

	Title: Respectful Workplace Policy	Policy No: HR - 01
	Category: Administrative Policy	Classification: Human Resources

1. Purpose

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

To outline the roles and responsibilities of the City and everyone in fostering a Respectful Workplace.

To provide procedures for resolving complaints of harassment and discrimination.

2. Scope

This Policy covers and prohibits:

- Discrimination, including sexual harassment, based on the prohibited grounds of discrimination under the British Columbia *Human Rights Code*
- Personal Harassment including bullying

The Policy applies to all employees, volunteers and contractors in relation to their work with the City. It applies to all City worksites. It also applies at employment-related functions and to off-duty conduct, whether or not occurring at City worksites, where there is an impact on the work environment.

The Policy applies to elected officials (members of Council) other than in relation to their interactions with one another or with members of the public. These matters are more suitably addressed by other applicable City policies, bylaws or by other direction of Council.

3. Policy Statement

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

The City will not tolerate Discrimination or Personal Harassment in the workplace and incidents in violation of the Policy are a matter requiring remedial action and which may be subject to disciplinary action up to and including dismissal for cause. The City considers an allegation of discrimination or harassment as an extremely serious matter.

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

4. Responsibilities

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

Management and elected officials are responsible for proactively maintaining a workplace free from discrimination and personal harassment, including by communicating and administering the Policy, providing and attending training on the Policy and supporting the Policy.

Managers and supervisors are responsible for communicating the Policy, modeling inclusive and respectful behavior, dealing with all incidents or allegations in a manner consistent with this Policy and in consultation with Human Resources as necessary, and complying with all laws that may apply to prohibited conduct under this Policy. Managers and supervisors 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 manager or supervisor becomes aware of a concern under the Policy, they will consult with the Manager of Human Resources.

Everyone at the City is responsible for contributing to a respectful workplace by refraining from disrespectful, discriminatory, and harassing behaviour, including retaliation and reprisal. Getting along in the workplace is everyone's responsibility. We may not like or agree with everyone with whom we interact in the workplace but we need to work together in a professional and respectful manner. We are all accountable to make our best efforts to contribute to and support a respectful workplace. This includes expectations to understand and comply with this Policy including by not engaging in Discrimination or Personal Harassment and to:

- be courteous, polite, respectful, and considerate towards others
- work cooperatively with others in the best interests of the City
- report concerns about conduct that may be contrary to the Policy, including when it is directed towards others
- cooperate fully with any applicable policies and procedures including the reporting requirements under this Policy

Employees are encouraged to discuss any behaviour that they believe may be harassing in nature with their supervisor, manager, Manager of Human Resources, or Union representative.

5. Definitions

Respectful Workplace is a work environment in which everyone is 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 everyone at the City.

This Policy prohibits Discrimination, Personal Harassment and Retaliation as defined below.

Discrimination relates to rights under the British Columbia *Human Rights Code*. For the purposes of the Policy it occurs when:

a) a Complainant has a personal characteristic (or is perceived to have a characteristic) protected by the *Human Rights Code*:

- Indigenous identity
- race
- colour
- ancestry
- place of origin
- political belief
- family status
- physical or mental disability
- sex
- sexual orientation
- gender identity or expression
- age

- religion
- marital status
- criminal conviction unrelated to employment

b) the Respondent's conduct had a negative effect on the Complainant regarding employment with the City; and

c) the personal characteristic is a factor in the negative effect.

The conduct does not have to be directed at a specific individual or be intentional to be considered Discrimination.

Examples of Discrimination include:

- unwelcome or offensive comments, jokes, innuendo, taunting, or teasing based upon or related to a personal characteristic protected under the *Human Rights Code*
- racial or ethnic slurs, including racially derogatory nicknames
- homophobic comments or conduct
- imposing job requirements that are not bona fide occupational requirements and which cannot be met due to disability
- sexual harassment

Sexual Harassment is a form of Discrimination that involves any conduct or comment of a sexual nature or related to sex, sexual orientation, gender identity or gender expression that is known or reasonably ought to have been known to be unwelcome, and which detrimentally affects the work environment or leads to adverse job related consequences for the target of the conduct including by causing offense or humiliation, or by placing a condition of a sexual nature on employment opportunities. Sexual Harassment can occur between individuals of the same or different genders, individuals of the same or different sexual orientations, and includes harassment on the basis that an individual is transgender.

Examples of Sexual Harassment may include:

- unwelcome remarks, advances, 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 digital materials, offensive or sexually explicit images, pictures, posters, pin-ups, graffiti, or cartoons
- conduct related to formerly consensual relationships or where there is a work related power imbalance between persons in an otherwise consensual relationship.

