

Policy: Respect Check Code of Conduct Policy			
Issued: May 2017	Revised: April 2022	Page: 1 of 14	Number:
Related Policies:	City of Oshawa, Respect in the Workplace - LR14.10; City of Oshawa, Code of Conduct Policy – AG10.80; Occupational Health and Safety Act, Trespass to Property Act; City of Oshawa, Trespass By-law 50-2021; Human Rights Code; Accessibility for Ontarians with Disabilities Act; City of Oshawa, Understanding Cannabis and the Workplace; Frivolous, Vexatious or Unreasonably Persistent Requests or Complaints Policy, Trespass 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 behaviour, Harassment, 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 City policies and by-laws. 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 laws, statutes, policies, acts and regulations:

- City of Oshawa - Respect in the Workplace - Harassment and Violence Policy LR14.10
- City of Oshawa - Trespass By-Law 50-2021
- City of Oshawa – Trespass Policy and Procedure
- City of Oshawa Diversity and Inclusion Plan
- City of Oshawa - Inclusive Changerooms and Washrooms in City Facilities Procedure
- *Human Rights Code*, R.S.O. 1990, c. H.19
- *Occupational Health and Safety Act*, R.S.O. 1990, c. 0.1
- *Trespass to Property Act*, R.S.O. 1990, c. T.21
- *Canadian Human Rights Act*, R.S.C., 1985, c. H.6

- City of Oshawa - Frivolous, Vexatious or Unreasonably Persistent Requests or Complaints Policy
- The True Sport Movement: Canadian Centre for Ethics in Sport

2.0 Policy Statement

The City of Oshawa is committed to making reasonable efforts to provide an inclusive, healthy, safe and respectful environment for everyone at its City Facilities. City Facilities are accessed for a variety of purposes, including work, recreation and cultural activities, and for accessing municipal and other programs and services, along with supporting public participation in democratic processes. The City recognizes that the majority of individuals use City Facilities in a responsible manner. However, there are certain instances where individuals engage in inappropriate activities, which compromise the health, safety and well-being of others and their enjoyment and use of City Facilities.

In keeping with The True Sport Movement, a patron's experience with the City is based on the values of fairness, excellence, inclusion and fun. All Persons (members of the public, Employees and Volunteers) have the right to be safe and to feel safe while attending or working at a City Facility 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.

3.0 Scope/Application

3.1 Properties and Users

The Respect Check Policy applies to all Employees (including employees of the Oshawa Senior Community Centres), Volunteers and/or Contracted Service Providers of the Corporation of the City of Oshawa and Users of City programs, municipally owned or leased facilities or properties.

Nothing in this Policy is intended to diminish the scope of authority conferred by Council pursuant to Trespass By-law 50-2021. The Trespass By-law 50-2021 prevails to the extent of any inconsistency between it and this Policy.

3.2 Structured and Unstructured Activities

The Respect Check Policy covers Structured Activity (i.e. facility use permit issued, registered programs, attending appointments) and Unstructured Activity (i.e. no permit issued, drop-in programs, events, walk-in appointments) activities. This Policy applies to

in-person interactions and all forms of verbal communication and written communication (email/letters).

3.3 Inappropriate Behaviours and Violence

Inappropriate behaviours or actions for the purpose of this Policy includes, but is not limited to, the following behaviours:

- a) Aggressive or intimidating approaches to another individual (Verbal Assault) or having the potential of inciting Violence or is in contravention of the Human Rights Code;
- b) Threats and/or attempts to intimidate or Harass;
- c) 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;
- d) Attempts to goad or incite anger in others;
- e) Throwing of articles in a deliberate or aggressive manner;
- f) Actual or attempted aggressive approaches to another individual including physical or Verbal Assault;
- g) Theft of property;
- h) Illegal consumption of alcohol or drugs or other substances;
- i) Possession of weapons;
- j) Vandalism of any kind to a City Facility;
- k) Refusal to abide by City Facility rules and/or posted notices;
- l) Discriminatory comments: examples include racial, gender based or ethnic slurs etc.;
- m) Engaging in a course of annoying, threatening or harassing conduct;
- n) Harassment which may include the displaying of material or the use of language that is intolerant of human rights;

- o) Contravention of City By-Laws, Policies or Procedures; Provincial or Federal Laws;
- p) 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.

