



POLICY TITLE: **RESPECTFUL WORKPLACE**

POLICY NUMBER: **HUMAN RESOURCES - 405**

<i>Date of Council Adoption: April 2, 2012</i>	<i>Date of Last Amendment: September 30, 2019</i>
<i>Council Resolution Number: 2012-090, 2013-134; 2014-014, 2015-309, 2019-407; 2020-575</i>	
<i>Originating Department: Human Resources</i>	<i>Date last reviewed by the Governance and Legislation Committee: November 9, 2020</i>

Policy:

1.0 Purpose

The purpose of this Respectful Workplace ~~Policy~~ Policy (the “Policy”) is to assist the City of White Rock, Council, and its Employees in fostering and maintaining a respectful working environment that is free from discrimination, bullying and harassment. The ~~policy~~ Policy outlines the roles and responsibilities of the City, Council and its Employees in promoting and maintaining a respectful workplace where Employees are treated with dignity and respect. ~~As well, #The Policy also~~ provides the procedures to be taken in resolving a complaint of bullying, harassment, or discrimination.

2.0 Principles

Every Employee has the right to ~~work~~ perform their job duties in a respectful ~~atmosphere~~ workplace that promotes equal opportunities and is free from harassment, bullying and discrimination.

Bullying, harassment and discrimination as described in this ~~Policy~~ Policy ~~is~~ are strictly prohibited and will not be tolerated by the City of White Rock. All complaints of bullying, harassment, or discrimination will be addressed in a fair, unbiased and timely manner. If it is determined that an Employee engaged in bullying, harassment, ~~bullying~~ or discriminatory conduct then disciplinary action ~~will~~ may result, up to and including ~~immediate~~ termination of employment.

This ~~Policy~~ Policy prohibits retaliation or reprisals against anyone who, in good faith, reports a violation of the ~~Policy~~ Policy or participates in a complaint investigation process. If any Employee is found to have retaliated against another Employee in such circumstance, disciplinary action ~~will~~ may result, up to and including ~~immediate~~ termination of employment.

Complaints found to be false, frivolous or malicious are also considered a violation of this Policy and ~~will may~~ result in disciplinary action, up to and including ~~immediate~~ termination of employment.

Failure to comply with any other responsibilities or obligations pursuant to this Policy may result in disciplinary action, up to and including ~~immediate~~ termination of employment.

This policy is developed in accordance with ~~Sections 115-21, 116-22, and 117-23~~ of the *Workers Compensation Act* which sets out the general duties of employers, workers and supervisors respectively, and Guideline ~~G-D3-115(1)-3 Bullying and harassment~~, G-P2-21(1)-3 Bullying and harassment, which outlines responsibilities for worker health and safety established by the Workers Compensation Act.

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3.0 Scope

~~The conduct~~ Conduct prohibited by this Policy applies to all ~~persons~~ individuals employed by, or associated with, ~~or employed by~~ the City of White Rock, including Employees, ~~elected officials~~, contractors, students, volunteers, ~~and~~ members of the public ~~and elected officials~~. This Policy applies to all aspects of the employment relationship including employment-related functions, ~~whether or not the function or conduct occurs at City facilities or worksites~~, and to off-duty conduct that has the potential to negatively impact the work environment ~~and the City's reputation, whether or not the function or conduct occurs at City facilities or worksites~~. This Policy applies equally to bullying, and harassment, and discriminatory conduct occurring through electronic technology and cyberspace (web-based platforms), including phones, email, text and chat messaging, the internet and social media, is prohibited.

This Policy covers:

- ~~Discrimination and h~~Harassment, including sexual harassment, ~~and discrimination~~ based on the protected grounds of the *British Columbia Human Rights Code*
- Personal harassment, including bullying.

This Policy does not limit the rights of the City to appropriately and in good faith manage the workforce as described in ~~Section 56.0~~ below. The City has the responsibility to investigate incidents, with or without the person's consent, where there are concerns ~~of~~ allegations of discrimination, bullying, or harassment, or discrimination, and the potential ~~for adverse~~ impact of such conduct on a respectful workplace.

