

	Title: <b>Respectful Workplace Policy</b>	Policy No: HR - 01
	Category: Administrative Policy	Classification: Human Resources

## 1. Purpose

To assist the City of Langley and its employees in promoting and maintaining a respectful work environment in which all employees are treated with respect and dignity and is free from discrimination and harassment

To outline the roles and responsibilities of the City and its employees in fostering a Respectful Workplace

To provide procedures for resolving complaints of harassment and discrimination

## 2. Scope

This Policy covers:

- discrimination and harassment, including sexual harassment, based on the prohibited grounds of the *British Columbia Human Rights Code*
- personal harassment including bullying
- disrespectful conduct and inappropriate behaviour

The policy applies to all employees of the City of Langley and all worksites within the City. It also applies at employment-related functions and to off-duty conduct, whether or not they occur at City worksites.

## 3. Policy Statement

The City of Langley is committed to promoting and maintaining a respectful work environment in which all employees are treated with dignity and respect.

The City will not condone harassment, disrespectful conduct, or inappropriate behaviour within the workplace and will treat incident violation of this policy as an offence, subject to disciplinary action up to and including dismissal. The City of Langley considers an allegation of harassment an extremely serious matter.

Complaints under this policy will be addressed in a fair and timely manner.

This Policy prohibits retaliation or reprisals against anyone who in good faith reports a violation to this policy or participates in a complaint investigation process. Retaliation or reprisal is considered to be a serious offence and any employee found to have retaliated against another employee in such circumstance will be subject to disciplinary action, up to and including dismissal.

False, frivolous, or malicious complaints are also considered a violation of this Policy and subject to disciplinary action, up to and including dismissal.

#### 4. Responsibilities

The City of Langley has the primary responsibility for maintaining a respectful workplace. This includes promoting awareness and understanding of the Policy and providing training to employees.

Managers and supervisors are responsible for modeling inclusive and respectful behaviour and for dealing with all incidents or allegations in a manner consistent with this Policy and in consultation with Human Resources as necessary.

All employees are responsible for contributing to a respectful work environment by refraining from disrespectful, discriminatory, and harassing behaviour, including retaliation and reprisal. All employees are expected to:

- understand and comply with this Policy
- be courteous, polite, respectful, and considerate towards others
- work cooperatively with others

Employees are encouraged to discuss any behaviour that they believe may be harassing in nature with their supervisor, manager, Human Resources Manager, or Union representative. Employees who witness harassment or who become aware that an individual is being harassed are encouraged to report the incident to their supervisor or manager or to the Manager of Human Resources.

#### 5. Definitions

**Respectful Workplace** is a work environment in which all employees are treated with dignity and respect and where diversity and inclusion are valued. A respectful workplace enhances job satisfaction, teamwork, and productivity, and thus is in the best interest of the City and its employees.

**Discrimination** refers to intentional or unintentional mistreatment of an employee for which there is no bona fide and reasonable justification. Such discrimination imposes burdens, obligations, or disadvantages on specific individuals or groups. It is the impact of the behaviour, not the intention behind it, which determines if the behaviour is discriminatory.

Discrimination is any conduct, comment, gesture, or contact which is prohibited by law under the prohibited grounds of discrimination of the B.C. *Human Rights Code* and that might reasonably be perceived by a person as:

- unwelcome, objectionable, or offensive behaviour
- causing offence to, or the intimidation or humiliation of, another
- detrimentally affecting the work environment
- involving threats or promises of job-related consequences

The prohibited grounds of discrimination include:

- race
- colour
- ancestry
- place of origin (birthplace)
- political belief
- family status
- criminal conviction unrelated to employment
- physical or mental disability
- gender identity or expression
- sex

- religion
- marital status
- age
- sexual orientation

**Harassment, as defined in this Policy, includes three types of behaviours, as follows:**

- a. **Harassment based on a prohibited ground of discrimination** is unwelcome or objectionable conduct, comment, or behaviour directed toward another person or persons that:
- includes a direct or implied reference to a prohibited ground of discrimination under the *BC Human Rights Code*
  - the individual knows or ought reasonably to know would be offensive or cause harm to another
  - demeans, belittles, threatens, humiliates, excludes or isolates an individual or group
  - has the effect of creating an intimidating, hostile, or offensive work environment
  - serves no legitimate work purpose
  - involves threats or promises of job-related consequences.