Personal Harassment includes bullying and is any inappropriate comment or conduct toward an individual that the person responsible for the comment or conduct knew or reasonably ought to have known would cause that individual to be humiliated or intimidated but excludes any reasonable action taken by the City or a manager or supervisor relating management and direction of persons to whom this Policy applies or to the workplace.

Examples of Personal Harassment may include:

- bullying
- verbal or written aggressions, insults, abuse, or threats
- derogatory, demeaning, degrading, or intimidating comments or name calling
- physical assault (actual or threatened)
- digital content, including on social media, that includes inappropriate content
- excluding, or isolating someone in circumstances where inclusion is appropriate or otherwise shunning or ostracizing someone
- spreading of malicious rumours or gossip
- harmful hazing or initiation practices
- practical jokes which cause embarrassment, endanger safety, or negatively affect work performance
- the exercise of management authority in a manner that is abusive or threatening
- unwarranted and excessive supervision or criticism of an individual
- vandalizing personal belongings
- attempting to sabotage a person's ability to do their job properly or preventing meaningful contributions to work including by withholding necessary information, changing guidelines and expectations, setting impossible goals or standards
- blocking opportunities for development
- exercising discretion in an abusive or impartial manner in order to disadvantage an employee

What is not Personal Harassment?

Personal 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 unless carried out in an abusive or threatening manner.

Not all workplace conflict or challenges will rise to the level of Personal Harassment. Unless otherwise meeting the definitions outlined in this Policy, the following conduct will not constitute Personal Harassment:

- regular social interaction that is not humiliating or intimidating
- interpersonal or other conflicts including where there are differences of values, beliefs, opinions or workstyles
- respectfully holding or expressing opinions that do not contravene this Policy
- respectfully and constructively attempting to resolve workplace issues with co-workers

Disrespectful conduct or inappropriate behaviour that does not rise to the level of Discrimination or Personal Harassment is still contrary to expectations in a respectful workplace and may still give rise to remedial action by the City. This could include conduct that is unwelcome or objectionable or that a person may reasonably perceive to be demeaning, belittling, or offensive. Although the conduct may not rise to the level of Personal Harassment or Discrimination, disrespectful conduct or inappropriate behavior may need to be addressed and may also be subject to remedial measures as set out in this Policy.

Retaliation: Any adverse action taken against a person to whom this Policy applies for having:

- (a) invoked this Policy in good faith on anyone's behalf or on their own behalf
- (b) participated or cooperated in any process or investigation under this Policy
- (c) been associated with a person who has invoked this Policy or participated in any process or investigation under this Policy

Other Definitions:

Complainant: a person who has experienced and brought forward a concern or complaint under this Policy.

Respondent: a person that a concern or complaint raised under this Policy is about.

Bystander or Witness: a person who has observed the behavior that is the subject of the concern or complaint raised under this Policy,

6. Resolution Options

An individual to whom this Policy applies and who believes that they have experienced or observed conduct that may be in breach of this Policy including Discrimination, Personal Harassment or Retaliation is encouraged to take the following steps:

- If comfortable doing so, 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 a direct conversation is too uncomfortable, the individual may contact their supervisor or manager who will assist in resolving the matter.
 - In the alternative, the individual may choose to go directly to the Manager of Human Resources.

The Manager of Human Resources or designate will meet with the individual to discuss the situation, provide information about the Policy, and discuss options for resolution, which may include an informal or formal resolution process. Pursuing informal resolution does not prevent an employee from filing a formal complaint in the future or continuing with a complaint through the formal resolution process.

Responsibility for resolution processes

Normally, the Manager of Human Resources will be responsible for management of processes under this Policy, working with others as appropriate. Exceptions to this include the following:

- If the Manager of Human Resources is involved in the matter as Complainant, Respondent, or Bystander, the Chief Administrative Officer or designate will fulfill the role of the Manager of Human Resources as it relates to this Policy.
- If the Chief Administrative Officer or a member of Council is the Complainant or the Respondent in the matter, the Manager of Human Resources or designate will coordinate processes under this Policy but will take direction from Council which will be responsible for decisions regarding the outcome of a matter.

a. Informal Resolution

Depending on the nature and severity of the alleged conduct and subject to the consent of the Complainant and the Respondent, the Manager of Human Resources may pursue informal resolution to resolve the concern or complaint.

If a decision is made to proceed with an informal resolution, the steps taken as determined by the Manager of Human Resources will depend on the circumstances and may include mediation. Mediation is a voluntary process whereby the Complainant and the Respondent meet with an external mediator, recommended by the Manager of Human Resources, 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.

At any point in the resolution process, even if formal resolution has commenced, the Complainant and Respondent may attempt to resolve the complaint through informal resolution including mediation, provided that all parties consent to such a process. Mediation may not always be appropriate, especially in circumstances of an egregious breach of the Policy or repeated breaches.

