

This policy applies to complaints made by any City employee and elected official of alleged harassment by:

- any employee of the City
- any elected official of the City
- any person doing business with the City, volunteers, members of the public, contractors

The policy applies to all forms of workplace communication including interpersonal and electronic communications such as email.

4.0 Definitions

4.1 Discriminatory Harassment

Relates to an individual's rights under the British Columbia *Human Rights Code*. For the purposes of this policy, Discriminatory Harassment is defined as conduct that:

- (a) Is based on or related to a prohibited ground of discrimination as set out in the *Human Rights Code* including: race, colour, ancestry, place of origin, political belief, religion;
- (b) marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person;
- (c) Is unwelcome or is of such a nature that it would be reasonable to assume that it is unwelcome; and
- (d) Detrimentally affects the work environment or leads to adverse job related consequences for the victim of the harassment.

4.2 Personal Harassment

Any objectionable conduct or comment directed towards a specific employee(s) that the person knew or reasonably ought to have known would have the effect of creating an intimidating, humiliating, hostile or offensive work environment.

4.3 Bullying

The intentional, persistent attempt of one person to intimidate, demean, torment, control, or break the resistance of a less powerful person at the place of work or in the course of employment. The behaviour, through its severity, diminishes the dignity or the psychological or physical integrity of the targeted individual.

Examples of disrespectful behaviours as defined in this Policy include, but are not limited to:

- VERBAL CONDUCT, such as derogatory comments, slurs, offensive remarks, jokes, innuendo, abusive language, unwelcome attention of a sexual nature such as questions or remarks about sex life, invitations, and remarks about physical appearance.
- VISUAL CONDUCT, such as leering, derogatory posters, cartoons, drawings, gestures, displays of pornographic, sexist, racist or other offensive or derogatory material

including through e-mail, social networking sites, or the internet.

- PHYSICAL CONDUCT, such as unwelcome physical contact including touching, patting, spitting, assault, or blocking normal movement.
- THREATS AND DEMANDS to submit to sexual requests in order to keep one's job or avoid some other loss, and offers of job benefits in return for sexual favours.
- ANY CONDUCT that creates an offensive, intimidating or hostile environment.
- ANY 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.

Harassment is NOT:

The normal exercise of management rights and union rights as outlined in the Collective Agreement shall not be construed as harassment or discrimination. Properly discharged supervisory responsibilities, including performance management and disciplinary action, is not harassment. WorkSafeBC Prevention Policy D3-115-2 outlines that an employer's right to provide "reasonable" performance management and direction to a worker "will not be considered workplace harassment". When an employer or supervisor takes reasonable action to manage and direct workers, it is not bullying and harassment. Bullying and harassment excludes any reasonable action taken by an employer or supervisor relating to management and direction of workers or the place of employment.

5.0 Bullying and Harassment

Bullying and harassment may take many forms. It may be one incident or a series of incidents. It may take place in different ways, including one-to-one, in a group, or through electronic means (e.g. email or social media)

Inappropriate conduct or comments include, but are not limited to:

- Threats or intimidation, including non-verbal behavior that threatens, humiliates or intimidates (e.g. leering);
- Rudeness, ridicule, taunting, or patronizing behavior;
- Name-calling, slurs, or negative stereotyping;
- Insults, or denigrating comments;
- Back-stabbing;
- Practical jokes;
- Verbal aggression or insults;
- Shouting or yelling;
- Physical assault or abuse;
- Hazing or initiating practices;
- Vandalizing personal belongings;
- Spreading malicious rumors; and,
- Cyber-bullying.

Bullying and harassment excludes any reasonable action taken by the City of Maple Ridge or a supervisor relating to the management and direction of workers or the place of employment.

Bullying and harassment is also defined in and covered by WorkSafeBC's Occupational Health and Safety Policies. Nothing in this Policy is intended to limit the application of such WorkSafeBC Policies to Employees.

6.0 Roles and Responsibilities

All employees and elected officials of the City are expected to contribute constructively to a respectful workplace environment that is collaborative, inclusive and embraces diversity.

