

Policy

POLICY NAME:	Respectful Workplace Policy		
APPROVING AUTHORITY:	<input checked="" type="checkbox"/> Legislative (Council approved)	<input type="checkbox"/> Administrative (CAO approved)	
ISSUED BY:	CAO	DATE APPROVED:	11-Sep-2008
		NEXT REVIEW DATE:	28-June-2023
		DATE LAST AMENDED:	28-June-2022

PURPOSE The District of Squamish (“the District”) has developed the Respectful Workplace Policy (“the Policy”) to demonstrate and promote our commitment to fostering a safe workplace where everyone is treated with respect and dignity, in an environment that is inclusive, equitable, and diverse.

POLICY It is the Policy of the District that all employees, volunteers and members of Council have the right to a workplace that is free from discrimination, bullying and harassment. The District is committed to creating and maintaining a respectful workplace environment; discrimination, bullying and harassment are not acceptable and will not be tolerated.

The District will:

- a. Promote the prevention of discrimination, bullying and harassment in the workplace.
- b. Support diversity and inclusion and promote positive communication and collaborative working relationships.
- c. Provide a standard and consistent process to address and resolve discrimination, bullying and harassment incidents and complaints.
- d. Ensure that every discrimination, bullying and harassment incident and Complaint is regarded as a serious matter and dealt with in a confidential, objective and timely manner, while respecting the rights of all parties.
- e. Provide training for the purpose of:
 - i. Awareness of this Policy.
 - ii. Recognition of the potential for bullying, harassment and discrimination.
 - iii. Understanding of how to respond to incidents of bullying, harassment and discrimination.
 - iv. Knowledge of how to report incidents of bullying, harassment and discrimination.
 - v. Knowledge of how the District will deal with incidents of bullying, harassment and discrimination.
- f. Provide training to employees responsible for (e) and to employees responsible for conducting internal investigations.

1.0 Principles

All employees, volunteers and members of Council have a responsibility to respect the dignity and human rights of each other and the public they serve, as well as to expect compliance with the *Canadian Charter of Rights and Freedoms*,

the *Human Rights Code of British Columbia* (“the Human Rights Code”) and the *Workers Compensation Act of British Columbia* (“the Workers Compensation Act”).

2.0 Application

This Policy applies all employees and volunteers. This Policy also applies to all members of Council where the *Council and Committee Member Code of Conduct* (“the Council Code of Conduct”) is silent or not applicable.

This Policy applies to all District workplaces, to all operations at the District and to all aspects of employment including but not limited to recruitment, selection, development, promotion and discipline, and the terms and conditions of employment.

In support of this Policy, the District will inform all employees, volunteers and members of Council of their rights and responsibilities under the Policy.

An employee or volunteer found to be in breach of this policy shall be subject to appropriate disciplinary measures up to and including termination.

A member of Council found to be in breach of this Policy shall be subject to the provisions of the Council Code of Conduct.

3.0 Definitions

3.1. Discrimination

Conduct based on or motivated wholly or in part by any of the prohibited grounds stipulated in the Human Rights Code which is offensive or could reasonably be expected to be offensive and/or have adverse employment related consequences. Discrimination also includes sexual harassment as defined in (3.3) below.

The prohibited grounds are:

- indigenous identity,
- race,
- colour,
- ancestry,
- place of origin,
- political belief,
- religion,
- marital status,
- family status,
- physical or mental disability,
- sex,
- sexual orientation,
- gender identity or expression,
- age, or
- because a person has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.

Examples include but are not limited to:

- a. Racial or ethnic slurs including racial “nicknames”.
- b. Jokes based on one or more of the prohibited factors.
- c. Unwelcome remarks or jokes, innuendoes or taunting about a person’s body, age, marital status, gender, ethnic/racial origin, religion, accent or disabilities.
- d. Practical jokes which cause awkwardness or embarrassment, endanger a person’s safety or negatively affect work performance.
- e. Unwelcome sexual orientation remarks, invitations, jokes or requests that are indirect or explicit.
- f. Inquiries or comments regarding a person’s sex life or sexual preferences.
- g. Physical or sexual assault.
- h. Misuse of authority related to a prohibited ground of discrimination (e.g., transfers or work assignment).
- i. Displaying materials or graffiti which are sexually explicit, degrading, racist, or displaying material in a degrading or derogatory manner.
- j. Patronizing behavior, language or terminology which reinforces stereotypes and undermines self-respect or adversely affects work performance and working conditions.
- k. Initiating an unjust harassment complaint.

3.2. Workplace

All physical and virtual locations where business of the District is conducted, including online/social media forums, locations visited when travelling on District-related business including conferences, meetings, events, vendor/supplier/ customer sites, and sites of work-related social gatherings.