Harassment may be intentional or unintentional. While harassment usually consists of repeated actions, a single serious incident that has a lasting harmful effect may constitute harassment.

- b. **Sexual harassment** is unwanted, unwelcome, unsolicited, unreciprocated conduct, that is sexual in nature, such as sexual advances, requests for sexual favors, or other verbal or physical behavior 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
  - places condition upon employment, promotion, work assignments, and compensation or is used as the basis for decisions generally affecting an individual's employment
- c. **Personal harassment** is unwelcome or objectionable conduct or comment, not based upon the prohibited grounds of the *B.C. Human Rights Code*, but that might reasonably be perceived by a person as conduct that:
- demeans, belittles, intimidates, or humiliates the targeted individual
  - has the effect of creating an intimidating, hostile, or offensive work environment
  - has the purpose or effect of undermining work performance, work relationships, or productivity

Harassment includes, but is not limited to:

- verbal or written insults, abuse, or threats
- derogatory, demeaning, degrading, or intimidating comments
- racial or ethnic slurs, including racially derogatory nicknames
- unwelcome or offensive comments, jokes, innuendo, taunting, or teasing based upon a person's race, colour, age, disability, or sexual orientation
- 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 favours, or making sexual advances with actual or implied work related consequences

- unwanted physical contact such as touching, patting, pinching, grabbing, brushing up against, hugging, or 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 email and electronic materials, offensive or sexually explicit pictures, posters, pin-ups, graffiti, cartoons, or sayings
- physical assault (actual or threatened)
- email or other electronic materials containing unwelcome or inappropriate comments, jokes, pictures, or sayings
- patronizing or condescending behaviour
- excluding, shunning, ostracizing
- malicious gestures or actions
- spreading of malicious rumours or lies
- hazing
- practical jokes which cause embarrassment, endanger safety, or negatively affect work performance
- misuse of authority
- unwarranted and excessive supervision or criticism of an individual
- bullying

**Bullying** is a type of personal harassment, and a form of aggression, that may include physical, verbal, or emotional abuse. Bullying can negatively impact or poison the work environment. The bully attempts to control, humiliate, denigrate or injure the targeted individual with no reasonable justification or reason for the bullying.

Bullying behaviour can be described as:

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

Examples of bullying behavior include, but are not limited to:

- repeatedly criticizing the victim's work
- spreading malicious rumours about the victim
- undermining the victim's work by giving wrong information or withholding necessary information
- constantly changing guidelines and expectations applicable to the victim and setting impossible goals
- removing responsibilities from the victim with the result that the victim feels useless
- blocking applications for leave, training, and promotion
- assigning unreasonable duties to the victim

**Disrespectful conduct or inappropriate behaviour** is any unwelcome or objectionable conduct or comment(s) that might reasonably be perceived by a person as demeaning, belittling, intimidating, humiliating, or offensive. Although the conduct may not be deemed harassment or discrimination, it may be found to be disrespectful or inappropriate and will need to be dealt with accordingly. This determination will be based upon the severity, impact, and frequency of the conduct and the relationship between the individuals involved.

## **6. What is not Workplace Harassment**

Workplace harassment does not include the exercise of appropriate managerial or supervisory direction, including performance management and the imposition of discipline. Day-to-day managerial functions, such as assignment and reasonable changes of work duties and responsibilities, performance appraisals, work performance discussions, and disciplinary measures taken by the City for any valid reason are not considered personal harassment.

It is not harassment or disrespectful conduct to:

- engage in welcome discussion and social interaction that is not offensive to others
- respectfully express opinions that do not contravene this Policy
- respectfully and constructively attempt to resolve workplace issues with co-workers

## **7. Complaint Resolution**

An employee who believes that he or she has been subjected to any kind of disrespectful or inappropriate behaviour or who thinks that he or she may be the subject of harassment or discrimination is encouraged to take the following steps:

If comfortable doing so, the employee is encouraged to let the person responsible for the conduct know that their behaviour is unwelcome, and ask that person to stop the behaviour. If the situation is not resolved or if the employee does not wish to speak to the individual directly, the employee may contact his or her supervisor or manager who will assist in resolving the matter. In the alternative, the employee may choose to go directly to the Manager of Human Resources.

The Manager of Human Resources or designate 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.