4.0 Definitions

City Facility means all physical property, buildings, facilities, land, premises, goods and other assets owned, leased and/or maintained by the Corporation of the City of Oshawa.

City of Oshawa Diversity and Inclusion Plan means the plan that sets out a vision to embrace the Diversity of the population who live, work, learn and play in Oshawa and is a commitment to create an inclusive and welcoming community.

City of Oshawa – Inclusive Changerooms and Washrooms in City Facilities

Procedure means the procedure that provides Recreation & Culture Services Employees with a consistent procedure regarding actions and behavior that is inclusive and respectful of all gender identities and expressions as it relates to washroom and change room use in City of Oshawa recreation facilities.

City of Oshawa – Respect in the Workplace – Harassment and Violence Policy

LR14.10 means the policy that applies to all Employees, representatives, contractors, clients and Volunteers. It is intended to promote and support a work environment free from Harassment and Workplace violence; provide definitions of Harassment and Workplace violence; identify the responsibilities of the Workplace parties to maintain a Workplace free of Harassment and actual, attempted or threatened violence; and to establish procedures for reporting, resolving and investigating Harassment complaints or Workplace violence.

Contracted Service Provider means an individual or business that undertakes a contract or agreement with the City in order to perform a service on a continuing basis (e.g. Security Guard Service).

Direct Supervisor means the individual to whom the Employee directly reports. This could include the Supervisor, Manager, Director, Commissioner, or the Chief Administrative Officer.

Discrimination means treating someone unfairly by either imposing a burden on them, or denying them a privilege, benefit or opportunity enjoyed by others, because of their

age, ancestry, citizenship, colour, creed, disability, ethnic origin, family status, gender identity, gender expression, marital status, place of origin, race, religion, sex, sexual orientation or other personal characteristics.

Diverse means of various kinds, forms, characters, etc.;

Diversity means the presence of a wide range of human qualities and attributes within an individual, group or organization. Diversity includes such factors as age, sex, race, ethnicity, physical and intellectual ability, religion, sexual orientation, educational background and expertise.

Employee means all full-time, part-time, temporary, seasonal and staff hired on a contract basis for a defined period of time, of the City of Oshawa as well as, Students.

Harassment or Harass means engaging in a course of behaviour, comment or conduct, where it occurs inside or outside the work environment, that is or ought reasonably to be known to be unwanted. It includes but is not limited to any behaviour, conduct or comment that is directed at or is offensive to another person:

- on the grounds of race, ancestry, place or origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status, as well as any other grounds under the provisions of the Human Rights Code; or
- which is reasonably perceived by the recipient as an intention to bully, embarrass, intimidate or ridicule the recipient.

Sexual and gender-based harassment means a form of harassment that can include: gender-related comments about a person's physical characteristics or mannerisms; paternalism, unwelcome physical contact, suggestive or offensive remarks or innuendoes about members of a specific gender; propositions of physical intimacy; gender-related verbal abuse, threats or taunting; leering or inappropriate staring; bragging about sexual prowess or questions or discussions about sexual activities; offensive jokes or comments of a sexual nature; rough and vulgar humour or language related to gender; display of sexually offensive pictures, graffiti or other material including through electronic means; demands for dates or sexual favours.

Letter of Warning means an explanation in written format that details the violation of the Respect Check Policy, it includes; specifics of what happened, what was said and done; issues stemming from misconduct, identifies City policy and/or by-law and provides a statement of future expectations to correct the misconduct; description of the

action to be taken if the problem is not corrected; includes any required supporting documentation (photos).

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

Ontario Human Rights Code means the law in the province of Ontario that gives all people equal rights and opportunities without Discrimination based on the following grounds: age, ancestry, citizenship, colour, creed, disability, ethnic origin, family status, gender identity, gender expression, marital status, place of origin, race, record of offences, sex, sexual orientation, association or relationship with a person identified by one of the above grounds and perception that one of the above grounds applies.

Person means an individual, partnership, association, organization, firm or corporation.

Respect Check is a code of conduct that enforces a set of expectations to address inappropriate behaviours, Violence and Vandalism that negatively affects the experience of individuals or creates unsafe conditions.