The Complaint Resolution process as defined in section ~~89.0~~ below does not apply to ~~persons~~ individuals who are not Employees of the City of White Rock.

4.0 Definitions Objective

A Respectful Workplace - A place free from bullying, harassment, or discrimination, ~~harassment and bullying~~ of any kind, and where all Employees are treated with dignity and respect and where diversity and inclusion are valued.

A Respectful Workplace:

- requires psychological safety
- promotes positive-open communication
- embraces diversity and equality
- values dignity of the person
- allows for experimentation, risk-taking, and the sharing of diverse perspectives
- encourages fair and respectful treatment
- encourages thinking about how other people want and deserve to be treated
- applauds polite, courteous and considerate conduct
- promotes collegiality, collaboration, and ~~team-work~~ teamwork
- supports an inclusive atmosphere
- promotes active listening
- promotes the sharing of opinions and ideas in an open-minded environment
- encourages positive feedback for ideas, suggestions, or work that is accomplished well
- encourages thinking before we act or speak or type
- encourages considering how our actions affect others

In short, a Respectful Workplace is about ‘raising the bar’ for the way we treat each other.

5.0 Definitions

Allegation - An unproven assertion, claim, or statement based on a person’s perception that someone has done something wrong.

Bullying - any inappropriate conduct or comment by a person towards another individual (or group of individuals) that the person knew or reasonably ought to have known would cause that other individual (or group of individuals) to be humiliated or intimidated. ~~A type of harassment that is marked by the intentional, persistent attempt of one or more persons to intimidate, demean, torment, control, mentally or physically harm or isolate another person(s).~~

Bullying Behaviour includes:

- Persistent, excessive, and unjustified criticism that offends or degrades, ~~intimidates or humiliates~~
- An action deliberate attempt that to sabotage or obstructs another person’s ability to do perform their job properly or effectively
- Abusive, vindictive, malicious behaviour and misuse of power deliberately aimed at undermining a person’s dignity and self-esteem

Cyberbullying:- Using electronic technology, the internet, or web-based social media, with the intent to harm or isolate another person or group of individuals.

Examples of Bullying

Other than the obvious forms of bullying, such as verbal, emotional and physical abuse, threats, and intimidation, other examples as part of a pattern of behaviour may include, but are not limited to:

- Excluding, shunning or ignoring and/or encouraging co-workers to do the same
- ~~Unwarranted persistent, excessive and unjustified criticizing of another person or their work~~
- Spreading malicious rumours, gossip, innuendo, or and making false allegations about another person
- Undermining or hindering another person’s work by sabotaging-withholding information necessary their ability to do their job properly
- Assigning or making unreasonable work ~~demands;demands~~, setting impossible deadlines and goals
- Constantly changing goals, expectations and guidelines applicable to the targeted person
- Removing responsibilities from the target and making them feel useless
- Blocking the target’s application for leave, training, or promotion for unjustified reasons
- Rumors spread by email or posted on websites, such as social networking sites
- Embarrassing pictures or videos spread electronically such as by e-mail, text message, or posted on websites, such as social networking sites
- Fake profiles created to disparage, intimidate or humiliate another person
- Vandalizing someone’s belongings or work equipment.

Complainant - The person bringing ~~the a~~ complaint forward and/or alleging that bullying, harassment, or discrimination ~~or harassment~~ has occurred. There may be one or more Complainants.

Discrimination – Adverse or negative treatment of a person related to his/her employment based on thea prohibited grounds of discrimination under the *BC Human Rights Code*. Discrimination includes making adverse distinctions between persons based on a prohibited ground.

Prohibited grounds of discrimination include:

- | | |
|--|--|
| • <u>Indigenous identity</u> | • <u>Sex (including pregnancy)</u> |
| • Race | • <u>Sexual orientation</u> |
| • Colour | • <u>Gender identity or expression</u> |
| • Ancestry | • <u>Age</u> |
| • <u>Political belief</u> <u>Place of origin</u> | • <u>Conviction of criminal or summary conviction offense that is unrelated to employment or intended employment</u> |
| • <u>Religion</u> | |
| • <u>Marital status</u> | |
| • <u>Family status</u> | |
| • <u>Physical or Mental disability</u> | |

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Employee(s) - Includes all employees (~~F~~full-time, ~~p~~Part-time, ~~T~~temporary ~~fulltime~~, ~~C~~casual, ~~P~~probationary), ~~A~~apprentices, and ~~[paid]~~ ~~S~~tudents.

