

Corporate Policy

100 Newport Drive, Port Moody, BC, V3H 5C3, Canada
Tel 604.469.4500 • Fax 604.469.4550 • www.portmoody.ca

Section:	Human Resources	07
Sub-Section:	Human Resources – General	2510
Title:	Respectful Communications	2023-01

Related Policies

Number	Title
A07-2510-2021-01	Respectful Workplace

Approvals

Approval Date:	Resolution #:
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Policy

The City of Port Moody is committed to promoting a safe, healthy, respectful, and positive environment for the public, volunteers, staff, and Council Members, and has an obligation to provide a workplace free of bullying and harassment.

This Policy identifies communications from the public that may constitute bullying and harassment, or otherwise be threatening, discriminatory, or defamatory, and provides a process for responding to such communication conveyed to volunteers, staff, and Council Members in association with any service, program, or event provided by the City.

Definitions and Interpretation

1. In this Policy:

“City Manager” means the Municipal Officer position of the City’s Chief Administrative Officer;

“Corporate Officer” means the Municipal Officer position of the City’s Corporate Officer that has been designated the corporate officer under section 148 of the *Community Charter*;

“Council” means the duly elected officials of the City, those being the Mayor and Councillors;

“City” means the City of Port Moody;

“Inappropriate Communication” means in-person, electronic, telephonic, written, or other forms of communication that:

- a) a person knew or reasonably ought to have known would cause the subject of the communication, the person receiving the communication, or both to feel humiliated or intimidated;
- b) is discriminatory, threatening, violent, or defamatory; or
- c) is part of a pattern of communications that are frivolous, vexatious, or made with malicious intent;

“Incident” means any occurrence involving one or more individuals engaging in Inappropriate Communication;

“Incident Report” means a written record, created by Staff, containing relevant details of an alleged Incident;

“Manager” means a person employed by the City as a Manager of the relevant department of the involved division or department of the City;

“Member(s)” means the Mayor or a Councillor;

“Staff” means a person employed by the City, and includes volunteers authorized to act on behalf of the City;

“Workplace” means any location from which a City employee is engaged in a work-related activity, including but not limited to: work sites owned, operated, or controlled by the City (such as City Hall, operations centres, fire halls, parks locations and buildings, construction

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or maintenance sites, business-related social functions); work locations away from the foregoing venues; work-related conferences and training sessions; work-related travel, telephone conversations, voicemail or electronic messaging, electronic meetings, and video conferencing. For the purposes of this Policy, Workplace also includes any location at which a Council Member for the City is carrying out their powers, duties, or functions for the City.

2. In this Policy, a reference to a Manager, or City Manager includes a reference to the person appointed as deputy or appointed to act in the place of that person from time to time.
3. This Policy will be administered in accordance with applicable legislation, including the *Canadian Charter of Rights and Freedoms* and the British Columbia *Human Rights Code*.

Scope

1. This Policy applies to all persons, including members of the public, when they are communicating with Staff and Council Members in the Workplace.
2. This Policy does not apply to communication solely between City Staff or between City Staff and Council Members.
3. Nothing in this Policy is intended to replace, supersede, or impact the City's Respectful Workplace Policy.
4. Nothing in the Policy limits the City's right to pursue other remedies available by law, including injunctions.

Terms of Respectful Communication

1. All persons have a duty to communicate with City Staff and Council Members in a courteous, civil, and respectful manner.
2. No person shall engage in Inappropriate Communication with City Staff or Council Members.

Procedures

1. Responding to Inappropriate Communication to City Staff:
 - a) If City Staff believe they have received Inappropriate Communication, they will prepare an Incident Report detailing the Incident. City Staff will submit the Incident Report to their Manager. Where the Incident is limited to written or electronic communication, a copy of that written or electronic communication should be included with the Incident Report.
 - b) If, upon receipt and review of an Incident Report, the Manager believes the Incident may have violated this Policy, they will notify the City Manager and provide the City Manager with the Incident Report.
 - c) When the City Manager receives an Incident Report, they will take such action as they consider appropriate in the circumstances, considering the following guidelines:
 - i. whether the Inappropriate Communication concerned a matter for which the author of the communication had a statutory right to be heard;
 - ii. role of the individual to whom the Inappropriate Communication was directed;

