THE AUDIT, FINANCE & ADMINISTRATION COMMITTEE PRESENTS REPORT 14-001 AND RESPECTFULLY RECOMMENDS:

1. **Update to Proceeds of Power Sale of Olympia Banquet Centre (FCS14001) (Ward 4) (Item 5.1)**

   That Report FCS14001, respecting an Update regarding the Proceeds of Power Sale of Olympia Banquet Centre, be received.

2. **Accessibility for Ontarians with Disabilities Act (AODA) Self-Certified Accessibility Report - December 2013 (FCS14008) (City Wide) (Item 5.2)**

   That Report FCS14008, respecting the Accessibility for Ontarians with Disabilities Act (AODA) Self-Certified Accessibility Report - December 2013, be received.

3. **Capital Projects' Status as of November 30, 2013 (FCS13066(a)) (City Wide) (Item 5.3)**

   That Report FCS13066(a), respecting the Capital Projects' Status as of November 30, 2013, be received.
4. Treasurer's Apportionment of Land Taxes (FCS14002) (Ward 15) (Item 5.4)

   (a) That the 2012 land taxes in the amount of $1,919 for 10 McCurdy Avenue, Flamborough, (Roll #2518 303 420 04785 0000) be apportioned and split amongst the three newly created parcels as set out in Appendix “A” attached hereto;

   (b) That the 2012 land taxes in the amount of $1,871 for 93 Sadielou Boulevard, Flamborough, (Roll #2518 303 420 04799 0000) be apportioned and split amongst the three newly created parcels as set out in Appendix “A” attached hereto;

   (c) That the 2012 land taxes in the amount of $1,980 for 66 Bousfield Rise, Flamborough, (Roll #2518 303 420 04815 0000) be apportioned and split amongst the four newly created parcels as set out in Appendix “A” attached hereto;

   (d) That the 2012 land taxes in the amount of $1,980 for 78 Bousfield Rise, Flamborough, (Roll #2518 303 420 04820 0000) be apportioned and split amongst the four newly created parcels as set out in Appendix “A” attached hereto.

5. Treasurer's Write-off of Taxes under Section 354 of the Municipal Act, 2001 (FCS14004) (Ward 9) (Item 5.5)

   That the taxes for 0 Aylmer Street, in the amount of $2,015 be approved for write-off, as a result of a failed tax sale of the property and the expected subsequent sale of the property by real estate, closing January 24, 2014.

6. Governance Review Sub-Committee Report 13-003, December 19, 2013 (Item 5.6)

   (a) Posting and Releasing of Sub-Committee/Council Agendas (CL13003) (City Wide)

   That Report CL13003, respecting the Posting and Releasing of Sub-Committee/Council Agendas (attached as Appendix “A” to the Governance Sub-Committee Report 13-003), be received.
7. **Annual Follow up of Outstanding Audit Recommendations (AUD14001) (City Wide) (Item 5.7)**

That Report AUD14001, respecting the 2013 Annual Follow up of Outstanding Audit Recommendations, be received.

8. **Follow Up of Audit Report 2012-01 – Community Services – Recreation Facilities & Arenas – Cash Handling (AUD14002) (City Wide) (Item 5.8)**

That Report AUD14002, respecting the follow up of Audit Report 2012-01, Community Services – Recreation Facilities and Arenas – Cash Handling, be received.

9. **Minutes of Various Advisory Committees (Items 5.9(a) to 5.9(d))**:

That the following Advisory Committee meeting Minutes be received:

(a) Aboriginal Advisory Committee Minutes, September 5, 2013

(b) Hamilton Mundialization Committee Minutes, September 18, 2013

(c) Hamilton Mundialization Committee Minutes, November 20, 2013

(d) Committee Against Racism Minutes, October 22, 2013

10. **Harassment and Discrimination Prevention Policies (HUR13014) (City Wide) (Tabled on December 9, 2013) (Item 8.2)**

That Report HUR13014, respecting the Harassment and Discrimination Prevention Policies, be received.

11. **Harassment and Discrimination Prevention Policies (HUR13014(a)) (City Wide) (Item 8.3)**

(a) That the Personal Harassment Prevention Policy, attached hereto as Appendix “B”, be approved;

(b) That the Harassment and Discrimination Prevention Policy, attached hereto as Appendix “C”, be approved;

Council – February 12, 2014
(c) That the Procedure for Resolving Harassment and Discrimination Issues, attached hereto as Appendix “D”, be approved.

12. Workplace Violence Prevention Policy (HUR13015) (City Wide) (Tabled on December 9, 2013) (Item 8.4)

That Report HUR13015, respecting the Workplace Violence Prevention Policy, be received.

13. Workplace Violence Prevention Policy (HUR13015(a)) (City Wide) (Item 8.5)

That the Workplace Violence Prevention Policy, attached hereto as Appendix “E”, be approved.

14. A By-Law to Set a Minimum Property Tax Levy Amount (FCS13043) (City Wide) (Item 8.6)

That Appendix “A” to report FCS13043 “By-Law to Set a Minimum Property Tax Levy Amount” under Section 355 of the Municipal Act, 2001 be passed.

15. Audit Report 2013-11 - Public Works - Construction Contracts Review (AUD14003) (City Wide) (Item 8.7)

(a) That the Management Action Plans, as detailed in Appendix “F” attached hereto be approved;

(b) That the General Manager of Public Works be directed to instruct the appropriate staff to have the Management Action Plans (attached hereto as Appendix “F”) implemented.

16. Audit Report 2013-12 - Public Works - Food Services (Golf Courses) (AUD14004) (City Wide) (Item 8.8)

(a) That the Management Action Plans as detailed in Appendix “G” attached hereto, be approved;

(b) That the General Manager of Public Works be directed to instruct the appropriate staff to have the Management Action Plans (attached hereto as Appendix “G”) implemented.
17. 2014 Property and Liability Insurance Renewal (FCS14012) (City Wide) (Item 8.10)

   (a) That the Liability and Property Insurance coverage for the term January 1, 2014, to January 1, 2015, be renewed through Jardine Lloyd Thompson Canada Inc. (JLT) at a cost of $3,719,804 (net of applicable taxes) and be funded through the 2014 Risk Management Services Budget, in accordance with Appendix “H” attached hereto;

   (b) That the General Manager, Finance and Corporate Services, be authorized and directed to execute all associated documents related to the renewal of the Liability and Property Insurance coverage for the term January 1, 2014, to January 1, 2015, through Jardine Lloyd Thompson Canada Inc., on behalf of the City.

18. Grants Sub-Committee Report 14-001 (Item 8.11)

   (a) 2013 Final Community Partnership Program Update (GRA14001) (City Wide) (Item 5.1) (attached hereto as Appendix “A” to Report 14-001)

       That the overall 2013 Community Partnership Program (CPP) Surplus, in the amount of $106,239, be transferred to the CPP Reserve Account #112230.

   (b) Grants Program Review Update (Item 6.1)

       That the following be referred to the General Issues Committee:

       (i) The presentation, respecting the Grants Program Review Update, as amended, dated February 6, 2014;

       (ii) The issue of the Grants Program Review and Terms of Reference for same.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

    (i) Item 6.2 – The delegation by John O’Toole, respecting a denied Risk Management Claim for Damage to his Vehicle, has been withdrawn.
(ii) Added as Item 8.11 – Grants Sub-Committee Report 14-001, dated February 6, 2014

The agenda for the February 10, 2014 Audit, Finance & Administration Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) December 9, 2013 (Item 3.1)

The Minutes of the December 9, 2013 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Joey Coleman respecting the Governance Review Sub-Committee Report 13-003 (Item 4.1)

The delegation request from Joey Coleman, respecting the Governance Review Sub-Committee Report 13-003, was approved to appear before Committee today.

(e) DELEGATIONS (Item 6)

(i) Steve Pratt, Ironworkers Local 736, and Joe Beattie, Business Manager of the Hamilton Brantford Building Trades, respecting a request to have the wages of the Ironworkers and Rodworkers added to the Wage Schedule of the Fair Wage Policy (Item 6.1)

Mr. Pratt and Mr. Beattie’s comments included, but were not limited to, advising that the wage package was not submitted through the administration and requesting that it be put back in the Fair Wage Policy.

The presentation provided by Steve Pratt, Ironworkers Local 736, and Joe Beattie, Business Manager of the Hamilton Brantford Building Trades, respecting a request to have the wages of the Ironworkers and
Rodworkers added to the Wage Schedule of the Fair Wage Policy, was received.

The issue, respecting the addition of the wages of the Ironworkers and Rodworkers to the Wage Schedule of the Fair Wage Policy, was referred to staff for inclusion in the 2016 review, for a report back to the Audit, Finance & Administration Committee, at that time.

(ii) John O’Toole, respecting a Denied Risk Management Claim for Damage to his Vehicle (Item 6.2)

This item was withdrawn by the delegate.

(iii) Joey Coleman respecting the Governance Review Sub-Committee Report 13-003 (Item 6.3)

Mr. Coleman’s comments included, but were not limited to, the following:

- That the release dates for agendas be split in two (committee reports and delegations/presentations) in order to allow for a longer review period for the public while keeping the 24-hour review rule;
- That the expenses from Councillors offices be available in hard copy or electronically at no cost to the public.

Questions to staff included, but were not limited to, the following:

- 24-hour review rule for Councillors prior to public viewing and if this is necessary;

The presentation provided by from Joey Coleman, respecting the Governance Review Sub-Committee Report 13-003, was received.

For further direction, see Section (h) (iv)

(f) PRESENTATIONS (Item 7)

(i) Anti-Racism Resource Centre Project (CAR14-001) (City Wide)

Roger Cameron, Chair of the Committee Against Racism, presented the Anti-Racism Resource Centre Project with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.
The Anti-Racism Resource Centre Project presentation, was received.

Report CAR14-001, Anti-Racism Resource Centre Project, was referred to the General Manager of Finance and Corporate Services for a report back to the Audit, Finance and Administration Committee and the issues and questions raised at committee including, investigate the liaison personnel between HCCI and CAR and funding issues and duplication of work, be addressed in the report.

(g) DISCUSSION ITEMS (Item 8)

(i) City Wide Cash Handling Policy (FCS14003) (City Wide) (Item 8.1)

Report FCS14003, City Wide Cash Handling Policy, was referred back to staff for further consideration with respect to consistency and cash handling guidelines.

(ii) Harassment and Discrimination Prevention Policies (HUR13014) (City Wide) (Item 8.2)

Report HUR13014, respecting the Harassment and Discrimination Prevention Policies, was lifted from the table.

For disposition on this item, see item 10.