Harassment – As defined in this ~~P~~olicy, any of the three following types of behaviours:

a. Harassment based on the prohibited grounds of discrimination

Unwelcome or objectionable conduct, comment or behaviour directed towards another person that:

- is directly or indirectly based on a prohibited ground of discrimination under the *BC Human Rights Code*,
- the individual knows or ought reasonably to know would be unwelcome or offensive to another, and
- has the effect of creating an intimidating, hostile, or offensive work environment or leads to adverse job-related consequences.

b. Sexual Harassment

~~Anyone can face unwanted sexual attention — women, men, or non-binary people, and people who identify as two-spirit, lesbian, gay, bisexual, transgender, queer, intersex, asexual, or pansexual. In fact, treating others differently because of their gender identity or expression can be a form of sexual harassment if ~~the person engaging in the conduct or making the comments knew or ought to have known that the behavior would cause the target~~ ~~made the person to feel humiliated or intimidated.~~~~

⋮

~~Sexual harassment can also be:~~ ~~Unwanted, unwelcome, unsolicited, or unreciprocated conduct, that is sexual in nature and has the purpose or effect of: creating an intimidating, hostile, or offensive work environment; Has the purpose or effect of undermining work performance, work relationships, or productivity, or~~

~~Places conditions upon employment, promotion, work assignments, and compensation or is used as the basis for decisions generally affecting an individual's employment.~~

~~Including: Examples of sexual harassment include but are not limited to:~~

- ~~Unwelcome remarks, questions, jokes, innuendo, gestures or taunting about a person's body, sex, sexual orientation, sexual attractiveness or unattractiveness;~~
- ~~including: sexual invitations or advances, requesting sexual favors or making sexual advances with actual or implied work-related consequences; and~~
- ~~Unwanted physical contact such as touching, patting, pinching, grabbing, brushing up against, hugging, kissing and any touching with a sexual connotation, including intimidation, threats or actual physical assault of a sexual nature, sexual advances, requests for sexual favors or other verbal or physical behavior of~~

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~~• Has the purpose or effect of creating an intimidating, hostile, or offensive~~

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- ~~• Has the purpose or effect of undermining work performance, work relationships, or productivity, or~~
- ~~• Places conditions upon employment, promotion, work assignments, and compensation or is used as the basis for decisions generally affecting an individual's employment.~~

c. Personal Harassment

A type of harassment that is not related to one of the prohibited grounds of discrimination outlined in the *BC Human Rights Code*. Personal harassment is any inappropriate conduct, comment, display, action, or gesture by a person towards another person-individual that the first person knew or reasonably ought to have known would cause the other person-recipient or target to be humiliated or intimidated.

Personal harassment includes verbal or physical abuse, threats, violence, bullying, insults, belittling comments, or intimidation, and subtler forms of harassment such as unwelcome non-verbal gestures, manipulation, ignoring or isolating a person or treating a person adversely for no legitimate work purpose, when the person engaged in the conduct knew or ought to have known it would cause the other person to be humiliated or intimidated.

Harassment of any kind may be intentional or unintentional. ~~Generally~~Generally, it consists of repeated incidents or actions; however, a single serious incident that has a lasting harmful effect may constitute harassment. Examples of harassment include but are not limited to:

