

**RESPECTFUL WORKPLACE**

<b>APPROVED:</b>	<b>AUGUST 18, 1998</b>	<b>REVISED:</b>	<b>MARCH 5, 2004</b> <b>FEBRUARY 21, 2008</b> <b>SEPTEMBER 17, 2008</b> <b>SEPTEMBER 24, 2013</b> <b>SEPTEMBER 19, 2014</b> <b>OCTOBER 27, 2016</b>
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**PURPOSE**

The Township of Langley is committed to maintaining a workplace where everyone is treated with respect and dignity. This includes maintaining a workplace free from discrimination and personal harassment. Such an environment requires the cooperation and commitment of all parties. It also requires a common understanding of what does and does not constitute discrimination or personal harassment, knowledge of how to recognize and prevent occurrence, an appropriate complaint process so that concerns can be addressed in a timely and fair way, and an appreciation for the rights of all parties during a complaint resolution process.

This policy applies to Township of Langley elected officials, employees, contractors, and volunteers, as well as interaction between such persons and with members of the public, clients, and customers. It applies to all Township worksites. It also applies at employment-related functions or activities, whether or not they occur at Township worksites, where there is an impact on the work environment.

**PROHIBITED CONDUCT**

Discrimination and Personal Harassment are not acceptable and are prohibited by the Township. Retaliation is also prohibited. The following definitions apply:

1. **Discrimination** is defined as any conduct that is
  - a. based upon any of the protected grounds under the *BC Human Rights Code* (race, colour, ancestry, place of origin, religion, marital status, family status, sex, physical or mental disability, sexual orientation, gender identity or expression, age, political belief, and criminal or summary conviction unrelated to employment);
  - b. unwelcome, or ought reasonably be known to be unwelcome; and

- c. detrimentally affects the work environment or leads to adverse job-related consequences for the target of the discrimination.

The conduct does not have to be directed at a specific individual or be intentionally offensive to be considered Discrimination. Some examples of Discrimination can include:

- imposing job requirements that are not bona fide occupational requirements and which cannot be met due to disability;
- unwelcome comments, jokes, innuendo or teasing based on a person's race, colour, age or disability;
- homophobic comments or conduct;
- email or other electronic materials containing inappropriate or unwelcome content related to a protected ground; or
- sexual harassment.

Sexual harassment is a form of Discrimination and can occur between men and women, individuals of the same gender, individuals of the same or differing sexual orientation, and includes harassment on the basis that an individual is trans-gendered.

Sexual harassment may take a variety of forms, examples of which can include:

- unwelcome gestures or comments regarding physical appearance;
- unwelcome physical contact or sexual advances;
- posters, pinups, pictures or electronic images related to sex;
- any conduct that reasonably leads to the perception that a condition of a sexual nature is being placed on a person's employment or any opportunities for persons in the workplace; or,
- conduct related to formerly consensual relationships or where there is a work related power imbalance between persons in an otherwise consensual relationship.

2. **Personal Harassment** includes bullying and is defined as any inappropriate conduct, comment, display, action, or gesture directed at another that a reasonable person knows or ought to know would have the effect of creating an intimidating, humiliating, hostile, or offensive work environment. To constitute Personal Harassment there must be:

- a. repeated conduct, comments, displays, actions or gestures; or
- b. a single serious occurrence that has a lasting, harmful effect on a person.

Examples of Personal Harassment can include:

- verbal or physical abuse, threats, or violence;
- yelling, name-calling or insults;
- harmful or offensive hazing or initiation practices;
- vandalizing someone's belongings or work equipment;
- sabotaging someone's work;
- personal attacks based on someone's private life or personality traits;
- spreading malicious gossip or rumors about a person;

- subtle conduct such as unwelcome non-verbal gestures, manipulation, ignoring or isolating a person; or
- bullying.

Bullying is a form of Personal Harassment that is marked by intentional, persistent attempts of a person or group to intimidate, demean, humiliate, torment, control, mentally or physically harm, or isolate another person or group. This behaviour, through its persistence or severity, diminishes the dignity or the psychological or physical integrity of the target(s).

**Personal Harassment DOES NOT include:**

- a. **Human resources management:** Supervision, direction or management of employees undertaken in a good faith manner for a legitimate work purpose does not constitute Personal Harassment. For example, Personal 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.
  - b. **Interpersonal conflict** between people is not Personal Harassment unless the conflict results in behavior that is considered threatening or abusive. Personal disputes over non work-related matters 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 human resources.
  - c. **Interpersonal relations** that are normally connected to the roles and functions in the workplace do not constitute Personal Harassment. Personal Harassment is a serious matter and is intended to apply to serious circumstances. It is not intended to limit normal social interaction or consensual relationships.
3. **Retaliation** is an adverse action taken against a person to whom this Policy applies for having:
- a. invoked this Policy in good faith, whether on behalf of herself or himself or on behalf of another person;
  - b. participated or cooperated in any investigation under this Policy; or
  - c. associated with a person who has invoked this Policy or participated in these procedures.

Retaliation damages the workplace by intimidating and silencing individuals for speaking up or for offering support. It is therefore also considered Prohibited Conduct.

