to the Integrity Commissioner Bylaw. ⊖ Where a Human Rights Investigation has been conducted, no further investigation may be conducted by the Integrity Commissioner. ⊖ Where the Executive Director of Human Resources, in consultation with the Human Rights Specialist, determines that no third party investigation is warranted, the Executive Director of Human Resources shall refer the complaint to the Integrity Commissioner to carry out a similar procedure used by the Human Rights Specialist in Human Resources for Assessment and Informal Resolution (by the Integrity Commissioner), and the Integrity Commissioner shall report, as appropriate, pursuant to the Integrity Commissioner Bylaw. <p>In addition to the steps outlined under "Complaint Procedures", the following applies to complaints from employees against the City Manager:</p> <ul style="list-style-type: none"> ⊖ The employee may bring the matter to the attention of the 	

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<p>COMPLAINTS AGAINST GENERAL MANAGERS</p>	<p>Human Rights Specialist, the General Manager of their department or their Supervisor, Manager or Director. The Supervisor, Manager or Director shall immediately inform their General Manager of the complaint.</p> <ul style="list-style-type: none"> ○ The General Manager of the employee’s department and the Human Rights Specialist shall consult with the Executive Director, Human Resources and they shall jointly provide a confidential report advising of the complaint to the Mayor and Members of the Audit, Finance and Administration Committee. ○ Employees of the City of Hamilton shall not conduct an investigation of any complaint against the City Manager. ○ The Mayor and Members of the Audit, Finance and Administration Committee shall retain an external human rights investigator to gather and examine the facts relating to the complaint and to make findings and recommendations. ○ The external investigator shall report their findings and recommendations for action to the Mayor and to the Audit, Finance and Administration Committee. The Mayor and the Audit, Finance and Administration Committee shall provide City Council with a report summarizing the findings and recommendations for appropriate action. ○ If the investigation substantiates in whole or in part that the City Manager violated any City policy on harassment and discrimination, City Council shall determine an appropriate sanction. ○ When City Council has determined what action, if any, will be taken against the City Manager, the Mayor shall provide a written summary of the findings resulting from the investigation to the Complainant(s). <p>In addition to the steps outlined under “Complaint Procedures”, the following applies to complaints from Employees against a General Manager:</p> <ul style="list-style-type: none"> ○ The Employee may bring the matter to the attention of the Human Rights Specialist, or their Supervisor, Manager or 	

Corporate Human Resources Procedure	 Hamilton	Content Updated: 2016-03-29 Date of Last Review: 2020-12-01
Supports Policies: HR-62-13 and HR-61-13		Supersedes: Resolving Harassment & Discrimination Issues Procedure (Approved by CMT: April 7, 2005)
Page 10 of 12		Council Approval: 2014-02-12
<p>HARASSMENT ALLEGATIONS INVOLVING MEMBERS OF THE PUBLIC</p> <p>External Investigator</p> <p>Confidentiality</p>	<p>Director, or to the City Manager. If the matter is brought to the attention of the Human Rights Specialist or Supervisor, Manager or Director, it shall immediately be directed to the City Manager.</p> <ul style="list-style-type: none"> ○ Employees of the City of Hamilton shall not conduct an investigation of any complaint against the General Manager. The City Manager will retain an external human rights investigator to gather and examine the facts relating to the complaint and to make findings and recommendations. ○ The external investigator shall report their findings and recommendations for action to the City Manager who will determine the appropriate action. ○ When the City Manager has determined what action, if any, will be taken against the General Manager, the City Manager and Executive Director of Human Resources shall provide a written summary of the findings resulting from the investigation to the Complainant(s). <p>If non-City persons are deemed to have violated the City's Harassment Prevention Policies, all reasonable efforts will be made to stop the Harassment/Discrimination which may involve, banning a person(s) from City facilities, issuing trespass notices, refusal to continue to provide City services, involvement of internal legal services or police involvement.</p> <p>In complaints where an external investigator is retained, the external investigator shall have regard for the City of Hamilton's Harassment and Discrimination Prevention Policy, the Personal (Workplace) Harassment Prevention Policy, the Procedure for Resolving Harassment & Discrimination Issues relating to those policies and any relevant law. The external investigator may modify the investigation process as appropriate to the circumstances, subject to the review of any modifications with the Human Rights Specialist, and shall make determinations with regard to applicable policies, procedures and any relevant law.</p> <p>All information about complaints is confidential. Employees who are involved in any way in complaints or incidents of Harassment</p>	

Corporate Human Resources Procedure	 Hamilton	Content Updated: 2016-03-29 Date of Last Review: 2020-12-01
Supports Policies: HR-62-13 and HR-61-13		Supersedes: Resolving Harassment & Discrimination Issues Procedure (Approved by CMT: April 7, 2005)
Page 11 of 12		Council Approval: 2014-02-12
Requests for Review	<p>or Discrimination must not disclose to anyone in the workplace the details of the complaint or incident, except as required by this procedure and the City's policies on Harassment and Discrimination. Confidentiality extends to all records relating to complaints, including but not limited to, records of meetings, interviews and investigation results. Breaches of confidentiality may be subject to appropriate disciplinary action up to and including termination of employment.</p> <p>The Human Rights Specialist will retain documentation related to complaints in a secure file for seven years from the date of the complaint. All records are subject to the provisions of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> and may be subject to disclosure under the Act, or to a court of law.</p> <p>Either the Complainant(s) and/or the Respondent(s) may make a Request for Review of the findings of the investigation if they have new and relevant information that was not previously available or have substantive reasons why the findings were not reasonable. The intent to file a Request for Review must be made known to the Human Rights Specialist in writing within ten calendar days of the date the parties were notified of the findings. Thereafter, there will be a discussion between the person(s) making the Request for Review, and the Human Rights Specialist as to when the request must be submitted (never to exceed more than 20 calendar days from the date of this discussion). The Request for Review must include a statement of the reasons why the findings of the investigation were not reasonable and should be re-considered. If the Request for Review does not include new and relevant information that was not previously available or does not provide substantive reasons why the investigation findings were not reasonable, the Executive Director, Human Resources shall deny the request.</p> <p>If it appears that there are substantive grounds to reconsider the findings of the investigation, Complainant(s) or Respondent(s) will be informed that a Request for Review has been made and will be given an opportunity to reply.</p> <p>The Executive Director, Human Resources will make a final decision on the final disposition of the review.</p>	

Corporate Human Resources Procedure	 Hamilton	Content Updated: 2016-03-29 Date of Last Review: 2020-12-01
Supports Policies: HR-62-13 and HR-61-13		Supersedes: Resolving Harassment & Discrimination Issues Procedure (Approved by CMT: April 7, 2005)
Page 12 of 12		Council Approval: 2014-02-12
COMPLIANCE	Any Employee who is found to have violated this Procedure or any of its associated Policies may be disciplined according to the severity of the actions, up to and including termination of employment.	
RELATED DOCUMENTS	<p>The following related documents are referenced in this Procedure:</p> <ul style="list-style-type: none"> • <i>Personal Harassment Prevention Policy</i> • <i>Harassment and Discrimination Prevention Policy</i> • <i>Violence in the Workplace Prevention Policy</i> • <i>Integrity Commissioner By-law</i> • <i>Occupational Health and Safety Act (OHSA)</i> • <i>Municipal Freedom of Information and Protection of Privacy Act</i> • <i>Ontario Human Rights Code</i> • <i>Protocol for Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Persons</i> 	
CONTENT UPDATED	2016-03-29 to reflect changes in Bill 132 and OHSA 2018-07-06 to clarify language	
HISTORY	<p>This Procedure replaces the Procedure approved by Corporate Management Team of the City of Hamilton on April 7, 2005. Procedure was last updated June 21, 2013.</p> <p>The Corporate Policy Review Group, Legal Services, and an Employment Lawyer specializing in Human Rights, were consulted in the revisions made to this Procedure.</p> <p>Approved by Council of the City of Hamilton 2014-02-12 This</p> <p>Policy was updated to be consistent with Bill 132 and changes to the OHSA coming into effect on September 8, 2016.</p> <p>Review History: Senior Management Team 2016-03-31 Corporate Policy Review Group 2017-06-01 Corporate Policy Review Group 2018-07-06 Corporate Policy Review Group 2019-06-28 Human Resources 2020-12-01</p> <p>Contact: For more information on this Procedure contact a Human Rights Specialist in Human Resources, City Manager's Office</p>	



HARASSMENT AND DISCRIMINATION PREVENTION POLICY

September 7, 2023

Policy Update

- Need to ensure staff have a workplace environment free from Harassment and Discrimination
- Staff surveys indicate harassment and discrimination from citizens and clients continues to be an issue
- Citizens have also requested complaint process to address their concerns when accessing City facilities or services.
- Policy now clearly reflects our ongoing practice of addressing citizen issues through the internal resolution process

Legislative Requirements

- The City of Hamilton is strongly committed to provide staff with a workplace free from Harassment and Discrimination.
- The Occupational Health and Safety Act defines Workplace harassment is defined as "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" and includes workplace sexual harassment.
- This definition of workplace harassment is broad enough to include harassment prohibited under Ontario's *Human Rights Code*, as well as what is often called "psychological harassment" or "personal harassment".

What Has Changed?

Work to consolidate two previous policies had begun in 2019 to address staff concerns regarding behaviours of clients and citizens as well as to address citizen concerns.

The Integrity Commissioner introduced By-Law 22-019 to Establish a Code of Conduct for Local Boards which came into effect as of May 1, 2023. This provided clarity on behaviour expectations for the Volunteer Advisory Committees, Agencies and Boards.

It also clarified and provided for a complaint process for those on such committees, agencies, and boards.