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- Verbal or written insults, abuse or threats, physical assault (actual or threatened)
- Bullying, hazing
- Derogatory, demeaning, degrading or intimidating comments
- Racial or ethnic slurs, including racially derogatory nicknames
- Practical jokes which cause embarrassment, endanger safety, or negatively affect work performance
- Unwelcome or offensive jokes, innuendo, taunting or teasing based on a prohibited ground of discrimination
- ~~• Unwelcome remarks, questions, jokes, innuendo, gestures or taunting about a person's body, sex, sexual orientation, sexual attractiveness or unattractiveness, including sexual invitations, requesting sexual favors or making sexual advances with actual or implied work-related consequences~~
- ~~• Unwanted physical contact such as touching, patting, pinching, grabbing, brushing up against, hugging, kissing and any touching with a sexual connotation, including intimidation, threats or actual physical assault of a sexual nature~~
- Display of sexual or pornographic materials, including emails, text messages and electronic materials, offensive or sexually explicit pictures, posters, pin-ups, graffiti, cartoons or sayings
- Patronizing or condescending behavior
- Excluding, shunning, ostracizing, misuse of authority
- Malicious gestures or actions

- Spreading of malicious rumours or lies
- Unwarranted and excessive supervision or criticism of an individual
- Bullying including cyberbullying

Mediation - A voluntary process where parties in dispute consent to meet with a Mediator to determine whether the dispute can be resolved in a mutually satisfactory manner. Mediation discussions between parties are private and confidential.

Personal Information and Confidentiality – any allegation or informal or formal complaint of inappropriate workplace behaviour under the policy will be considered personal information “supplied in confidence” as per Section 22(2)(f) of the *Freedom of Information and Protection of Privacy Act* (FOIPPA) and the substance of the investigative reports and meetings held by those in authority to make a decision on the disposition of the complaint will be protected from disclosure to third parties in accordance with section 22(2)(f) and Section 22(2)(h) of the Act and any other provisions and laws as applicable.

Reasonable Person Standard – An objective legal test to determine whether a reasonable person, in a similar situation as the Complainant, would be humiliated, offended or intimidated as a result of another person’s conduct or pattern of conduct. In law, a reasonable person is a hypothetical individual, under any common set of facts, meant to suggest a person of ordinary caution, care and consideration, whose character and conduct is determined from having sufficient and appropriate information and capabilities, being fair-minded, and an awareness of the law.

Respondent - The person(s) who the allegations of harassment or discrimination have been made against in accordance with this Policy.

Retaliation - Any intentional act or omission by a person, in response to a complaint, that adversely affects a Complainant, a person named in a complaint or person who gives evidence or assists in a complaint, including:

- Coercion or intimidation
- Suspension, lay-off or dismissal, demotion or loss of opportunity for promotion, discontinuation or elimination of the job
- Transfer of duties, change of location, reduction in wages or hours
- Imposition of any discipline, reprimand or other penalty

Workplace - Includes City of White Rock facilities, worksites, offices, vehicles, parks, washrooms, locations visited by Employees or elected officials on City-related ~~business;~~business, including conferences, meetings, client sites, locations of work-based social gatherings and all written, verbal and electronic communication taking place in such venues or for work-related purposes.

6.5.0 Workplace Harassment Is NOT:

Management of the workforce:

- Supervision, direction or management of Employees undertaken in a good faith manner for a legitimate work purpose does not constitute harassment. For example, harassment does not include changes to working conditions, corrective action, discipline, termination of employment, decisions relating to workload and deadlines, performance evaluation, transfers, changes in job duties, lay-offs, demotions and reorganizations unless such conduct is carried out in an abusive or threatening manner or is intended to cause emotional harm.
- It is not harassment for a manager or supervisor to informally or formally investigate behaviour or incidents of concern that occur at or arise from the workplace by interviewing Employees unless an interview is carried out in an abusive or threatening manner or intended to cause emotional harm.
- It is not harassment for a supervisor or manager during an investigation to warn an Employee of the disciplinary consequences that may result from failure to comply with a policy, including this Policy including engaging in bullying & harassment, or for failing to cooperate with the company's an active investigation, failure to report bullying & harassment or; breaching confidentiality or engaging in retaliation during an investigation.