If a mutually acceptable resolution is reached, the matter is considered to be resolved informally. The Union may also be involved in informal complaint resolution.

If any of the Complainant, Respondent or the City 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.

b. Formal Resolution (Investigation)

An investigation may be commenced by the City through the Manager of Human Resources when informal resolution has failed or not been attempted and a formal complaint is made or in any circumstances where an investigation is found to be appropriate including due to the magnitude or complexity of the matter. The City may also commence an investigation in the absence of a formal complaint in any appropriate circumstances, having regard to the legal obligations of the City.

The exact nature, process and scope of the investigation will depend on the particulars of the allegation(s) or concerns and available evidence. During the course of the investigation, the Manager of Human Resources may take whatever interim steps they deem appropriate.

Complaints should be submitted as soon as possible and within 6 months from the date the alleged incident(s) occurred. This time limit and any applicable procedures may be modified at the discretion of the Manager of Human Resources in appropriate circumstances.

The Complainant must submit the following to the Manager 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 of concern
- Available relevant documents or other evidence that may support the allegations (for example: emails, texts, handwritten notes, photographs)

Employees are encouraged to consult the Manager of Human Resources if they need assistance with formalizing their complaint.

Upon receiving a complaint, the Manager of Human Resources may decide not to proceed with an investigation if they are able to determine that:

- a. the allegations do not provide a sufficient foundation to support a breach of the Policy 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, malicious or brought in bad faith.

If the allegations in a formal complaint would not constitute a violation of this Policy or the complaint cannot be substantiated; no investigation will be conducted and the Complainant will be informed of this decision in writing by the Manager Human Resources (or designate).

Formal complaints cannot be raised anonymously and the identity of the Complainant and nature of the complaint shall be made known to the Respondent.

The Manager of Human Resources or designate will initiate the investigation process. The investigation will be completed in a timely manner and will be kept confidential to the extent possible while ensuring a fair investigation. The following will apply to an investigation under this Policy:

- 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 make findings and conclusions based on available relevant evidence including as obtained through interviews with appropriate persons as determined by the investigator and which would normally include the Complainant, Respondent and relevant Witnesses as identified by the investigator and the collection and review of relevant documents or other evidence.
- The Respondent will have the opportunity to understand and respond to any allegations made that could result in a finding of misconduct and to have any response properly considered by the investigator.
- Where necessary to ensure the investigation is fair, the Complainant will also have the opportunity to respond to relevant evidence provided by the Respondent.
- City Employees have an obligation to participate in the investigative process. Refusal to do so may be grounds for disciplinary action.
- Unionized employees of the City who participate in an investigation may request a union 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.

- The investigator will maintain a written record of the investigation including complaint details, interviews, and any supporting evidence reviewed in the investigation.
- At the conclusion of the investigation, the investigator may prepare a confidential report or summary for the Manager of Human Resources in a form designated by 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 Complainant and the Respondent will be informed of the outcome of the investigation. Any appropriate remedial steps will be taken by the City in a timely manner.

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

7. Remedial Action

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

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

The following conduct may also give rise to remedial action including disciplinary action up to and including termination of employment:

- Failure to cooperate with the procedures under this Policy including a failure to be truthful and forthright in any investigation;
- Interference with an investigation under this Policy;
- Engaging in Retaliation;
- Disrespectful conduct or inappropriate behavior;
- Initiating a complaint under this policy that is knowingly false or otherwise using this Policy in a manner that is frivolous, vexatious, or in bad faith.

Any assessment of remedial action will be based upon all relevant factors.

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

8. Confidentiality

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 City, as requested.

All written materials, including all notes taken during a formal or informal resolution process and any records or reports prepared or maintained by the investigator or the Manager 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 any process under this Policy 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 remedial measures including disciplinary action, and where disclosure is required under lawful authority. In all other circumstances, only the minimum necessary amount of information will be disclosed.

All documentation respecting complaints resolution or investigation will be kept by the Manager of Human Resources in a confidential file. Any letters respecting remedial action or discipline will be placed in the appropriate personnel or other administrative file.

9. Other Proceedings

This Policy does not preclude individuals from pursuing resolution of a complaint through other lawful avenues including the grievance procedure of a collective agreement if expressly provided for in the collective agreement or through the BC Human Rights Tribunal in relation to Discrimination.

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:	HR-01
Policy Owner:	Administration
Endorsed by:	Senior Management Team
Final Approval:	Chief Administrative Officer
Date Approved:	November 1, 2013
Revision Date:	March 2021; September 2023
Amendments:	
Related Policies:	
Related Publications:	

Contact Person:

Contact Person: Beckett Zeller
Position: Manager of Human Resources
Phone: 604-514-2803 Email: bzeller@langleycity.ca