Additional Measures to Support Staff

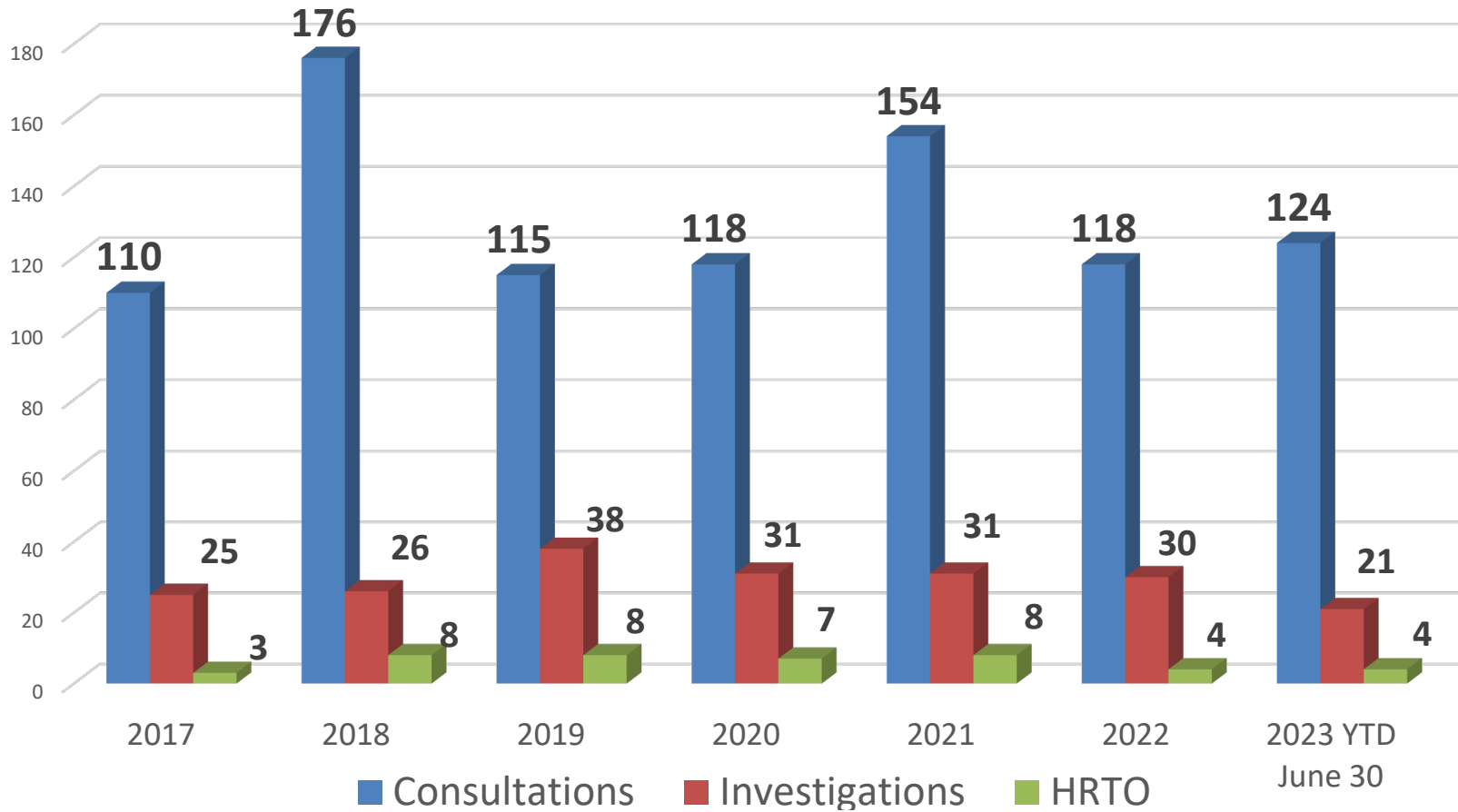
- Letters of Expectation to Clients/Citizens
- Cease and Desist Letters
- Denial of Service
- No Trespass Notices
- Involvement of Police Services

Advantages to Internal Complaint Resolution

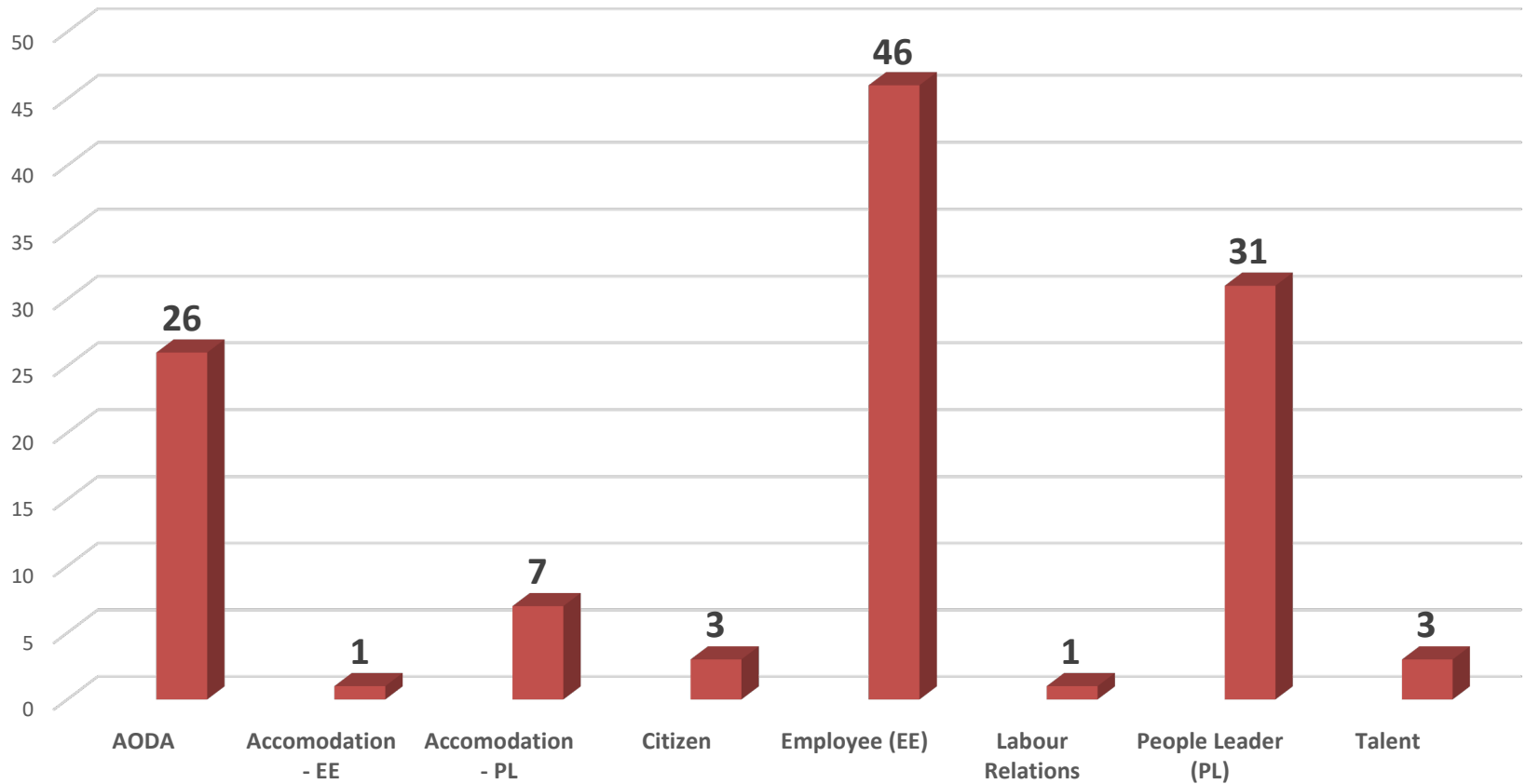
- Cost effective
- Timely as compared to other avenues, such as the Ontario Human Rights Tribunal
- Closure letters provided to Complainants and Respondents
- Investigations completed by highly trained staff familiar with City services and operations
- Reduces potential future liabilities for the City

