ADMINISTRATIVE POLICY



		Policy No: 30.21
Title: Anti-Discrimination and Anti-Racism Policy		Supersedes: 30.21 (January 29, 2021)
Effective Date: January 29, 2021	Amended Date: January 14, 2025	Review Date: January14, 2026

Policy Statement

The City of Maple Ridge is committed to providing a safe, healthy, and diverse work environment where Employees, volunteers, contractors, and those who interact with the City are treated with respect, integrity, and dignity, and that the City remains free from racism and discrimination as set out under the prohibited grounds of the British Columbia (BC) Human Rights Code.

Purpose

The purpose of this Policy is to prevent discrimination and racism based on grounds protected by the BC Human Rights Code, and to provide guidance to Employees on the process of complaints and resolutions of those complaints related to discrimination and racism.

Scope

This Policy applies to:

- (a) all Employees, volunteers, and prime contractors; and
- (b) any location where City business is conducted or any employment-related activities occur, including:
 - (i) the workplace, including but not limited to City lunchrooms, meeting rooms, washrooms/changerooms, and offices;
 - (ii) any other locations and situations, such as off-site meetings, business travel, or social events related to employment; and
 - (iii) any workplace communication channels, including interpersonal, handwritten, and electronic communications.

This Policy is intended to coincide with related City policies including the Respectful Workplace Policy and the Code of Conduct Policy, the Council Code of Conduct Bylaw, and legislation including the BC Human Rights Code.

If there is any discrepancy between this Policy and the BC Human Rights Code relating to prohibited grounds, the BC Human Rights Code will prevail.

Concerns regarding discrimination that do not involve grounds prohibited by the BC Human Rights Code is not covered by this Policy. Such concerns may be addressed by other City policies or procedures, such as the Respectful Workplace Policy, Code of Conduct Policy, Collective Agreements, and Employee resources.

Definitions

Barrier means an overt or covert obstacle which must be overcome in order for equality and progress to be possible for the City.

BC Human Rights Code means the *Human Rights Code*, RSBC 1996 c 210; for clarification purposes, the Human Rights Code is an Act of British Columbia.

Bias means 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.

Bona Fide Occupational Requirement (BFOR) means a standard or rule, in the form of a job requirement, that is integral to a particular position which an Employee, or prospective Employee, is unable to fulfill, and where trying to accommodate or change that standard or rule would create undue hardship on the City.

City means the City of Maple Ridge.

Complainant means any Party who is subjected to Bullying or Harassment and is the commencing Party in the complaint process and investigation.

Contractors means prime contractors who have been hired by the City to provide services for the City.

Cultural Racism means the full adoption by an individual or group of the culture, values, and patterns of a different social, religious, linguistic, or national ethos, resulting in the diminution or elimination of attitudinal and behavioural characteristics of the original individual or group, and can be either voluntary or forced.

Designated Individual means the individual who has been designated to investigate a formal complaint, depending on the context, as follows:

- The Director of Human Resources: all complaints involving Parties that fall within the scope of this Policy, including complaints involving Volunteers and Contractors, except for complaints involving Employees who work in the Human Resources Department;
- The Chief Administrative Officer: if a Complainant or Respondent is the Director of Human Resources or other Human Resources Department Employees; and

 The Mayor and the Director of Human Resources for all complaints involving the Chief Administrative Officer.

Discrimination means intentional or unintentional conduct, either individual or systemic, that imposes burdens, obligations, or disadvantages on, or limits access to opportunities, benefits, and advantages, to specific individuals or groups as defined by the Human Rights Code for which there is no bona fide and reasonable justification. Discrimination can occur during one incident or over a series of incidents, including single incidents that would not necessarily constitute discrimination in isolation. This definition of Discrimination includes all forms of discrimination set out under this section.

Discrimination does not include: Bona fide seniority scheme and retirement, superannuation, pension plans, or group or Employee insurance plans.

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

Employees means any full time, part-time, temporary, or auxiliary employee hired by the City, and excludes any Volunteers or Contractors acting on behalf of the City.

Employment Discrimination means poor treatment in the workplace based on Prohibited Grounds of Discrimination.

Inclusive Language/Inclusion means 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. Making diverse members of society or an organization feel valued and respected.

Individual Racism means racist assumptions, beliefs and behaviours that stem from conscious and unconscious personal prejudice.

Institutional Racism (Systemic Discrimination) means the institutionalization of discrimination through policies and practices which may appear neutral on the surface but which have an exclusionary impact on particular groups.

Management means all Employees that hold management positions as determined by Human Resources, including directors, managers, and supervisors, and also includes any use of these terms in this Policy.

Party means any person that falls within the scope of this Policy, including Employees, Volunteers, and Contractors, as defined. This definition also includes use of the term "Parties".

Prohibited Grounds of Discrimination means prohibited grounds as set out in the BC Human Rights Code:

- (a) Race
- (b) Colour
- (c) Ancestry
- (d) Place of Origin
- (e) Religion
- (f) Sex
- (g) Gender Identity or Expression
- (h) Sexual Orientation
- (i) Physical Disability
- (j) Mental Disability
- (k) Marital Status
- (l) Family Status
- (m) Age
- (n) Political Belief
- (o) Criminal Conviction (not related to employment)

Racial Discrimination means 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 means 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 many types of racism: Institutional, Systemic, and Individual. This definition also includes all forms of racism defined under this section.

