

Corporate Policy

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Section:	Human Resources	07
Sub-Section:	Human Resources – General	2510
Title:	Anti-Racial Discrimination and Anti-Racism	2020-01

Related Policies

Number	Title
A07-2510-01	Respectful Workplace
A07-2510-02	Serious Complaints
A07-2510-2016-01	Code of Conduct
07-2510-02	Code of Conduct for Elected Officials

Approvals

Approval Date: September 8, 2020	Resolution #: <u>RC20/327</u>
Amended:	Resolution #:
Amended:	Resolution #:
Amended:	Resolution #:

Policy

1. Statement of Principles

- a. The City of Port Moody recognizes the diversity of its community and believes that all members of its community including, but not limited to, residents, elected officials, employees, volunteers, and visitors, have the right to live, work, do business, and play in an environment that asserts and supports their fundamental rights, personal worth, and human dignity.
- b. The City of Port Moody acknowledges and recognizes the existence of racism in all its forms, including Cultural, Environmental, Institutional, Systemic, and Individual.
- c. The City of Port Moody is committed to breaking down barriers, deconstructing biases, and fostering and promoting an inclusive, respectful, and welcoming environment for all, one that is free from racial discrimination and racism.
- d. The City of Port Moody acknowledges its role and responsibility in protecting every person's right to be free from racial discrimination and racism.
- e. The City of Port Moody is further committed to respecting and upholding the vision and principles of British Columbia's *Human Rights Code* and the implementation of the Calls to Action of the Truth and Reconciliation Commission.
- f. This Policy is intended to demonstrate the City of Port Moody's commitment to conducting day-to-day operations and governance in an anti-discriminatory and anti-racist manner and environment. The implementation of this Policy is a public commitment that the City of Port Moody will continue to make best efforts to ensure that all who work and interact with the City of Port Moody are able to do so in an environment and manner free of racism and racial discrimination.

2. Scope

- a. This Policy applies to all employees, elected officials, contractors, volunteers, and students working or volunteering for the City of Port Moody.
- b. This Policy applies to the interpretation and application of current and new Bylaws, regulations, policies, procedures, contracts, procurements, and activities carried out by the City of Port Moody, all of which are required to be compliant with the principles and particular requirements specified within this Policy.
- c. The scope of this Policy includes all aspects of the City of Port Moody's activities, including its working environment, procurement, services, meetings, and various public events. In addition, this scope includes ongoing relationships with individuals, businesses, community groups, and contractors, as well as with other local governments and public and private bodies.
- d. This policy is intended to supplement and support British Columbia's *Human Rights Code* and related City of Port Moody policies, including, but not limited to, those listed on page 1 of this Policy.

3. Glossary of Terms

A glossary of relevant terms is included as Schedule A.

Procedures

4. Roles and Responsibilities

a. Council:

- Take leadership to model inclusive behaviour and language and not participate in racist or racially discriminatory conduct;
- Support, promote, and foster the principles of this Policy in all their work and interactions;
- Ensure that Management is trained on this Policy and is implementing it;
- Report incidents of racial discrimination or racism, experienced or witnessed, immediately to the City Manager or the Mayor;
- Cooperate and participate in good faith in any investigation under this Policy; and
- Maintain the confidentiality of all involved in a complaint under this Policy.

b. Management:

- Ensure that the workplace and the business of the City of Port Moody is free from racial discrimination and racism, and ensure that the principles of this Policy are reflected in the execution of their duties, operational policies, and practices within their area of responsibility;
- Model inclusive behaviour and language and not participate in racist or racially discriminatory conduct;
- Support, promote, and foster the principles of this Policy in all their work and interactions;
- Train Council members on this Policy at the beginning of each term of office and provide refresher training annually thereafter. Training should be meaningful and interactive;
- Train all new employees and volunteers, on this Policy at the commencement of their employment and contractors or services, and provide refresher training annually thereafter.
- Inform all new contractors of this Policy;
- Report incidents of racial discrimination or racism, experienced or witnessed, immediately to a supervisor, the City Manager, or the Mayor;
- Listen to any complaint, treating it sensitively, seriously, and confidentially;
- When appropriate and required, provide a timely, thorough, confidential, and objective investigation of any allegation and answer any complaints in accordance with this Policy;
- If necessary or appropriate, appoint an independent third-party investigator to investigate allegations or complaints when required under section 5;
- Subject to procedures referred to in section 5, review the findings and recommendations and determine, in consultation with Human Resources, Management, legal counsel, and/or Council, as applicable, the outcome and the appropriate action to be taken, which may include education, training, or disciplinary action, dependent upon the results;
- Maintain the confidentiality of all involved in a complaint under this Policy;
- Cooperate and participate in good faith in any investigation under this Policy; and
- Ensure this Policy is reviewed at least every two (2) years for effectiveness.