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- iii. whether the Inappropriate Communication relates to comments and feedback regarding a program, service, or initiative of the City.
 - iv. whether the Inappropriate Communication is violent, threatening, defamatory of an individual, or discriminatory;
 - v. whether the Inappropriate Communication was a single or repeated act;
 - vi. whether the person has acknowledged wrongdoing or apologized for the Inappropriate Communication;
 - vii. whether the person had received previous warnings or actions from the City regarding Inappropriate Communication; and
 - viii. any other relevant consideration.
- d) The City Manager may determine that the Incident did not constitute a violation of this Policy and take no further action.
- e) The City Manager may determine that the Incident constituted a violation of this Policy but decide that no further action is required in the circumstances.
- f) The City Manager may determine that the Incident constituted a violation of this Policy and take one or more of the following steps:
- i. issue a written warning letter to the person who engaged in Inappropriate Communication;
 - ii. request that the person who engaged in Inappropriate Communication meet with a City Staff member;
 - iii. impose limits on the way a person may communicate with City Staff, including limiting the person to communicating:
 - 1. in a particular manner (e.g., email only);
 - 2. at a particular time (e.g., telephone calls only one day per week, emails only reviewed once per week);
 - 3. for a particular duration of time (e.g., a maximum time for telephone calls); and
 - 4. with a particular person (e.g., requiring that all communications from the person be directed to the Manager and advising other City Staff not to respond).
 - iv. instruct City Staff not to acknowledge, respond to, and/or publish future communications from the person engaging in Inappropriate Communication; and
 - v. any other action the City Manager considers appropriate in the circumstances.

2. Responding to Inappropriate Communication to a Council Member:

- a) If a Council Member receives Inappropriate Communication, they may exercise their discretion to bring it to the attention of Council.

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- b) If the Inappropriate Communication received by a Council Member is also sent to and/or received by City Staff, the procedures set out in section 1 will apply.
- c) When Council receives notice of Inappropriate Communications to a Council Member, they may take such action as they consider appropriate in the circumstances, considering the following guidelines:
 - i. whether the Inappropriate Communication concerned a matter for which the author of the communication had a statutory right to be heard;
 - ii. the role of the individual to whom the Inappropriate Communication was directed;
 - iii. whether the Inappropriate Communication relates to comments and feedback regarding a program, service, or initiative of the City;
 - iv. whether the Inappropriate Communication is violent, threatening, defamatory of an individual, or discriminatory;
 - v. whether the Inappropriate Communication was a single or repeated act;
 - vi. whether the person has acknowledged wrongdoing or apologized for the Inappropriate Communication;
 - vii. whether the person had received previous warnings or actions from the City regarding Inappropriate Communication; and
 - viii. any other relevant consideration.
- d) Council may determine that the Incident did not constitute a violation of this Policy and take no further action.
- e) Council may determine that the Incident constituted a violation of this Policy but decide that no further action is required in the circumstances.
- f) Council may determine that the Incident constituted a violation of this Policy and direct City Staff to take one or more of the following steps:
 - i. issue a written warning letter to the person who engaged in Inappropriate Communication;
 - ii. request that the person who engaged in Inappropriate Communication meet with a City Staff member;
 - iii. impose limits on the way a person may communicate with Council Members, including limiting the person to communicating:
 - 1. in a particular manner (e.g., email only);
 - 2. at a particular time (e.g., telephone calls only one day per week, emails only reviewed once per week)
 - 3. for a particular duration of time (e.g., a maximum time for telephone calls); and
 - iv. any other action Council considers appropriate in the circumstances.

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- g) Nothing in this Policy is intended to limit a Council Member's ability to respond to communication received from the public.

Monitoring/Authority

This Policy will be monitored and maintained by the General Manager of Corporate Services.

The Legislative Services Division will cause:

- a) this Policy to be visible and accessible on the City's website; and
- b) electronic copies of this Policy to be made available to all Staff and Council Members in easily accessible locations, including the City's intranet.