



CITY OF PORT MOODY

ADMINISTRATION POLICY MANUAL

Section:	Human Resources	07
Sub-Section:	General	2510
Title:	Respectful Workplace Policy	01

RELATED POLICIES

Number	Title

APPROVALS

POLICY APPROVAL	AMENDMENT APPROVAL	SECTION AMENDED
Approved by: <u>"R. Campbell"</u> City Administrator	Amendment Approved by: <u>"K. Ramsay"</u> City Manager	
Date: July 25, 1996	Date: October 28, 2013	

POLICY

Purpose:

The City of Port Moody is committed to maintaining a work environment that respects and supports the dignity of all employees. All employees have the right to work in an environment free from harassment and bullying, as defined in this Policy.

The purpose of this Policy is to outline the procedures and principles for preventing, identifying and resolving harassment and bullying issues.

Application:

This policy applies to all employees of the City of Port Moody, including:

- Bargaining Unit employees,
- Excluded staff, and
- Management,

as well as members of the public, Council members, contractors, suppliers and volunteers.

This Policy applies to all City of Port Moody worksites. In most circumstances, this Policy will also apply to work-related functions that occur during or outside working hours, whether or not they occur at City worksites, where there is a negative impact on the work environment.

DEFINITIONS

Definition:

Harassment is defined as any conduct that:

- is unwelcome and ought reasonably to be known to be unwelcome, and
- is based on any of the prohibited grounds listed below, and
- detrimentally affects the work environment or leads to adverse job-related consequences for the person being harassed.

Bullying is defined as:

- Inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

Harassment and bullying are outlined in WorkSafeBC regulations and policies. The prohibited grounds of discrimination referred to above are set out and defined in the B.C. Human Rights Code, specifically:

Race, Colour, Ancestry, Place of Origin, Political Belief, Religion, Marital Status, Family Status, Physical Disability, Mental Disability, Sex, Sexual Orientation, Age and Criminal or Summary Conviction Offence Unrelated to Employment.

Harassment in the workplace is a form of discrimination, and is covered by the B.C. Human Rights Code.

Harassment prohibited by this Policy includes sexual harassment, along with harassment on the basis of any of the other prohibited grounds. Examples of harassment can include, but are not limited to, the following behaviours:

- Unwelcome remarks, jokes, nicknames, slurs, innuendo or taunting related to any of the prohibited grounds;
- Unwelcome, inappropriate email or internet use related to a prohibited ground;
- Unwelcome, inappropriate comments about a person's perceived sexual attractiveness or unattractiveness;
- Unwelcome, inappropriate posters, cartoons, pinups, electronic images or other similar materials related to a prohibited ground;
- Unwelcome romantic or sexual advances.

Retaliation:

Retaliation is also a form of discrimination. Retaliation damages the workplace by intimidating and silencing individuals from speaking up about harassment. No person shall be subjected to retaliation or reprisal for having sought assistance related to harassment, or for having made a harassment complaint or for having participated in the resolution of a harassment complaint.

Welcome, Consensual Conduct:

Workplace harassment does not include consensual relationships, welcome discussions or welcome social invitations, and this policy is not intended to curtail such consensual behaviour. Consensual, welcome behaviour can be distinguished from workplace harassment on the basis that it is mutually desired, and does not involve intimidation, reprisal or the misuse of power.

Harassment as defined in this Policy will not be tolerated or condoned by the City of Port Moody.

Harassment and retaliation will be treated seriously and can result in disciplinary measures up to and including dismissal from employment.

Responsibilities:

The City is responsible for maintaining a workplace free from harassment and bullying, as defined in this Policy, and to respond promptly to complaints of harassment and bullying. The City will ensure employees participate in an orientation, training and biannual review of the Respectful Workplace Policy. The Human Resources Department will review the Respectful Workplace Policy on an annual basis.

Managers and supervisors are responsible for modeling appropriate behaviour, monitoring the workplace for harassment and bullying, and intervening when they know or ought reasonably to know that harassment and bullying has occurred or is occurring.

All employees are responsible to refrain from harassment and bullying of others, and to contribute to a respectful, harassment and bullying -free workplace. Employees are encouraged to promptly report incidents of harassment and bullying.

PROCEDURES

An individual who believes that he or she is being harassed or being bullied under this Policy may:

- If comfortable doing so, inform the other individual that their conduct is unwelcome and request that the offensive behaviour stop;
- If the situation is not resolved, or the individual does not wish to speak directly to the other individual, he or she may discuss their complaint with a supervisor, member of the management team or the Manager of Human Resources. Alternative courses of action will be reviewed, including assistance in speaking directly with the other individual, informal harassment complaint resolution and formal harassment and bullying complaint resolution.

An individual who is told that his or her actions are a form of harassment, bullying or is unwelcomed should:

- Listen, rather than ignoring the situation or becoming hostile, defensive or angry;
- consider his or her actions carefully, including how those actions might be impacting others; and
- stop, apologize where appropriate, and change behaviours that are unwelcome to others.

Informal Complaint Resolution:

An individual who believes that he or she is experiencing harassment or bullying may elect to have the complaint dealt with informally. Informal complaint resolution can include, but is not limited to: mediation or similar conflict resolution process, drafting of behavioural guidelines, apology, or other resolution agreed to between the parties and the City to be appropriate for resolving the situation.

Formal Complaint Resolution:

An individual who believes that he or she is experiencing harassment or bullying may elect to file a formal complaint at any time, whether or not informal complaint resolution has been sought.

Formal complaints shall be made in writing to the Manager of Human Resources or his or her delegate within 6 months of the last incident alleged to constitute harassment or bullying. An investigation process will be as confidential as possible, recognizing that the rights of all parties involved must be respected and the investigation must be thorough and fair.

Complaints are not carried out anonymously, and the identity of the Complainant and the allegations contained in the complaint shall be made known to the individual alleged to have engaged in harassment or bullying (the "Respondent"). The Respondent shall be provided the opportunity to respond to the allegations and to have such responses properly considered.

If at any time during an investigation the complaint can be resolved to the satisfaction of the Complainant and in a manner that is acceptable to the Respondent, the resolution will be recorded in writing and signed by the Complainant and the Respondent.

Upon completion of the investigation, a written report will be forwarded to the City Administrator or an appropriate delegate. The Complainant and Respondent shall be notified of the conclusion of the investigation.

If the investigation concludes that harassment or bullying has occurred, disciplinary action may be taken, up to and including dismissal.

False and Malicious Complaints:

If a complaint is made falsely and with a malicious intent to cause harm, appropriate disciplinary action may be taken against the Complainant. However, a complaint that is simply unsubstantiated or that has been brought in error is not considered a malicious complaint.

Documentation:

If a complaint is not substantiated, no documentation of the complaint will be placed on the personnel file of the Respondent. However, documentation of the investigation will be kept in a confidential file by the Manager of Human Resources, in order to evidence due diligence by the City in properly investigating allegations of harassment or bullying under this Policy.

All written materials, including all notes taken during a formal or informal complaint resolution process, and any resolutions or reports prepared in relation to the resolution of a complaint, will be treated as strictly confidential for all purposes including any applications made under the Freedom of Information and Protection of Privacy Act.

Resolution Through Other Means:

The procedures established above to investigate and resolve harassment or bullying complaints do not preclude an individual from seeking resolution of their complaint externally with the B.C. Human Rights Tribunal and/or WorkSafeBC.

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