

Administrative Policy

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Section:	Human Resources	A07
Sub-Section:	General	2510
Title:	Respectful Workplace	2021-01

Related Policies

Number	Title
A07-2510-02	Serious Complaints
A07-2510-2023-01	Respectful Communications
A07-2640-2021-01	Workplace Drug and Alcohol
A07-2680-01	Discipline

Approvals

Policy Approval

Approved by: original signed by Tim Savoie
Tim Savoie, City Manager

Date: November 18, 2021

Amendment Approval

Approved by: *Mathewson*
Anita Mathewson, Acting City Manager

Date: *June 30, 2023*

Section Amended

Policy

The City of Port Moody (City) is committed to maintaining a work environment that is free from Bullying and Harassment and/or Discrimination, and where all employees are treated with dignity and respect. Bullying and Harassment and/or Discrimination is not acceptable and will not be tolerated.

The purpose of this Policy is to outline the City's principles and procedures in relation to the prevention, identification, and resolution of issues of Bullying and Harassment and/or Discrimination in the workplace.

Scope

This Policy applies to all employees, elected officials, contractors, volunteers, and students working or volunteering for the City.

This Policy applies to alleged incidents of Bullying and Harassment and/or Discrimination that are alleged to have occurred on or off a City worksite in connection with an event or activity sponsored by or under the auspices of the City.

Definitions

Bullying and Harassment is defined as inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment. Bullying and Harassment include, but are not limited to, the following:

- words, gestures, actions, or practical jokes, the natural consequence of which is to humiliate, ridicule, insult, or degrade;
- malicious rumours;
- threats or intimidation;
- vandalizing personal belongings;
- physical assault or violence; and
- persistent rudeness, taunting, patronizing behavior, or other conduct that adversely affects working conditions or work performance.

It is not Bullying and Harassment to:

- comply with professional, managerial, or supervisory responsibilities to evaluate and report on the performance, conduct, or competence of employees;
- express reasonable opinions freely and courteously; or
- respectfully engage in honest differences of opinion.

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Discrimination occurs where there is conduct that relates to a characteristic protected by the *BC Human Rights Code* (Indigenous identity, sex, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sexual orientation, gender identity or expression, age, or criminal conviction which is unrelated to the person's employment); a person experiences an adverse impact with respect to an area protected by the *Human Rights Code* (including employment or services); and the protected characteristic was a factor in the adverse impact.

Sexual Harassment is a form of Discrimination and is defined as conduct or comment of a sexual nature that is unwelcome, and that detrimentally affects the work environment or leads to adverse job-related consequences. Sexual Harassment includes, but is not limited to, the following:

- unwanted touching;
- unwelcome sexual flirtations, advances, or propositions;
- sexually suggestive, obscene, or degrading comments or gestures;
- offensive jokes of a sexual nature;
- leering or staring;
- displaying or circulating pictures or other material of a sexual nature; and
- unwelcome questions or remarks about a person's sex life, appearance, or clothing.

Retaliation means any adverse action taken against a person because that person reports or alleges a violation of this Policy, seeks advice on making a complaint, makes a complaint, or participates in an investigation into a complaint.

Principles

City employees must not engage in Bullying and Harassment and/or Discrimination in the workplace. If an employee is found to have engaged in Bullying and Harassment and/or Discrimination, the City may take disciplinary action, up to and including dismissal.

The City encourages prompt reporting of all alleged incidents of Bullying and Harassment and/or Discrimination, whether experienced or observed.

The City reserves the right to initiate an investigation into alleged Bullying and Harassment and/or Discrimination on its own initiative without the submission of a complaint.

City employees may pursue another process in connection with alleged Bullying and Harassment and/or Discrimination, such as reporting the matter to the police, initiating a civil action, filing a grievance, or filing a complaint under the *BC Human Rights Code* or with WorkSafe BC. If another process is pursued, the City may elect to continue with the process under this Policy or suspend the process under this Policy pending the outcome of the other process.

City employees must not engage in Retaliation. If an employee is found to have engaged in Retaliation, the City may take disciplinary action, up to and including dismissal.

Responsibilities

The City is responsible for:

- ensuring the health and safety of all City employees and other workers at City work sites, including by maintaining a workplace free from Bullying, Harassment, and Discrimination;
- responding promptly to complaints of Bullying and Harassment and/or Discrimination;
- ensuring workplace investigation procedures are followed;
- providing orientation and training on this Policy; and
- conducting a biannual review of this Policy.

Managers and supervisors are responsible for:

- modeling appropriate behavior;
- monitoring the workplace for Bullying and Harassment and/or Discrimination; and
- addressing Bullying and Harassment and/or Discrimination when they know or reasonably ought to know that Bullying and Harassment and/or Discrimination has occurred or is occurring.