(iii) Workplace Violence Prevention Policy (HUR13015) (City Wide) (Item 8.4)

Report HUR13015, respecting the Workplace Violence Prevention Policy, was lifted from the table.

For disposition on this item, see item 12.

(iv) Amended Water and Wastewater/Storm Arrears Policy (FCS14007) (City Wide) (Item 8.9)

Report FCS14007, Amended Water and Wastewater/Storm Arrears Policy, was tabled to the March 24, 2014 meeting of Audit, Finance and Administration in order to hear a delegation from Effort Trust.
(v) Accessibility in Council Chambers

Committee requested an update at the next meeting on the status of the AODA compliance issues within the Council Chambers. (i.e. main doors and access for persons with disabilities and seniors)

(h) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Amendments to the Outstanding Business List (Item 11.1)

The following Items were considered complete and removed from the Audit, Finance & Administration Committee’s Outstanding Business List:

(a) Item “J” – Power of Sale and proceeds - 1154 and 1162 Barton Street East and 50 and 52 Fraser Avenue, known as the Olympia Banquet Centre (Item 5.1 on agenda)

(b) Item “M” – A By-law to Set a Minimum Property Tax Levy Amount (Item 8.6 on agenda)

(ii) Items Requiring Approval of a Proposed New Due Date (Item 11.2)

The following proposed new due date was approved:

(a) Item “P” – Timelines for the Retention of E-mails
   Current Due Date: February 10, 2014
   Proposed New Due Date: March 24, 2014

(iii) Resignation from the LGBTQ Advisory Committee (Item 11.3)

The resignation letter, submitted by Deirdre Dixon, from the LGBTQ Advisory Committee, was received.

(iv) 24-hour Review Rule for Releasing Council Agendas

Staff was directed to report back to the Governance Review Sub-Committee with a report on releasing the agenda to members of Council 24-hours prior to public release.
(i) ADJOURNMENT (Item 13)

There being no further business, the Audit, Finance & Administration Committee, was adjourned at 11:51 a.m.

Respectfully submitted,

Councillor R. Powers, Chair
Audit, Finance & Administration Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk
### APPORTIONMENT OF TAXES

That the original land taxes recorded against;

**(a) Roll #2518 303 420 04785 0000** – (10 McCurdy Ave., Flamborough) in the amount of $1,919 be split amongst the three newly created lots listed below:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ADDRESS</th>
<th>ROLL NUMBER</th>
<th>APPORTIONED ASSESSMENT</th>
<th>TAX AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>10 McCurdy Ave.</td>
<td>2518 303 420 04785 0000</td>
<td>53,573</td>
<td>$ 647</td>
</tr>
<tr>
<td>2012</td>
<td>12 McCurdy Ave.</td>
<td>2518 303 420 04787 0000</td>
<td>52,285</td>
<td>631</td>
</tr>
<tr>
<td>2012</td>
<td>14 McCurdy Ave.</td>
<td>2518 303 420 04788 0000</td>
<td>53,142</td>
<td>641</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>159,000</strong></td>
<td><strong>$ 1,919</strong></td>
</tr>
</tbody>
</table>

**(b) Roll #2518 303 420 04799 0000** – (93 Sadielou Blvd., Flamborough) in the amount of $1,871 be split amongst the three newly created lots listed below:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ADDRESS</th>
<th>ROLL NUMBER</th>
<th>APPORTIONED ASSESSMENT</th>
<th>TAX AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>93 Sadielou Blvd.</td>
<td>2518 303 420 04799 0000</td>
<td>51,947</td>
<td>$ 627</td>
</tr>
<tr>
<td>2012</td>
<td>91 Sadielou Blvd.</td>
<td>2518 303 420 04802 0000</td>
<td>51,108</td>
<td>617</td>
</tr>
<tr>
<td>2012</td>
<td>89 Sadielou Blvd.</td>
<td>2518 303 420 04803 0000</td>
<td>51,945</td>
<td>627</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>155,000</strong></td>
<td><strong>$ 1,871</strong></td>
</tr>
</tbody>
</table>

**(c) Roll #2518 303 420 04815 0000** – (66 Bousfield Rise, Flamborough) in the amount of $1,980 be split amongst the four newly created lots listed below:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ADDRESS</th>
<th>ROLL NUMBER</th>
<th>APPORTIONED ASSESSMENT</th>
<th>TAX AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>66 Bousfield Rise</td>
<td>2518 303 420 04815 0000</td>
<td>41,334</td>
<td>$ 499</td>
</tr>
<tr>
<td>2012</td>
<td>68 Bousfield Rise</td>
<td>2518 303 420 04817 0000</td>
<td>40,666</td>
<td>491</td>
</tr>
<tr>
<td>2012</td>
<td>70 Bousfield Rise</td>
<td>2518 303 420 04818 0000</td>
<td>40,666</td>
<td>491</td>
</tr>
<tr>
<td>2012</td>
<td>72 Bousfield Rise</td>
<td>2518 303 420 04819 0000</td>
<td>41,334</td>
<td>499</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>164,000</strong></td>
<td><strong>$ 1,980</strong></td>
</tr>
</tbody>
</table>
(d) **Roll #2518 303 420 04820 0000** – (78 Bousfield Rise, Flamborough) in the amount of $1,980 be split amongst the four newly created lots listed below:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ADDRESS</th>
<th>ROLL NUMBER</th>
<th>APPORTIONED ASSESSMENT</th>
<th>TAX AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>78 Bousfield Rise</td>
<td>2518 303 420 04820 0000</td>
<td>41,334</td>
<td>$ 499</td>
</tr>
<tr>
<td>2012</td>
<td>80 Bousfield Rise</td>
<td>2518 303 420 04822 0000</td>
<td>40,666</td>
<td>491</td>
</tr>
<tr>
<td>2012</td>
<td>82 Bousfield Rise</td>
<td>2518 303 420 04823 0000</td>
<td>40,666</td>
<td>491</td>
</tr>
<tr>
<td>2012</td>
<td>84 Bousfield Rise</td>
<td>2518 303 420 04824 0000</td>
<td>41,334</td>
<td>499</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>164,000</strong></td>
<td><strong>$ 1,980</strong></td>
</tr>
</tbody>
</table>
# PERSONAL HARASSMENT PREVENTION POLICY
*(In accordance with the Occupational Health & Safety Act)*

## POLICY STATEMENT

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.

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.

## PURPOSE

Under the *Occupational Health and Safety Act*, 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 procedures (Resolving Harassment and Discrimination Issues) are consistent with the City’s obligations under the *Occupational Health and Safety Act*.

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. The most 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 Harassment and to foster an environment free of Personal Harassment within the City of Hamilton.

The City of Hamilton has implemented a policy on harassment and discrimination based on the prohibited grounds under the Ontario *Human Rights Code* – see the *Harassment and Discrimination Prevention Policy*. It may provide means for addressing concerns which do not fall within the provisions of the Personal Harassment Prevention Policy. The City also has a *Violence in the Workplace Prevention Policy* that addresses concerns related to Workplace violence. Some Employees may also have rights under collective agreements.
This policy defines Personal Harassment and identifies the rights and responsibilities of all Employees including Management.

**SCOPE**

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.

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.

**DEFINITIONS**

The following definitions apply to this Policy:

**Personal Harassment**

Personal Harassment results from a pattern of inappropriate behaviour or comments that a reasonable person would consider to be offensive or demeaning. Personal Harassment does not violate any of the prohibited grounds outlined in the Ontario *Human Rights Code*. 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:

- Ongoing condescending comments or name calling
- Repeated offensive gestures or comments
- Practical jokes which result in insult or embarrassment
- 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
- 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.
Corporate Human Resources Policy

Work Environment

Policy No: HR-62-13

Bullying

- Actions which create a “Poisoned Work Environment” which is hostile, intimidating or offensive

An isolated insult or adverse comment typically does not constitute Personal Harassment.

Supervisor or Manager conduct that is consistent with the responsibilities and accountabilities of their role, including: performance management, training, work assignment and discipline, does not constitute Personal Harassment.

This 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.

Complainant

Any person who makes a complaint.

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 Occupational Health & Safety Act, 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,
### Corporate Human Resources Policy

**Work Environment**

**Policy No:** HR-62-13

**Content Updated:** 2013-10-18

**Supersedes Policy:** Personal Harassment Prevention Policy (April 27, 2005)

**Approval:** 2014-MM-DD

---

#### Poisoned Work Environment

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.

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.

Any person who is the subject of a complaint (i.e. a complaint is made against them).

Of very little importance or value, insignificant.

Conduct that is inappropriate, unnecessary, and that a reasonable person would consider to be offensive, upsetting, distressing, demeaning or would make a person uncomfortable.

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, 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, etcetera).

---

#### TERMS & CONDITIONS

**1. Complaints**

The following terms and conditions apply to this Policy:

Complainants and Respondents have the right to confidential, unbiased advice from the Human Rights Specialist for the City of Hamilton.

The Procedures (*Resolving Harassment and Discrimination Issues*), outline the steps for handling of complaints, including the following options:
<table>
<thead>
<tr>
<th><strong>Corporate Human Resources Policy</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Work Environment</td>
<td>Content Updated: 2013-10-18</td>
</tr>
<tr>
<td></td>
<td>Supersedes Policy: Personal</td>
</tr>
<tr>
<td></td>
<td>Harassment Prevention Policy</td>
</tr>
<tr>
<td></td>
<td>(April 27, 2005)</td>
</tr>
<tr>
<td>Page 5 of 8</td>
<td></td>
</tr>
</tbody>
</table>

**2. Confidentiality**

- 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.

The City of Hamilton will make every reasonable effort to maintain confidentiality for Employees involved in Personal 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 *Municipal Freedom of Information and Protection of Privacy Act* and may be subject to disclosure under the Act or to a court of law.

**3. Reprisal**

Any form of retaliation against a Complainant or a witness 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.

**4. Trivial, Frivolous or 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 appropriate disciplinary action up to and including termination of employment.

**5. Procedural Fairness**

The rules of procedural fairness govern all activities occurring under this policy.

**RESPONSIBILITIES**

**Shared Responsibility**

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 Responsibility

Employer (City of Hamilton), Management and non-Management Employees are specified below.

- 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.

### Management Responsibility

Management is responsible for promoting a Workplace that is healthy, respectful and supportive and for intervening if harassment occurs. They must ensure that Personal Harassment is not tolerated, ignored or condoned.

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 Harassment and to address perceived harassment or complaints by Employees that are being harassed.