Other locations, provided the incident has an impact on work relationships, work status or work environment, including (but not limited to) online/social media forums, phone/video calls and/or messaging and visits to a person’s home.

3.3. Sexual Harassment

Unwanted behavior and/or comments of a sexual nature which result in an intimidating, hostile or offensive working environment.

Unwanted sexual advances, whether or not they include or imply a threat and/or reprisal, which may have an adverse personal effect or adverse job-related consequences.

Examples include but are not limited to:

- a. Posters, images, photos, cartoons, emails, screensavers, etc., that depict content of a sexual nature.
- b. Leering (suggestive staring) or obscene/offensive gestures.

- c. Unwanted and inappropriate physical contact such as touching, kissing, patting, pinching or brushing up against a person.
- d. A request or demand for sexual favours in return for being hired or receiving promotions or other employment benefits.
- e. Sexual advances with actual or implied work-related consequences.

3.4. Bullying and Harassment

Any conduct or comment that was known or reasonably ought to have been known would cause humiliation or intimidation; excluding any reasonable action taken by the District, Human Resources or a director, supervisor or manager in relation to the management or direction of an employee or volunteer.

Micro-aggressions in the form of brief and commonplace verbal, behavioural, and environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative slights and insults.

Examples include but are not limited to:

- a. Demeaning comments about a person's ability, appearance or personal situation.
- b. Demeaning jokes or "kidding around" that is unwanted or considered offensive by others.
- c. Notes or other written material containing comments related to any of the above or other inappropriate content.
- d. Sharing of information of a personal nature which is not work related and which could have a negative impact on the person being discussed.
- e. Spreading malicious rumours, gossip, or innuendo.
- f. Threatening comments or shouting.
- g. Aggressive remarks or insulting comments.
- h. Intentional isolation or exclusion of an individual.
- i. Subjecting a person to excessive demands that are impossible to meet or to demeaning tasks below their capability due to their tenure, seniority or position in the office/workplace hierarchy.
- j. Dismissing the racialized experiences of a person of colour and downplaying occurrences of racism (e.g., "When I see you, I don't see colour", "There is only one race, the human race.")
- k. Assuming a person of colour is foreign-born and reinforcing the message that they do not belong (e.g., "Where are you from?", "You speak good English.")
- l. Denying that race and systemic racism plays a role in success in life and signaling that the disparate outcome for persons of colour results from laziness or incompetency (e.g., "Everyone can succeed in society if they work hard enough.")
- m. Assuming everyone wants children or judging them for not wanting to have children and prioritizing other things such as career (e.g., "Why don't you want children? You'll regret it later!")

- n. Making a joke to an older person that they don't know how to use a smartphone or that they are tech-illiterate due to their age; perpetuating a stereotype that isn't true.
- o. Clutching onto valuable belongings when a person of colour approaches; suggesting a person is more likely to be involved in criminal activity based on their race.
- p. Mistaking a person of colour for a service worker; reinforcing the belief that persons of colour can't occupy high-status positions and are meant to serve white people.
- q. Assigning a person to a role or task only because of their gender, such as decorating the office for a party or taking notes in a meeting; devaluing their role in the workplace.
- r. Constantly demeaning a person's tenure, seniority or position in the office/workplace hierarchy.

3.5. Complaint

A reported perceived contravention of this Policy.

3.6. Complainant

- a. Refers to the individual who feels they have experienced discrimination or bullying and harassment.
- b. Has the right to confidential, timely and appropriate action being taken on their behalf.
- c. Shall be advised of the remedy to the extent deemed appropriate to the District.
- d. Shall maintain confidentiality other than to process a Complaint.

3.7. Respondent

- a. Refers to the person against whom the Complaint is being lodged.
- b. Has the right to a confidential, timely and unbiased investigation, with a full opportunity to respond to allegations.
- c. Shall maintain confidentiality other than for the purposes of obtaining advice with respect to responding to the Complaint.

3.8. Investigator

- a. A person, internal or external, with knowledge, skills and experience in investigating and resolving discrimination, bullying and harassment complaints.
- b. Has the authority, pursuant to this Policy, to speak with any person, to request and review documents and to enter any work locations that are relevant to the Complaint.
- c. Will report the findings and recommendations to the Adjudicator and to Human Resources.

3.9. Adjudicator

Refers to either a Human Resources representative or the CAO or the individual to which the CAO delegates review of the file.

4.0 Discrimination, Bullying and Harassment Is Not

This Policy is not intended to interfere with normal workplace social interaction nor is it intended to prevent the District from exercising, in good faith, its normal managerial/supervisory rights and responsibilities as the employer.