Interpersonal conflict between ~~persons~~ individuals at-in the workplace is not bullying or harassment unless the conflict results in behavior that is considered threatening or abusive. The simple e

- ~~Expressing differences of opinion in the workplace is not harassment, however, attempts to resolve workplace issues constructively with co-workers require mutual respect. Disputes over work-related matters may benefit from the assistance of a supervisor, manager, or Human Resources. Individuals should exercise good judgement and not pursue or engage in p-~~
- ~~Personal disputes over non-work-related non-work-related matters should not be engaged in at the workplace. Disputes over work-related matters should be resolved respectfully between the persons people involved or with the assistance of a supervisor, manager or Human Resources.~~
- ~~It is not harassment to respectfully and constructively attempt to resolve workplace issues with co-workers.~~

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76.0 Responsibilities

Council, Management and Supervisors

Have the responsibility to:

- Act in a manner that is consistent with a Respectful Workplace
- Not engage in behaviour that constitutes discrimination, bullying or harassment as defined in this policy
- Comply with, administer and promote awareness, understanding and compliance by everyone of this Ppolicy
- Participate in training and become familiar with this Ppolicy
- Model inclusive and respectful behaviour
- Lead by example in treating all Employees with dignity and respect

- Set and enforce standards of appropriate workplace conduct
- Promptly respond to reported or suspected breaches of this Ppolicy
- Deal with all incidents or allegations in a manner consistent with this Ppolicy and in consultation with Human Resources as required
- Maintain confidentiality related to complaints to the extent possible to comply with this Ppolicy, investigate complaints in a fair, unbiased and thorough manner and take corrective action, as appropriate
- Know and abide by Sections 115-21 and 23 of the Workers Compensation Act and Policy Item P2-21-2 Guidelines D3-115-2, Employer Duties - Workplace Bullying and Harassment and Policy Item P2-23-2 D3-117-2, Supervisor Duties, Workplace Bullying and Harassment, arising from the *Workers Compensation Act*.
- Know and comply with the rights and obligations arising from the *BC Human Rights Code*.

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Human Resources

Has the responsibility to:

- Act in a manner that is consistent with a Respectful Workplace
- Not engage in behaviour that constitutes discrimination, bullying or harassment as defined in this policy
- Comply with, administer and promote awareness, understanding and compliance by everyone of this Ppolicy, relevant provisions of the *BC Human Rights Code*, and related policies, guidelines and regulations under the *Workers Compensation Act*
- Ensure management, supervisors, elected officials and Employees are provided with training on respectful workplace behaviour, including bullying and harassment training
- Advise management with regards to this Ppolicy and assist with addressing resolving issues of bullying, harassment, and discrimination
- Promptly respond to reported or suspected breaches of this pPolicy
- Investigate allegations of discrimination, bullying and harassment
- Provide mediation where appropriate and determine when a third-party third-party mediation is appropriate
- Maintain confidentiality to the extent possible to comply with this Ppolicy, investigate complaints in a fair, unbiased and thorough manner, and take-initiate appropriate corrective action
- Conduct any follow-up steps that are determined to be appropriate following an investigation
- Keep records of complaints, investigations, corrective action and follow-up measures in a secure manner
- Review the policies and procedures and steps taken by the City to address bullying and harassment on an annual basis
- Comply with this Ppolicy and any other policy implemented by the City related to preventing and addressing bullying & harassment

Employees, including Union Representatives

Have the responsibility to:

- Act in a manner that is consistent with a Respectful Workplace
- Not engage in behaviour that constitutes ~~discrimination~~, bullying ~~or~~ harassment, or discrimination, as defined in this Policy
- Participate in training and become familiar with this Policy
- Know and comply with the rights and obligations arising from this Policy and relevant provisions of the BC Human Rights Code
- Attempt to resolve differences with other Employees in a respectful way as soon as possible and raise concerns in a timely manner
- Inform a person engaged in ~~unwelcome disrespectful~~ conduct that it is not welcome, as long as the Employee is comfortable doing so safely
- Promptly report breaches or potential breaches of this Policy, including bullying, ~~and~~ harassment, and discrimination of any kind that is experienced or observed in the workplace
- Fully cooperate with interventions, investigations, and attempts at mediations to resolve complaints
- Maintain confidentiality related to complaints.
- ~~Know and abide by Section 22 of the Workers Compensation Act (General duties of workers) and Policy Item P2-22-1, Worker Duties - Workplace Bullying and Harassment, arising from the Workers Compensation Act. Policy Guideline D3-116-1, Worker Duties - Workplace Bullying and Harassment, of the Workers Compensation Act~~
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87.0. Confidentiality