All persons to whom this Policy is applicable are responsible for conducting themselves at all times in accordance with the provisions of this Policy. All employees and elected officials must cooperate with any investigations under the Policy.

Senior Management and Elected officials

- Support and endorse the policy
- Take action and actively participate as needed in the resolution and investigation of a complaint and implement remedies as required
- Not engage in bullying, discrimination or harassment

Managers and Supervisors:

- Inform and educate workers on the this policy
- Ensure the principles of this policy are reflected in the execution of duties, operational policies and practices
- Take action and actively participate as needed in the resolution and investigation of a complaint and implement remedies as required
- Not engage in bullying or harassment

Employees:

- Not engage in bullying, discrimination or harassment
- Report bullying, discrimination or harassment observed or experienced in the workplace
- Apply and comply with the City's policy and procedures on bullying, discrimination and harassment

7.0 Remedies

In keeping with the procedures as set out below, where a complaint is substantiated, an appropriate remedy will be implemented. The determination of an appropriate remedy will be assessed on a case by case basis. This may include corrective action such as education and training, mediation or other conciliatory approaches, temporary or permanent changes to reporting structures or work assignments, and discipline up to and including termination of employment where applicable.

8.0 Complaints Resolution Process

8.1 Informal Resolution

- 1) An individual who feels he/she is being harassed (the Complainant) is encouraged to communicate directly with the alleged harasser (the Respondent) in a reasonable and appropriate manner that the offending behaviour is objectionable and unwelcome. The Respondent should be asked to stop. The Complainant should remind the Respondent that the behaviour is contrary to policy. The Complainant should keep a record of all relevant facts (e.g. dates, locations, times, witnesses, nature of offending behaviours, etc.)

This is often the simplest and most effective way to put an end to harassment. However, a Complainant is not obliged to confront a Respondent and, if a person experiencing harassment is unwilling or unable to do so, or if the offending behaviour continues after communication, the Complainant should report the offending behaviour as outlined below.

- 2) The Complainant can go to his or her supervisor, manager, Human Resources, union representative to obtain assistance in trying to resolve the situation informally. The supervisor, manager or union representative will inform Human Resources of the situation. Elected officials may request the assistance of the Chief Administrative Officer.

An informal resolution of a complaint results in a confidential, forward-looking course of action that stops the offending behaviour without an investigation. Informal resolutions can include, but is not limited to: facilitation, mediation or similar conflict resolution process; drafting of behavioural guidelines; apology; or other resolution agreed to among the parties and the City to be appropriate for resolving the situation. The parties will sign a letter stating that a mutually-agreeable resolution has been implemented and a copy will be placed in a confidential file kept by Human Resources.

8.2 Formal Complaint Process

- 1) If the complaint cannot be resolved informally or, if informal resolution is not sought, the Complainant must report or be formally referred to the individual designated to manage formal complaints as set out below. Anonymous complaints will not be accepted.
 - a. The Director of Human Resources for all complaints except those employees in the Human Resources Department
 - b. The Chief Administrative Officer or his/her designate if the complainant or respondent is the Director of Human Resources or other Human Resources staff
 - c. The Mayor and Chief Administrative Officer for all complaints involving Councillor(s)
 - d. The Mayor and the Director of Human Resources for all complaints involving the Chief Administrative Officer
 - e. The Chief Administrative Officer and City Council for all complaints involving the Mayor

In any circumstances where the process may give rise to a conflict of interest, the process will be adapted as appropriate to afford due process for the persons involved.

2) The Complainant must file a formal statement of complaint including:

- Date(s);
- Time(s);
- Who was involved;
- Witnesses, if any;
- Specific conduct that is the source of the complaint;
- What you are seeking as a remedy; and,
- Any action the complainant has taken to stop the unwanted conduct, including any steps taken by the complainant under the Informal Resolution Process and the outcome.

In the event that the Complainant does not proceed with a formal complaint, the City may take steps to proceed with the formal complaint process on the basis of information that has come to the City's attention.