Workplace banter in any work group is accepted as a normal part of a well-functioning workplace, but care needs to be taken to ensure that the bounds of respect and courtesy are not crossed, that the conduct does not contravene this Policy or any other applicable policy of the District. As a general rule where the affected individual(s) of actions/comments considers such actions/comments offensive, they should be regarded as such.

5.0 Responsibilities

Human Resources has a responsibility to ensure internal and external investigators possess the knowledge, skills and experience to conduct investigations.

When determining whether a Complaint will be investigated by an internal or external Investigator, Human Resources will take into account the following:

- The seriousness of the allegation/s
- The anticipated complexity of the investigation process, such as the presence of a counter-complaint or multiple complainants or respondents
- Any bias or the perception of bias—for example, where the internal Investigator is a friend or colleague of one of the parties or witnesses
- Any other relevant factor

Directors, managers, and supervisors have a responsibility to provide the instruction, training and supervision necessary to ensure the health and safety of employees and volunteers under their direction. Human Resources has a responsibility to provide training and support to directors, managers, and supervisors to enable them to fulfill this responsibility.

Directors, managers, and supervisors, have a responsibility to model appropriate behavior and enforce the District's expectations for a respectful workplace. They must ensure that discrimination, bullying and harassment is not allowed, condoned or ignored and deal promptly and responsibly with a situation, once being made aware of it. Management and supervisory staff may be the first contact for an employee or volunteer seeking assistance with discrimination, bullying and harassment related concerns and are also responsible for preventing reoccurrence and escalation of such conduct.

Employees, volunteers, and members of Council must not engage in discrimination, bullying and harassment and must report if discrimination, bullying and harassment is observed or experienced. The reporting procedures are described below.

Employees, volunteers and members of Council must strive to have a clear understanding of what constitutes discrimination, bullying and harassment, as

well as awareness of the District's process to prevent, educate and deal with such misconduct.

6.0 Malicious Complaints

Initiating a discrimination or bullying and harassment Complaint in bad faith or out of malice is a form of harassment. Where it is determined that an employee or volunteer has alleged discrimination or bullying and harassment with directed and specific intent to harm, disciplinary actions may be taken against the employee or volunteer who lodged the malicious Complaint. Where it is determined that a member of Council has alleged discrimination or bullying and harassment with directed and specific intent to harm, they shall be subject to the provisions of the Council Code of Conduct.

7.0 No Retaliation

No employee, volunteer or member of Council shall retaliate against any Complainant who has reported an employee, volunteer, or member of Council for an offence under this Policy or against any other person who has provided information respecting or served as a witness in proceedings under this Policy.

8.0 Confidentiality

Complaints of discrimination, bullying and harassment may involve sensitive disclosures. Every reasonable effort will be made to ensure confidentiality of all information concerning such complaints, up to and including the final decision. Information will only be disclosed to the extent required for the purposes of investigation, or disciplinary action, or as required by law.

Employees, volunteers, and members of Council who are interviewed during an investigation under this Policy must respect the privacy of others by treating the matter confidentially and refraining from discussing it in the workplace or elsewhere. If it is determined that any employee or volunteer involved in a workplace investigation has not adhered to this requirement, appropriate action will be taken which may include discipline up to and including termination. If it is determined that a member of Council involved in a workplace investigation has not adhered to this requirement, they shall be subject to the provisions of the Council Code of Conduct.

No record of a Complaint will be placed on the personnel file of a Respondent involved in a Complaint unless the remedial action involves disciplinary action.

Confidentiality cannot be guaranteed for individuals who initiate proceedings or make comments outside the District's internal procedures.

9.0 Compliance Reporting

On a quarterly basis, Human Resources will advise the CAO and the Core Leadership Team of the number of incidents raised, investigated and resolved under this Policy. This information will be provided annually to Council upon request.

Annual Review

This Policy will be reviewed annually.

END POLICY

RESPONSIBILITY Human Resources Department

PROCEDURES 1.0 Reporting Discrimination, Bullying and Harassment

Reporting discrimination, bullying and harassment will not prejudice the rights of an employee, volunteer or member of Council, to access other forms of remedial action.

Complaints involving a member of Council shall be addressed in accordance with the procedures outlined in the Council Code of Conduct. Complaints involving a member of Council that are deemed to meet the definition of bullying and harassment under the Workers Compensation Act shall be addressed in accordance with this Policy.

