



Policy: Respect Check

Department: Community Services

Branch: Recreation & Culture Services

Related Policies: Respect in the Workplace-LR14.10; City of Oshawa, Code of Conduct Policy – AG10.80; Ontario Health and Safety Act, City of Oshawa Trespass Act; Trespass By-law 98-2013, as amended

Respect Check Code of Conduct Policy

1.0 Purpose/Background

The City of Oshawa is committed to creating and promoting a safe, healthy, respectful and welcoming environment where there is respect for others and responsibility for all actions.

Respect Check is a code of conduct policy, which enforces a set of expectations to address inappropriate behaviours, violence, and vandalism that negatively affects the experience of individuals or creates unsafe conditions. The Respect Check policy identifies how these behaviours will be addressed when it occurs within any City facility or in association with any service, program or event provided by, or associated with, the City of Oshawa and outlined in this document.

The City encourages and supports all organizations using City facilities to take primary responsibility for developing, implementing and managing their specific behaviour management policies to align with the City policy. The Corporation will make its best effort to mitigate all situations, however in the course of public service, events may be beyond the Corporation's control. The policy is aligned with the following policies, acts and regulations:

- City of Oshawa - Respect in the Workplace – Harassment and Violence Policy LR14.10;
- Trespass to Property Act
- City of Oshawa – Trespass By-Law 98-2013
- Occupational Health and Safety Act, R.S.O. 1990, c. 0.1;
- The True Sport Movement: Canadian Centre for Ethics in Sport

2.0 Policy Statement

The City's recreation, culture and parks programs, facilities and properties are places that promote learning and support leisure opportunities for members of the community. In keeping with the True Sport initiative, a patron's experience with us is based on the values of fairness, excellence, inclusion and fun. All persons (members of the public, staff and volunteers) have the right to be safe and to feel safe while attending or working at a program, facility or property so that they can enjoy their activity sport, or interest. With this right comes the responsibility to be accountable for actions or

behaviours that put at risk the safety of others and encourages an environment where there is respect for others. The City of Oshawa has zero tolerance for any form of violence, vandalism, or inappropriate behavior in its recreational programs, facilities or properties.

3.0 Definitions

City Facility: includes both indoor and outdoor facilities, owned, leased, rented, allocated, programmed, operated or managed by the City, intended for public or staff use. This includes, but is not limited to City Hall, Civic Square, recreation facilities, arenas, pools, sports facilities and fields, parks, playgrounds, staff offices, meeting rooms, reception desks, community meeting spaces, trails and parks.

Harassment: engaging in a course of vexatious comment or conduct against another person in a public place that is known or ought reasonably know to be unwelcome, with some or all of the following components: it is generally repetitive, although a single, serious incident may constitute workplace harassment if it undermines the recipient's psychological or physical integrity and has a lasting harmful effect; it is hostile, abusive or inappropriate; it affects the person's dignity or psychological integrity and it results in a poisoned work environment. Behaviour that intimidates isolates or discriminates against the recipient may also be included.

Letter of Warning: explanation in written format the details of what happened, what was said and done; issues stemming from misconduct, identify City's policy and provide statement of future expectations to correct the misconduct, description of the action to be taken if problem not corrected, provide any required supporting documents (photos,)

Ontario Health and Safety Act: an Act to promote occupational health and safety among employers, workers and others.

Ontario Human Rights Code: is a law in the province of Ontario that gives all people equal rights and opportunities without discrimination in specific areas such as housing and services

Senior Staff Person: means the City Manager, each Commissioner and each Director of the City.

Structured Activity: facility permit issued; registered or scheduled drop-in recreation program

Trespass to Property Act: a provincial law in Ontario dealing with illegal entry into private and public property.

Trespass Notice: is authorized under the *Trespass to Property Act* and is a written notice prohibiting an individual from entering specific City facilities for a specific duration and is issued to an individual for the purpose of imposing a ban.

Trespass By-law: is a City of Oshawa By-law that establishes a system for administering notices and other matters under the Trespass to Property Act. Respect Check is intended to act as a precursor, and does not replace, the Trespass By-law.

Unstructured Activity: no permit issued; drop-in programs, events.

Vandalism: means the malicious, willful and deliberate destruction, damage, defacing of property owned, leased, or permitted through the City.

Violence: physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, throwing objects; verbal or written threats to physically attack a worker, client or patron; leaving threatening notes or threatening emails; wielding a weapon at work; stalking someone; and physically aggressive behaviours including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, throwing an object at someone, physically restraining someone or any other form of physical or sexual assault.

4.0 Scope/Application

4.1 Properties and Users

The Respect Check policy applies to all staff, contractors employed by the City of Oshawa and users of Parks, Recreation and Culture programs, municipally owned or leased facilities or properties. Users are, including but not limited to, patrons, guests, spectators, fans, coaches, players, parents, volunteers and staff (which includes all full time, part-time and students).

Nothing in this policy is intended to diminish the scope of authority conferred by Council pursuant to Trespass By-law 98-2013, as amended. The Trespass By-law 98-2013, as amended, prevails to the extent of any inconsistency between it and this policy.