Allegations of discrimination and harassment, especially sexual harassment, often involve the collection, use and disclosure of sensitive personal information. It is imperative that confidentiality is maintained, not only from a legal standpoint but ~~it is essential in order also~~ to ensure ~~that people individuals~~ feel ~~comfortable sufficiently safe to come~~ coming forward with a complaint and confident that their personal information will not be shared beyond individuals directly involved in an investigation or its outcome. Confidentiality must also be maintained in order to protect the reputation(s) and interests of those whom the allegations are made against and to preserve the integrity of any investigative procedures.

The person(s) investigating a complaint or suspected breach of this Policy will disclose personal information to ~~persons individuals~~ as reasonably necessary to comply with this Policy, investigate alleged or potential breaches of this Policy, ~~and~~ take corrective, and pursue remedial ~~and or~~ follow-up measures.

Subject to any limits or disclosure requirements imposed by law or required by this Policy, all information, oral and written, created, gathered, received or compiled through the course of a complaint and investigation will be maintained in confidence by the Complainant, Respondent,

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their representatives, witnesses and any other parties that may be privy to ~~the relevant~~ information. Any person breaching confidentiality may be subject to disciplinary action, up to and including ~~immediate~~ termination of employment.

The Director of Human Resources may provide information concerning a complaint or its investigation to appropriate City officials on a need-to-know basis.

98.0 Complaint Resolution Responding to Perceived Breaches of the Respectful Workplace Policy

For the purposes of the informal and formal resolution procedures, “Employee(s)” includes volunteers and practicum students of the City.

Informal Resolution Attempts

An Employee who believes that he or she has experienced or observed conduct that is not consistent with a Respectful Workplace or a provision of this Policy is encouraged to ~~first attempt to~~ resolve the issue through open and respectful ~~and open~~ dialogue in an informal ~~process~~ manner with the offending individual. It may be that the individual was unaware of the impacts of their words or actions and will stop immediately.

~~For the purposes of the informal and formal resolution process, “Employee(s)” includes volunteers and practicum students of the City.~~

Informal Conversation

- If ~~comfortable feeling safe~~ doing so ~~safely, the an~~ Employee is ~~strongly~~ encouraged to approach and engage the person responsible for the ~~offending~~ conduct in conversation to clarify and ~~resolve address the~~ concerns.
 - Let the ~~other person~~ know that their behaviour/conduct is unwelcome
 - Ask them to stop the behaviour
- If the Employee is not comfortable with directly approaching the individual or there is no resolution to the issue, they ~~Employee~~ should promptly contact their supervisor/manager or alternatively a member of Human Resources who will assist ~~in~~ ~~with~~ the matter as soon as possible.

Informal Conversation with assistance of Supervisor/Manager or Human Resources Personnel

- The Supervisor, Manager, or a member of Human Resources will meet with the Employee to discuss the situation, ~~provide information about application of the p~~ Policy, and ~~discuss consider~~ options for ~~resolution addressing perceived breaches of this Policy~~, which may include ~~an initial or additional attempts at~~ informal ~~resolution or~~, ~~alternatively, proceeding to the~~ formal resolution process, ~~which requires a written complaint~~.
- Manager/Supervisor/Human Resources may decide to:
 - Meet separately with each person involved in the complaint and review ~~concerns~~ ~~the perspective of each person involved~~
 - Meet together with all ~~persons individuals involved~~ to facilitate a conversation ~~in attempt~~ to resolve the issue
 - Review ~~policies~~—and reinforce ~~the~~ expectations of ~~a R~~ respectful ~~conduct~~ Workplace
 - Seek commitments from ~~individuals involved persons~~ that they will conduct themselves in a respectful manner ~~on a going forward basis~~
 - Follow-up, where appropriate, with ~~individuals involved persons~~ after the resolution process to ~~ask confirm~~ whether commitments have been adhered to

An Employee that pursues an informal course of action is not prevented from filing a formal complaint in the future. However, the prompt reporting of all allegations of bullying, harassment, or discrimination that ~~are not remain unresolved, or reoccur, in an~~ ~~following any~~ informal ~~matter discussion(s)~~ is required.