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- c. Employees, Volunteers, and Contractors:
 - Not engage in racial discrimination or racism;
 - Conduct themselves and speak in an inclusive manner;
 - Report incidents of racial discrimination or racism, experienced or witnessed, immediately to a supervisor, the City Manager, or the Mayor;
 - Maintain the confidentiality of all involved in a complaint under this Policy; and
 - Cooperate and participate in good faith in any investigation under this Policy.
- d. Complainants:
 - Make a complaint and receive a copy of the complaint;
 - Be informed of the status and progress of the investigation;
 - Be provided a summary of the results of the investigation in writing, including a summary of corrective action that has or will be taken as a result of the investigation;
 - Not be subject to retaliation; and
 - Withdraw a complaint at any time during the procedure; however, depending upon the nature and severity of the allegations, the City Manager, or the Mayor may determine that an investigation is required and the process will continue despite the withdrawal.
- e. Respondents:
 - Be informed that a complaint has been filed;
 - Be informed of the status and progress of the investigation;
 - Have the allegations provided to any independent investigator;
 - Be informed of the allegations against them and be provided an opportunity to respond; and
 - Be provided a summary of the results of the investigation in writing.
- f. Investigator:
 - If engaged under the process referred to in section 5, the investigator shall conduct a fair process under the procedures set out in Administrative Policy – A07-2510-01 – Respectful Workplace.

5. Complaint Process

All members of the Council, management, employees, volunteers, and contractors of the City of Port Moody have a responsibility to treat all complaints under this Policy seriously, and the City will investigate all complaints of racism and racial discrimination pursuant to the complaint procedure set out in Administrative Policy – A07-2510-01 – Respectful Workplace.

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6. Remedies

Any individual covered by this Policy, who is found to have engaged in, or known about and took no action to report or stop racial discrimination or racist behaviour contrary to this Policy may be subject to appropriate action depending upon the severity of the misconduct. The range of appropriate remedy may include, but is not limited to, the following:

- a. In the case of an officer or employee:
 - oral and/or written apology from the respondent and/or City of Port Moody;
 - any administrative change that is appropriate (i.e.: job site or position transfer; no contact for a period of time; temporary or permanent changes to reporting structures or work assignments);
 - coaching;
 - counselling;
 - training or education;
 - re-orientation to this Policy and its purpose;
 - discipline up to and including termination of employment for just cause; and
 - termination of contract for service or of a volunteer opportunity.
- b. In the case of an elected official, sanction by Council (including, but not limited to, censure, removal from appointments, referral to police, or legal action).
- c. If the respondent is not covered by this Policy, the City of Port Moody will take any and all steps reasonable and necessary to remedy the substantiated complaint to protect the complainant from future harm.

7. Unsubstantiated Complaints:

If an investigator finds insufficient evidence to support the complainant's allegations, the investigator will submit that finding to the City Manager. There will be no record of the complaint on the complainant's or respondent's file where applicable and there will be no sanction to anyone concerning the incident. A finding of no evidence is a simple reflection of an absence of evidence to support the claim and nothing more.

8. No Reprisals or Retaliation

- a. Any reprisal or retaliatory action that is related, in any way, to the circumstances noted above against a complainant (or person closely related to or associated with the complainant), witness, respondent, elected official, or employee responsible for implementing this Policy and procedure, who in good faith:
 - makes a complaint alleging racial discrimination or racism;
 - identifies or opposes a practice that they reasonably believe to constitute racial discrimination or racism; or
 - implements or participates in an investigation or proceeding under this Policy or pursuant to any applicable statutory complaint process;violates this Policy and will not be tolerated.

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- b. Any officer, employee, volunteer, appointee, or contractor covered by this Policy who is found to have engaged in any reprisal or retaliation in violation of this Policy will be subject to appropriate disciplinary action, which action may include the termination of employment for just cause, termination of a contract for service or of a volunteer opportunity, or legal action.
- c. Any elected official covered by this Policy who is found to have engaged in any reprisal or retaliation in violation of this Policy will be subject to Council consideration of appropriate sanctions, which may include censure, removal from appointments, referral to police, or legal action.