3) Once a formal written complaint is received, the designated individual will begin a formal investigation if appropriate and will appoint an internal or external investigator to conduct a confidential investigation of the complaint. The investigator will:

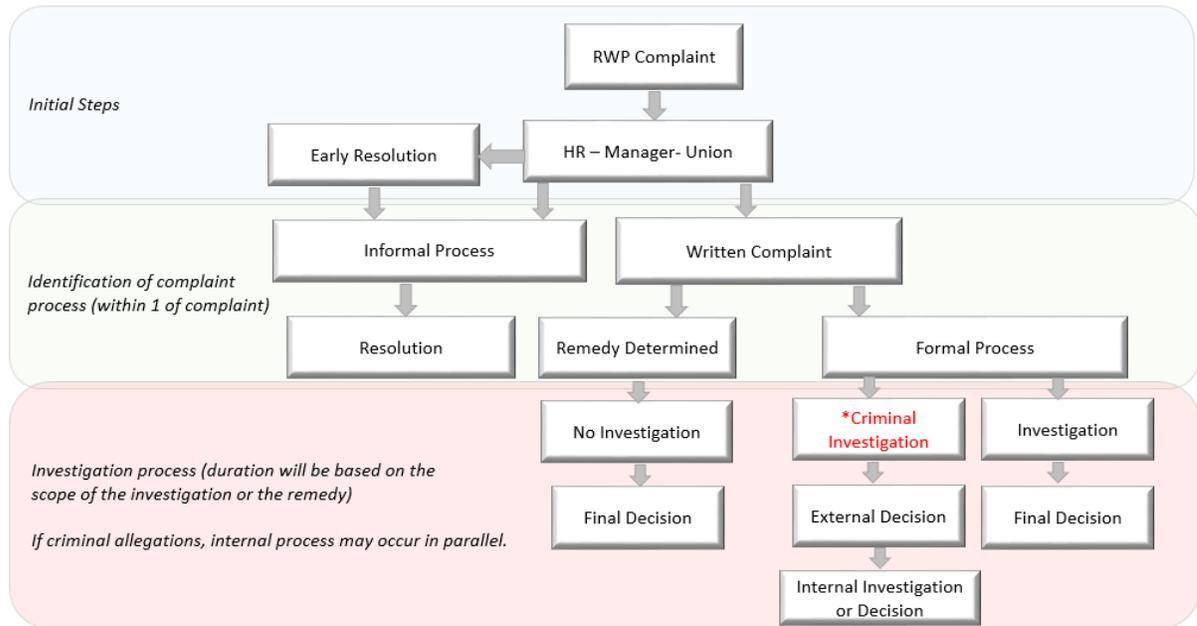
- Notify the Respondent of the allegations of the complaint.
- Interview the Complainant (for unionized employees, a Union representative may be present at the Complainant's option).
- Interview the Respondent (for unionized employees, a Union representative may be present at the Respondent's option).
- Interview witnesses as determined by the investigator.

4) At the conclusion of the investigation a confidential report including the complaint investigation findings will be presented to the designated individual. The designated individual will determine any appropriate corrective or disciplinary action to be taken.

Any person who, as a result of an investigation, is found to have violated this policy may be subject to corrective action or discipline up to and including dismissal as deemed appropriate.

The Complainant and the Respondent will be advised of the outcome of the investigation having regard to the privacy interests of all parties.

8.3 Flow Chart on the Process



8.2 Actions Arising out of Substantiated Complaints

Appropriate action arising out of the formal Complaint Process may include one or more of the following on the part of any person found to have engaged in the prohibited conduct:

- Formal apology;
- Recommendation to seek assistance from employee and family assistance for medical or other professional;
- Written reprimand (placed in that person’s personnel file);
- Training or participation in educational or other course of correction or instruction;
- Demotion or other change of work assignment;
- Withholding of promotion;
- Financial penalty (including a requirement to reimburse for cost related to the complaint or an adverse effect on compensation);
- Paid or unpaid suspension; or,

Termination of employment (or contract for service).

