

Policy	Respectful Workplace	Policy No.	50
Effective Date	November 1, 2013	Approved by	Council
Date Amended	June 21, 2016	Resolution No.	R134/2016
Date Established	November 1, 2013		

RATIONALE

The Village of Anmore values all of its employees and is committed to providing a respectful working environment that is free from discrimination and harassment and where all employees are treated with dignity and respect.

POLICY

1.0 PURPOSE

To aid the Village of Anmore, its employees, and elected officials in fostering and maintaining a respectful workplace that is free from discrimination, bullying and harassment, and promotes a respectful workplace where employees are treated with dignity and respect.

2.0 PRINCIPLES

Every employee has the right to work in a respectful atmosphere that promotes equal opportunities and is free from harassment, bullying and discrimination.

Bullying, harassment and discrimination, as described in this policy, will not be tolerated by the Village of Anmore. 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 harassment, bullying or discrimination, disciplinary action could result, up to and including termination of employment.

This policy prohibits retaliation or reprisals against anyone who, in good faith, reports a violation of this policy or participates in a complaint investigation process. If any employee is found to have retaliated against another employee in such circumstance, disciplinary action could result, up to and including termination of employment.

Complaints found to be false, frivolous or malicious are also considered a violation of this policy, and could result in disciplinary action, up to and including termination of employment.

Failure to comply with any other responsibilities or obligations pursuant to this policy could result in disciplinary action, up to and including termination of employment.

This policy is developed in accordance with sections 115, 116 and 117 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, of the *Workers Compensation Act*.

3.0 DEFINITIONS

The following terms are defined for use in relation and in reference to this policy.

A Respectful Workplace means a place free from 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:

- Promotes positive communication
- Embraces diversity and equality
- Values dignity of the employee
- 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 and team work
- Supports an inclusive atmosphere
- Promotes active listening
- Promotes the sharing of opinions and idea 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

Allegation means an unproven assertion, claim or statement based on an employee's perception that someone has done something wrong.

Bullying means a type of harassment that is marked by the intentional, persistent attempt of one or more employees to intimidate, demean, torment, control, mentally or physically harm or isolate another employee(s).

Examples of bullying behaviour includes, but is not limited to:

- Persistent, excessive and unjustified criticism that intimidates or humiliates
- A deliberate attempt to sabotage an employee's ability to do their job properly, and
- Abusive, vindictive, malicious behaviour and misuse of power deliberately aimed at undermining a employee's dignity and self-esteem

- Excluding, shunning or ignoring
- Unwarranted, persistent, excessive and unjustified criticizing of an employee or their work
- Spreading malicious rumours and making false allegations about an employee
- Undermining or hindering an employee's work by sabotaging their ability to do their job properly
- Assigning or making unreasonable work demands; setting impossible deadlines and goals
- Constantly changing goals, expectations and guidelines applicable to the targeted employee
- Removing responsibilities from an employee to make them feel useless
- Blocking the employee's application for leave, training or promotion for unjustified reasons
- Rumours spread by email or posted on websites such as social networking sites
- Sharing embarrassing pictures or videos electronically, such as by email or posting on websites or social networking sites
- Creation of fake profiles to disparage, intimidate or humiliate an employee

Complainant means the employee bringing the complaint forward and/or alleging that discrimination or harassment has occurred. There may be one or more Complainants.

Cyberbullying means using electronic technology, the internet or social media with the intent to harm or isolate an employee.

Discrimination means adverse or negative treatment of an employee related to his/her employment based on a prohibited ground of discrimination under the *British Columbia Human Rights Code*. Discrimination includes making adverse distinctions between employees based on a prohibited ground.

Prohibited grounds of discrimination include:

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| • Race | • Criminal convictions unrelated to employment |
| • Colour | • Physical disability |
| • Ancestry | • Mental disability |
| • Place of origin (birthplace) | • Sex (including pregnancy & gender identity) |
| • Political belief | • Age |
| • Religion | • Sexual orientation |
| • Marital status | • Family status |

Employee(s) means all employees who work on a permanent, temporary, casual or contract basis, and paid students.