- 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 he or she is being harassed, take action in accordance with this policy and the associated procedures (*Resolving Harassment and Discrimination Issues*).
- 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 – *Resolving Harassment and Discrimination Issues*).
**Corporate Human Resources Policy**

**Work Environment**

|---------------------|----------------------|

<table>
<thead>
<tr>
<th>Employee Responsibility (including Management)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>o Take remedial action with Employees who violate this policy, including disciplinary action, training, education, or other actions as deemed appropriate given the circumstances.</td>
<td></td>
</tr>
<tr>
<td>Employees share in the responsibility to maintain a work environment that is healthy, respectful and supportive.</td>
<td></td>
</tr>
<tr>
<td>o Do not engage in any behaviour that is or may be perceived as harassment.</td>
<td></td>
</tr>
<tr>
<td>o Report incidents of harassment or retaliation (reprisal) to Supervisor or Manager, or to the Human Rights Specialist in Human Resources.</td>
<td></td>
</tr>
<tr>
<td>o Co-operate fully in any attempts to resolve a complaint and co-operate fully in the investigation of any complaint.</td>
<td></td>
</tr>
<tr>
<td>Any Employee who refuses to participate in an investigation or the resolution of a complaint, 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.</td>
<td></td>
</tr>
</tbody>
</table>

**COMPLIANCE**

Any Employee who is found to have violated this Personal 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.

**RELATED DOCUMENTS**

The following related documents are referenced in this Policy:
- Harassment and Discrimination Prevention Policy
- Violence in the Workplace Prevention Policy
- Resolving Harassment and Discrimination Issues Procedures
- Occupational Health and Safety Act
- Municipal Freedom of Information and Protection of Privacy Act
- Ontario Human Rights Code

**Contact**: For more information on this Policy, contact a Human Rights Specialist in Human Resources, City Manager’s Office.

**HISTORY**

This Policy replaces previous Personal Harassment Prevention Policy, approved by Council on April 27, 2005 (Report HUR05005).
<table>
<thead>
<tr>
<th>Corporate Human Resources Policy</th>
<th>Content Updated: 2013-10-18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy No: HR-62-13</td>
<td></td>
</tr>
<tr>
<td>Page 8 of 8</td>
<td>Approval: 2014-MM-DD</td>
</tr>
</tbody>
</table>

The Corporate Policy Review Group and an Employment Lawyer, specializing in Human Rights, were consulted in the revisions made to this Policy.

This Policy was reviewed by Senior Management Team 2013-06-28, updated 2013-10-18, and approved by SMT 2013-10-24.

Approved by Council of the City of Hamilton 2014-MM-DD
HARASSMENT AND DISCRIMINATION PREVENTION POLICY  
(in accordance with the Ontario Human Rights Code and Occupational Health & Safety Act)

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, including Sexual Harassment that is based on the prohibited grounds under the Ontario Human Rights Code, which includes:

- Race
- Sex or gender (including pregnancy)
- Colour
- Disability or perceived disability (including mental or physical illness or injuries, and some addictions)
- 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 refrain from any actions that contribute to Harassment and/or Discrimination in its Workplace. Discrimination, Harassment and Sexual Harassment are violations of the Ontario Human Rights Code, upon which this policy is based.
### PURPOSE

The intention of this policy and its procedures is to prevent Discrimination and Harassment from taking place, and where necessary, to act upon complaints of such behaviour promptly, fairly, judiciously and with due regard to confidentiality for everyone involved. The most 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.

The City of Hamilton has implemented a policy on Personal Harassment in addition to this policy on Harassment and Discrimination. The *Personal Harassment Prevention Policy* may provide means for addressing concerns which are not covered by the Harassment and Discrimination Prevention Policy. The City also has a *Workplace Violence Prevention Policy* that addresses concerns related to Workplace violence. Some Employees may also have rights under collective agreements. Any individual may approach the Human Rights Tribunal of Ontario, should he/she desire.

This policy defines “Harassment”, “Sexual Harassment” and “Discrimination” and identifies the rights and responsibilities of all Employees, including Management.

### SCOPE

This policy applies to all Employees of the Employer (City of Hamilton), 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.

Members of the general public, visitors to City facilities, and individuals conducting business with the City of Hamilton, are expected to refrain from Harassment and Discrimination against Employees. If such Harassment or Discrimination occurs, the City will take any 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.
### DEFINITIONS

<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Abuse of Authority</strong></td>
<td>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 <em>Human Rights Code</em> to fall under this policy.</td>
</tr>
<tr>
<td><strong>Complainant</strong></td>
<td>Any person who makes a complaint.</td>
</tr>
<tr>
<td><strong>Discrimination</strong></td>
<td>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 of Discrimination and which thus has an adverse impact on the individual or group of individuals. Discrimination may be intentional or unintentional, direct or indirect.</td>
</tr>
<tr>
<td><strong>Employee</strong></td>
<td>All Employees of the City of Hamilton, union and non-union including but not limited to, regular, temporary, probationary and contract Employees.</td>
</tr>
<tr>
<td><strong>Employer</strong></td>
<td>In accordance with the <em>Occupational Health &amp; Safety Act</em>, 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.</td>
</tr>
<tr>
<td><strong>Frivolous</strong></td>
<td>Characterized by a lack of seriousness or sense; of little or no weight, worth or importance, not worthy of serious notice.</td>
</tr>
<tr>
<td><strong>Harassment</strong></td>
<td>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&quot; 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. This comment or conduct may be offensive, intimidating, hostile or inappropriate, based on the prohibited grounds set out in the Ontario <em>Human Rights Code</em>. Refer to the <em>Personal Harassment Prevention Policy</em> for Harassment that is not based on the prohibited grounds of the Ontario <em>Human Rights Code</em>.</td>
</tr>
<tr>
<td>Corporate Human Resources Policy</td>
<td>Content Updated: 2013-10-18</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Policy No: HR-61-13</td>
<td>Approval: 2014-MM-DD</td>
</tr>
<tr>
<td>Page 4 of 10</td>
<td></td>
</tr>
</tbody>
</table>

**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, 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.

**Poisoned Work Environment**

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. 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 (ie. a complaint is made against them).

**Sexual Harassment**

Unwanted or unwelcome actions or comments of a sexual or gender-related nature. Sexual Harassment does not have to be sexually related. Stereotypical comments or actions about one gender or the other can be a form of Sexual Harassment. Sexual Harassment happens most often to women, but does happen to men or between members of the same 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.

**Adverse Effect Harassment/Discrimination**

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 *Human Rights Code*.

**Systemic Discrimination**

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.

**Trivial**

Of very little importance or value; insignificant.
### Corporate Human Resources Policy

**Work Environment**

**Policy No:** HR-61-13  
**Page 5 of 10**  
**Approval:** 2014-MM-DD

<table>
<thead>
<tr>
<th><strong>Vexatious</strong></th>
<th>Conduct that is inappropriate, unnecessary, and that a reasonable person would consider to be offensive, upsetting, distressing, demeaning or would make a person uncomfortable.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Workplace</strong></td>
<td>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, 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, etcetera).</td>
</tr>
</tbody>
</table>

### TERMS & CONDITIONS

1. **Discriminatory or Harassing Behaviours**

The following terms and conditions apply to this Policy:

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.

Examples of *discriminatory or harassing behaviours* include, but are not limited to:

- 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)
2. Complaints

Complainants and Respondents have the right to confidential, unbiased advice from the Human Rights Specialist for the City of Hamilton.

The Procedures (Resolving Harassment and Discrimination Issues) outline the steps for handling of complaints, including the following options:

- Complaint to the City of Hamilton, through an Employee’s Supervisor
- Complaint directly to the Human Rights Specialist in Human Resources

Examples of sexual harassing behaviours include but are not limited to:

- 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.

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
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).

Examples of sexual harassing behaviours include but are not limited to:

- 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.
## Corporate Human Resources Policy

### Work Environment

**Supersedes Policy:** Harassment and Discrimination Prevention Policy (April 27, 2005)

<table>
<thead>
<tr>
<th>Policy No: HR-61-13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval: 2014-MM-DD</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. Confidentiality</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Complaint to the Human Rights Tribunal of Ontario</td>
</tr>
<tr>
<td>• Filing of a grievance for those Employees covered under a collective agreement</td>
</tr>
<tr>
<td>• Complaint to Police if a criminal act has occurred.</td>
</tr>
</tbody>
</table>

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 *Municipal Freedom of Information and Protection of Privacy Act* and may be subject to disclosure under the Act or to a court of law.

<table>
<thead>
<tr>
<th>4. Procedural Fairness</th>
</tr>
</thead>
<tbody>
<tr>
<td>The rules of procedural fairness govern all activities occurring under this policy.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. Reprisal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any form of retaliation against a Complainant or a witness 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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>6. Trivial, Frivolous/ Vexatious Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

### RESPONSIBILITIES

**Shared Responsibility (All Employees)**

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.

Employees share in the responsibility to ensure that their work environment is free from Harassment and Discrimination.
### Corporate Human Resources Policy

#### Work Environment

**Policy No:** HR-61-13  
**Page 8 of 10**  
**Approval:** 2014-MM-DD  

<table>
<thead>
<tr>
<th>Employer Responsibility</th>
<th>Management Responsibility</th>
</tr>
</thead>
</table>
| Employees must not engage in any behaviour or comments that are or may be perceived as Harassment or Discrimination. Employees are strongly encouraged to report incidents of Harassment, Discrimination, or Reprisal to their Supervisors or Managers or to the Human Rights Specialist in Human Resources.  

*It is the responsibility of every Employee to co-operate fully in any attempts to resolve a complaint 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 complaint, 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.*  

| o Provide a Workplace free from Harassment and Discrimination (including Sexual Harassment), that is based on the prohibited grounds under the Ontario *Human Rights Code*.  
| o Ensure corporate policies and procedures comply with the Ontario *Human Rights Code*.  
| o Provide Human Rights awareness education to all Employees.  
| o Create an environment that encourages the reporting of all incidents of Harassment and Discrimination.  
| o Provide a process to handle and investigate Harassment and Discrimination complaints in the most effective, fair and timely manner, given the circumstances. |

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.  

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 Harassment and Discrimination, and to address Employee complaints with respect to Discrimination or Harassment on the basis of the prohibited grounds under the Ontario *Human Rights Code*,  

Management will undertake the following actions:  

| o 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 he or she is being harassed or discriminated against, action must be taken in accordance with this policy and the associated procedures (*Resolving Harassment & Discrimination Issues*). 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 – *Resolving Harassment and Discrimination Issues*). Management that 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.

**COMPLIANCE**

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.