9. Vexatious Allegations and Complaints

Any individual covered by this Policy who makes an allegation or complaint under this Policy that is subsequently found to have been made in a deliberately vexatious or malicious manner, or otherwise to have been made in bad faith, will be subject to appropriate action set out in sections 8.b. or 8.c., as applicable.

10. Limitations

This Policy articulates the position of the City of Port Moody and demonstrates its support and commitment to an environment that is free of racial discrimination and racism. It is not intended to supersede or supplant the other processes available to individuals or groups wishing to pursue avenues of formal complaint or redress under other City of Port Moody policies.

Monitoring/Authority

The City Manager is responsible for the implementation and administration of this Policy.

Schedule A – Glossary of Terms¹

Barrier – An overt or covert obstacle which must be overcome for equality and progress to be possible.

Bias – A subjective opinion, preference, prejudice, or inclination, often formed without reasonable justification, which influences the ability of an individual or group to evaluate a particular situation objectively or accurately.

Cultural Racism – Portrayal of indigenous peoples, people of colour, and different ethnicities in the media, school texts, literature as inherently “inferior”, “savage”, “bad”, “primitive”. The premise by a host society that devalues and stereotypes minority populations.

Discrimination – The denial of equal treatment and opportunity to individuals or groups because of personal characteristics and membership in specific groups, with respect to education, accommodation, health care, employment, access to services, goods, tenancy and facilities. This behaviour results from distinguishing people on that basis without regard to individual merit, resulting in unequal outcomes or adverse effects for persons who are perceived as different. Differential treatment that may occur on the basis of any of the protected grounds enumerated in human rights law, including race, colour, ancestry, place of origin, religion, marital or family status, physical or mental disability, age, sex, sexual orientation, or gender identity or expression.

Diversity – A term used to encompass the acceptance and respect of various dimensions including race, gender, sexual orientation, ethnicity, socio-economic status, religious beliefs, age, physical abilities, political beliefs, or other ideologies.

Environmental Racism – A systemic form of racism in which toxic wastes are introduced into or near marginalized communities. People of colour, indigenous peoples, working class, and poor communities suffer disproportionately from environmental hazards and the location of dangerous, toxic facilities such as incinerators and toxic waste dumps. Pollution of lands, air, and waterways, often causes chronic illness to the inhabitants and change in their lifestyle.

Inclusive Language – The deliberate selection of vocabulary that avoids explicit or implicit exclusion of particular groups and that avoids the use of false generic terms, usually with reference to gender.

Indigenous Peoples – First used in the 1970s, when Aboriginal peoples worldwide were fighting for representation at the U.N., this term is now frequently used by academics and in international contexts (e.g., the United Nations Declaration of the Rights of Indigenous Peoples). Indigenous is understood to mean the communities, peoples, and nations that have a historical continuity with pre-invasion, pre-settler, or pre-colonial societies that developed on their territories, as distinct from the other societies now prevailing on those territories (or parts of them). Can be used more or less interchangeably with “Aboriginal,” except when referring

¹ Source: <https://www.crrf-fcrr.ca/en/resources/glossary-a-terms-en-gb-1>

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specifically to a Canadian legal context, in which case “Aboriginal” is preferred, as it is the term used in the Constitution.

Individual Racism – Racist assumptions, beliefs, and behaviours that stem from conscious and unconscious personal prejudice.

Institutional Racism (Systemic Discrimination) – The institutionalization of discrimination through policies and practices which may appear neutral on the surface, but which have an exclusionary impact on particular groups. This occurs in institutions and organizations, including government, where the policies, practices, and procedures (e.g. employment systems – job requirements, hiring practices, promotion procedures, etc.) exclude and/or act as barriers to racialized groups.

People of Colour – A term which applies to non-White racial or ethnic groups; generally used by racialized peoples as an alternative to the term “visible minority.” The word is not used to refer to Aboriginal peoples, as they are considered distinct societies under the Canadian Constitution. When including Indigenous peoples, it is correct to say “people of colour and Aboriginal/Indigenous peoples.”

Racial Discrimination – According to the International Convention on the Elimination of All Forms of Racial Discrimination (to which Canada is a signatory), racial discrimination is “any distinction, exclusion, restriction, or preference based on race, colour, descent, or national or ethnic origin, which nullifies or impairs the recognition, enjoyment, or exercise of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life.”

Racism – A belief that one group is superior to others performed through any individual action, or institutional practice which treats people differently because of their colour or ethnicity. This distinction is often used to justify discrimination. There are three types of racism: Institutional, Systemic, and Individual.