Security Guard Services means the contracted company or service provider who is authorized to maintain the security of City Facilities.

Senior Staff Person means the Director of a City Branch.

Structured Activity means a facility permit issued; registered or scheduled drop-in recreation program; attending a pre-arranged meeting.

Student means an individual at least 15 years of age and registered in an educational program at a high school, college or university level.

The True Sport Movement means a series of programs and initiatives designed to give people, communities and organizations the means by which to leverage the many benefits of good sport from a platform of shared values and principles. The seven True Sport Principles are the foundation of good sport. They must be present in the sport experience at all times, in the right balance and proportion, at all levels of competition, to foster a quality sport experience.

Trespass to Property Act means the provincial law in Ontario dealing with illegal entry into private and public property (*Trespass to Property Act*, R.S.O. 1990, c. T21).

Trespass Notice means a notice pursuant to the *Trespass to Property Act* that is authorized to be given pursuant to the Trespass By-law, prohibiting entry to one or more City Facility by a Person or a group of Persons.

Trespass By-law means the City of Oshawa By-law 50-2021 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 50-2021.

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

Users are, including but not limited to, patrons, guests, spectators, fans, coaches, players, parents and Volunteers.

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

Verbal Assault/Abuse/Attack means the act of forcefully criticizing, insulting, or denouncing another Person. Characterized by underlying anger and hostility, it is a destructive form of communication. Verbal abuse may include the following: abusive anger; accusing and blaming; blocking and diverting; judging and criticizing; minimization, discounting and trivializing; name calling; ordering; commanding to show control; undermining; and threatening.

Violence means physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, throwing objects; verbal or written threats to physically attack or discriminate against a worker, client or patron; leaving threatening notes or threatening emails; wielding a weapon; 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.

Volunteer means an individual who volunteer their services, from time to time, to assist in areas at the City.

Workplace means a building or structure or part thereof in which one or more Employees work, including but not limited to amenity areas, corridors, eating areas, elevators, entrances, exits, foyers, hallways, lobbies, lounges, meeting rooms, parking areas reception areas, stairways and washrooms.

5.0 Responsibilities

Employees and Users at City Facilities 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.

Employees will also work in partnership with the community to ensure everyone has the opportunity to enjoy a respectful and positive environment. Employees will work collaboratively and in consultation with community sport and recreation organizations/groups to create Respect Check environments at City Facilities. Employees have the responsibility to act when observing behaviour that is in contravention of the Respect Check Policy.

5.1 Employees, Contracted Service Providers and Volunteers

- a) Report all incidents to their Direct Supervisor with full details outlined in this Policy.
- b) Refrain from any form of Harassment or Discrimination, and by co-operating fully in any investigation of a Harassment or Discrimination complaint.
- c) Complete appropriate forms to document incidents and/or in response to a complaint from members of the public, Volunteers or other individuals.
- d) Participate in investigation processes as required.

5.2 Direct Supervisors

- a) Ensure that this Policy is communicated to Employees, Contracted Service Providers and Volunteers and that they comply with this Policy.
- b) Promote Respect Check at all City Facilities through signage, notices, promotional materials (e.g. activeOshawa guide, website, etc.).
- c) Include a statement on a rental agreement/ permit that requires Users to abide by the Respect Check Policy as a term and condition of use of a City Facility.
- d) Follow and implement the Respect Check Policy and procedure.
- e) Monitor and identify violations of the Policy and/or procedure.
- f) Refrain from any form of Harassment or Discrimination, and by co-operating fully in any investigation of a Harassment or Discrimination complaint.

- g) Complete appropriate forms to document incidents and/or in response to a complaint from members of the public, Volunteers, Employees or other individuals.
- h) Participate in investigation processes as required.
- i) Provide training and education to Employees and members of the public, Volunteers and other individuals to support both the Policy and procedure.
- j) Apply Respect Check in all City programming to provide participants and visitors a safe and positive environment.
- k) Bring awareness to inappropriate behaviour; engage Security Guard Services or Durham Regional Police Service if an individual or group continues to be uncooperative.

5.3 Organizations

Persons using City Facilities are responsible for:

- Educating their attendees about the Respect Check Policy and appropriate behavior.
- Compliance of requirements of City contracts and rental agreements/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 City 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 addressing the issue or the City will have final say into any decision, which may result in a ban or Trespass Notice.