4.2 Structured and Unstructured Activities

The Respect Check policy covers structured (i.e. facility use permit issued, registered programs) and unstructured (i.e. no permit issued, drop-in programs, events) activities. This policy applies to in-person interactions and all forms of verbal communication and written communication (email/letters).

4.3 Inappropriate Behaviours and Violence

Inappropriate behaviours and violence for the purpose of this policy includes, but is not limited to, the following:

- a. Loud verbal assaults directed at participants, officials, members of the public or City staff deemed to be aggressive, intimidating, or having the potential of inciting violence.
- b. Threats and/or attempts to intimidate;
- c. Throwing of articles in a deliberate or aggressive manner;
- d. Actual or attempted aggressive approaches to another individual including physical or verbal assault;

- e. Sexual harassment. Examples include but are not limited to sexual advances or demands; threats, leering, sexually suggestive or obscene comments or gestures, unwelcome remarks, jokes, innuendoes, propositions or taunting, unwanted attention, physical contact of a sexual nature, sexual assault.
- f. Attempts to goad or incite violence in others;
- g. Theft of property;
- h. Possession of weapons;
- i. Vandalism of any kind to a City building or property;
- j. Refusal to abide by facility rules and/or posted notices in City of Oshawa facilities and/or on City of Oshawa property;
- k. Racial or ethnic slurs;
- l. Illegal consumption of alcohol or drugs or other substances;
- m. Harassment which may include the wearing of attire, the displaying of material or the use of language that is intolerant of human rights;
- n. Contravention of City By-Laws or Policies;
- o. Contravention of any provincial or federal laws e.g. any illegal activity;
- p. Engagement in a course of annoying comment or conduct;
- q. Displaying of abusive or offensive materials, words, images;
- r. The use of all cell phones, cameras, video recording devices, personal digital devices, or any other equipment with video or photographic abilities in change rooms and public washrooms;
- s. Criminal behaviour of any kind whatsoever.

5.0 Responsibilities

Staff and attendees at City recreation facilities, parks and trails are responsible for acting and behaving in a manner that **respects** the rights of others and enables the enjoyment of individual and public benefits of recreation to promote an environment that can be enjoyed by all. A fair, safe and open atmosphere increases accessibility and opportunities for participation in all levels and types of activities, while providing a welcoming, culturally diverse community.

5.1 Role of City Staff

Recreation and Culture Services and Parks Operations staff are responsible for overseeing and implementing the Respect Check policy and program. Responsibilities include:

- a. Review Respect Check policy annually and update as needed
- b. Developing all procedural aspects related to this policy (e.g. forms, processes)
- c. Developing Respect Check signage to be posted at all city facilities
- d. Including a requirement to abide by the respect Check policy as a term and condition for use of a facility
- e. Following and implementing the Respect Check policy and procedure
- f. Monitoring and identifying violations of the policy and/or procedure
- g. Reporting all incidents to their immediate supervisor or manager promptly
- h. Completing appropriate forms to document incidents and/or in response to a complaint from members of the public, volunteers or other individuals.
- i. Participating in investigation processes as required
- j. Providing training and education to staff to support both the policy and procedure

- k. Including promotion of Respect Check in ongoing promotional vehicles i.e. activeOshawa guide, website and other media advertising
- l. Applying Respect Check in all City programming to provide participants and visitors a safe and positive environment.
- m. Bringing awareness to inappropriate behaviour demonstrated; engage police or security if an individual or group continues to be uncooperative.

Recreation and Culture Services and Parks Operations staff will also work in partnership with the community to ensure everyone has the opportunity to enjoy a respectful and positive environment. Staff will work collaboratively and in consultation with community sport and recreation organizations/groups to create Respect Check environments at City parks and trails.

5.2 Role of Organizations

Organizations and user groups making use of City facilities, parks and trails are responsible for:

- Educating their attendees about the Respect Check policy and appropriate behaviour
- Compliance of requirements of City contracts and permits regarding Respect Check
- Applying Respect Check to their programs, including being willing to address Respect Check violations with their attendees.

Included in this commitment is an understanding that organizations that rent city facilities must take primary responsibility for the behaviours of participants, instructors, players, coaches, officials and spectators. Organizations will be expected to abide by the Respect Check policy as a term and condition for use of a permitted facility. When an organization experiences ongoing or unresolved issues when dealing with associated participants, volunteers, parents, spectators etc., they are urged to assign a delegate to meet with a City representative to review the issues and develop approaches to assist the organization in or City will have final say into any decision, which may result in a ban or trespass ban.

5.3 Role of Individuals

The City's primary concern is the safety of the users, staff and contracted employees. If at any time users or staff feel personally threatened, they are to call the Police immediately. It is not the expectation that staff or patrons put themselves at risk or jeopardize one's safety in dealing with any perceived or real situation.