City of Hamilton Data

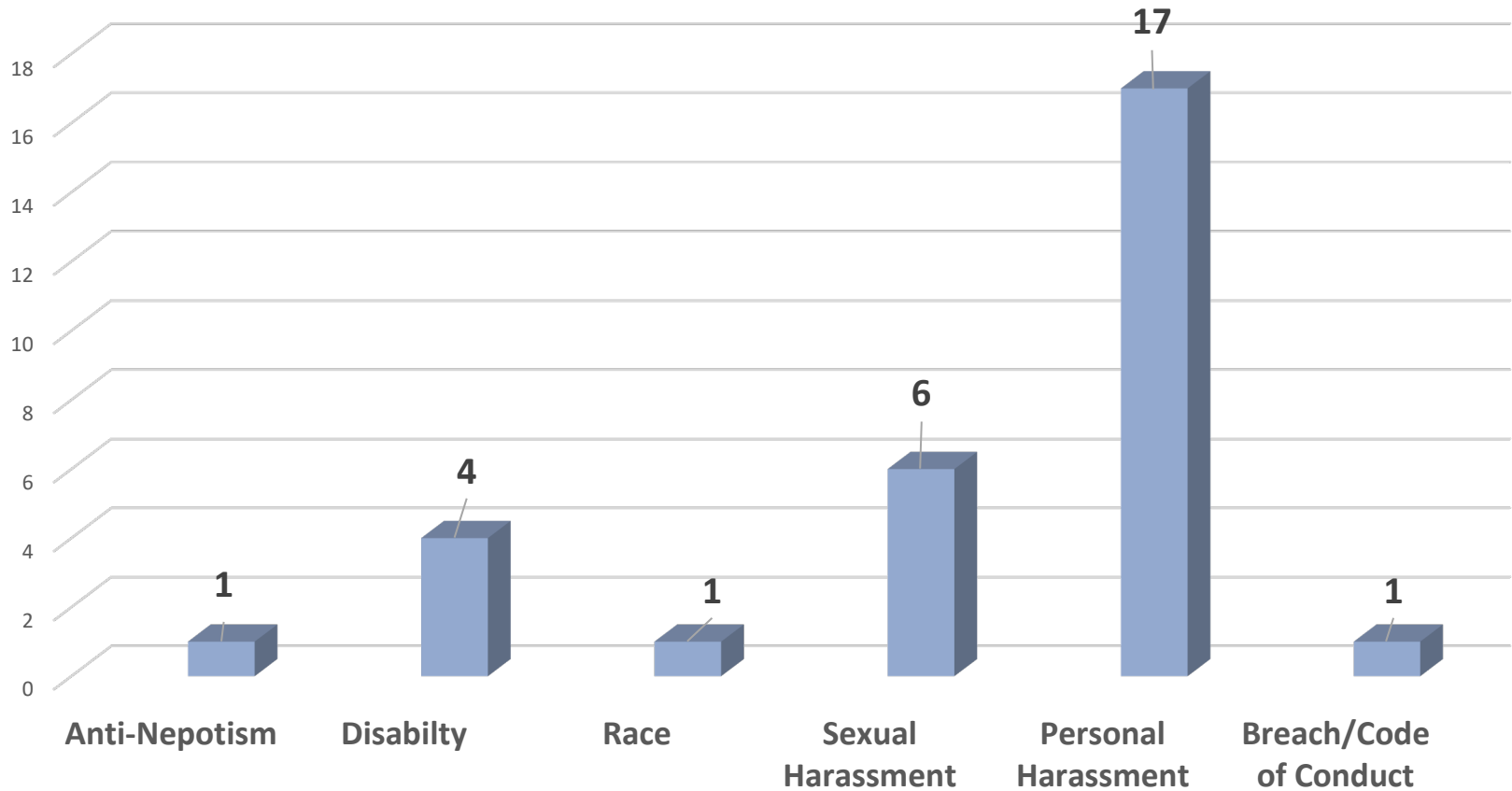
Harassment and Discrimination Data 2017 - 2023 YTD June 30



2022 Consultations by Source

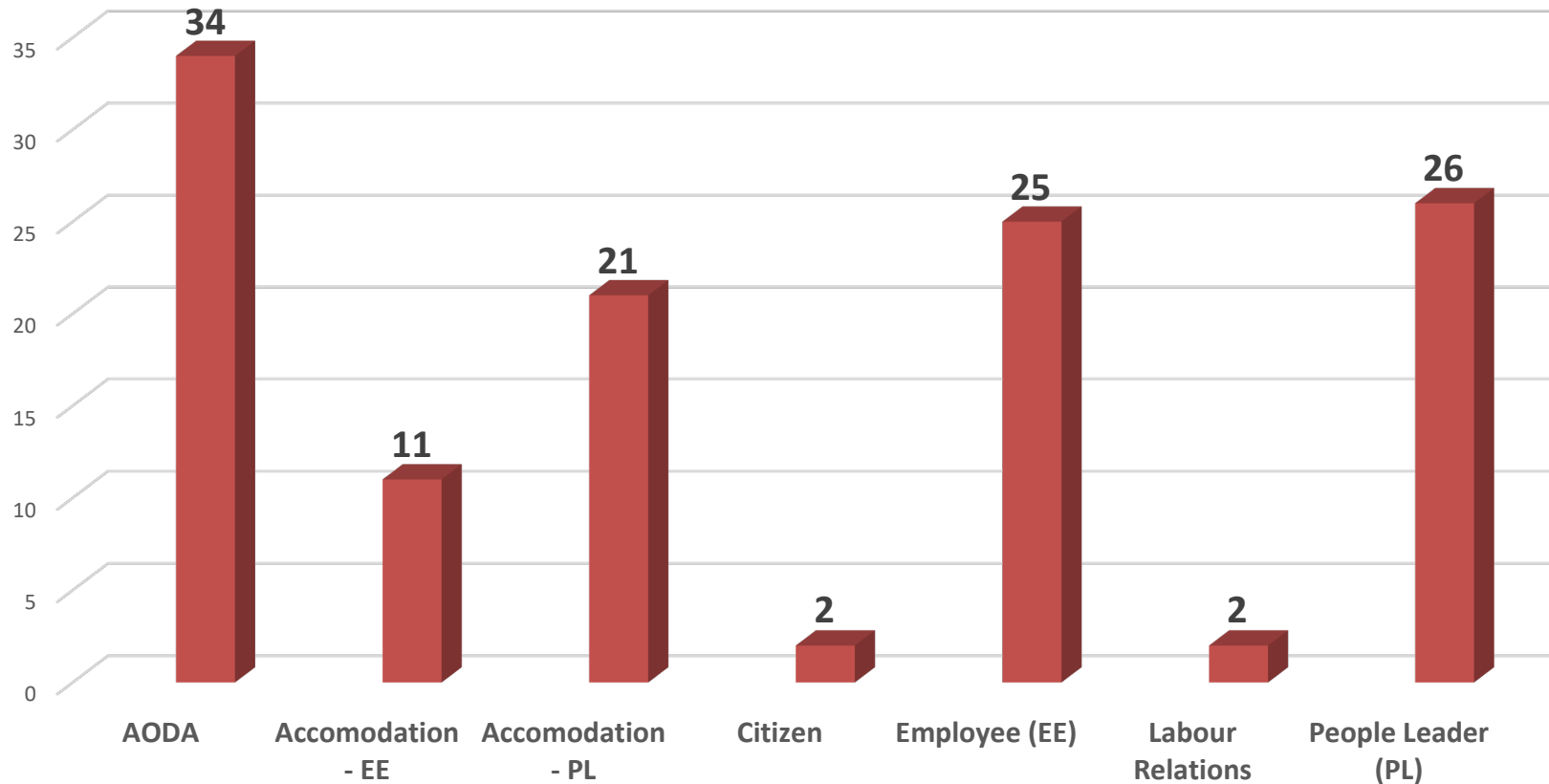


2022 Investigations by Ground



2023 YTD Data

2023 Consultations by Source as of June 30



2023 YTD Data

2023 Investigations by Ground as of June 30






QUESTIONS?



CITY OF HAMILTON
CITY MANAGER'S OFFICE
Human Resources Division

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	September 7, 2023
SUBJECT/REPORT NO:	RZone Respectful Environments Policy (HUR23012) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Yakov Sluchenkov (905) 546-2424 Ext 2655 David Lindeman (905) 546-2424 Ext. 5657 Michelle Lokun (905) 546-2424 Ext 5539
SUBMITTED BY:	Lora Fontana Executive Director Human Resources
SIGNATURE:	

RECOMMENDATION

- (a) That the RZone Respectful Environments Policy (Appendix “A” to Report HUR23012), be approved; and
- (b) That the RZone Respectful Environments Procedure (Appendix “B” to Report HUR23012), be approved.

EXECUTIVE SUMMARY

The Public and City employees are entitled to a safe, respectful, and supportive environment when attending or working at events at City facilities or accessing or providing City services.

A policy was created based on the RZone procedure first developed by the Town of Oakville and subsequently adopted by many Ontario municipalities. The “R” in RZone stands for Respectful behaviours and personal Responsibility.

The purpose of this policy is to promote safe, positive, and supportive environments and interactions for all members of the public and City employees during the delivery of City

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: RZone Respectful Environments Policy (HUR23012) (City Wide) - Page 2 of 5

services at any City facility, program, or event. It outlines the City's expectations regarding appropriate behaviours and lists the roles and responsibilities of all employees and the public when responding to incidents involving bad behaviour, harassment, and/or violence. Education and awareness campaigns will be an important part of implementing the policy.

This policy applies to all City employees, including but not limited to permanent, temporary and contract employees, volunteers, students, and interns.

This policy also applies to the public while attending at City facilities, buildings, parks, and trails or while using City services or programs including, but not limited to, patrons, clients, guests, spectators, residents, community volunteers and non-City workers, collectively called "Public".

This policy addresses incidents of bad behaviour, harassment and/or violence: (1) directed at City employees by a member(s) of the public, or (2) directed at a member(s) of the public by another member(s) of the public.

The policy addresses inappropriate behaviour, including, but not limited to:

- Conduct that is not in line with the City of Hamilton's expectations for respectful behaviour. This can include, but is not limited to, the following behaviours:
 - Loud verbal assaults directed at participants, officials, members of the public or City staff deemed to be aggressive or intimidating or having the potential of inciting violence.
 - Threats and/or attempts to intimidate.
 - Throwing of articles in a deliberate or aggressive manner.
 - Aggressive approaches to another individual (physical/verbal assault).
 - Physical striking of another individual.
 - Attempts to incite violence in others.
 - Theft of property.
 - Possession of weapons.
 - Vandalism to building or property
 - Refusal to follow the rules outlined by the City of Hamilton.
 - Discriminatory comments based on the prohibited grounds set out in the Ontario Human Rights Code.
 - Use of illegal drugs.
 - Use of alcohol on non-licensed premises.
 - Harassment (Engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome)
 - Contravention of City by-laws or policies

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SUBJECT: RZone Respectful Environments Policy (HUR23012) (City Wide) - Page 3 of 5

City of Hamilton staff will take appropriate actions when incidents pertaining to this procedure occur in City facilities, parks, program, properties or anywhere services are delivered. City staff are to respond in accordance with the RZone Policy and Procedure if inappropriate behaviour or violence is observed or reported.