There are several internal options available to raise and resolve complaints under this Policy:

1.1. Internal Resolution Process

- a. An individual who believes they have experienced, or have observed, discrimination or bullying and harassment as per this Policy is encouraged to bring the matter directly to the attention of the person responsible for the conduct. They should inform the other person that the conduct is unwanted and request that it cease. They may wish to document the unwanted conduct and any informal resolution for future reference but are not required to do so.
- b. If the individual does not feel comfortable approaching the other person on their own, they may seek the assistance of their director, manager or supervisor or a Human Resources representative in resolving the matter informally. All directors, managers and supervisors and Human Resources representatives are expected to take action to prohibit or stop any behavior that is contrary to this Policy once they have been made aware of such behavior.
- c. If the member of Council does not feel comfortable approaching the other person on their own, they may seek the assistance from the CAO or the Director of Human Resources.
- d. **Mediation:**
 - i. Mediation is a form of informal action. It is a voluntary process whereby the Complainant and Respondent meet with a trained mediator to determine whether the Complaint can be resolved in a mutually satisfactory manner.
 - ii. Mediation is not appropriate in all circumstances. For example, when there are allegations of severe discrimination or harassment which, if substantiated, would result in disciplinary action, or where there are potential health or safety concerns. If a Human Resources representative deems mediation appropriate, it will be offered to the parties but will only be conducted with the consent of both the Complainant and the Respondent.
 - iii. If a mediated settlement is reached, the terms of the settlement shall be reduced to writing and signed by the Complainant, Respondent, and the mediator. If the settlement requires any action on the part of the District, the agreement of a Human Resources representative will be required.
 - iv. Discussions at the mediation will be treated as carried out with a view to coming to a settlement. Discussions will be treated as privileged and confidential to the full extent permitted by law.

- e. If the conduct in question does not cease or if the individual does not wish to use the internal resolution process, they must file a formal Complaint following the procedures set out below.

1.2. Formal Complaint – Employees and Volunteers

- a. A formal Complaint of discrimination or bullying and harassment must be made verbally or in writing and must include the following information: (i) a detailed description of the alleged discrimination or bullying and harassment including dates, times, locations, exact comments, actions, behavior, and any relevant documents; (ii) the name of the Respondent; and (iii) the names of any witnesses.
- b. Formal complaints should be made as soon as possible after experiencing or witnessing an incident to allow the incident to be investigated and addressed promptly.
- c. An individual making a formal Complaint of discrimination or bullying and harassment can present the Complaint to their director, manager or supervisor who is responsible for forwarding the Complaint to Human Resources for investigation. If the individual feels it is inappropriate to present the Complaint to their director, manager or supervisor (e.g., if their director, manager or supervisor is the Respondent) they can present the Complaint directly to Human Resources.
- d. Upon receipt of a Complaint alleging discrimination or bullying and harassment, Human Resources will initiate an investigation.

1.3. Formal Complaint – Members of Council

If a Complaint is made by or involves a member of Council, a formal Complaint must be presented to the CAO or designate.

The CAO or designate will be responsible for conducting an initial review of the Complaint to determine whether the investigation will occur internally with the Director of Human Resources assisting the CAO, or if the matter will be brought forward to Council to determine referral to a third-party to investigate. The investigator's report will be submitted directly to the CAO, Mayor and Council.

Any member of Council who is found to have breached this Policy will be subject to provisions of the Council Code of Conduct.

1.4. Formal Complaint – CAO

If the Complaint is made by the CAO against a member of Council, or by a member of Council against the CAO, a formal Complaint must be presented to the Director of Human Resources or designate, who will conduct an initial review to determine whether an investigation will occur internally or if an external Investigator shall be appointed.

The Mayor shall receive a copy of the investigation report once the investigation has been completed and in conjunction with the Director of Human Resources, make any decisions and direct as appropriate.

1.5. Formal Complaint – Human Resources

If a Complaint is made by or involves a member of Human Resources, a formal Complaint must be presented to the CAO or designate, who will conduct an initial review to determine whether an investigation will occur internally or if an external Investigator shall be appointed.

The CAO or designate shall receive a copy of the investigation report once the investigation has been completed and make any decisions and direct as appropriate.

2.0 Interim Measures

Interim measures may be imposed during the investigation process to ensure the work environment is safe and operations within the involved area is not compromised. These measures will be determined and implemented by the appropriate director, manager or supervisor in consultation with Human Resources and other relevant parties as necessary and practicable. Notice of the interim measures will be provided in writing, to the individual(s) affected.

3.0 Time Limits

A Complaint and/or portions of a Complaint which identify matters which occurred on a date more than twelve (12) months prior to the filing of the Complaint will not be investigated. This is consistent with the time limits noted in the Human Rights Code.