## **RESPONSIBILITIES**

Everyone at the Township plays an important role in maintaining a respectful workplace.

**Management and elected officials** are responsible for proactively maintaining a workplace free from Discrimination and Personal Harassment, including by creating, communicating and administering this Policy and providing training and support related to this Policy. Human Resources will ensure that this Policy and related procedures are reviewed on an annual basis and management may take steps to amend the Policy as needed.

**Supervisors and members of management** are responsible for communicating the Policy, modeling respectful behaviour, and intervening and responding to reported or suspected breaches of this Policy in a timely and fair way by applying this Policy and complying with all laws that may apply to Prohibited Conduct under this Policy. Supervisors and managers should be observant in the workplace and listen carefully to concerns that are raised and take the appropriate steps to address the situation. When a supervisor or manager becomes aware of a concern under the Policy, they will consult with the Director of Human Resources.

**Everyone at the Township** is responsible for understanding the Policy, treating everyone at the workplace with dignity and respect, not engaging in Prohibited Conduct of any kind, immediately reporting breaches of this Policy, and cooperating fully with any investigations under this Policy. This includes reporting any evidence of Prohibited Conduct related to the workplace including when it is observed toward others.

Getting along in the workplace is everyone's responsibility. We may not like everyone with whom we interact in the workplace but we need to work together in a professional and respectful manner to maintain positive relationships and provide effective service to the Township. We are all accountable to make our best efforts to contribute to and support a respectful workplace. This means:

- Respecting that others may have different personalities, approaches, work styles or ways of thinking from ours. Seeking first to understand before being understood goes a long way in supporting healthy relationships and a positive workplace.
- Being aware of how our actions, behaviors and comments can impact others in the workplace is another positive step toward achieving such respectfulness.
- The potential for confusion or misinterpretation, even among individuals who value and respect one another, makes it important that we all understand the need to consider how one's actions may be affecting others, and to be willing to consider making changes to that behaviour where its effect is unwelcome.

## **PROCEDURES FOR ADDRESSING CONCERNS**

Discrimination and Personal Harassment can cause the target to feel intimidated, uncertain, threatened, embarrassed, concerned about possible reprisal, or fear that he or she will be seen as "making waves". The Township recognizes these concerns and provides, along with steps to prevent Prohibited Conduct, a number of methods to address conduct of concern. The intent of

the Township is to provide choice of options and train individuals to resolve workplace concerns.

### **What to do if you feel you have been the subject of Prohibited Conduct?**

- If you are comfortable doing so, as soon as possible let the other individual know clearly that his/her conduct is unwelcome, that you believe the conduct falls under this Policy – and tell him/her to stop. In many cases this will put a stop to conduct of concern;
- If you are not comfortable approaching the other individual alone, promptly contact a manager or the Director of Human Resources for assistance in raising concerns with the other individual or to discuss alternative courses of action, which may include informal resolution options or a formal complaint;
- If your concern involves someone to whom your report and you are uncomfortable approaching this person directly, please contact a more senior manager or the Director of Human Resources for assistance;
- If your concern involves the Director of Human Resources, you should speak with another Director at the Township;
- If you do not believe your concern can be appropriately addressed by the Township, for concerns about Personal Harassment you can contact the WorkSafeBC Workers Advisors Office (1.800.663.4261) and for concerns about Discrimination you can contact the BC Human Rights Tribunal (1.888.440.8844). You should be aware that the Tribunal has a six month limitation period for filing complaints.
- If preferred and applicable, you may wish to consult a shop steward or handle the matter by means of the grievance process.

### **What to do if you have witnessed what you believe may be Prohibited Conduct?**

- Talk to the impacted individual, advise her/him of the Policy and suggest that she/he talk to a member of management or the Director of Human Resources;
- Talk to the individual responsible for the conduct of concern to help her/him become aware of the impact she/he may be having; or,
- If the above actions do not resolve your concern or the concern is serious, share your concerns with a member of management or the Director of Human Resources, as appropriate.
- If preferred and/or applicable, you may wish to consult a shop steward.

### **What to do if you have been told that your actions are unwelcome?**

Individuals who are informed their behaviour is unwelcome may feel surprised, embarrassed or defensive. It is important to remember that Prohibited Conduct can occur even if a person does not intend it.

If you are told that your behaviour is unwelcome, you should:

- Listen to the other individual, rather than ignoring the situation or becoming hostile, defensive or angry;
- Consider what the person is saying, and how your behaviour might be impacting others;
- Change behaviours that are unwelcome, remembering that all employees share a responsibility to each other, and to their employer, to refrain from unwelcome behaviour towards others at work;

- Seek assistance from management as necessary to understand this Policy and to work on skills that will contribute to a respectful workplace.