**RELATED**

The following related documents are referenced in this Policy:
### Corporate Human Resources Policy

**Work Environment**

**Supersedes Policy:** Harassment and Discrimination Prevention Policy (April 27, 2005)

**Policy No:** HR-61-13

**Page 10 of 10**

**Approval:** 2014-MM-DD

#### DOCUMENTS

- Personal Harassment Prevention Policy
- Violence in the Workplace Prevention Policy
- Resolving Harassment and Discrimination Issues Procedures
- Occupational Health and Safety Act
- Municipal Freedom of Information and Protection of Privacy Act
- Ontario Human Rights Code

**Contact:** For more information on this Policy, contact a Human Rights Specialist in Human Resources, City Manager’s Office.

#### HISTORY

This Policy replaces previous Harassment and Discrimination Policy, approved by Council on April 27 2005 (Report HUR05005).

The Corporate Policy Review Group and an Employment Lawyer, specializing in Human Rights, were consulted in the revisions made to this Policy.

This Policy was reviewed by Senior Management Team 2013-06-28, updated 2013-10-18, and approved by SMT 2013 -10-24

Approved by Council of the City of Hamilton 2014-MM-DD
## 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* and the *Personal Harassment Prevention Policy*. 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**

Any Employee who has a complaint alleging violation of either, the *Harassment and Discrimination Prevention Policy* or the *Personal Harassment Prevention Policy* is encouraged to attempt the following before a formal complaint is filed:

- 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.

*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 Prevention Policies.

Where possible, Employees who feel that they have been subjected to Harassment or Discrimination should maintain a written record of the nature of the alleged Harassment, date(s), time(s), behaviour, impact and list of witness(es).
# Procedure for Resolving Harassment & Discrimination Issues

| **Human Rights Specialist** | If the Harassment or Discrimination continues, or the Complainant is uncomfortable speaking to the person who is causing offence, or to his/her 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). The Human Rights Specialist works in Human Resources and acts as an impartial counsellor and 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. |
| **Manager/Supervisor** | A Manager/Supervisor who receives a complaint, whether in writing or not, must contact the Human Rights Specialist immediately (if the matter warrants it – e.g. if police involvement required) or within 24 hours for all other matters, preserving anonymity (as far as possible) for the Complainant if he/she so requests. The Human Rights Specialist may suggest any of the following steps be taken by management: |
| | o take immediate action in the event of a real or potential threat to personal safety; and/or |
| | o provide a copy of the policy and procedures to the Complainant to ensure awareness of the options under the policy, including protection from reprisal; and/or |
| | o provide contact information (name, telephone number, office location) of the Human Rights Specialist to the Complainant. |
| **COMPLAINT PROCEDURES** | The City’s complaint procedures are intended to be a timely forum to address harassment and discrimination complaints when no other avenues of recourse are being actively pursued to resolve the complaint. Any costs incurred by the parties during |
# Procedure for Resolving Harassment & Discrimination Issues

<table>
<thead>
<tr>
<th>1. Complaint Assessment Phase</th>
<th>an investigation (legal, travel, etc.) are their own responsibility. If the Complainant is also a unionized Employee, it is incumbent on him/her to select either the grievance process or the complaint procedures outlined in this document. 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.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>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:</td>
</tr>
<tr>
<td></td>
<td>• Type of behaviour complained about and whether it is covered under the Harassment/Discrimination prevention policies or procedure</td>
</tr>
<tr>
<td></td>
<td>• Severity of the situation</td>
</tr>
<tr>
<td></td>
<td>• Identification of parties to make initial inquiries with (i.e. Complainant, Respondent, Management)</td>
</tr>
<tr>
<td></td>
<td>• 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.)</td>
</tr>
<tr>
<td></td>
<td>• Whether or not there is a need to intervene further on an informal basis or to investigate</td>
</tr>
<tr>
<td></td>
<td>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:</td>
</tr>
<tr>
<td></td>
<td>• the complaint is made more than one year after the date of the last incident of harassment or discrimination;</td>
</tr>
<tr>
<td></td>
<td>• the complaint is determined to be trivial, frivolous, vexatious or made in bad faith;</td>
</tr>
<tr>
<td></td>
<td>• the actions complained of have also been the subject of criminal charges;</td>
</tr>
<tr>
<td></td>
<td>• the action(s) complained of do not fall within the definitions of Harassment and Discrimination or personal harassment as defined in the Harassment and Discrimination</td>
</tr>
</tbody>
</table>

---

Supersedes: Resolving Harassment & Discrimination Issues Procedure (Approved by CMT: April 7, 2005)
### Procedure for Resolving Harassment & Discrimination Issues

#### 2. Complaint Informal Resolution Phase

- **Prevention Policy and the Personal Harassment Prevention Policy;**
  - the individual making the complaint is not adversely affected;
  - an adequate remedy already exists;
  - the issue is most appropriately addressed by another area of the organization;
  - another complaint avenue has been pursued (such as grievance process or Human Rights Tribunal of Ontario);
  - having regard to all the circumstances, further investigation of the matter is deemed unnecessary.

Wherever possible and appropriate, the Human Rights Specialist will attempt to facilitate an informal resolution of complaints under the Harassment and Discrimination Prevention Policy and the Personal Harassment Prevention Policy, before a formal investigation. 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. The Human Rights Specialist may refuse to take action on any **Personal Harassment** complaint where the Complainant refuses to participate in informal resolution.

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.

Some examples of informal resolution include:

- **Education/Training** - 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;
- **Involving Manager/Supervisor** - informing a Supervisor of
**Procedure for Resolving Harassment & Discrimination Issues**

<table>
<thead>
<tr>
<th>Complaint Investigation Phase</th>
</tr>
</thead>
<tbody>
<tr>
<td>concerns and developing a management plan to ensure a respectful and supportive workplace;</td>
</tr>
<tr>
<td>• <strong>Changing work responsibilities</strong> - to minimize contact between the Complainant and Respondent where operationally feasible;</td>
</tr>
<tr>
<td>• <strong>Alternative Dispute Resolution</strong> – 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 &quot;without prejudice&quot; 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 his/her 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 but 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.</td>
</tr>
</tbody>
</table>

3. 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.

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.

In general, the Human Rights Specialist will conduct investigations. Supervisors or Managers may conduct an investigation only at the discretion of the Human Rights Specialist, and must receive authorization from the Human Rights Specialist.
### Procedure for Resolving Harassment & Discrimination Issues

Specialist prior to doing so.

Investigations may also be undertaken by an external investigator engaged by the City. Any investigation of a complaint made against a member of Council, against staff reporting to a member of Council, or against Senior Management will be carried out by an external investigator.

A Complainant cannot be compelled to proceed with a complaint. Under some circumstances, the City of Hamilton may be obligated to proceed with an investigation in the absence of a formal written complaint if the allegation or allegations constitute a serious violation of the Harassment and Discrimination Prevention Policy or Personal Harassment Prevention Policy, or are criminal in nature. 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.

The investigator will notify the Executive Director, Human Resources once a written complaint has been received. 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.

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.
**Procedure for Resolving Harassment & Discrimination Issues**

<table>
<thead>
<tr>
<th><strong>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.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Any Employee (including Manager or Supervisor) interviewed by the investigator is entitled to be accompanied by one other person of his/her choice, as a support person. The 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 regards to the ongoing investigation. Unionized Employees may be represented by their respective unions. Employees are also encouraged to utilize the City’s Employee Assistance Program for additional support or Lifespeak resources available on the City’s e-Net.</strong></td>
</tr>
<tr>
<td><strong>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. If necessary, statements from the Respondent(s) are disclosed back to the Complainant(s).</strong></td>
</tr>
<tr>
<td><strong>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 Specialist. In certain circumstances the Human Rights Specialist may determine that a witness/witnesses will not be interviewed. At the end of each interview, Complainants, Respondents and witnesses will be asked to review the notes describing the interview and initial them to indicate accuracy. The investigator has the authority to access documents relevant to the complaint.</strong></td>
</tr>
<tr>
<td><strong>The investigator will consider all the evidence gathered and decide whether or not there has been a violation of policy using the standard of proof called the “balance of probabilities”.</strong></td>
</tr>
<tr>
<td><strong>Once the investigation is complete, the investigator will forward a report of the findings to the Executive Director, Human</strong></td>
</tr>
</tbody>
</table>
### Procedure for Resolving Harassment & Discrimination Issues

<table>
<thead>
<tr>
<th>4. Complaint Investigation Findings Phase</th>
<th>Resources, who will make recommendations based on the findings to the General Manager or designate of the affected department.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The General Manager of the affected department will forward to the Human Rights Specialist, within ten working days after receiving the recommendations, a letter stating the action taken or to be taken in response to the findings of the investigation.</td>
</tr>
<tr>
<td></td>
<td>The Complainant(s) and Respondent(s) will be given a written summary of the findings resulting from the investigation. Any Employee who is found to have violated the City's policies prohibiting harassment and discrimination may be disciplined according to the severity of the actions, up to and including termination of employment. Such disciplinary action shall be determined in consultation with Employee and Labour Relations, Human Resources.</td>
</tr>
<tr>
<td></td>
<td>Note: Any of the above steps may be altered when investigations are in response to a Human Rights Tribunal Application.</td>
</tr>
<tr>
<td></td>
<td>In addition to the steps under “Complaint Procedures” the following applies to complaints from Employees, Consultants, Volunteers, Students and Interns against elected officials of the City of Hamilton:</td>
</tr>
<tr>
<td></td>
<td>☑️ 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.</td>
</tr>
<tr>
<td></td>
<td>☑️ The Employee may bring the matter to the attention of the Human Rights Specialist, the General Manager of his/her department or his/her Supervisor, Manager or Director. The Supervisor, Manager or Director shall immediately inform the General Manager of the department of the complaint.</td>
</tr>
<tr>
<td></td>
<td>☑️ Employees of the City of Hamilton shall not conduct the</td>
</tr>
</tbody>
</table>
Procedure for Resolving Harassment & Discrimination Issues

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 Human Rights Investigator shall follow the Procedures as outlined for the Human Rights Specialist under Complaint Procedures, including wherever possible and appropriate, pursuing informal resolution.

- Should an investigation be warranted, the 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 Integrity Commissioner By-law.

- If the findings of the Investigation substantiate in whole or in part that the elected official violated any City policy on harassment and discrimination, the Integrity Commissioner shall determine an appropriate sanction and report accordingly to the General Issues Committee.