Harassment means, any or all of the three following types of behaviours:

(a) Harassment based on a prohibited ground of discrimination

Unwelcome or objectionable conduct, comment or behaviour directed towards an employee that:

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

(b) Sexual Harassment

Unwanted, unwelcome, unsolicited, or unreciprocated conduct, that is sexual in nature. Including: sexual advances, requests for sexual favors or other verbal or physical behaviour of a sexual nature that:

- 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.

(c) Personal Harassment

Personal harassment includes any inappropriate conduct or comment by a person towards an employee that the person knew or ought to have reasonably known would cause that employee to be humiliated or intimidated.

Harassment of any kind may be intentional or unintentional. 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:

- 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 an employee'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 and electronic materials, offensive or sexually explicit pictures, posters, pin-ups, graffiti, cartoons or sayings
- Patronizing or condescending behaviour
- 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, and
- Bullying including cyberbullying.

Mediation means 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.

Person means an employee, elected official, contractor, and member of the public.

Personal Information and Confidentiality means any allegation or informal or formal complaint of inappropriate workplace behaviour under the policy will be considered personal information supplied in confidence, 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 *FOIPPA*.

Reasonable Person Standard means a 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.

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

Retaliation means 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 investigation, 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, and
- imposition of any discipline, reprimand or other penalty.

Workplace means Village of Anmore worksites, offices, vehicles, parks, washrooms, locations visited by employees or elected officials on Village of Anmore -related business; and includes conferences, meetings, third-party sites, locations of work-based social gatherings and all

written, verbal and electronic communication taking place in such venues for work-related purposes.

4.0 SCOPE

The conduct prohibited by this policy applies to all persons employed by or associated with the Village of Anmore, including employees, contractors, students, volunteers, all public members, and elected officials. This policy applies to all aspects of the employment relationship, including employment-related functions and off-duty conduct that has the potential to negatively impact the work environment, whether or not the function or conduct occurs within the boundaries of the Village of Anmore. Bullying and harassment through electronic technology and cyberspace, including phones, email, text and chat messaging, the internet and social media, is prohibited.

This policy covers:

- Discrimination and harassment, including sexual harassment, 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 Village of Anmore to appropriately and in good faith manage the workforce as described in section 5.0 of the policy.

The Village of Anmore has the responsibility to investigate incidents, with or without a person's consent, where there are concerns of alleged discrimination, bullying or harassment, and the potential impact of such conduct on a respectful workplace.

The Complaint Resolution process does not apply to persons who are not employees as defined in this policy.

Where the disrespectful behaviour may constitute a criminal offence, the Village of Anmore will refer the matter to the RCMP for further investigation.

5.0 WORKPLACE HARASSMENT – WHAT IT IS NOT

5.1 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.
- It is not harassment for a supervisor or manager to address or make 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 supervisor or manager 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 is 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 this policy, including engaging in bullying and harassment, failing to cooperate with the investigation, failure to report bullying and harassment, breaching confidentiality or retaliation.

5.2 Interpersonal Conflict

- It is not harassment between persons at the workplace unless the conflict results in behaviour that is considered threatening or abusive.
- It is not harassment when differences of opinion(s) are expressed.
- It is not harassment when there are personal disputes over non work-related matters. Such discussions should not be engaged in at the workplace. Disputes over work-related matters should be resolved respectfully between the persons involved or with the assistance of a supervisor, manager or Chief Administrative Officer.
- It is not harassment to respectfully and constructively attempt to resolve workplace issues with co-workers.

6.0 RESPONSIBILITIES

The Village of Anmore is responsible for maintaining a workplace that is free from harassment and bullying, as defined in this policy, and to respond promptly to complaints of harassment and bullying. The Village of Anmore will ensure employees participate in an orientation, training and regular review of the Respectful Workplace Policy. The Chief Administrative Officer will review the Respectful Workplace Policy on an annual basis and will recommend updates as necessary.