Actions considered for individuals or groups in response to incidents from the Public can include:

- Warnings (verbal or written)
- Limitations on accessing facilities or services
- Changes in how services are accessed
- Expulsion from property
- Suspension of access
- Banning from City properties
- Revoking permits
- Contacting police

The RZone policy complements but does not replace other policies, procedures and laws related to individual action and behaviours. These policy instruments work together to create and maintain safe environments for staff and the public. Related policies include:

1. RZone Enforcement Procedure
2. RZone Enforcement Guidelines
3. Code of Conduct for Employees
4. Harassment and Discrimination Prevention Policy
5. Occupational Health, Safety and Wellness Policy
6. Violence in the Workplace Prevention Policy
7. Bylaws
8. Provincial and federal laws and codes.

The policy, procedure and supporting communication will be rolled out starting in November 2023.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Costs associated with installing signage at City of Hamilton Facilities and public awareness campaign.

**SUBJECT: RZone Respectful Environments Policy (HUR23012) (City Wide) - Page
4 of 5**

Staffing: None

Legal: None

HISTORICAL BACKGROUND

The RZone Respectful Environments Policy was developed in order to address inappropriate behaviours between staff and the public as well as promoting positive workplace behaviours by providing a consistent approach that would apply to the public and staff for all City of Hamilton facilities, properties, events, programs, and services.

The City's "Our People Survey", conducted in 2017 and 2021 reported that many employees experienced external harassment at work on a weekly or daily basis (20.3% in 2017; 19% in 2021). The RZone policy and procedures is aimed at helping to address the employee concerns identified in the surveys.

As well, users of City of Hamilton facilities, programs and services expect an environment free from harassment, violence, and incivility.

The purpose of this policy is to promote safe and supportive work environments and ensure positive interactions for all members of the public and City employees during the delivery of City services at any City facility, program, or event.

The policy outlines the City's expectations regarding appropriate behaviour and lists the roles and responsibilities of all employees and the public for promoting respectful behaviour and for responding to incidents involving bad behaviour, harassment, and/or violence.

The policy addresses incidents of bad behavior, harassment and/or violence: (1) directed at City employees by a member(s) of the public, or (2) directed at a member(s) of the public by another member(s) of the public.

In 2005, the Town of Oakville introduced a procedure to promote a positive, safe, and supportive environment for all individuals and user groups of their recreation and cultural centres, facilities, parks, events, and those participating in their recreation programs. The procedure was branded as RZone with an emphasis on Respect and Responsibility. Since then, 24 other Ontario municipalities have adopted and adapted the program to meet the needs of their staff and communities, including:

- City of London
- City of Guelph
- City of Niagara Falls
- City of St. Catharines
- City of Sarnia

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SUBJECT: RZone Respectful Environments Policy (HUR23012) (City Wide) - Page 5 of 5

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The relevant legislation and City of Hamilton policies include:

- Ontario Occupational Health and Safety Act
- Ontario Human Rights Code
- Harassment and Discrimination Prevention Policy
- Personal Harassment Prevention Policy
- Policy HR-61-13 Harassment and Discrimination Prevention Policy (pending approval)

RELEVANT CONSULTATION

- Inter-departmental Advisory Committee
- Ontario municipalities using the RZone program
- Senior Leadership Team

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Based on nearly 20 years of experience in other municipalities and our examination of its applicability to the needs of the City of Hamilton, adoption of the RZone framework will offer a number of benefits for our employees and community:

- Focus on promotion of respectful behaviours and personal responsibility
- Support from staff and the community
- Familiarity and consistency across communities
- Access to tools used by other municipalities
- Recognizable “brand” that can be communicated in all facilities and programs
- Enforceable and clear expectations for behaviour
- Low costs for implementation

ALTERNATIVES FOR CONSIDERATION

None

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” to Report HUR23012 - RZone Respectful Environments Policy
- Appendix “B” to Report HUR23012 - RZone Respectful Environments Procedure

City of Hamilton Corporate Policy	 Hamilton	Content Updated: July 4, 2023
Policy No:		Supersedes Policy: Zero Tolerance
Page 1 of 7		Approval: YEAR-MM-DD

<i>RZone Respectful Environments Policy</i>	
POLICY STATEMENT	The City of Hamilton is committed to fostering community and work environments where there is Respect for yourself; Respect for others; and Responsibility for your actions.
PURPOSE	<p>The purpose of this policy is to promote safe, positive, and supportive environments and interactions for all members of the public and City employees during the delivery of City services at any City facility, program, or event.</p> <p>This policy outlines the City’s expectations regarding appropriate behaviour and lists the roles and responsibilities of all employees and the public when responding to incidents involving bad behaviour, harassment, and/or violence.</p> <p>This policy addresses incidents of bad behavior, harassment and/or violence: (1) directed at City employees by a member(s) of the public, or (2) directed at a member(s) of the public by another member(s) of the public.</p> <p>For all other incidents of bad behaviour, harassment, and/or violence involving City employees, please consult Human Resources and follow the existing policies and procedure (please refer to the “Related Documents” section on page 6).</p>
SCOPE	<p>This policy applies to all City employees, including but not limited to permanent, temporary and contract employees, volunteers, students and interns.</p> <p>This policy also applies to the public while at City facilities, buildings, parks and trails or while using City services or programs including, but not limited to, patrons, clients, guests, spectators, residents, community volunteers and non-City workers, collectively called the “Public”.</p> <p>This Policy does not supersede or change the application of:</p> <ul style="list-style-type: none"> • other City policies or procedures including the Harassment and Discrimination Prevention Policy, the Code of Conduct for Employees, and the Violence in the Workplace Prevention Policy; or

City of Hamilton Corporate Policy	 Hamilton	Content Updated: July 4, 2023
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	<ul style="list-style-type: none"> • applicable City By-laws including the Municipal Parks By-laws, the Noise Control By-law and the Public Nuisances By-law; or • Occupiers' Liability Act, the Ontario Human Rights Code, the Occupational Health and Safety Act, the Trespass to Property Act, the Criminal Code or other provincial or federal legislation; • reporting to a legal authority or seeking legal resolution; or • summoning the assistance of Police or security services if required.
<p>DEFINITIONS</p> <p>Inappropriate Behaviour</p>	<p>Conduct that is not in line with the City of Hamilton's expectations for respectful behaviour. This can include, but is not limited to, the following behaviours:</p> <ul style="list-style-type: none"> a) Loud verbal assaults directed at participants, officials, members of the public or City staff deemed to be aggressive or intimidating or having the potential of inciting violence. b) Threats and/or attempts to intimidate. c) Throwing of articles in a deliberate or aggressive manner. d) Aggressive approaches to another individual (physical/verbal assault). e) Physical striking of another individual. f) Attempts to incite violence in others. g) Theft of property. h) Possession of weapons. i) Vandalism to building or property j) Refusal to follow the rules outlined by the City of Hamilton. k) Discriminatory comments based on the prohibited grounds set out in applicable legislation including the Ontario Human Rights Code. l) Use of illegal drugs. m) Use of alcohol on non-licensed premises. n) Harassment (Engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome) o) Contravention of City by-laws or policies

City of Hamilton Corporate Policy	 Hamilton	Content Updated: July 4, 2023
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<p>Harassment</p>	<p>One or a series of Vexatious comments or instances of conduct that is known or ought reasonably to be known to be unwelcome or unwanted. "Vexatious" comment or conduct is a comment or conduct that is inappropriate, unnecessary, and one that a reasonable person would consider to be offensive, upsetting, distressing, demeaning, or would make a person uncomfortable.</p> <p>This comment or conduct may be offensive, intimidating, hostile or inappropriate, based on the prohibited grounds set out in the Ontario Human Rights Code:</p> <ul style="list-style-type: none"> • Race • Sex (including pregnancy) • Colour • Disability • Ancestry • Sexual Orientation • Place of Origin (where one was born) • Age • Ethnic Origin • Marital Status (includes same sex partnership status) • Citizenship • Family Status • Creed • Gender Identity • Gender Expression • Record of Offence, for which a pardon has been granted (in employment only) • Receipt of Public Assistance (in housing/accommodation only)
<p>Vandalism</p>	<p>The malicious, willful, and deliberate destruction, damage or defacing of property owned by the City</p>
<p>PRINCIPLES</p>	<p>City employees and the Public are entitled to a safe, respectful and supportive environment when attending or working at events at City facilities or accessing or providing City services.</p> <p>The City is committed to fostering an environment where there is Respect for oneself; Respect for others; and Responsibility for one's actions.</p>

City of Hamilton Corporate Policy	 Hamilton	Content Updated: July 4, 2023
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	<p>The City seeks to ensure the safety and security of all service users and employees and will not tolerate any form of inappropriate behavior at City facilities, properties or parks; within recreation programs; in written or verbal communications with City staff; or at any other location where City staff are present.</p> <p>The City places a priority on the personal safety of employees and the public. Employees and users are NOT to put themselves at risk or jeopardize anyone’s safety when dealing with contraventions of this policy. If at any time an employee or a user feels personally threatened, they are to call the Police or security immediately for assistance.</p>
<p>RESPONSIBILITIES (if applicable)</p> <p>The Public</p> <p>Organizations and User Groups</p>	<p>Individual members of the public are responsible for:</p> <ul style="list-style-type: none"> ○ behaving in a manner that respects the rights of others in order that services and facilities can be used and enjoyed by all persons ○ behaving and acting in a manner that is respectful of Municipal property ○ behaving in a manner that does not violate the conditions of this policy <p>Organizations and User Groups using City facilities are responsible for:</p> <ul style="list-style-type: none"> ○ maintaining responsibility for the behaviour of everyone associated with them including participants, officials, spectators, patrons, parents, and guests. ○ educating members and participants about the RZone Respectful Environments Policy and the expectations for appropriate, respectful behaviour