- 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).
### Procedure for Resolving Harassment & Discrimination Issues

<table>
<thead>
<tr>
<th>COMPLAINTS AGAINST STAFF OF ELECTED OFFICIALS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>- The Integrity Commissioner shall provide a written summary of the findings resulting from the complaint, including a written summary of the findings of the third party investigation, if any, to the Complainant(s) and Respondent(s).</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>In addition to the steps under “Complaint Procedures” the following applies to complaints from Employees, Consultants, Volunteers, Students and Interns against staff of elected officials of the City of Hamilton:</td>
<td></td>
</tr>
<tr>
<td>- The Employee may bring the matter to the attention of the Human Rights Specialist, the General Manager of his/her department or his/her Supervisor, Manager or Director. The Supervisor, Manager or Director shall immediately inform the General Manager of the department of the complaint.</td>
<td></td>
</tr>
<tr>
<td>➔ 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.</td>
<td></td>
</tr>
<tr>
<td>- Employees of the City of Hamilton shall not conduct the investigation of any complaint against staff who report to an elected official. The Executive Director of Human Resources shall retain a third party Human Rights Investigator.</td>
<td></td>
</tr>
<tr>
<td>- The Human Rights Investigator shall follow the Procedures as outlined for the Human Rights Specialist under Complaint Procedures, including wherever possible and appropriate, pursuing informal resolution.</td>
<td></td>
</tr>
<tr>
<td>- Should an investigation be warranted, the Human Rights Investigator will gather and examine the facts relating to the complaint and make the findings and recommendations to the Executive Director, Human Resources and the City Manager.</td>
<td></td>
</tr>
</tbody>
</table>


**Procedure for Resolving Harassment & Discrimination Issues**

<table>
<thead>
<tr>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>If the findings of the Investigation substantiate in whole or in part that the staff of the elected official violated any City policy on harassment and discrimination, the City Manager shall report the findings and recommendations to the General Issues Committee. The General Issues Committee will determine the appropriate action, up to and including termination of employment, which will then be reported to City Council for ratification.</td>
</tr>
</tbody>
</table>

**COMPLAINTS AGAINST CITY MANAGER**

In addition to the steps outlined under “Complaint Procedures”, the following applies to complaints from employees against the City Manager:

- The employee may bring the matter to the attention of the Human Rights Specialist, the General Manager of his/her department or his/her supervisor, manager or director. The supervisor, manager or director shall immediately inform his/her General Manager of the complaint.

- 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 his/her findings and recommendations for action to the Mayor and to the General Issues Committee. The Mayor and the General Issues Committee shall provide City Council with a report.
**Procedure for Resolving Harassment & Discrimination Issues**

<table>
<thead>
<tr>
<th>COMPLAINTS AGAINST GENERAL MANAGERS</th>
<th>summarizing the findings and recommendations for appropriate action.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>o 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.</td>
</tr>
<tr>
<td></td>
<td>o 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).</td>
</tr>
</tbody>
</table>

In addition to the steps outlined under “Complaint Procedures”, the following applies to complaints from employees against a General Manager:

- o The Employee may bring the matter to the attention of the Human Rights Specialist, or his or her Supervisor, Manager or 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.

- o 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.

- o The external investigator shall report his/her findings and recommendations for action to the City Manager who will determine the appropriate action.

- o 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
Procedure for Resolving Harassment & Discrimination Issues

HARASSMENT ALLEGATIONS INVOLVING MEMBERS OF THE PUBLIC

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.

External Investigator

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 Harassment Prevention Policy, the Complaint Procedures relating to those policies and any relevant law. The external investigator may, in his or her discretion, 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.

Confidentiality

All information about complaints is confidential. 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 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.

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 Municipal Freedom of Information and Protection of Privacy Act and may be subject to disclosure under the Act, or to a court of law.
**Procedure for Resolving Harassment & Discrimination Issues**

**Requests for Review**

Either the Complainant(s) and/or the Respondent(s) may make a Request for Review of the findings of the investigation if he or she has new and relevant information that was not previously available or has 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.

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 will make a final decision on the final disposition of the review.

**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 without termination pay/severance.
### RELATED DOCUMENTS

The following related documents are referenced in this Procedure:

- *Personal Harassment Prevention Policy*
- *Harassment and Discrimination Prevention Policy*
- *Violence in the Workplace Prevention Policy*
- *Integrity Commissioner By-law*
- *Occupational Health and Safety Act*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Ontario Human Rights Code*

**Contact:** For more information on this Procedure contact a Human Rights Specialist in Human Resources, City Manager’s Office.

### HISTORY

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.

The Corporate Policy Review Group, Legal Services, and an Employment Lawyer specializing in Human Rights, were consulted in the revisions made to this Procedure.

This Procedure was reviewed by Senior Management Team 2013-06-28, updated 2013-10-18, and approved by SMT 2013-10-24.

Approved by Council of the City of Hamilton 2014-MM-DD.
VIOLENCE IN THE WORKPLACE PREVENTION POLICY
(In accordance with the Occupational Health & Safety Act)

POLICY STATEMENT
The City of Hamilton is committed to providing a respectful, supportive, healthy, safe, accessible and inclusive work environment for all employees, as they are entitled to work in an environment free from Workplace Violence. The City upholds a zero tolerance to acts of Workplace Violence. The City is also committed to providing a safe and respectful environment for all those who enter its facilities and access its services.

PURPOSE
The City will be proactive in working with its employees to prevent violence in the Workplace by establishing and implementing a comprehensive Workplace Violence prevention program to fulfill the requirements of relevant legislation including the:

- Occupational Health and Safety Act
- Criminal Code of Canada
- Ontario Human Rights Code
- Workplace Safety and Insurance Act

This policy defines Workplace Violence (violence) and identifies the responsibilities of Employees and Management. It identifies behaviours that constitute violence and identifies the process for reporting and resolving incidents of violence.

SCOPE
This policy applies to all Employees of the City of Hamilton which includes but is not limited to regular, temporary and contract employees. This policy also applies to volunteers, students and interns. For the purpose of this policy, collectively these classifications will be called “Employees”. This policy also applies to elected officials.

Members of the general public, visitors to City facilities, individuals conducting business with the City of Hamilton and employees of contractors or other organizations providing services to the City are expected to refrain from violence towards employees.

This policy does not apply to Workplace Harassment. Refer to the Harassment and Discrimination Prevention Policy and Personal Harassment Prevention Policy in response to incidences of Workplace Harassment.
<table>
<thead>
<tr>
<th>Corporate Human Resources Policy</th>
<th>Content Updated: 2013-10-18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health, Safety &amp; Wellness</td>
<td>Supersedes Policy:</td>
</tr>
<tr>
<td>Violence in the Workplace Prevention Policy</td>
<td>Violence in the Workplace Prevention Policy (Appendix A, Code of Conduct) dated November 17, 2005</td>
</tr>
<tr>
<td>Policy No: HR-63-13</td>
<td>Approval: 2014-MM-DD</td>
</tr>
<tr>
<td>Page 2 of 8</td>
<td></td>
</tr>
</tbody>
</table>

**PRINCIPLES**

The City prohibits violence in any Workplace, or at any work related and/or staff function, or in any other work-related circumstances.

The City will make every effort to ensure an appropriate level of privacy and confidentiality in circumstances where an incident of Workplace Violence has occurred or when a victim comes forward requesting assistance from the Employer. Private information will only be shared as required to comply with the law.

**DEFINITIONS**

**Domestic Violence**

The exercise, attempt or threat of physical force by a person who has a personal relationship with an Employee such as a spouse or former spouse, current or former intimate partner or a family member that may be directed towards an Employee or Employee(s) at the Workplace.

**Employer**

In accordance with the *Occupational Health & Safety Act*, 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.

**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, Superintendents, Supervisors, Team Leaders, Project Managers and Forepersons.

**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, parking lot, road, park). A workplace also includes any work-related function or circumstances.
<table>
<thead>
<tr>
<th><strong>Corporate Human Resources Policy</strong></th>
<th><strong>Content Updated:</strong> 2013-10-18</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Health, Safety &amp; Wellness</strong></td>
<td><strong>Supersedes Policy:</strong></td>
</tr>
<tr>
<td><strong>Violence in the Workplace Prevention Policy</strong></td>
<td><strong>Violence in the Workplace Prevention Policy (Appendix A, Code of Conduct) dated November 17, 2005</strong></td>
</tr>
<tr>
<td><strong>Policy No:</strong> HR-63-13</td>
<td><strong>Approval:</strong> 2014-MM-DD</td>
</tr>
<tr>
<td><strong>Page 3 of 8</strong></td>
<td></td>
</tr>
</tbody>
</table>

### Workplace Violence

Engaging in a course of vexatious comment or conduct against an employee in the Workplace that is known or ought reasonably to be known to be unwelcome.

Includes any and/or all of the following actions:

- the exercise of physical force by a person against an employee, in a Workplace, that causes or could cause physical injury to the employee
- an attempt to exercise physical force by a person against an employee, in a Workplace, that causes or could cause physical injury to the employee
- a statement or behavior that is reasonable for an employee to interpret as a threat to exercise physical force against the employee, in a Workplace, that could cause physical injury to the employee.

### RESPONSIBILITIES

**Employer (Management)**

- Develop a Workplace Violence prevention program, in consultation with Joint Health and Safety Committees (JHSCs) that includes measures and procedures to identify, eliminate or minimize risks that are likely to expose an employee to violence in the Workplace. This includes conducting regular risk assessments, implementing control measures specific to the various Workplaces across the City, and providing instruction and information to employees on violence prevention in the Workplace.

- Ensure that measures and procedures in Workplace Violence prevention program is carried out and hold Management accountable for responding to and resolving complaints of violence.

- Ensure information and instruction on the content of a Workplace Violence prevention program is shared with all employees.

- Take every precaution reasonable in the circumstances for the protection of the employee if the employer becomes aware, or ought reasonably to become aware, that Domestic Violence would likely expose an employee to physical injury in the Workplace.
**Managers and Supervisors**

- Develop a reporting process for incidents of Workplace Violence.
- Investigate all incidents, complaints or reports of Workplace Violence in a prompt, objective and sensitive way in accordance with the Violence in the Workplace Prevention Procedure. Monitor trends and take corrective action.
- Create an environment that encourages victims of violence and witnesses to report all incidents of violence.
- Ensure the Violence in the Workplace Prevention Policy and other associated policies are reviewed on an annual basis in consultation with Joint Health & Safety Committees.
- Subject to any limitations and/or disclosure requirements of the *Municipal Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Protection Act*, provide information to employees, including personal information, related to risk of Workplace Violence from a person with a history of violent behavior, if,
  - a) the employee can be expected to encounter the person in the course of his/her work, and
  - b) the risk of Workplace Violence is likely to expose the employee to physical injury
- Ensure that Workplace Violence is not tolerated, ignored or condoned.
- Assess the risk of Workplace Violence.
- Provide instruction and education on violence prevention programs including emergency response measures to take regarding violent incidents.
- Ensure measures and procedures are in place in the Workplace for summoning assistance if Workplace Violence is occurring or is likely to occur.
- Ensure this policy and associated procedures are reviewed with all employees annually and posted in the Workplace in conspicuous locations.
- Investigate Workplace Violence in accordance with accident investigation procedures and contact Ministry of Labour and Police as required. Ensure measures are taken to correct the situation and safeguard employees.
Corporate Human Resources Policy
Health, Safety & Wellness
Violence in the Workplace Prevention Policy

Policy No: HR-63-13
Page 5 of 8

Employees

- Document reports of Workplace Violence, hazards and measures taken to address them.
- Consult Human Resources for support concerning options to resolve incidents.
- Discipline those employees, in consultation with Human Resources, found to have violated this policy. Reporting of Workplace Violence or risk of violence made in good faith cannot be used as the basis of reprisal against the reporting Employee.
- Provide employees who have been directly or indirectly involved in violent incidents with appropriate supports, e.g., First Aid, medical assistance, debriefing by a skilled professional through Employee and Family Assistance Program (EFAP), and support through Critical Incident Peer Support (CIPS) Team.