9.0 WorkSafeBC Reporting

WorkSafeBC requires all workers, witness or individuals experiencing bullying and harassment to report the incident to their employer, as outlined in our Respectful Workplace Policy and Procedures. Your employer must follow their policy. This may include a formal resolution or informal resolution. If your manager or the City has not taken reasonable steps to address the

incident, you can call the Prevention Information Line at WorkSafeBC (1.888.621.SAFE) to contact an officer to discuss the incident. If the matter is still not resolved after reporting to your employer and speaking with a prevention officer, you may submit a Bullying and Harassment Questionnaire to WorkSafeBC.

10.0 Appeal Procedure

If a Complainant or Respondent is not satisfied with the final decision of the individual designated to manage the formal complaint in respect of the outcome of a complaint, the following avenues may be considered:

- Unionized employees may speak with their Union about filing a grievance under the Collective Agreement. The timelines for filing a grievance will be applied.
- All others to whom this policy applies may appeal to the Chief Administrative Officer or designate in writing within seven (7) days outlining their reasons for disagreement with the outcome of the complaint. The Chief Administrative Officer's review will be limited to reviewing the investigator's report and the outcome as determined by the individual designated to manage the formal complaint to determine whether this Policy was reasonably and appropriately applied. The Chief Administrative Officer will then issue a decision in writing either confirming the decision of the individual designated to manage the formal complaint or outlining an alternative outcome which will then constitute the City's final decision.
- In circumstances where the process may give rise to a conflict of interest, the process will be adapted as appropriate to afford due process for the persons involved
- In the event of a breach of the British Columbia Human Rights Code, any person has the right to file a complaint with the BC Human Rights Tribunal within the six month time limit that is stipulated under the Code. It should be noted that only conduct related to prohibited grounds of discrimination would fall under the jurisdiction of the Tribunal.

11.0 Time Limits

The City reserves the right to consider any matter that comes to its attention at any time; however, Complainants are encouraged to bring concerns forward in a timely manner. A formal complaint must be made to the individual designated to manage formal complaints within six (6) months of the date of the last alleged incident of harassment.

As soon as possible after a complaint is made, the Director of Human Resources or designate will make an appointment with the Complainant to discuss the incident in greater detail.

It should be noted that there is a limitation period of six (6) months for a complaint under the British Columbia *Human Rights Code* to the British Columbia Human Rights Tribunal in respect of discrimination on a prohibited ground (see the definition of Discriminatory Harassment).

12.0 No Retaliation

The City will not tolerate retaliation in any form against an employee who has been involved in a harassment complaint. Retaliation will be considered a form of harassment and dealt with in accordance with this policy.

13.0 Complaints Made in Bad Faith

Any person who has been found to have wilfully accused an individual of harassment that he or she knows to be false, may also be subject to discipline up to and including dismissal.

14.0 Confidentiality

All employees are expected to respect and preserve the confidentiality of any complaint and process under this Policy and to assist management in the informal resolution process or the formal investigation of any complaint by providing information as requested. This includes refraining from discussions or releasing information in any form except for the purpose of resolving the complaint. Any breaches of confidentiality will be considered a violation of this policy.

Management and any investigator appointed by the City, insofar as possible, will keep all information concerning the complaint confidential. Confidentiality will be maintained throughout the process and information will be disclosed only to the extent necessary to carry out these procedures, 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 necessary will be disclosed.

All documentation respecting any complaint and any investigation will be kept by the Director of Human Resources in a confidential investigation file. Any letters respecting corrective action, discipline, or dismissal in respect of an employee of the City will be placed on the personnel file of the employee.

15.0 Record Keeping

Records of complaints, investigations and follow-up actions pursuant to this Policy will be retained, secured and destroyed as directed by City of Maple Ridge policies and applicable laws.

16.0 Annual Review

This Policy will be reviewed annually and training will be offered through onboarding and every three years a refresher or as otherwise required by applicable laws.