City of Hamilton Corporate Policy	 Hamilton	Content Updated: July 4, 2023
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<p>City Employees</p>	<ul style="list-style-type: none"> ○ complying with requirements of City contracts and permits including the RZone Respectful Environments Policy ○ applying the RZone Respectful Environments Policy principles to their programs, including being willing to address RZone Respectful Environments Policy violations with their attendees ○ are encouraged to develop and implement their own violence free policy to support the City RZone Respectful Environments Policy <p>City Employees are responsible for:</p> <ul style="list-style-type: none"> ○ being aware of the policy and procedures ○ implementing the RZone Respectful Environments Procedure as necessary ○ seeking guidance, clarity and support from Supervisor, as needed, when dealing with an RZone Respectful Environments Policy violation
<p>City of Hamilton Operational Departments</p>	<p>City of Hamilton Operational Departments are responsible for:</p> <ul style="list-style-type: none"> ○ enforcing the RZone Respectful Environments Policy through the enforcement procedure should an incident of inappropriate behaviour occur ○ ensuring that preventative measures are in place so that incidents of violence, vandalism and inappropriate behaviour do not occur in its programs, properties or facilities ○ working collaboratively and in consultation with organizations and user groups who use City recreational facilities or who engage in City recreation programs to foster an environment of respect and responsibility ○ posting information in the workplace to alert staff and the public about RZone Respectful Environments Policy and expectations for good behaviour

City of Hamilton Corporate Policy	 Hamilton	Content Updated: July 4, 2023
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City Manager's Office/Human Resources	<p>Conducting promotional and educational campaigns with the goals of:</p> <ul style="list-style-type: none"> ○ Raising awareness of the Policy for the public, City employees, contractors or agents ○ Provide training to staff through Learning Management System and other means ○ Outlining how the community can support the RZone Respectful Environments Policy (e.g., through setting positive examples, encouraging organizations to have internal policies consistent with RZone Respectful Environments Policy; how community members can report inappropriate behaviour.) ○ Outlining the potential consequences of non-compliance with RZone Respectful Environments Policy
COMPLIANCE	<p>Individuals who engage in any unacceptable behaviour as defined in this policy, may, depending on the severity of their behaviour, be barred immediately from the premises and if necessary, be suspended for a period of time or permanently as required. As per the RZone Respectful Environments Procedure, details will be determined on a case-by-case basis.</p> <p>In addition to any other measures taken, where any damage to City property has occurred, the individual(s) responsible will be required to reimburse the City for all costs associated with any repairs, an administration fee, as well as any lost revenues. Where appropriate, the individual(s) may be required to repair the damage.</p> <p>For City employees, failure to comply with this Policy may result in appropriate disciplinary measures, up to and including termination of employment.</p>
RELATED DOCUMENTS	<p>The following related documents are referenced in this Policy:</p> <ol style="list-style-type: none"> 1. RZone Respectful Environments Enforcement Procedure 2. RZone Respectful Environments Enforcement Guidelines

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	<ol style="list-style-type: none"> 3. RZone Decision Chart 4. Code of Conduct for Employees 5. Harassment and Discrimination Prevention Policy 6. Occupational Health, Safety and Wellness Policy 7. Violence in the Workplace Prevention Policy
HISTORY	<p>The following stakeholders were consulted in the creation or revisions made to this Policy:</p> <ul style="list-style-type: none"> • Zero Tolerance Policy Review Committee • Human Resources <p>This policy replaces the former Zero Tolerance Policy.</p>

<i>RZone Respectful Environments Procedure</i>	
PURPOSE	<p>The City of Hamilton is committed to fostering an environment where there is Respect for yourself; Respect for others; and Responsibility for your actions.</p> <p>To support a respectful environment for all, and in accordance with the Occupiers Liability Act, the Occupational Health and Safety Act, the Trespass to Property Act, the Criminal Code, municipal By-Laws and other Provincial Legislation; City of Hamilton staff are authorized to initiate enforcement options should inappropriate behaviours/incidents be observed or reported.</p> <p>This procedure addresses incidents of bad behavior, harassment and/or violence: (1) directed at City employees by a member(s) of the public, or, (2) directed at a member(s) of the public by another member(s) of the public.</p> <p>For all other incidents of bad behaviour, harassment, and/or violence involving City employees, please consult Human Resources and follow the existing policies and procedure (please refer to the "Related Documents" section on page 8).</p>
SCOPE	<p>This policy applies to all City employees, including but not limited to permanent, temporary and contract employees, volunteers, students and interns.</p> <p>This policy also applies to the public while at City facilities, buildings, parks and trails or while using City services or programs including, but not limited to, patrons, clients, guests, spectators, residents, community volunteers and non-City workers, collectively called "Public".</p>
DEFINITIONS	See RZone Respectful Workplace Policy

<p>STEPS</p> <p>Education and Awareness About RZone</p>	<p>The City, with community organizations and other stakeholders, will conduct promotional and educational campaigns with the goals of:</p> <ul style="list-style-type: none"> • Raising awareness of the Policy for attendees, and appropriate City employees, contractors or agents • Outlining how community members can support the Rzone Respectful Environments Policy (e.g., through setting positive examples, encouraging organizations to have internal policies consistent with the Rzone policy; clarifying how community members can report inappropriate behaviour). • Outlining the potential consequences of non-compliance with Rzone • Posting the RZone Respectful Environments Policy and related information on the City website and conduct public awareness campaign (CMO/HR) • Posting RZone signage at City facilities (Operations) • Making information pamphlets available at City facilities (Operations) • Promoting RZone Respectful Environments Policy awareness for City staff through training and orientation programs, and through other employee communication channels (CMO/HR)
<p>Duty to Report</p>	<p>City employees are to report acts of violence, vandalism or inappropriate behaviours to their immediate supervisor.</p> <p>Patrons of City facilities are to report acts of violence, vandalism or inappropriate behaviours to a City employee and/or a designated person of the appropriate organization within 24 hours, if possible.</p>

<p>Addressing Inappropriate Behaviour</p>	<p>All incidents of violence and/or vandalism or threatening situations must be reported to the Police and/or Security by department management.</p> <p>The City places a priority on the personal safety of employees and the public. Employees are NOT to put themselves at risk or jeopardize anyone's safety when dealing with contraventions of this policy. If at any time an employee feels personally threatened, they are to call the Police immediately for assistance.</p> <p>The City of Hamilton will take appropriate actions when incidents pertaining to this procedure occur in City facilities, parks, program or properties. City staff are to respond if inappropriate behaviour or violence is observed or reported in the following instances:</p> <ul style="list-style-type: none"> a) Inappropriate behaviour, non-violent in nature; b) Inappropriate behaviour with potential to incite violence c) Inappropriate behaviour with physical violence/assault d) Observation of illegal consumption of alcohol or drugs, smoking or littering
<p>Inappropriate Behaviour that is Non-Violent in Nature</p>	<p>Upon witnessing or suspecting inappropriate behaviour, non-violent in nature, enact the following operating procedures and contact Police if one's safety is jeopardized:</p> <ul style="list-style-type: none"> a) Without jeopardizing one's safety, advise the identified party to stop the activity immediately and inform them about the RZone policy; b) If the identified party does not cooperate, inform them of the consequences of their actions under the RZone Policy, e.g., they will be asked to leave.

<p>Inappropriate Behavior with Potential to Incite Violence</p>	<ul style="list-style-type: none"> c) Immediately eject the identified party from the property. Do not engage in argument or confrontation (verbal or physical); d) Advise the People Leader of the incident; e) Prepare RZone incident report (in development); f) Forward the RZone incident report to the direct supervisor, ensuring that the Manager and Director are copied on the email. <p>The People Leader will:</p> <ul style="list-style-type: none"> a) Review any incident report within 48 hours, and follow up with appropriate authority b) Follow up appropriately c) Ensure the correct parties are informed and steps followed <p>Upon witnessing inappropriate behaviour with potential to incite violence, an employee will:</p> <ul style="list-style-type: none"> a) Assess the situation to determine if the Police need to be contacted immediately. b) Without jeopardizing one's safety, advise the identified party to stop the activity immediately, and/or direct them to leave the property. c) If the identified party does not cooperate, call the Police or Security d) Inform the identified party that they are now trespassing e) If the identified party refuses to leave, do not engage in argument or physical confrontation. Wait for Police to arrive;
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<p>Inappropriate Behaviour with physical violence/assault</p>	<ul style="list-style-type: none"> f) Advise the People Leader of the incident as soon as is possible g) Prepare incident report h) Forward the incident report to the direct supervisor, ensuring that the Manager and Director are copied on the email <p>The People Leader will:</p> <ul style="list-style-type: none"> a) Review the incident report within 48 hours of receipt b) Follow up appropriately c) Ensure the correct parties are informed and steps followed <p>Upon witnessing inappropriate behaviour with physical violence and or assault, an employee will:</p> <ul style="list-style-type: none"> a) Without jeopardizing one's safety, advise the identified party to stop the activity immediately, and/or eject them from the property b) If the identified party does not cooperate, call the Police c) Inform the identified party that they are now trespassing d) If the identified party refuses to leave, wait for the police to arrive. Do not engage in argument or physical confrontation. e) Advise the People Leader or on call Supervisor of the incident <p>The employee will also:</p> <ul style="list-style-type: none"> a) Assess the situation to determine if procedure should be enacted
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	<ul style="list-style-type: none"> b) If the identified individual is still in the premises, follow same steps as if witnessed directly (steps above) c) If the identified individual is no longer on the premises, document the occurrence based on the witness(es) account f) Prepare RZone incident report g) Forward the RZone incident report to the direct People Leader, ensuring that the Manager and Director are CC'd on the email <p>The People Leader will:</p> <ul style="list-style-type: none"> a) Review the RZone incident report within 48 hours of receipt b) Follow up appropriately c) Ensure the correct parties are informed and steps followed
COMPLIANCE	<ol style="list-style-type: none"> 1. Individuals who violate this policy may, depending on the severity, be barred immediately from the premises and if necessary, a suspension for a period of time or permanently if required. The suspension may apply to a particular location or all facilities, programs, parks and trails, if warranted. Length of suspension depend on the severity of the situation. 2. All incidents that result in a suspension or barring from programs, facilities and or properties will be followed up in writing, outlining the details of the suspension. The final decision related to the details of the suspension or barring will be made by the Department Head or their designate. All correspondence related to discipline will be written under the signature of the Department Head or designate, with a copy to Human Resources. 3. Appropriate staff in facility sections and/or geographic areas will be notified of individuals