Formal Resolution of bullying, harassment and discrimination complaints

If ~~a satisfactory~~ resolution cannot be ~~attained achieved through~~ Informal Resolution ~~attempts~~ and the conduct alleged, ~~based on available information and evidence, may constitute~~ appear ~~to contravene the definitions of~~ bullying, harassment or discrimination ~~outlined in this Policy, of an Employee as defined in this Complaint Resolution section then~~ the ~~complaint situation~~

~~by the Employee~~ must ~~go proceed~~ through ~~the~~ Formal Resolution ~~process, which requires a detailed complaint in writing.~~

A Formal Resolution process or investigation may be carried out even if the Complainant requests that it not ~~occur be initiated~~ because the City, ~~as an Employer,~~ is ~~committed legally obliged~~ to ~~maintain~~ ~~provideng~~ a workplace ~~that is~~ free from bullying, harassment, and discrimination. ~~When a Complainant refuses to provide a written complaint and the alleged breach of the Respectful Workplace Policy is characterized as serious or egregious, the Director of Human Resources may commence the Formal Resolution process with the existing information and records as the basis of a written complaint.~~

A ~~formal~~ complaint of bullying, harassment, or discrimination involving the CAO or a member of Council and involving a staff member(s) should be ~~reported submitted~~ to the Director of Human Resources. Conduct of such an investigation, ~~any resulting actions~~ and any appeals will take place in accordance with the Policy. Complaints involving Council that do not involve staff will be handled within Council, ~~in accordance with a distinct process.~~

Ensuring that we maintain a safe and respectful workplace is everyone's responsibility and deserves our immediate ~~and ongoing~~ attention. Delays in reporting complaints can compromise ~~the workplace dynamics, impede investigative procedures,~~ and ~~affect impact~~ the City's ability to take ~~appropriate~~ corrective action when needed. Accordingly, the City ~~expects requires~~ that a complaint of bullying, harassment or discrimination be ~~filed submitted, in writing,~~ immediately after the alleged incident(s) have occurred or ~~immediately following~~ after any ~~informal resolution~~ attempts ~~at informally resolving related to~~ the incident(s) have ~~not been unsuccessful, and in any case must be reported no later than the time limits set out in the BC Human Rights Code or the Workers Compensation Act.~~

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A formal complaint should be ~~reported submitted~~ to the Employee's immediate supervisor/manager or directly to Human Resources. In the event the complaint involves the immediate supervisor/manager then it should be reported directly to Human Resources. If a member of Human Resources is involved in the complaint, then it should be reported to the Director of Human Resources and the Chief Administrative Officer.

In the event that the Director of Human Resources is involved in the investigation as a Complainant, Respondent, or witness, the Chief Administrative Officer, or designate, will fulfill the role of the Director of Human Resources as it relates to the ~~Formal Resolution~~ process.

Formal complaints must be in writing, ~~and signed, and dated~~ by the Complainant. Information required for a written complaint includes:

- Description of the incident(s) that have led to the complaint being filed
- The date(s) and location(s) where the incident(s) occurred
- The name(s) of the Respondent(s)
- The name(s) of any witnesses
- The ~~effect impact~~ the incident(s) have had on the Complainant's work and well-being
- Any attempts made to resolve the complaint through an informal process

Employees are encouraged to consult the Director of Human Resources (or a designate) ~~in formalizing their when submitting a formal, written~~ complaint.

The Director of Human Resources, or designate, after consultation with the Complainant and consideration of the incident(s) will determine whether the Complaint involves allegations of bullying, harassment, or discrimination that should proceed to the investigation process.

The Investigation Process

The investigation of a formal complaint will be conducted as soon as possible and will be kept as confidential as possible. Any resolutions necessary as an outcome of the investigation will be implemented in a timely manner.