- Refrain from threatening violence or engaging in any violent behaviour in the Workplace, at any work related functions, or in any other work-related circumstances.
- Immediately report all incidents or injuries arising from Workplace Violence to Supervisors or directly to Human Resources.
- Participate in information updates and instruction concerning violence in the Workplace.
- Be aware of the impact of professional obligations and legislation on the right to refuse unsafe work based on Workplace Violence.
- Understand and comply with all Workplace Violence policies and procedures.
- Report violent criminal acts, or suspected violent criminal acts, to the Police and notify Human Resources.
- Co-operate fully in any investigation of a violent incident.
- Contribute to Workplace Violence risk control measures and risk assessments.
- Participate in the review of the Workplace Violence Prevention Program.
- Seek support through Management, JHSC, Union (if applicable)
### Corporate Human Resources Policy

**Health, Safety & Wellness**  
**Violence in the Workplace Prevention Policy**

**Policy No:** HR-63-13  
**Page 6 of 8**

**Approval:** 2014-MM-DD

**Content Updated:** 2013-10-18

**Supersedes Policy:**  
Violence in the Workplace Prevention Policy (Appendix A, Code of Conduct) dated November 17, 2005

---

<table>
<thead>
<tr>
<th>Joint H&amp;S Committee</th>
<th>Human Resources</th>
<th>COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>o Make recommendations to the Employer regarding the development, review and implementation of a Workplace Violence prevention program.</td>
<td>o Monitor legislative requirements, leading practices and standards related to Workplace Violence.</td>
<td>Any employee who is found to have violated this Violence in the Workplace 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.</td>
</tr>
<tr>
<td>o Review the Violence in the Workplace Prevention Policy annually.</td>
<td>o Develop assessment tools, information packages and training programs.</td>
<td>Any form of retaliation against Employees exercising their rights under this policy will be considered a serious violation of this policy and will not be tolerated. Such retaliatory actions may be subject</td>
</tr>
<tr>
<td>o Monitor trends associated with incidents or injuries as a result of Workplace Violence and recommend appropriate controls.</td>
<td>o Assist in investigations of Workplace Violence.</td>
<td></td>
</tr>
</tbody>
</table>
Any Employee found to have lodged or otherwise supported a false accusation will be subject to appropriate disciplinary action up to and including termination of employment with cause and without termination pay/severance. Such terminations will be communicated to the City Manager and Council.

**EXAMPLES OF WORKPLACE VIOLENCE**

Examples of behaviours that constitute Workplace Violence behaviours include, but are not limited to, the following:

- Verbally threatening to attack an employee
- Leaving threatening emails or notes referencing physical force against the Employee
- Shaking a fist in an Employee’s face
- Hitting or trying to hit an Employee
- Throwing an object at an Employee
- Sexual abuse against an Employee
- Making threatening calls to an Employee
- Trying to run down an Employee using a vehicle or equipment such as a forklift
- Wielding a weapon at work

**RELATED DOCUMENTS**

- *Violence in the Workplace Prevention Procedure - COH-RQ-WI-005*
- *Personal Harassment Prevention Policy*
- *Harassment and Discrimination Prevention Policy*
- *Resolving Harassment and Discrimination Issues Procedure*
- *Accident Reporting Guideline COH-RQ-GD-018*

**HISTORY**

This policy replaces the former policy named Violence in the Workplace Prevention Policy (Appendix A, Code of Conduct) dated Nov. 17/05.

The Occupational Health and Safety Advisory Committee and Policy Review Group were consulted in the creation of this Policy.

This policy was reviewed by Senior Management Team 2013-06-
<table>
<thead>
<tr>
<th>Corporate Human Resources Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health, Safety &amp; Wellness</td>
</tr>
<tr>
<td>Violence in the Workplace Prevention Policy</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policy No: HR-63-13</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Page 8 of 8</th>
</tr>
</thead>
</table>

Supersedes Policy: Violence in the Workplace Prevention Policy (Appendix A, Code of Conduct) dated November 17, 2005

Content Updated: 2013-10-18

Approval: 2014-MM-DD

27, updated 2013-10-18 and approved 2013-10-24

Approved by Council of the City of Hamilton 2014-MM-DD
# OBSERVATIONS OF EXISTING SYSTEM

<table>
<thead>
<tr>
<th>#</th>
<th>OBSERVATIONS OF EXISTING SYSTEM</th>
<th>RECOMMENDATION FOR STRENGTHENING SYSTEM</th>
<th>MANAGEMENT ACTION PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Extra Work and Change Orders</td>
<td>That the status of funding sources and expenditures for individual projects be disclosed in regular Council reporting along with reasons for the completed project surplus or deficit and details of extra work and/or change orders.</td>
<td>Agreed. Contract Status is reported to standing committees on a regular basis. This disclosure will be added to that reporting. To start with the June 2014 reporting cycle.</td>
</tr>
<tr>
<td></td>
<td>The construction contracts agreed to between the City and the contractor specify the work to be performed at specific geographic locations. Similarly, a formal purchase order is also created between the contractor and the City specifying the same geographic location where the work is to be performed.</td>
<td>That the City’s Procurement Policy requiring both a purchase order and the written legal agreement for construction contracts of $100,000 or greater be adhered to when assigning extra work and/or change orders to contractors.</td>
<td>Agreed. Extra work, when paid from the contingency fund of the contract, is covered under the terms of the existing contract and agreement. Work authorized under the Procurement Policy 11 and paid for under an existing purchase order and/or contract is also compliant with the Policy. Policy 7 and Policy 11 requirements will be strictly enforced.</td>
</tr>
<tr>
<td></td>
<td>Both construction contracts reviewed included extra work and/or change orders, some of which were necessary to accommodate work by the same contractor but carried out at a different location than that stipulated in the original contract and corresponding purchase order.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>For one of the two projects reviewed, the value of the work at the different location totaled $285,000. This represented approximately 11% of the value of the total work performed under that Purchase Order. As the work at this different location exceeded $100,000 and there was neither a separate purchase order nor a written legal agreement for this work, the project violated the City’s Procurement Policy #7. The inclusion of work not related to the original contract in these projects’ costs results in inaccurate contract costing and reporting as well as making further analysis time consuming.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Contract Administration

The materials used and the work performed by the contractor are tracked each day by the Inspector using a journal. At the end of each month, the amounts in the journals are summarized and submitted by the Inspector to the Project Manager. The volume of the work tracked is used to calculate the progress payment remitted to the contractor for the work performed.

A comparison of the Inspectors’ journals with the total progress payments indicated that, at the completion of the project, the contractor was paid only for the work performed and the materials used. However, for the first two progress payments of one of the contracts reviewed, the contractor was pre-paid for work before it was recorded by the Inspector. Such pre-payment for work and materials is not a good practice as it removes the urgency of completing the work in a timely manner by the contractor. It also places the City’s funds at risk should the contractor meet with financial or performance difficulties.

<table>
<thead>
<tr>
<th>#</th>
<th>OBSERVATIONS OF EXISTING SYSTEM</th>
<th>RECOMMENDATION FOR STRENGTHENING SYSTEM</th>
<th>MANAGEMENT ACTION PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Contract Administration</td>
<td>That progress payment quantities agree with quantities as noted in the Inspectors’ diaries on a payment-to-payment basis in order to ensure the contractor is only paid for completed work.</td>
<td>Agreed. It is current practice that the payment certificate quantities are based on Inspector diary measurement notations. There may be instances where there is a minor variance between certificate payment quantities and Inspectors’ notes. These minor temporary variances are a function of pending work and rationalization of available resources. All final quantities are subject to multiple levels of review and work flow scrutiny.</td>
</tr>
<tr>
<td>#</td>
<td>OBSERVATIONS OF EXISTING SYSTEM</td>
<td>RECOMMENDATION FOR STRENGTHENING SYSTEM</td>
<td>MANAGEMENT ACTION PLAN</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------</td>
<td>---------------------------------------</td>
<td>-----------------------</td>
</tr>
</tbody>
</table>
| 3. | Procedures  
Management in Construction Services has no written formal procedures to guide its staff in the identification, tracking and correction of contract deficiencies during the warranty period.  
When written procedures do not exist, staff carrying out the process rely on personal understanding and experience which could result in incorrect, incomplete or inconsistent application. It would also be problematic and inefficient for a successor to commence his/her duties within a short period of time. | That comprehensive procedures for the identification, tracking and correction of contract deficiencies during the warranty period be written, approved by management and implemented by staff in the Construction Services section. | Agreed. Construction Services will formalize and document existing policies and procedures with respect to warranty period issues. |
CITY OF HAMILTON  
INTERNAL AUDIT REPORT 2013-12  
PUBLIC WORKS – FOOD SERVICES (GOLF COURSES)

<table>
<thead>
<tr>
<th>#</th>
<th>OBSERVATIONS OF EXISTING SYSTEM</th>
<th>RECOMMENDATION FOR STRENGTHENING SYSTEM</th>
<th>MANAGEMENT ACTION PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Procedures</td>
<td>That management develop, approve and implement cash handling and inventory management procedures. The procedures should be reviewed annually by management and bear evidence of such review (sign-off).</td>
<td>Agreed. There is an older Cash Handling Procedures document from when Golf was part of Recreation. The Cash Handling policy is currently being revised at the corporate level. Once completed, the policy will be adopted by the golf course management. Golf course management will also develop inventory management procedures and will review them yearly for any necessary changes. The expected completion date is mid 2014.</td>
</tr>
</tbody>
</table>
### 2. Timely Deposit of Funds

Daily deposits of cash and cheques from revenues collected are retained in the safe at the golf courses until deposited at the bank. A review of deposits from June 2013 identified:

- Average deposits of $9,400, including four days sales at King's Forest;
- Average deposits of $7,500 including five days sales at Chedoke; and
- Two instances at King's Forest of daily deposits exceeding $10,000 and taking six days to be deposited in the City's bank account.