	<p>who are barred or individuals who received a letter of trespass from Municipal properties and facilities. Appropriate organizations will be notified of the situation where appropriate.</p> <p>4. Incidents may be reported to the Police, and charges may follow.</p> <p>5. In addition to any other measures taken, where vandalism or theft has been perpetrated, the individual(s) responsible will be required to reimburse the Municipality for all costs associated with any repairs as well as any lost revenues or where appropriate be asked to repair the damage.</p>
RELATED DOCUMENTS	<p>The following related documents are referenced in this Procedure:</p> <ol style="list-style-type: none"> 1. <i>RZone Respectful Environments Policy</i> 2. RZone Respectful Environments Enforcement Guidelines 3. RZone Decision Chart 4. Code of Conduct for Employees 5. Harassment and Discrimination Prevention Policy 6. Occupational Health, Safety and Wellness Policy 7. Violence in the Workplace Prevention Policy
CONTENT UPDATED	2023-07-04
HISTORY	<p>The following stakeholders were consulted in the creation or revisions made to this Procedure:</p> <ul style="list-style-type: none"> • Zero Tolerance Policy Review Committee • Human Resources
APPROVAL	<<YEAR-MM-DD>>



RZONE RESPECTFUL ENVIRONMENTS POLICY

September 7, 2023

Why a New Policy?

- Need to create positive environments and interactions for staff and public
- Our People Surveys indicate 20% of staff experience external harassment daily or weekly
- Users of City services and facilities expect an environment free from harassment, violence and incivility.
- Need consistency for expectations of good behaviour at any City facility, program, or event

What is the RZone?

The Rzone Policy is a proactive approach to preventing violence, abuse and other inappropriate behaviours at City facilities and properties.

It is a focus on respect for others, and responsibility to oneself, in an effort to create safe and welcoming spaces for everyone.

The 'R' stands for

- Respectful behaviours
- personal Responsibility.

What behaviour does the RZone address?

Conduct that is not in line with the City of Hamilton's expectations for respectful behaviour. Examples:

- Loud verbal assaults
- Threats and/or attempts to intimidate.
- Throwing of articles in a deliberate or aggressive manner.
- Physical striking of another individual.
- Attempts to incite violence in others.
- Theft of property.
- Vandalism to building or property
- Refusal to follow the rules
- Discriminatory comments
- Personal harassment

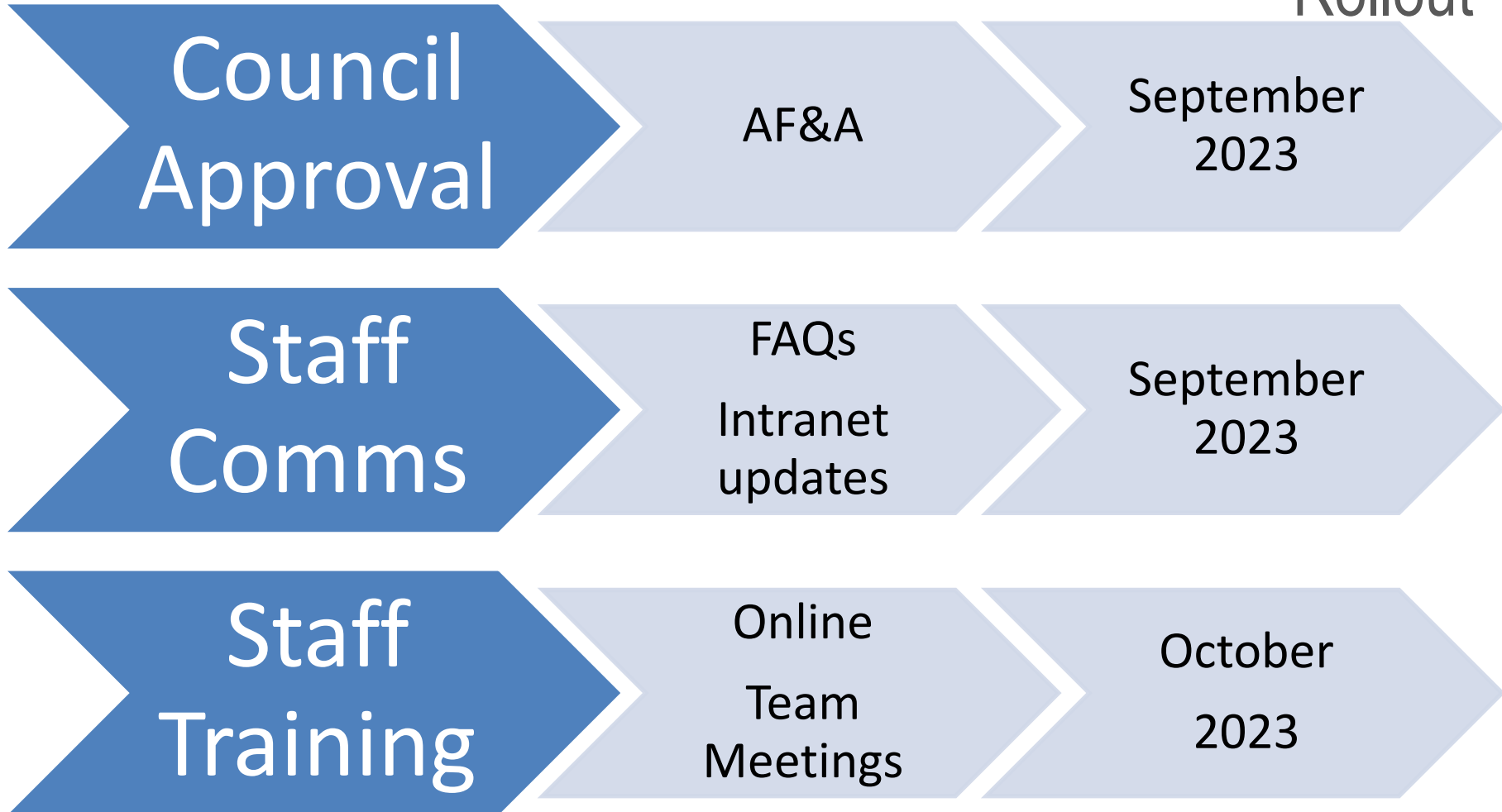
Enforcement of RZone and Tracking Incidents

- Staff will respond to incidents using RZone procedures
- Substantiated findings may result in
 - Warnings (verbal or written)
 - Limitations on accessing facilities or services
 - Changes in how services are accessed
 - Expulsion from property
 - Suspension of access
 - Banning from City properties
 - Revoking permits
 - Contacting police
- Incidents will be recorded and tracked