The Chief Administrative Officer 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 policy, the *British Columbia Human Rights Code*, and related policies, guidelines and regulations under the *Workers Compensation Act*.
- Ensure employees, supervisors, management and elected officials are provided with training on respectful workplace behaviour, including bullying and harassment training
- Advise supervisors and managers with regards to this policy and assist with addressing resolving issues of bullying, harassment and discrimination
- Promptly respond to reported or suspected breaches of this policy
- Investigate allegations of discrimination, bullying and harassment
- Provide mediation where appropriate and determine when a third party mediation is appropriate

- Maintain confidentiality to the extent possible to comply with this policy, investigate complaints in a fair, unbiased and thorough manner, and take 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 Village of Anmore to address bullying and harassment on an annual basis
- Comply with this policy and any other policy implemented by the Village of Anmore related to preventing and addressing bullying and harassment

Supervisors, Management and Elected Officials 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 policy
- Participate in training and become familiar with this policy
- 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 policy
- Deal with all incidents or allegations in a manner consistent with this policy and in consultation with the Chief Administrative Officer as required
- Maintain confidentiality related to complaints to the extent possible to comply with this policy, investigate complaints in a fair, unbiased and thorough manner and take corrective action, when necessary
- Know and abide by sections 115 (1)(a) and 115 (2)(e), and Policy Guidelines D3-115-2, Employer Duties, Workplace Bullying and Harassment and D3-117-2, Supervisor Duties, Workplace Bullying and Harassment, of the *Workers Compensation Act*.
- Know and comply with the rights and obligations arising from the *British Columbia Human Rights Code*.

Employees 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
- Participate in training and become familiar with this policy
- Know and comply with the rights and obligations arising from this policy and the *British Columbia 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 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 of any kind that is experienced or observed
- Fully cooperate with interventions, investigations and mediations to resolve complaints
- Maintain confidentiality related to complaints
- Know and abide by Policy Guideline D3-116-1, Worker Duties – Workplace Bullying and Harassment, of the *Workers Compensation Act*

7.0. 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 to ensure people feel comfortable to come forward and confident that their personal information will not be shared. Confidentiality must also be maintained in order to protect the reputations and interests of those whom the allegations are made against.

The person(s) investigating a complaint or suspected breach of this policy will disclose personal information to persons as reasonably necessary to comply with this policy, investigate alleged or potential breaches of this policy, and take corrective, remedial and 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, their representatives, witnesses and any other parties that may be privy to the information. Any person breaching confidentiality may be subject to disciplinary action, up to and including termination of employment.

The Chief Administrative Officer may provide information concerning a complaint to appropriate Village of Anmore elected officials when he/she deems it necessary.

8.0 COMPLAINT RESOLUTION

8.1 Informal Resolution of Bullying, Harassment and Discrimination Complaints

An employee who believes that he/she has experienced or observed conduct that is not consistent with a respectful workplace is encouraged to first resolve the issue through respectful and open dialogue in an informal process.

8.1.1 Informal Conversation

- If comfortable doing so safely, the employee is strongly encouraged to approach and engage in conversation with the person responsible for the conduct, to clarify and resolve concerns:
 - To let them know that their behaviour/conduct is unwelcome, or
 - To ask them to stop the behaviour/conduct.

- If the employee is not comfortable with directly approaching the individual or there is no resolution to the issue, they should promptly contact their supervisor, manager or the Chief Administrative Officer, to assist in the matter as soon as possible.

8.1.2 Informal Conversation with Assistance of Supervisor, Manager, or Chief Administrative Officer

The supervisor or manager and the Chief Administrative Officer will meet with the employee to discuss the situation, provide information about the policy, and discuss options for resolution, which may include an informal or formal resolution process.

The supervisor or manager and the Chief Administrative Officer may decide to:

- Meet separately with each person involved in the complaint and review concerns
- Meet together with all persons to facilitate a conversation to resolve the issue
- Review policies and reinforce expectations of respectful conduct
- Seek commitments from persons that they will conduct themselves in a respectful manner, or
- Follow-up, where appropriate, with persons after the resolution process to ask 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 resolved in an informal matter is required.