Time limits may be extended at the discretion of Human Resources when:

- circumstances warrant an extension of the deadline;
- the delay in filing the complaint was incurred in good faith; and
- no substantial prejudice will result to any person because of the delay.

Historical incidents older than (twelve) 12 months may form part of an investigation at the discretion of the Investigator for the purpose of determining a more timely incident.

4.0 Investigation and Remedial Action

The goals of the investigation are to:

- a. Provide a fair process
- b. Obtain all relevant information
- c. Make findings of fact
- d. Make a decision based on those facts

4.1 Investigation Procedure

- a. If the subject matter of a Complaint fits within the definitions of discrimination or bullying and harassment, it will be investigated. The investigation will be undertaken promptly and approached in an unbiased manner.
- b. Investigations will be conducted internally by Human Resources or externally by an Investigator appointed to conduct the investigation.
- c. Both the Complainant and the Respondent are entitled to a fair hearing. The Investigator will interview the Complainant, the Respondent, and any other witnesses the Investigator believes may have information relevant to the Complaint. The Investigator will review any documents they consider relevant. The Respondent will be given the details of the Complaint and will be provided with a reasonable opportunity to respond.
- d. All investigation proceedings will be documented and upon completion of the investigation, the assigned Investigator will file a report of findings with recommendations for remedial actions.
- e. The results of the investigation, including findings and recommendations, will be reported to the Adjudicator responsible for deciding what remedial action is required, and to Human Resources.
- f. The investigation report will be retained by Human Resources where it will be stored in a manner that maintains the confidentiality of the report.

4.2 Remedial Action

- a. The results of the investigation including findings and recommendations will be reported to the Adjudicator who is responsible for deciding what remedial actions, if any, are appropriate and for ensuring the implementation of such remedial actions.
- b. The Adjudicator will follow-up with the Complainant and Respondent

- regarding the outcome of the investigation.
- c. Remedial actions may include but are not limited to:
 - i. Education and training
 - ii. Coaching
 - iii. Review and modification of policies, procedures and practices
 - iv. Disciplinary action up to and including dismissal
 - v. Continuous monitoring and follow-up
 - vi. Any other strategy designed to eliminate and/or prevent discrimination, bullying an harassment
 - vii. Referral to the District’s Employee and Family Assistance Program or encouragement to seek medical advice.

5.0 Timeline

The investigation and remedy will be carried out and concluded as expeditiously as possible.

6.0 Withdrawal of a Formal Complaint

At any time during the course of an investigation of a Complaint, the Complainant may choose to withdraw their Complaint without penalty unless the investigator finds that the Complaint was frivolous, vexatious, vindictive, false or made in bad faith.

7.0 Unsubstantiated Complaints

If the investigator finds insufficient evidence to support the Complainant’s allegations, the Investigator will submit a finding of “unsubstantiated.” There will be no record of the Complaint on the Complainant or Respondent’s file and no penalty to anyone concerning the incident. A finding of “unsubstantiated” is a simple reflection of an absence of evidence to support the claim – nothing more. It is important to differentiate between a finding of “unsubstantiated” and a “bad faith, vexatious, vindictive, false or frivolous complaint.”

8.0 Interim Investigation Report

Where the Investigator is unable to conclude an investigation due to the unavailability of the Respondent, an interim investigation report shall be issued. The investigation shall remain open until which time as the Respondent is available.

9.0 Support Resources

It is recognized that having respectful workplace concerns addressed and resolved can be stressful. The District’s Employee and Family Assistance Program is available for support, in addition to potential resources available through an employee’s union.

REFERENCES

1. Respectful Workplace Policy Manual
2. Canadian Charter of Rights and Freedoms
3. Human Rights Code of British Columbia
4. Freedom of Information & Protection of Privacy Act
5. Workers Compensation Act of British Columbia

SUPPORTING DOCUMENTS

1. Employee Code of Ethics Policy
2. Health and Safety Policy
3. Council Code of Conduct Policy

DISTRIBUTION Online Policy Library

	Sept. 11, 2008	
	Feb. 4, 2014	
	July 26, 2016	Amendment to include members of Council in the policy.
	June 28, 2022	<p>Amendment to include:</p> <ul style="list-style-type: none"> • reference to diversity and inclusion • application to volunteers • updated language regarding prohibited grounds under the Human Rights Code • updates to reporting procedures for CAO, Human Resources and members of Council • application to members of Council where the Code of Conduct is silent or not applicable or where complaints are deemed to meet the threshold of bullying and harassment under the Workers Compensation Act • reference to the production of interim investigation reports, unsubstantiated complaints and time limits • reference to microaggressions • reference to selection of internal and external investigators • reference to compliance reporting to the CAO and Core Leadership Team