Cash kept on site for long periods before being deposited in the bank provides the opportunity for misappropriation, lapping or theft of funds.

In addition, at Chedoke, deposit slips were not used in sequential order. When deposit slips are not used in sequence, there is no ready confirmation that all deposits have been accounted for and the time spent accounting for missing or outstanding deposits increases.

<table>
<thead>
<tr>
<th>#</th>
<th>OBSERVATIONS OF EXISTING SYSTEM</th>
<th>RECOMMENDATION FOR STRENGTHENING SYSTEM</th>
<th>MANAGEMENT ACTION PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Timely Deposit of Funds</td>
<td>That time or dollar value thresholds for accumulated cash receipts that will trigger a deposit be developed and stated in the written procedures.</td>
<td>Agreed. The normal days to do deposits have always been on Monday and Friday. Wednesday will be added as a third deposit day in order to reduce the amount of cash on hand at any one time. It will begin January 1, 2014.</td>
</tr>
</tbody>
</table>
|    | Daily deposits of cash and cheques from revenues collected are retained in the safe at the golf courses until deposited at the bank. A review of deposits from June 2013 identified:  
  - Average deposits of $9,400, including four days sales at King’s Forest;  
  - Average deposits of $7,500 including five days sales at Chedoke; and  
  - Two instances at King’s Forest of daily deposits exceeding $10,000 and taking six days to be deposited in the City’s bank account.  
  Cash kept on site for long periods before being deposited in the bank provides the opportunity for misappropriation, lapping or theft of funds.  
  In addition, at Chedoke, deposit slips were not used in sequential order. When deposit slips are not used in sequence, there is no ready confirmation that all deposits have been accounted for and the time spent accounting for missing or outstanding deposits increases. | That deposit slips are used in sequential order. | Agreed. Deposits slips will be watched to make sure the next deposit book selected is in the correct order. It will begin January 1, 2014. |
<table>
<thead>
<tr>
<th>#</th>
<th>OBSERVATIONS OF EXISTING SYSTEM</th>
<th>RECOMMENDATION FOR STRENGTHENING SYSTEM</th>
<th>MANAGEMENT ACTION PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td><strong>Safeguarding Cash</strong>&lt;br&gt;The Clubhouse Supervisor and two Servers at Chedoke have access to the top portion of the safe. In addition to the extra change float to which the Servers require access when the Clubhouse Supervisor is not present, the revenues awaiting deposit and the petty cash are also stored in the top portion of the safe. When unnecessary staff have access to reconciled revenues awaiting deposit or petty cash funds, the risk of misappropriation is increased.</td>
<td>That the extra change float be kept in a locked box in the bottom portion of the safe. Access to revenues awaiting deposit and petty cash should be restricted to the Clubhouse Supervisor.</td>
<td>Agreed. To be implemented beginning January 1, 2014.</td>
</tr>
<tr>
<td>4.</td>
<td><strong>Void / Refund Documentation</strong>&lt;br&gt;Refund and void transactions are not being reviewed by management. No reason is provided by staff who enter void and refund transactions. The risk of fictitious refunds or voids is increased as there is no documentation to support the transaction. An opportunity exists to process a void or refund for cash to offset misappropriated funds.</td>
<td>That management develop, approve and implement a refund policy. All voids and refund transactions should be supported with adequate documentation and reasons and approved by the Clubhouse Supervisor.</td>
<td>Agreed. Refunds are minimal in golf operations ($165 during the 2013 test period at King's Forest). Tighter controls will be implemented by requiring staff to include a copy of the refund in the deposit envelope along with a reason for the refund. These will be attached to the copy of the Pay Type Summary and reviewed when the daily balancing is completed by the supervisor. To be completed by March 1, 2014.</td>
</tr>
<tr>
<td>#</td>
<td>OBSERVATIONS OF EXISTING SYSTEM</td>
<td>RECOMMENDATION FOR STRENGTHENING SYSTEM</td>
<td>MANAGEMENT ACTION PLAN</td>
</tr>
<tr>
<td>----</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>5.</td>
<td>Records Retention / Review – Cash and Revenues</td>
<td>That management maintain adequate records to support the cash and revenue reconciliations processes and ensure adequate evidence of review on reconciliation documentation.</td>
<td>Agreed. Currently, daily car and HW inventory sheets are retained for a month until it is known that the FA has balanced the deposits. They will now be retained for the entire year.</td>
</tr>
<tr>
<td></td>
<td>Documents used by staff to record and reconcile cash and revenues are not consistently retained or signed off by management. The following documents are not consistently retained and it could not be determined if they were signed off by staff and reviewed by management:</td>
<td></td>
<td>Deposit envelopes, which are used by the supervisor to verify the deposit, will also be kept for a period of one year. This will begin March 1, 2014.</td>
</tr>
<tr>
<td></td>
<td>- Daily Cash Envelopes</td>
<td></td>
<td>The Pay Type Summary Report is completed after the fact by the Supervisor in order to balance the day’s sales which is evidence of review. At that time, the completed and initialed deposit slip is attached to the summary. Moving forward, the Pay Type Summary Report will also be initialed. This report is sent downtown to the FA. This report is run after the day being reviewed and cannot be altered in any way. Management does review the Pay Type Summary on a daily basis.</td>
</tr>
<tr>
<td></td>
<td>- Beverage Cart Daily Inventory Control Sheets</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- HW (Halfway House) Daily Inventory Control Sheets</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>In addition, the Pay-Type Summary Report does not bear evidence of management review of cash and revenues reconciliation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Audit Services could not fully test the accuracy and completeness of cash and revenues as supporting documentation was not available. Without proper supporting records and sign-off, there is no adequate evidence of management review of key cash and revenue reconciliations for accuracy and completeness.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Observations of Existing System

<table>
<thead>
<tr>
<th>#</th>
<th>OBSERVATIONS OF EXISTING SYSTEM</th>
<th>RECOMMENDATION FOR STRENGTHENING SYSTEM</th>
<th>MANAGEMENT ACTION PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.</td>
<td>Alcohol Purchasing</td>
<td>That Food Services’ alcohol inventory purchases comply with the City of Hamilton’s procurement policies, including using approved vendors.</td>
<td>Agreed. This has been addressed by a PO system put in place this year for the first time ever in golf operations where purchases are tracked within the business unit.</td>
</tr>
<tr>
<td></td>
<td>Three alcohol inventory purchases were identified as violations to the City of Hamilton’s Procurement Policy By-Law No. 12-155 as they were made through unauthorized vendors.</td>
<td>That alcohol inventory purchases be tracked to ensure they are within authorized limits on the purchase order.</td>
<td>Agreed. The FA will deplete all POs as purchases are made in order to ensure purchases are within the POs’ limits. To be completed by March 1, 2014.</td>
</tr>
<tr>
<td></td>
<td>In addition, alcohol inventory purchases are not tracked and amounts are not applied against the purchase order in PeopleSoft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Without proper tracking of alcohol inventory purchases, the risk of inventory ordered in excess of authorized PO limits is increased.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### OBSERVATIONS OF EXISTING SYSTEM

<table>
<thead>
<tr>
<th>#</th>
<th>Inventory Reconciliation</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>The City’s golf courses currently use Jencess to process sales of various food and beverage inventory items. Golf course inventory is being counted regularly for reordering purposes but is not reconciled against usage. Audit Services prepared a reconciliation of beer inventory from April 1 – September 29, 2013 at Chedoke Golf Course. Sales in Jencess were higher than expected by 387 premium cans and lower than expected by 407 domestic cans. This was explained as a result of Servers incorrectly selling a domestic brand but recording it as premium in error. This error went undetected as inventory reconciliations were not performed. Records of counts are not consistently retained and individual items are not always counted (i.e. beer is counted by the case at King’s Forest) making inventory reconciliations of other items not possible. Counts are not signed off by staff performing them to provide accountability. The City’s risk of misappropriation of inventory going undetected increases when inventory is not reconciled to usage. The completeness and accuracy of inventory counts cannot be confirmed and variances are not investigated.</td>
</tr>
</tbody>
</table>
## OBSERVATIONS OF EXISTING SYSTEM

<table>
<thead>
<tr>
<th>#</th>
<th>Observations of Existing System</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.</td>
<td>Jencess Inventory Reconciliation</td>
</tr>
<tr>
<td></td>
<td>The Jencess System used at the City’s golf courses to process transactions is not being fully utilized. This system has the ability to track single sale inventory items (i.e. canned beer, chips, pop) and provide on hand totals to be used in performing inventory counts.</td>
</tr>
<tr>
<td></td>
<td>In addition to Jencess sales not being reconciled to amounts used (as noted in #7), inventory received is not entered into Jencess. Without fully utilizing the Jencess system, it cannot be used to monitor inventory and review items quickly to determine if reordering is required instead of performing a full count. Utilizing capabilities in Jencess will also make the inventory counts and reconciliation processes more efficient.</td>
</tr>
<tr>
<td></td>
<td>Bulk inventory (i.e. draft beer, liquor, various ingredients in restaurant meals – chicken, French fries) cannot be reconciled in Jencess. These items are not being reconciled against usage increasing the risk of misappropriation of inventory going undetected</td>
</tr>
</tbody>
</table>

## RECOMMENDATION FOR STRENGTHENING SYSTEM

<table>
<thead>
<tr>
<th>#</th>
<th>Recommendation for Strengthening System</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.</td>
<td>That all single sale inventory items be recorded in Jencess upon receipt. Inventory counts should be compared to Jencess and variances and waste adjusted regularly in Jencess by the Clubhouse Supervisor.</td>
</tr>
<tr>
<td></td>
<td>That a sample of higher value bulk inventory items be reviewed and documented regularly to determine that bulk inventory usage is plausible and in line with yield expectations.</td>
</tr>
</tbody>
</table>

## MANAGEMENT ACTION PLAN

<table>
<thead>
<tr>
<th>#</th>
<th>Management Action Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.</td>
<td>Agreed. All single sale items are already in the Jencess system but the system has not been utilized as a perpetual inventory system, (its PO System). Instead, the system has been allowed to count the quantities sold and these amounts have been used to compare against the purchases in order to ensure our margins within an acceptable tolerance. Moving forward, all purchases of pre-packaged supplies will be input into Jencess for single sale items which will allow management to see, at any given time, what on hand inventories should be when physical counts are conducted. The on hand inventory will be adjusted for items, like waste, as required. To be completed by March 1, 2014.</td>
</tr>
<tr>
<td></td>
<td>Agreed. A sample of higher value bulk inventory items will be reviewed and documented regularly to determine that bulk inventory usage is plausible and in line with yield expectations which will be determined in the inventory management procedures being developed in #1. To be completed by March 1, 2014.</td>
</tr>
<tr>
<td>#</td>
<td>OBSERVATIONS OF EXISTING SYSTEM</td>
</tr>
<tr>
<td>---</td>
<td>------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>9</td>
<td>Clubhouse Waste Sheets at King’s Forest require a reason for the waste to be provided. However, they are not consistently signed by staff incurring the waste. No reasons were provided for waste from the food and beverage carts at King’s Forest and Chedoke and no documentation was available for review from the halfway house at Chedoke.</td>
</tr>
</tbody>
</table>

For waste sheets that were available, there was no evidence that they had been reviewed or that significant waste had been authorization by management. For example, at Chedoke 49 domestic beer cans were indicated as moldy and disposed of without evidence of authorization.