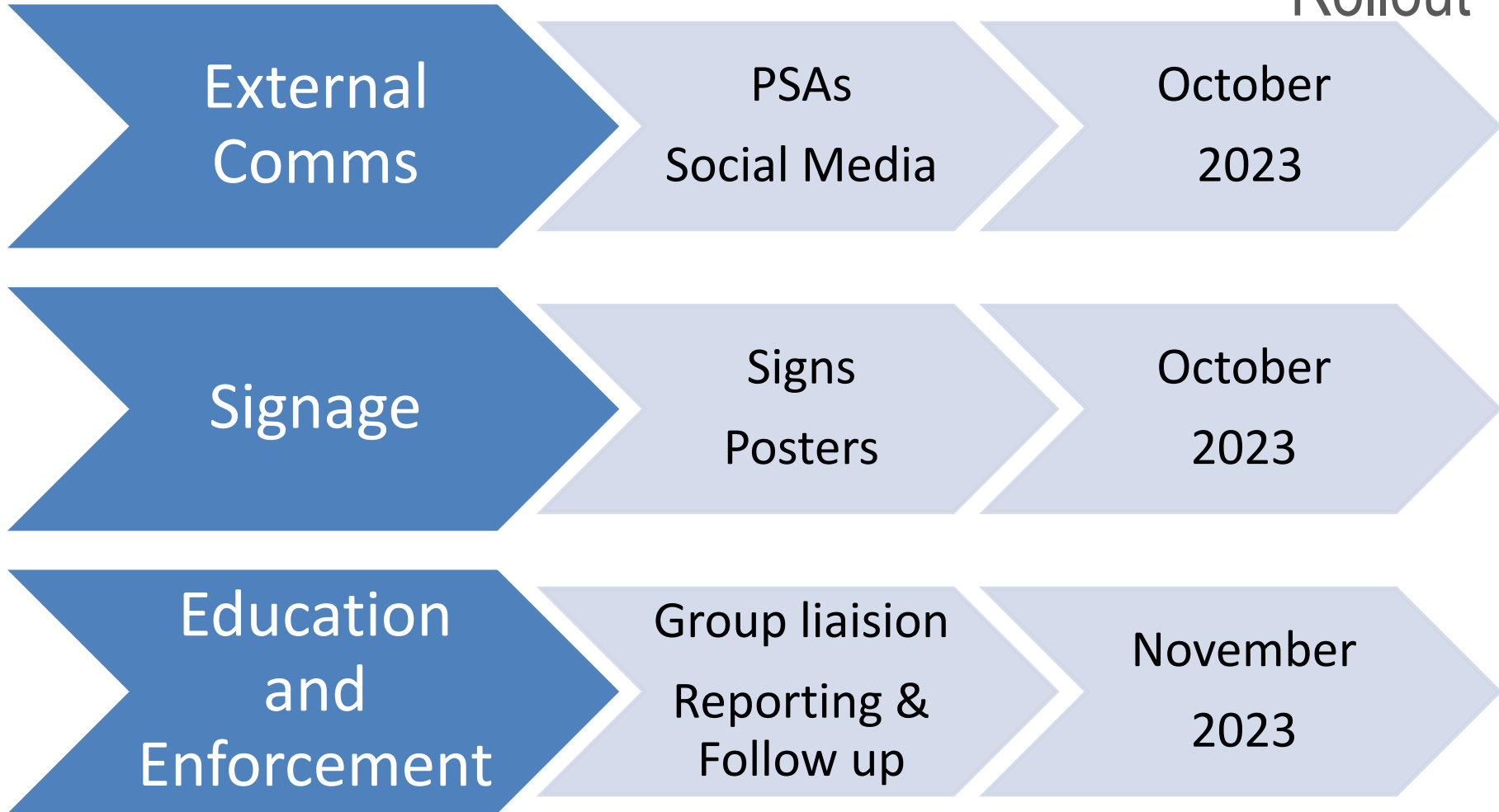
Other Policies

- The RZone policy complements but does not replace other policies, procedures and laws related to individual action and behaviours.
- These policy instruments work together to create and maintain safe environments for staff and the public.

Rollout



Rollout






Hamilton

QUESTIONS?



INFORMATION REPORT

TO:	Audit, Finance & Administration Committee
COMMITTEE DATE:	September 7, 2023
SUBJECT/REPORT NO:	Voluntary Advisory Committee Review (CM23025) (City Wide) - REVISED (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Shannon Honsberger (905) 546-2424 Ext. 6542 Policy and Public Affairs Specialist
SUBMITTED BY:	Janette Smith City Manager
SIGNATURE:	

COUNCIL DIRECTION

At the July 13, 2023 meeting of Audit, Finance, & Administration Committee, Committee considered a motion to review Voluntary Advisory Committees. The motion proposed:

- a) That the City of Hamilton pause all Volunteer Advisory Committees, with the exception of the Climate Change Advisory Committee, for which recruitment for the current Council term is underway, and the Hamilton Veterans Committee, so they can continue to plan the 2023 Remembrance Day Service; and
- b) That City Manager's Office and Corporate Services staff be directed to report back to the Audit, Finance and Administration Committee with recommendations on the following:
 - i. best practices that prioritizes resident engagement including access to, understanding of and participation in community engagement;
 - ii. review and provide recommendations to Council as informed by existing partnerships with local community-based organizations and networks to

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SUBJECT: Voluntary Advisory Committee Review (CM23025) (City Wide) - Page 2 of 3

- help shape and advise decision-making efforts on City initiatives, programs, services, policies, and by-laws;
- iii. existing community-based engagement methods inclusive of the Volunteer Advisory Committees to fulfil the priorities of Council aligned with the Term of Council priorities 2022 – 2026; and
 - iv. a resource list of local equity-deserving groups doing community and grassroots organizing that can be contacted for engagement and feedback on City Wide processes and policies.

To aid in decision-making, staff were directed to prepare a report for the September 7, 2023 meeting respecting the expected duration of the proposed pause of the Volunteer Advisory Committees, and the expected scope of and deliverables for the proposed review of the Volunteer Advisory Committees. The decision on this motion was deferred until these details were available at the September 7, 2023 meeting.

This information report responds to this direction.

INFORMATION

Should this motion be approved and staff are directed to complete a review of voluntary advisory committees, the recommended scope and deliverables would be as follows:

In scope:

- Conduct a best practice scan of municipal Voluntary Advisory Committees and related alternatives, including a comparative analysis across other jurisdictions
- Consultation with Council members, advisory committee members, and staff liaisons to better understand current challenges and needs
- A review of financial and human resources required in the current advisory committee structure
- Assess current state of meetings including attendance, meeting frequency, turnover, etc.
- Scan of other advisory tables that the City actively consults with for advice and feedback, including community-based task forces, steering committees, and working groups
- Review external community based organizations, and their methodology, that support similar work provided by Voluntary Advisory Committees
- Consider the role of advisory committees within the forthcoming Public Engagement Framework and Policy

Out of scope:

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SUBJECT: Voluntary Advisory Committee Review (CM23025) (City Wide) - Page 3 of 3

- Broad public engagement is out of scope as this work would be duplicative of the efforts underway in the Government Relations and Community Engagement Division
- Consideration of other forms of public engagement that are part of the forthcoming Public Engagement Framework and Policy are out of scope to eliminate issues of duplication

Deliverables:

- A current state assessment of resource implications, challenges, and opportunities for formal resident advice.
- A summary of the jurisdictional scan, and community assessment
- Options and recommendations for either the improvement or replacement of the current advisory committee structure for Council to consider

It is important to note that some of the work identified, including the best practices review and resource list for equity-deserving groups, overlaps with work underway on the Public Engagement Policy and Framework. Activities associated with the review of the Voluntary Advisory Committees should be scoped more narrowly to avoid duplication.

Timing:

It is expected that this work could be completed, and recommendations brought back to committee by the end of the first quarter of 2024. This would follow the return of the Public Engagement Policy and Framework, slated for the fourth quarter of 2023.

It would be preferable that committees identified in the motion be paused for the duration of the review to release staff liaison time to complete this work, except for the Seniors Advisory Committee. This Committee supports the Seniors Awards and is required to ensure this event runs smoothly. A list of the recommended committees to be paused is included in Appendix A to Report CM23025.

APPENDICES AND SCHEDULES ATTACHED

Appendix A – CM23025: Listing of Voluntary Advisory Committees to be paused during the Review



**Appendix “A” to Report CM23025
Page 1 of 1**

Listing of Voluntary Advisory Committees to be paused during the review:

- Committee Against Racism
- Women and Gender Equity Committee
- Advisory Committee for Immigrants and Refugees
- Indigenous Advisory Committee
- Mundialization Committee
- Food Advisory Committee
- Housing and Homelessness Advisory Committee
- Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee
- Arts Advisory Commission
- Hamilton Cycling Committee
- Keep Hamilton Clean and Green Committee



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Information Technology Division
and
CITY MANAGER'S OFFICE
Digital and Innovation Office

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	September 7, 2023
SUBJECT/REPORT NO:	Policy 14 - Microsoft (FCS23093/CM23019) (City Wide) - REVISED
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Kathy Nuttall (905) 546-2424 Ext. 4571 Cyrus Tehrani (905) 546-2424 Ext. 2261
SUBMITTED BY:	Doug Kay Interim Director, Information Technology Corporate Services
SIGNATURE:	
SUBMITTED BY:	Cyrus Tehrani Chief Digital Officer & Director of Innovation City Manager's Office
SIGNATURE:	

RECOMMENDATION

That Council approve the Policy #14 for Microsoft as the Platform of technologies, pursuant to Procurement Policy #14 – Standardization for a period of five years from the date of Council approval.

EXECUTIVE SUMMARY

Pursuant to the City's Procurement Policy, Policy #14 - Standardization, Section 4.14, Report FCS23093/CM23019 seeks to establish Microsoft as a Platform of technologies as a Corporate Standard for Information Technology (IT). This Corporate Standard for IT ("Standard") will be established for a five-year period, at which point, it will be reviewed by the Corporate Technology and Software Standards Committee and brought back to Council for information.

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**SUBJECT: Microsoft Standardization (FCS23093/CM23019) (City Wide) Revised -
Page 2 of 5**

The Information Technology Division of the Corporate Services Department is responsible for setting Corporate Technology Standards to ensure the City has a technology environment that provides consistent, reliable services to staff which is efficiently and effectively supported.

The major benefits of standardizing software are:

- Enables enterprise application and integration planning;
- Simpler administration and operations;
- Investment to date in software licenses and staff training;
- Lower support and testing cost;
- Scalability and flexibility in implementation;
- Improved support to business units; and
- Fewer contracts to prepare and administer.

Establishing the Microsoft platform of technologies as a standard will provide the capability to support delivery, digitization and automation of a wide array of City services, while also allowing for a competitive bid process on both product licenses and professional services.

Currently, the City of Hamilton has invested in the Microsoft Technology ecosystem with established products including Productivity Tools, Workplace Collaboration, Data Analysis and Visualization, No Code/Low Code Application Development, Desktop and Server Operating Systems, and Cybersecurity. This standardization would allow the City of Hamilton to expand this ecosystem and scale our ability to deliver value to the business and move away from siloed solution implementation, where applicable, and to the greatest benefit to the organization.

Alternatives for Consideration – See Page 5**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: None

Staffing: None

Legal: None

HISTORICAL BACKGROUND

Historically, the approach to meeting the technology needs of City departments has been addressed in a fragmented approach, with many solutions independently acquired to meet a single division or department's needs. This has led, over the years, to

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**SUBJECT: Microsoft Standardization (FCS23093/CM23019) (City Wide) Revised -
Page 3 of 5**

acquiring multiple applications that perform similar or overlapping functions, disconnected systems and data across divisions and departments and an inability to scale solutions City Wide.