If the Manager 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 Manager of Human Resources as it relates to this Policy.

Pursuing a course of action informally does not prevent an employee from filing a formal complaint in the future. The City encourages the prompt reporting of all alleged violations of this Policy.

## **8. Informal Resolution**

If a decision is made to proceed with an informal resolution, the steps taken will depend on the circumstances. If a mutually acceptable resolution is reached, the matter is considered to be resolved informally.

If any of the parties feel that informal resolution would not be an appropriate or effective option, or the informal resolution process is not successful, then the matter may proceed to formal resolution.

## **9. Formal Resolution**

An investigation will be commenced when informal resolution has failed and a formal complaint is made or if an investigation is found to be more appropriate under the circumstances.

The exact nature of the investigation will depend on the particulars of the allegation. During the course of the investigation, the Manager of Human Resources may take whatever interim steps he or she may deem appropriate.

Complaints should be submitted within 6 months from the date the alleged incident(s) occurred, unless there are extenuating circumstances.

Formal complaints need to be put in writing and signed by the Complainant. The complaint should describe the incident(s), including where and when it occurred, the name(s) of the Respondent(s), and the names of any witnesses known to the Complainant.

Employees are encouraged to consult the Manager of Human Resources in formalizing their complaint.

Upon accepting the complaint for investigation, the Manager of Human Resources or designate will initiate the investigation process. The investigation of a formal complaint will be conducted as soon as possible and will be kept confidential to the extent possible. Any action necessary as an outcome of the investigation will be implemented in a timely manner.

The Manager of Human Resources may decide not to proceed with an investigation when a determination is made that:

- a. the Policy has not been violated and there is no reasonable basis to justify the complaint proceeding;
- b. the issue is more appropriately dealt with under another policy or procedure; or,
- c. the complaint is frivolous, vexatious, or malicious

If the allegations would not constitute a violation of this Policy, no investigation will be conducted, and the Complainant will be informed of this decision.

## **10. Mediation**

Mediation is a voluntary process whereby the Complainant and the Respondent meet with an external mediator, recommended by the Manager of Human Resources and acceptable to both parties, to assist them in addressing the matter between them and to determine if the complaint can be resolved in a mutually satisfactory manner. Any resolution would have to be satisfactory to both parties and is done on a "without prejudice" basis.

At any point in the complaint resolution process the Complainant and Respondent may attempt to resolve the complaint through mediation, provided that all parties consent to such a process. Mediation may not always be appropriate, especially in a situation where there is severe Discrimination or Harassment requiring disciplinary action.

## **11. Investigation Process**

If a decision is made to proceed with an investigation, the Manager of Human Resources will conduct the investigation or another investigator will be assigned. The investigator may be an internal or external person who will have experience in the conduct of harassment and/or human rights investigations.

The investigator will conduct a thorough and fair investigation of the complaint. The investigator will interview the Complainant, the Respondent, and any witnesses who may have relevant information.

The investigation will be conducted in a manner that ensures both the Complainant and the Respondent each have a fair opportunity to know that the other is saying and a fair opportunity to be heard. An individual accused of harassment will be provided with a copy of the signed complaint and will be given the opportunity to respond to the allegations.

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

The Complainant, the Respondent, and witnesses may request a representative.

At any time during the investigation, the option to resolve the complaint informally may be pursued. This includes mediation which may be preferable and more effective than an investigation in resolving a complaint in certain circumstances. An investigation may be suspended for a mediation to occur. If mediation is unsuccessful, the investigation will recommence.

At 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 Manager of Human Resources, the investigator will provide a confidential report to the Manager of Human Resources. The Manager of Human Resources, in consultation with the appropriate City personnel, will determine the outcome and any action to be taken.

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

If evidence of harassment is obtained, disciplinary action may be taken as appropriate, up to and including dismissal.

If the investigation determines that the Complainant initiated a false allegation or an allegation with intent to harm the Respondent or others, then formal disciplinary action or other appropriate action may be taken against the Complainant.

## **12. Other proceedings**

This policy does not preclude individuals from pursuing resolution of a complaint through the grievance procedure of a collective agreement or through the BC Human Rights Tribunal. However, if a Complainant chooses to proceed in an alternate forum, the Manager of Human Resources may decline to proceed under this Policy.

## References

Policy Number:	<b>HR-01</b>
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Related Publications:	

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