The Director of Human Resources, or designate, may decide not to proceed with an investigation when a determination is made that:

- The complaint has no reasonable basis, is frivolous, vexatious, malicious, or lies outside the scope of conduct prohibited by this Policy
- The alleged conduct could not constitute bullying, harassment, or discrimination
- The issue is more appropriately dealt with under the Informal Resolution process or under another policy or procedure
- The complaint refers to an incident that exceeds the time limits imposed by this Policy
- ~~The Complainant chooses a different forum for resolution (see Other Proceedings section).~~

If, after reviewing the allegations and consideration of the facts and circumstances, it is determined that the conduct complained of would does not constitute a breach of the Policy or warrant or justify proceeding with ~~the an~~ investigation into the complaint, the Complainant will be informed of this decision and the reasons ~~behind it~~ the decision was based upon.

~~If the~~ When it is determined that a complaint ~~proceeds~~ requires investigating, the Director of Human Resources will conduct the investigation, or may appoint a designate, or retain an external investigator to investigate the allegations ~~made by the Complainant~~ outlined in the complaint. The Complainant and the Respondent will be notified of the investigation and who will be ~~investigating~~ conducting the investigation.

The investigator will ~~conduct~~ perform a thorough ~~and fair~~ investigation of the complaint. The investigator will interview the Complainant, Respondent, and any identified witnesses with relevant information, make findings of fact, and determine whether the findings ~~facts~~ constitute a ~~finding of a~~ breach of this Policy.

The investigation will be conducted in a fair manner that ensures both the Complainant and Respondent ~~each have a fair opportunity to know what the other party is saying~~ are aware of the scope of the investigation and the allegations brought forward in the complaint. Each party will be treated fairly, provided and an fair opportunity to be heard, respond to any incident associated with the complaint, and to account for any actions or conduct attributed to them ~~heard. The Respondent will be given the opportunity to respond to the allegations.~~

Employees have an obligation to participate and cooperate in ~~the-a workplace~~ investigative process. Refusing to do so may be grounds for disciplinary action, up to and including termination of employment. If a Complainant or Respondent is a union member, they may request union representation.

At any time during the investigation, the Director of Human Resources may pursue the option to informally resolve the complaint, which may include mediation. The investigation may be suspended for an informal process to occur. If unsuccessful, the investigation will recommence.

In reaching a decision, the investigator will use the standard of proof corresponding to the civil ~~burden standard~~ of proof, which is “on a balance of probabilities”.

Upon the conclusion of the investigation, a report will be written setting out the nature of the complaint and the investigator's findings. If the investigator is someone other than the Director of Human Resources, the investigator will provide a confidential report to the Director of Human Resources. The Director of Human Resources, in consultation with the appropriate City personnel, will determine the remedial action that must be taken.

The parties will be informed of the outcome of the investigation.

The above procedure and the investigation carried out are intended to be flexible in order to respond to the specific circumstances at issue. The City reserves the right to engage in a different procedure as deemed appropriate in any given circumstance.

The Complaint, notes, witness statements and all other documentation gathered as part of the investigation will be securely kept in a confidential investigation file.

If it is determined that harassment, bullying or discrimination occurred then disciplinary action ~~will may~~ result, up to and including ~~immediate~~ termination of employment.

If the investigation determines that the Complainant initiated a false allegation or an allegation with intent to harm the Respondent or others then disciplinary action ~~will may~~ result, up to and including ~~immediate~~ termination of employment.

9.0 Other Proceedings

This policy does not preclude an Employee from accessing their rights through their Collective Agreement, the *BC Human Rights Code* or the *Workers Compensation Act* as applicable.

10.0 Appeals

Exempt Employees may appeal any disciplinary action to the Chief Administrative Officer. Union Employees may follow the procedures as prescribed in the applicable Collective Agreement.

Rationale:

The City values all of its Employees and is committed to providing a Respectful Workplace and working environment that is free from ~~discrimination, bullying, and harassment,~~ and discrimination and where all Employees are treated with dignity and respect.