5.4 Individuals

The City's primary concern is the safety of the Users, Employees and Volunteers. If at any time Users, Employees or Volunteers feel personally threatened, they are to contact

their immediate supervisor, Direct Supervisor, Security Guard Services and/or call Durham Regional Police Service immediately. It is not the expectation that Employees or Users put themselves at risk or jeopardize one's safety in dealing with any perceived or real situation.

Persons, program participants, spectators, parents, guests, Volunteers, officials and the public are responsible for:

- Create and encourage 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 City Facilities, programs, parks and trails.
- Behave and act in a manner that respects the rights of others in order for the services to be used and enjoyed by all.
- Report and provide details to a City Employee and/or a designated person such as a Director Supervisor or supervisor, any acts of Harassment, Violence, Vandalism or inappropriate behaviours and incidents when witnessed.
- Provide details to City Employee for completing a written report immediately following the incident.

5.5 Role of City Council

Oshawa City Council is responsible for approving and promoting the Respect Check Policy.

6.0 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 Respect Check Policy for Persons, Employees, Volunteers, Contracted Service Providers.
- 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 working together with Volunteer organizations to raise awareness of the Policy.
- Providing initial Respect Check orientation sessions with Employees and annual training sessions.
- Promotional and educational campaigns include:
 - The promotion of The True Sport Movement four values: fairness, inclusion, excellence and fun.
 - The promotion of The True Sport Movement 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 Facilities.
 - Making information pamphlets available at City Facilities and promoting in activeOshawa guide and on the City website.
 - Including Respect Check Policy awareness in Employee and Volunteer training programs.
 - Referencing Respect Check Policy within Conditions of Use/Rules and Regulations for Permit Holders.

6.2 Implementation or Enforcement of Respect Check Policy

6.2.1 Employees

The City's primary concern is the safety of members of the public, Employees and Volunteers. Employees who observe inappropriate behaviour, or have reason to believe inappropriate behaviour has occurred at a City Facility will report incidents to their immediate supervisor or Direct Supervisor (who may subsequently report the incident to Security Guard Services) as soon as possible or immediately following the event.

Acts of Workplace Violence and/or Harassment are to be reported to the Employee's immediate supervisor 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 the on-site supervisor or Direct Supervisor 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. Employees reporting incidents at outdoor parks and Facilities, will contact the on-call operations supervisor. All Employees are to contact Durham Regional Police Service and/or Security Guard Services if an individual refuses to cease the behaviour when asked.

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

6.2.2 Patrons

Patrons at City Facilities and events 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 Employees 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.

Patrons who engage in any inappropriate behaviour, may depending on the severity, be removed immediately from the premises. A letter or warning may be sent to an individual advising them of appropriate behaviour. If necessary, an individual may be banned from City premises for a period of time, pursuant to the City's Trespass By-law 50-2021.

6.2.3 Documentation

Employees 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 the Recreation and Culture Services

Branch, and a copy forwarded to the Corporate Security Manager and the Manager, Human Resources Service and Safety to distribute to the Joint Health and Safety Committees for their review, regardless if the incident occurred inside or outside City 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 by the Direct Supervisor.
- Making detailed notes of the investigation and maintaining them in a confidential file.

Once an investigation is complete, the investigator(s) (Direct Supervisor) will prepare a detailed report of the findings. This report will be submitted to the Corporate Security Manager, Director, Facilities Management Services and Director of the Branch that initiated the investigation 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 (such as a Trespass Notice, Letter of Warning, police investigation, removal from a program or service) as determined by the Corporate Security Manager and appropriate Branch Direct Supervisor.


7.0 Monitoring and Evaluation

This Policy is reviewed by the Corporate Security Manager or designate at least every three (3) years to ensure its effectiveness and compliance with legislation and current processes or as required based on legislative changes.

The Director, Facilities Management Services is authorized to make minor or house keeping amendments to this Policy, as required.

For further information regarding this Policy, contact Facility Management Services at 905-436-3311 or email.

8.0 Approved

Authority City Council	Date April 5, 2022	Signature 
----------------------------------	------------------------------	---