Program participants, spectators, parents, guests, volunteers, officials and the public are responsible for:

- Creating and encouraging opportunities for people to get together through sport or activity; creating safe places and spaces that are hospitable and conducive to the safe enjoyment of all while visiting our city facilities, programs, parks and trails.
- Behaving and acting in a manner that respects the rights of others in order for the services to be used and enjoyed by all
- Complying with requirements of City contracts and permits regarding Respect Check and/or promote the Respect Check policy with their program attendees.

- Reporting acts of violence, vandalism or inappropriate behaviours and incidents witnessed to a City staff member and/or a designated person.
- Provide details to staff for completing a written report immediately following the incident

5.4 Role of City Council

Oshawa City Council is responsible for approving, promoting and complying with the Respect Check policy.

6.0 Practice/ Procedures

6.1 Education

The City, with community sport organizations and other stakeholders, will conduct promotional and educational campaigns with the goals of:

- Raising awareness of the policy for attendees, and appropriate City employees, contractors or agents
- Outlining how attendees/organizations/users can support the Respect Check policy (e.g. through attendees setting positive example, encouraging organizations to have internal policies consistent with the Respect Check policy; how attendees can report inappropriate behaviour, etc.)
- Outlining the potential consequences of non-compliance with the Respect Check policy
- Reviewing promotional materials and work together with volunteer organizations to raise awareness of the policy.
- Providing initial Respect Check orientation sessions with staff and annual training sessions
- Promotional and educational campaigns will include:
 - The promotion of the True Sport four values: fairness, inclusion, excellence and fun
 - The promotion of the True Sport seven principles: strive for excellence, play fair, respect others, keep it fun, stay healthy, include everyone and give back.
 - Posting Respect Check policy and related information on the City website
 - Posting Respect Check policy signage at City recreation facilities
 - Making information pamphlets available at City recreation facilities and promoting in activeOshawa guide
 - Including Respect Check policy awareness in City employee training programs
 - Referencing Respect Check policy within Conditions of Use/Rules and Regulations for Permit Holders

Violation of Respect Check Policy

6.2.1 Staff

The City's primary concern is the safety of members of the public, employees and volunteers. Parks, Recreation and Culture Services employees who observe inappropriate behaviour, or have reason to believe inappropriate behaviour has occurred on a City recreational property or facility will report incidents of prohibited inappropriate behaviours to their immediate supervisor or manager (who may subsequently report the incident to City Security) as soon as possible or immediately following the event.

Acts of workplace violence against staff are to be reported to the employee's supervisor immediately following the event and in accordance with the City's Respect in the Workplace – Harassment and Violence Policy.

City employees who are advised of or receive a complaint of prohibited inappropriate behaviour from a patron will report it to their supervisor or manager as soon as possible. Depending on the severity, incidents occurring on weekends and beyond regular business hours will be reported to the appropriate on-call supervisor or manager. Staff reporting incidents at outdoor parks and facilities, will contact the on-call Operations supervisor. All employees are to contact Durham Regional Police Services and/or City Security if an individual refuses to cease the behaviour when asked.

If, at any time, staff feels physically threatened, Durham Regional Police must be contacted immediately. It is NOT the expectation that staff put themselves at risk or jeopardizes one's safety in dealing with any perceived or real situation. Staff are **not** to engage in physical confrontations when addressing inappropriate behaviours. The Trespass By-law 98-2013, as amended, establishes a process for issuing trespass notices.

6.2.2 Patrons

Patrons at City parks, recreation and culture facilities who observe prohibited inappropriate behaviour under the Respect Check policy should report it to a City employee as soon as possible upon witnessing the behaviour. Patrons will be asked to provide detailed information to staff to assist in the completion of an incident report.

If, at any time, facility patrons feel physically threatened, Durham Regional Police must be contacted immediately. It is NOT the expectation that patrons put themselves at risk or jeopardize one's safety in dealing with any perceived or real situation. Patrons are **not** to engage in physical confrontations when addressing inappropriate behaviours.

6.2.3 Documentation

Staff will complete incident reports when a violation of the Respect Check policy has occurred. Incident reports are required to formally keep track of occurrences encountered in the workplace, repeat offenders, or an escalating situation. All documented incidents and files will be retained by Recreation and Culture Services Branch, and a copy forwarded to Manager, Human Resources Services and Safety to

distribute to the Joint Health and Safety Committees for their review, regardless if the incident occurred inside facilities or at outside facilities.

6.2.4 Investigations

In addition to documenting incidents, an investigation may occur which could include:

- conducting interviews of relevant individuals to gather all of the facts and circumstances relevant to the complaint, including date(s) and location(s)
- reviewing any related documentation
- making detailed notes of the investigation and maintaining them in a confidential file

Once an investigation is complete, the investigator(s) will prepare a detailed report of the findings. This report will be submitted to the manager for further direction and follow-up.

6.2.5 Penalties

Where a finding has been made of a violation of the Respect Check policy, consideration will be given as to the appropriate remedies collaboratively through the appropriate branch Managers / Directors

6.3 Monitoring and Evaluation

Recreation and Culture Services will regularly monitor and evaluate the effectiveness of the Respect Check policy with staff and organizations.

May 1, 2017 City Council Adopted Respect Check Policy