## **RESOLUTION OPTIONS**

Any person may advance a complaint of Prohibited Conduct by speaking with any member of management. When this occurs or where a concern otherwise comes to the attention of a manager, the manager will consult with the Director of Human Resources who will work with the appropriate manager to take steps to promote timely resolution including by means of the following:

### **1. Informal Complaint Resolution**

Depending on the nature and severity of the alleged conduct and subject to the consent of the individual who is the subject of the potential Prohibited Conduct, informal complaint resolution may first be tried to resolve the issue informally. Informal complaint resolution can include, but is not limited to, mediation, drafting of behavioural guidelines, agreements, apology, or other resolution agreed between the parties and the Township. If a resolution is reached informally, then all persons involved must agree that the outcome is satisfactory. The Union may also be involved in informal complaint resolution.

### **2. Formal Complaint Resolution**

If informal resolution is unsuccessful or not pursued, any person who has been subjected to alleged Prohibited Conduct or who has witnessed such conduct or who has a reasonable basis for bringing a complaint forward (the “Complainant”) may wish to make a formal complaint. Any formal complaint will be treated seriously and responded to promptly. The Complainant must submit the following to the Director of Human Resources:

- A written complaint that includes as much detail as possible about the circumstances including dates, times, persons involved, witnesses, and the specific conduct (including specific words);
- Available relevant documents or other evidence that may support the allegations (including emails, handwritten notes or photographs).

If a Complainant is unable to prepare a written complaint, the Complainant should request to meet with the Director of Human Resources for assistance.

Formal complaints by an individual cannot be carried out anonymously, and the identity of the Complainant and the nature of the complaint shall be made known to the individual alleged to have engaged in Prohibited Conduct (the “Respondent”). The Respondent shall be provided an opportunity to explain his or her behaviour and to have such explanations properly considered.

In the event that a Complainant does not proceed with a formal complaint, the Township may still initiate an investigation if deemed necessary to ensure the health and safety of persons at the workplace or to comply with any applicable laws including the B.C. *Human Rights Code* and the *Workers Compensation Act* and applicable WorkSafeBC regulations and policies.

If there is a sufficient basis in the written complaint or the Township otherwise deems it necessary to do so, the Township will carry out a formal investigation, promptly, thoroughly, and

in a manner that protects the privacy interests of all involved to the extent possible while ensuring a fair investigation. The following will apply to any investigation:

- The investigation may be carried out by Township management or an external investigator;
- The investigator will make findings of fact based on available relevant evidence, including separate interviews with the Complainant, Respondent and relevant witnesses as identified by the investigator and collection of relevant documents or other evidence;
- The investigator will make a determination as to whether the allegations constitute Prohibited Conduct;
- The investigator will maintain a written record of the investigation including complaint details, interviews, and any supporting documents reviewed in the investigation;
- The investigator will prepare a report of the investigation which will include the names of all parties, relevant dates, and detailed findings of fact;
- The investigator's report will be prepared for the Director of Human Resources. The Director of Human Resources will maintain confidentiality of the Report and share the report only with her advisors and in order to consult with appropriate members of management so that a determination can be made as to any action that will be taken to respond to the complaint, any further action that is required, and the outcome. Records of such steps will be maintained by the Director of Human Resources;
- The investigation will be confidential and information gathered during and as a result of the investigation will be disclosed to persons only as necessary to carry out a full and fair investigation and to address the findings from the investigation, including the implementation of any corrective or disciplinary measures or other recommendations;
- The Complainant and the Respondent will be entitled to attend any required meetings with an appropriate support person who is unrelated to the complaint. For bargaining unit members, this would ordinarily be a Union Representative; and,
- When a formal investigation is completed, the Complainant and Respondent will be notified of the conclusion and outcome of the investigation and appropriate remedial steps will be taken by the Township.

The above procedures and any investigation carried out are intended to be flexible in order to respond to the specific circumstances at issue. The Township reserves the right to engage in a different procedure as deemed appropriate in any given circumstance in order to meet its statutory obligations regarding a respectful workplace.

## **REMEDIAL STEPS AND CONSEQUENCES**

All conduct that is found to constitute a breach of this Policy will be addressed by attempting to remedy the harm caused and prevent further harm. This may include:

- Introduction of procedural safeguards;
- Training;
- Shifts in work assignment or organization;
- Corrective or disciplinary action as appropriate, up to and including termination of employment.

Any person who makes knowingly false, frivolous, malicious or reckless allegations of Prohibited Conduct will be subject to corrective or disciplinary action up to and including termination of employment.

## **CONFIDENTIALITY**

All persons to whom this Policy applies are expected:

- To respect and preserve the confidentiality of any complaint and process brought under this Policy;
- To cooperate fully with the information gathering process of any investigation undertaken by the Township, as requested.

All written materials, including all notes taken during a formal or informal resolution process and any report prepared in relation to a complaint, and records maintained by the Director of Human Resources will be treated as confidential for the purposes of applications under the *Freedom of Information and Protection of Privacy Act*. Furthermore, confidentiality will be maintained throughout and information will be disclosed only to the extent necessary to carry out procedures provided for within this Policy, including the conduct of a fair investigation and the implementation of corrective/disciplinary measures, and where disclosure is required under lawful authority. In all circumstances, only the minimum amount of information will be disclosed.

All documentation respecting complaints, resolution or investigation will be kept by the Director of Human Resources in a confidential file. Any letters respecting corrective action or discipline will be placed in the appropriate personnel file.