Employees are responsible for:

- refraining from Bullying and Harassment and/or Discrimination;
- promptly reporting incidents of Bullying and Harassment and/or Discrimination, whether experienced or observed; and
- cooperating with and being forthright and honest in any investigation under this Policy.

Procedures

Reporting

Employees who believe that they have experienced Bullying and Harassment and/or Discrimination, or have witnessed the same, may:

- if comfortable doing so, inform the offending individual that their conduct is unwelcome and request that they cease the offensive conduct immediately; or
- if the situation is not resolved, or if the employee does not wish to speak directly to the offending individual, report the conduct to a supervisor, member of the management team, the General Manager of Corporate Services, or the Manager of Human Resources, who will consider and discuss options for resolution, including assistance in speaking directly with the offending individual, informal complaint resolution, and formal complaint resolution processes.

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Informal Complaint Resolution

Employees who believe that they have experienced Bullying and Harassment and/or Discrimination, or have witnessed the same, may elect to have their complaint dealt with informally. Informal Complaint Resolution can include but is not limited to mediation or a similar conflict resolution process, a verbal or written apology, or another resolution agreed upon by the Parties and the City as appropriate for resolving the complaint.

Formal Complaint Resolution

Employees who believe that they have experienced Bullying and Harassment and/or Discrimination, or have witnessed the same, may elect to have their complaint dealt with formally under this Policy, regardless of whether an informal complaint resolution has been pursued.

Formal complaints under this Policy shall be made in writing to the General Manager of Corporate Services or the Manager of Human Resources or their designate. It is recommended that a complaint be brought forward as soon as reasonably possible after an alleged incident and no longer than 12 months from the date of the last alleged incident, although this does not preclude a complaint being raised at a later date. In appropriate circumstances, the timeframe for making a formal complaint under this Policy may be extended by the City.

Investigation

The General Manager of Corporate Services or the Manager of Human Resources or their designate will appoint an internal or external investigator to investigate the allegations in the complaint in accordance with the investigation process set out below and define the terms of reference for the investigator. The City may also commence an investigation in any circumstances where it believes the Policy may have been breached, even in the absence of a formal complaint.

Investigations will be undertaken promptly and diligently and be as thorough as necessary given the circumstances. The investigator will conduct the investigation in a procedurally fair manner, using a process determined by the investigator and in accordance with the terms of reference set out by the City. The process will be fair and impartial and will be focused on finding facts and evidence, including interviews with the complainant, respondent, and any witnesses.

The investigation process will include the following:

1. Requesting a written response to the complaint from the respondent;
2. Interviewing and requesting further information from relevant persons including:
 - a. the complainant;
 - b. the respondent;
 - c. any other witnesses or individuals who may have information relevant to the investigation, including any witnesses identified by the complainant or respondent; and
3. Reviewing any evidence including documentary or digital evidence including emails, voicemails, text messages, handwritten notes, photos, social media communications, and video or other images.

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Upon completion of the investigation, the investigator will submit a written investigation report with conclusions to the General Manager of Corporate Services or the Manager of Human Resources or their designate.

Confidentiality

Complaints of Bullying and Harassment and/or Discrimination involve confidential and sensitive information. Confidentiality is required to ensure that those who may have experienced Bullying and Harassment and/or Discrimination will feel free to come forward, and the reputations and interests of those accused are protected during the investigation process.

All employees who are involved in complaints or investigations regarding Bullying and Harassment and/or Discrimination must maintain the confidentiality of any information they receive during the process. Any employee who breaches confidentiality may be subject to disciplinary action, up to and including dismissal.

The City will make every effort to keep any information pertaining to a complaint of Bullying and Harassment and/or Discrimination confidential. However, confidentiality cannot be guaranteed in all circumstances. The City may be required to disclose information pertaining to a complaint to ensure that it is appropriately investigated and responded to, or to satisfy other legal obligations of disclosure. The City also reserves the right to report, in appropriate circumstances, matters related to complaints to law enforcement officials.

Outcomes

If the investigator finds that Bullying and Harassment and/or Discrimination occurred, the respondent may be subject to disciplinary action, up to and including dismissal. Other appropriate remedial measures will also be considered including training, coaching, facilitated mediation, and changes in work assignment or organization of work.

Frivolous, Vexatious, or Bad Faith Complaints

If the investigator finds that the complaint is frivolous, vexatious or brought in bad faith, the City may take appropriate disciplinary action against the complainant or other participant in an investigation, up to and including dismissal.

Record of Complaint

If a complaint is not substantiated, no record of the complaint will be placed on the personnel file of the respondent. However, documentation regarding the investigation of the complaint will be kept in a confidential file by the General Manager of Corporate Services or the Manager of Human Resources.