8.2 Formal Resolution of Bullying, Harassment and Discrimination Complaints

A complaint of bullying, harassment or discrimination that involves the Chief Administrative Officer or an elected official and a staff member(s) should be reported to the Manager of Corporate Services. Conduct of such an investigation, resulting action and any appeals will take place in accordance with the policy.

Complaints involving an elected official that do not involve staff will be handled by elected officials at an open or closed council meeting, as deemed appropriate by the Mayor.

If a resolution cannot be attained by section 8.1 of this policy and the conduct alleged may constitute bullying, harassment or discrimination of an employee, then the complaint by the employee must go through formal resolution. A formal resolution process or investigation may be carried out by the Village of Anmore even if the complainant requests that the complaint be absolved.

A complaint of bullying, harassment or discrimination must be filed promptly after the alleged incident(s) or unsuccessful informal resolution of the incident(s) and not later than six (6) months from the incident(s). The Chief Administrative Officer may extend the time limit in extenuating circumstances.

A formal complaint should be reported to the employee's supervisor or manager. In the event the complaint involves the supervisor or manager then it should be reported directly to the Chief Administrative Officer. If the Chief Administrative Officer is involved in the complaint then it should be reported to the Manager of Corporate Services.

In the event that the Chief Administrative Officer is involved in the investigation as a complainant, respondent or witness, the Manager of Corporate Services will fulfill the responsibilities of the Chief Administrative Officer as it relates to this process.

Formal complaints must be in writing and signed 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 the incident(s) have had on the Complainant's work and well-being, and
- Any attempts made to resolve the complaint through an informal process
employees are encouraged to consult the Chief Administrative Officer in formalizing their complaint.

The Chief Administrative Officer will determine whether the complaint involves allegations of bullying, harassment or discrimination that should proceed to the investigation process.

8.3 The Investigation

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 Chief Administrative Officer may decide not to proceed with an investigation when a determination is made that:

- The complaint has no reasonable basis, is frivolous, vexatious, malicious, lies outside the scope of conduct prohibited by this policy or is beyond the time limits imposed 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, or
- The complainant chooses a different forum for resolution (see *Other Proceedings* section).

If the allegations would not constitute proceeding with the investigation into the complaint, the Complainant will be informed of this decision and the reasons behind it.

If the complaint proceeds, the Chief Administrative Officer will conduct the investigation or may appoint a designate or an external investigator to investigate the allegations made by the

Complainant. The Complainant and the Respondent will be notified of the investigation and who will be investigating.

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

The investigation will be conducted in a manner that ensures both the Complainant and Respondent each have a fair opportunity to know what the other party is saying and a fair opportunity to be heard. The Respondent will be given the opportunity to respond to the allegations.

Employees have an obligation to participate in the investigative process. Refusing to do so may be grounds for disciplinary action.

At any time during the investigation, the Chief Administrative Officer 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 of proof 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 investigation's findings. If the investigator is someone other than the Chief Administrative Officer, the investigator will provide a confidential report to the Chief Administrative Officer. The Chief Administrative Officer, in consultation with the appropriate Village of Anmore personnel, will determine the remedial action that should be taken.

The complainant and respondent will be informed of the outcome of the investigation.

The above procedure and the any investigation carried out are intended to be flexible in order to respond to the specific circumstances at issue. The Village of Anmore reserves the right to engage in an alternative procedure as deemed appropriate in any given circumstance.

The written 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 could result, up to and including 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 result, up to and including termination of employment.

9.0 OTHER PROCEEDINGS

This policy does not preclude an employee from accessing their rights through the *British Columbia Human Rights Code*, the *Occupational Health and Safety Act* or *Workers Compensation Act* as applicable.

10.0 APPEALS

An employee may appeal any disciplinary action to the Chief Administrative Officer.