To date, the City has procured and invested significant resources (both in dollars and staff time/education) in multiple Microsoft applications, including existing product standards, such as Productivity Tools, Workplace Collaboration, Data Analysis and Visualization, No Code/Low Code Application Development, Desktop and Server Operating Systems, and Cybersecurity.

Standardizing on a technology platform allows for a more seamless and integrated technology ecosystem and better Enterprise planning.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

By-Law 20-205 as amended, Procurement Policy, Policy 4.14, Standardization.

The intent of Report FCS23093/CM23019 is to comply with Procurement Policy # 14 – Standardization, Section 4.14, which requires Council approval for the establishment of a Standard for Microsoft as a Platform of technologies.

RELEVANT CONSULTATION

The Procurement section was consulted in the preparation of this report and supports the recommendation as presented.

Legal was also consulted in the development of this report as well as Senior Leadership Team Service Excellence Committee who endorsed this standardization approach.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Pursuant to the City's Procurement Policy, Policy #14 - Standardization, Section 4.14, Report FCS23093/CM23019 recommends the City establishes Microsoft as a Platform of Technologies as a Corporate Standard for Information Technology. Standardizing on a technology platform offers multiple benefits to the City:

1. **Integrated Ecosystem:** Standardizing on a technology platform allows for a more seamless and integrated technology ecosystem and better Enterprise planning. Microsoft, as a technology platform offers a comprehensive suite of products and services that addresses a wide range of city operations. This includes existing product standards, such as Productivity Tools, Workplace Collaboration, Data Analysis and Visualization, No Code/Low Code Application Development, Desktop and Server Operating Systems, and Cybersecurity, as well as additional Enterprise products that can be evaluated for business fit.

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**SUBJECT: Microsoft Standardization (FCS23093/CM23019) (City Wide) Revised -
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2. **Interoperability:** Standardizing City operations on a product platform that is designed to work together allows for improved data sharing and communication across departments and functions within the City. This interoperability enhances efficiency and streamlines workflows and the ability to integrate solutions.
3. **Support and Resources:** Standardizing on a product platform will allow City IT staff to develop in-house expertise and provide better support. It would also support staffing needs and retention as it could also help staff focus professional development and technology support on common technology platforms. It also opens a wider graduate resource pool as many post-secondary institutions offer Microsoft certifications alongside their institution's credentials. In addition, Microsoft has an extensive network of certified development partners, which would allow for a competitive process for securing professional services for implementation partners on standard Microsoft solutions.
4. **Security and Compliance:** Microsoft is a recognized leader in security, compliance, identity, and endpoint management. By standardizing on their platform, the City can take advantage of built-in security features and ongoing updates to help safeguard sensitive data and meet regulatory requirements.
5. **Scalability and Flexibility:** Standardizing on the Microsoft platform can enable more rapid scalability, reducing the time from problem identification to solution implementation, leveraging the in-house expertise of IT staff to identify the best solution to meet business need and, when necessary, leveraging Microsoft's broad network of development partners to implement.
6. **Innovation and Future-Readiness:** Microsoft invests heavily in research and development, continuously introducing new features and technologies. Standardizing on their platform can position the City to leverage these innovations and stay up to date with emerging trends in technology as they become available.
7. **Cost Management:** While there are costs associated with licensing Microsoft products, standardizing on a single platform can potentially lead to cost savings through volume licensing, reduced complexity in procurement, and centralized management. In addition, Microsoft Solution licensing is currently and will continue to be procured via competitive procurement processes.

Further, standardizing on the Microsoft platform, and leveraging those technologies to meet business needs, where staff determine appropriate, will help further enable the execution of the City's Digital Strategy (CM23010 – GIC – February 15, 2023) specifically:

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- Empowering the workforce with access to digital tools and training to deliver services effectively and supporting priority pillars
- Leverage technology to improve productivity and efficiency for both internal and external users.
- Improved response and processing time for digital service requests via the leveraging of standard technologies to support existing and new online services.

Committee and Council are advised that should this Report be approved, the standardization of Microsoft a platform of technologies will be assessed and monitored annually by the Corporate Technology and Software Standards Committee to ensure continued validity and reported to Council in accordance with the mandate for this committee. Furthermore, any new and additional technologies requested for use by a City department will continue to be scrutinized and assessed by the IT Enterprise Architecture Board in accordance with the IT Business Request Intake process.

ALTERNATIVES FOR CONSIDERATION

Not setting and maintaining a set standard for software technologies may result in a mixed environment of technologies, which may have a negative impact on the Total Cost of Ownership and the infrastructure reliability. Procuring multiple technologies may require additional training for staff to become familiar with supporting multiple software solutions and cause continued fragmentation of services. Costs may increase as the City would be paying software maintenance on multiple software solutions providing a similar service. Additionally, not approving this standardization may result in an excessive number of Policy 11 single source requests being processed to meet the corporate needs.

This alternative is not being recommended as it would require a significant financial investment to integrate additional manufacturers into our environment as well as add administrative overhead while adding no value. It would also increase the burden on Legal Services by having to create and administer multiple contracts for similar services.

APPENDICES AND SCHEDULES ATTACHED

Appendix A– FCS23093/CM23019: Procurement Policy 14 (For Reference Only)

POLICY # 14 - Standardization (For Reference)

SECTION 4.14

- (1) The Manager of Procurement shall have the authority to negotiate with the original equipment manufacturers and licensed distributors of approved standardized products.
- (2) The Standards and Approved Products Committee shall be responsible to prepare an annual information report to Council outlining the rationale for any Standardization of Goods added to the City's Approved Products Listing, the number of Goods standardized and any standardized Good resulting in a single source purchase.
- (3) Where a standardized Good can be procured from more than one vendor that Good shall not be considered a single source purchase.
- (4) Where a standardized Good or Service is approved by Council or the Manager of Procurement and the expiry of the standardization is not stated in the approval report or motion, the expiry of the standardization shall be no more than 3 years from the date of the approval.
- (5) Standardization Approval Summary Table

Standardization Type	Total Cumulative Value (\$)	Duration of the Standard	Approval Required	Expiry
Standardization does not result in a single source purchase.	Less than \$100,000	No more than 5 years	Manager of Procurement or The Standards and Approved Products Committee*	At the conclusion of the contract term.
Standardization does not result in a single source purchase.	Less than \$100,000	Greater than 5 years	Council or The Standards and Approved Products Committee*	As approved by Council or The Standards and Approved Products Committee.
Standardization does not result in a single source purchase.	\$100,000 or greater	Any	Council or The Standards and Approved Products Committee*	As approved by Council or The Standards and Approved Products Committee.
Standardization results in a single source purchase.	\$10,000 or greater	Any	Council or The Standards and Approved Products Committee*	As approved by Council or The Standards and Approved Products Committee.

*Approvals made by The Standards and Approved Products Committee shall only be within the committee's mandate as approved by Council.

CITY OF HAMILTON M O T I O N

Audit, Finance and Administration Committee: July 13, 2023

MOVED BY COUNCILLOR M. WILSON

SECONDED BY COUNCILLOR T. HWANG

Review of the City of Hamilton Volunteer Advisory Committees

WHEREAS, the City of Hamilton is dedicated to advancing and articulating City decision-making efforts by ensuring the process by which participants are provided information and are engaged is meaningful, clear, convenient, and accessible to all residents;

WHEREAS, the City of Hamilton supports community engagement as it empowers individuals and groups to give them a voice and a platform to express their opinions, concerns, and ideas, which encourages active participation, enabling community members an opportunity to shape the decisions that affect them directly;

WHEREAS, engagement in the community fosters a sense of ownership and responsibility, leading to increased community pride and motivation to work towards common goals and provides policy makers and elected officials with meaningful feedback that can inform decision making;

WHEREAS, Community engagement promotes collaboration and cooperation among stakeholders, including residents, local businesses, community-based organizations, multiple levels of government and non-profits, thereby, bringing people together and facilitating the exchange of knowledge, resources, and expertise, leading to innovative solutions and shared idea generation;

WHEREAS, the Advisory Committee with Persons with Disabilities and the Hamilton Municipal Heritage Committee are Sub-Committees of Council and are required by Provincial legislation, they are outside the scope of this proposed review

WHEREAS, the City of Hamilton is currently creating a robust public engagement policy and administrative framework; and

WHEREAS, enhancing engagement throughout civic participation processes can inherently support high-level Term of Council Priorities including (1) Equity, Diversity and Inclusion; and (2) Trust and Confidence in City Government;

11.1

THEREFORE, BE IT RESOLVED:

- a) That the City of Hamilton pause all Volunteer Advisory Committees, with the exception of the Climate Change Advisory Committee, for which recruitment for the current Council term is underway, and the Hamilton Veterans Committee, so they can continue to plan the 2023 Remembrance Day Service; and
- b) That City Manager's Office and Corporate Services staff be directed to report back to the Audit, Finance and Administration Committee with recommendations on the following:
 - (i) best practices that prioritizes resident engagement including access to, understanding of and participation in community engagement;
 - (ii) review and provide recommendations to Council as informed by existing partnerships with local community-based organizations and networks to help shape and advise decision-making efforts on City initiatives, programs, services, policies, and by-laws;
 - (iii) existing community-based engagement methods inclusive of the Volunteer Advisory Committees to fulfil the priorities of Council aligned with the Term of Council priorities 2022 – 2026; and
 - (iv) a resource list of local equity-deserving groups doing community and grassroots organizing that can be contacted for engagement and feedback on City Wide processes and policies.