When all inventory waste is not adequately tracked or reviewed, efforts cannot be made to identify and minimize waste. Without management monitoring and authorizing unusual or significant instances, recording of variances as waste can mask misappropriation of inventory items.

That management develop guidelines for when management authorization and signoff is required for significant waste.

Agreed. A second signature line will be added for waste sheets to be signed at the time of the waste by another present staff person. Any amounts over $20 will require that the Supervisor be notified. To be completed by March 1, 2014.

That inventory waste be regularly monitored by the Clubhouse Supervisor.

Agreed. The Supervisor will regularly check waste sheets and initial them as proof that they were examined. To be completed by March 1, 2014.
## 10. Inventory Oversight

Inventory removed from stock for sale on the food and beverage carts and amounts returned at the end of the shift require the initials of the Servers and a second staff member on the Beverage Cart Daily Inventory Control Sheet as verification of the amounts taken / returned. During the month of August, there were three instances at Chedoke and ten instances at King’s Forest of inventory being taken or returned without proper control sheet signoff by a second staff member.

Inventory removed for sale through the halfway house at Chedoke did not require signoff of the control sheet by a second staff for verification until September 2013. There was insufficient information available to verify if this requirement is currently being met.

When a second staff member does not verify inventory taken and returned, the Server has the opportunity to manipulate documentation, conceal shortages and misappropriate inventory.

<table>
<thead>
<tr>
<th>#</th>
<th>OBSERVATIONS OF EXISTING SYSTEM</th>
<th>RECOMMENDATION FOR STRENGTHENING SYSTEM</th>
<th>MANAGEMENT ACTION PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Inventory Oversight Inventory removed from stock for sale on the food and beverage carts and amounts returned at the end of the shift require the initials of the Servers and a second staff member on the Beverage Cart Daily Inventory Control Sheet as verification of the amounts taken / returned. During the month of August, there were three instances at Chedoke and ten instances at King’s Forest of inventory being taken or returned without proper control sheet signoff by a second staff member.</td>
<td>That all inventory taken for sale on the food and beverage carts have a second staff initial for verification on the Beverage Cart Daily Inventory Control Sheet. Management should follow up on non-compliance.</td>
<td>Agreed. A second staff initial is already required and will be closely monitored by the Supervisor/Chief Cook to ensure initializing is always happening. To be completed by March 1, 2014.</td>
</tr>
</tbody>
</table>

Agreed. A second staff initial is already required and will be closely monitored by the Supervisor/Chief Cook to ensure initializing is always happening. To be completed by March 1, 2014.

Agreed. The halfway house (HW) at Chedoke has already adopted the same method used for the beverage carts for inventory taken for sale. Compliance with the procedure will be routinely checked. Already completed in September 2013.
# OBSERVATIONS OF EXISTING SYSTEM

11. **Inventory Sales**

Inventory sales calculated by Servers on the Beverage Cart Daily Inventory Control Sheets for amounts sold from the cart do not match sales recorded in Jencess. This is primarily the result of the cost of items charged to the customer not including HST, including HST at the wrong rate or the prices of items in Jencess not matching prices on the Control Sheets. These differences are offset by Servers’ tips. At Chedoke, the sale quantities of four items over a one week period were input into Jencess at a lower amount by Servers so that there would not be an effect on tips earned.

When all sales are not recorded in the register as determined/reconciled on the Control Sheets, revenues in the financial records will not be appropriately reflected and inventory will not reconcile.

<table>
<thead>
<tr>
<th>RECOMMENDATION FOR STRENGTHENING SYSTEM</th>
</tr>
</thead>
<tbody>
<tr>
<td>That amounts charged to the customer and costs in Jencess be adjusted as required to match the price of all items sold through the cart and halfway house.</td>
</tr>
<tr>
<td>That the Jencess transaction receipt be included in the DCE, matched to the calculated sales on the Beverage Cart / HW Daily Inventory Control Sheets and be reviewed by the Clubhouse Supervisor.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MANAGEMENT ACTION PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agreed. Inventory count sheets prices will be matched as closely as possible to the Jencess system taking into account HST variances. To be completed by March 1, 2014.</td>
</tr>
<tr>
<td>Agreed. The transaction receipts will be attached to the Daily Inventory Control sheets for the cart and HW on a daily basis and reviewed when the daily cash is being balanced. To be completed by March 1, 2014.</td>
</tr>
<tr>
<td>#</td>
</tr>
<tr>
<td>----</td>
</tr>
</tbody>
</table>
| 12. | Catering Agreements

There is no formal document or contract signed by a customer entering into a catering agreement. All correspondence regarding costs and services to be provided are agreed to via email.

When there is no signed agreement in place, the City is at risk of financial loss if there are disputes or the customer decides to cancel the event at the last minute. Any terms may become unenforceable. | That management develop and implement the use of a catering contract. This contact should detail the services to be provided and the cost and be signed by both the customer and Food Services management. | Agreed. A newer catering/tournament contract has already been created and will be used in 2014 with both parties signing it. To be completed by March 1, 2014. |
## Catering Revenue

The Clubhouse Supervisor prepares the invoice for catering events, collects payment from the customer, processes the payment through Jencess and deposits the payment in the City bank account. Catering revenue is not recorded until payment is received. In reviewing seven functions, two had revenues recorded in a period subsequent to when they occurred and payment was received for one that no invoice had been prepared. In addition, billings and collection do not flow through the City’s Accounts Receivable process.

The lack of segregation of duties and the non-recording of amounts owing for catering services in the City’s financial records increase the risk of catering revenue being misappropriated, being incorrectly reflected in the City’s financial reports or its collection being missed.

### Recommendation for Strengthening System

That pre-numbered catering contracts, invoices and details of payments be provided to a secondary staff member for review to ensure all events have been billed and payments collected. This individual should maintain a listing of all events, outstanding amounts and follow up with the Clubhouse Supervisor, as required. In this manner, a record of catering activity and accounts receivable would be maintained by a party other than the Clubhouse Supervisor, providing a better segregation of duties.

### Management Action Plan

Agreed. The FA will track catering activity. To be completed by March 1, 2014.
The following items were noted during the course of the audit. Although they do not present internal control deficiencies, they are indicated in this Addendum so management is aware of the issues and can address them appropriately.

**Floats**
1. Cash floats are not regularly reconciled to the ledger and amounts are not confirmed with the cash custodian to ensure floats are still intact. Cash floats differed from the general ledger by $209.10 as HST was taken on the cheque to issue the Chedoke floats in error. This was not identified as floats are not regularly reconciled.

*It is recommended:*
*That cash floats be reconciled and confirmed to be intact at least quarterly.*

**Management Response:**
*Agreed. While the section was previously under Recreation, quarterly float reports were prepared and submitted. This practice will resume again with the FA in Public Works. Implementation date: January 2014.*

**Petty Cash**
2. Petty cash floats of $500 at Chedoke and $200 at King’s Forest were not used during the 2013 season indicating the petty cash floats at each course may be too large. More cash is on hand than required for daily operations, increasing the risk of misappropriation.

*It is recommended:*
*That petty cash floats be reduced and funds deposited back into the City bank account.*

**Management Response:**
*Agreed. The amount of petty cash will be reduced moving forward into 2014.*
<table>
<thead>
<tr>
<th>TYPE OF COVERAGE</th>
<th>COVERAGE</th>
<th>DEDUCTIBLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Liability</td>
<td>*5,000,000</td>
<td>250,000</td>
</tr>
<tr>
<td>Errors &amp; Omissions Liability</td>
<td>Included</td>
<td></td>
</tr>
<tr>
<td>Non Owned Auto</td>
<td>Included</td>
<td></td>
</tr>
<tr>
<td>Excess Liability</td>
<td>Included</td>
<td></td>
</tr>
<tr>
<td>Municipal Conflict of Interest</td>
<td>100,000</td>
<td></td>
</tr>
<tr>
<td>Legal Expense</td>
<td>250,000</td>
<td></td>
</tr>
<tr>
<td>Comprehensive Crime</td>
<td>10,000,000</td>
<td>25,000</td>
</tr>
<tr>
<td>Crime Excess</td>
<td>Included</td>
<td></td>
</tr>
<tr>
<td>Property</td>
<td>Replacement Value</td>
<td>500,000</td>
</tr>
<tr>
<td>Boiler</td>
<td>Included</td>
<td>100,000</td>
</tr>
<tr>
<td>City Auto</td>
<td>*5,000,000</td>
<td>500,000</td>
</tr>
<tr>
<td>Garage Liability Insurance</td>
<td>*5,000,000</td>
<td></td>
</tr>
<tr>
<td>Environmental Impairment Liability (including WWTP)</td>
<td>10,000,000</td>
<td>500,000</td>
</tr>
<tr>
<td></td>
<td>43,000,000</td>
<td></td>
</tr>
<tr>
<td>HSR Rolling Stock (Transit)</td>
<td>(Included in Property)</td>
<td>50,000</td>
</tr>
<tr>
<td>HSR Auto Fleet</td>
<td>*5,000,000</td>
<td>100,000</td>
</tr>
<tr>
<td>Excess Umbrella</td>
<td>Excess over; General Liability, City Auto Fleet, HSR Auto Fleet, Garage Auto Liability</td>
<td>*45,000,000</td>
</tr>
<tr>
<td>Directors' And Officers' Liability (HECFI - stand alone policy)</td>
<td>3,000,000</td>
<td>35,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CITY OF HAMILTON</th>
<th>2011 PROPERTY AND LIABILITY INSURANCE RENEWAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>INSURANCE PREMIUM COMPARISON</td>
</tr>
<tr>
<td>Total of all policies (Net of Taxes)</td>
<td>3,715,789</td>
</tr>
<tr>
<td>Taxes</td>
<td>145,875</td>
</tr>
<tr>
<td>Grand Total</td>
<td>3,861,664</td>
</tr>
</tbody>
</table>