Respondent means any Party who has been alleged to be causing or contributing to Bullying or Harassment and who is the responding Party in an investigation.

Volunteers means any person who is providing volunteer services to the City and where the City is acting in a supervisory capacity only for the purposes of these volunteer services being provided.

Procedure

- 1. All Parties, including Management Employees, are expected to:
 - (a) act and contribute positively to the City in order to foster a respectful workplace environment that is collaborative, inclusive, and embraces diversity;

- (b) conduct themselves at all times in accordance with the provisions of this Policy, including cooperating with any complaint investigations and remedies by Human Resources or the Designated Individual under this Policy;
- (c) not engage in any form of Bullying or Harassment, as outlined under this Policy;
- (d) report any instances of Bullying or Harassment that they either experience themselves or that they observe to their respective managers, the Human Resources Department, or the City representative that they report to, and follow all required processes; and
- (e) listen to any complaint regarding Bullying or Harassment and treat it in serious, sensitive, and confidential manner.

2. All Management Employees must:

- (a) ensure that the principles and procedures of this Policy, and any related policies or procedures to this Policy, are reflected in the performance of their own work duties, and model appropriate behaviour for their respective teams;
- (b) inform and educate Employees on their respective teams of this Policy;
- (c) ensure that the principles and procedures of this Policy, and any related policies or procedures to this Policy, are reflected by their teams while performing their work duties;
- (d) take action as required if any aspect of this Policy is not being followed by their teams, or if they receive a complaint, including assisting Human Resources in the investigation and resolution of any complaints;
- (e) maintain confidentiality of any Parties involved in a complaint under this Policy,
 except where disclosure to Human Resources for investigative purposes is required;
 and
- (f) review this Policy, and ensure their respective teams review this Policy, in accordance with the review timelines set out herein.

Discrimination and Racism

- 3. The City acknowledges and recognizes:
 - (a) The existence of Discrimination under the protected grounds of the BC Human Rights Code, and that it can occur in many different ways; and

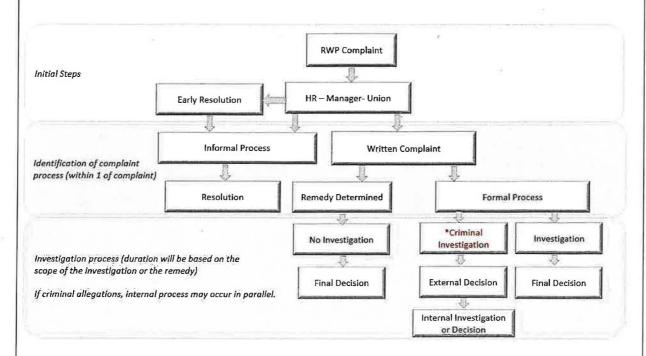
(b) the existence of Racism in all its forms, including cultural, environmental, institutional, systemic, and individual, and that it can occur in many different ways.

4. The City is committed to:

- (a) breaking down unintended barriers and deconstructing biases associated with all forms of Racism;
- (b) identifying and eliminating all forms of Discrimination and Racism, and responding to complaints regarding such as they arise;
- (c) identifying and eliminating existing or emerging Institutional Racism embedded within the City and increasing awareness of ethnic diversity in the workplace;
- (d) providing a work environment where all individuals are treated with respect and dignity, as everyone has the right to work in a professional atmosphere that prohibits unlawful discriminatory or racist practices;
- (e) fostering equal employment opportunities without any racism or discrimination based on race, colour, ancestry, place of origin, religion, sex, gender identity or expression, sexual orientation, physical disability, mental disability, marital status, family status, age, political belief, and criminal conviction not related to employment;
- (f) respecting and upholding the vision and principles of the BC Human Rights Code;
- (g) accommodating Employees who invoke one of the grounds protected under the Human Rights Code, up to the point of undue hardship; suitable accommodations depend on the specific situation of the Employee and that Employee's role;
- (h) making every reasonable effort to ensure that all Employees are familiar with this Policy and are aware that any complaint in violation of this Policy will be investigated and resolved appropriately; and
- (i) treating discrimination and racism as offences that are subject to a wide range of remedial or disciplinary measures, up to and including termination of employment.

Complaint Resolution Process

Complaint Process Flow Chart



Informal Complaint Process

- 5. If a Complainant feels that they are being subjected to racist offending behaviour or discriminated against under grounds prohibited by the Human Rights Code, they are encouraged to communicate directly with the Respondent who is allegedly perpetuating the offending behaviour in a reasonable and appropriate manner to advise the Respondent that the behaviour is unwelcome, it is contrary to this Policy, and to ask them to stop.
- 6. The Complainant should keep a record of all relevant facts (e.g. dates, locations, times, witnesses, nature of offending behaviours, etc.)
- 7. While this is typically the most effective way to stop alleged Discrimination or Racism, if a Complaint is unwilling or feels uncomfortable with confronting the Respondent, or if the offending behaviour continues after communicating with the Respondent, the Complainant should escalate their complaint in accordance with the next steps.
- 8. The Complainant may go to their manager, Human Resources, the City representative they report to, or union representative, as applicable, to obtain assistance in resolving the complaint informally; the manager, City representative they report to, or union representative will inform Human Resources about the complaint.

- 9. The City's goal in resolving complaints informally is to provide a confidential and forward-moving course of action that ceases the alleged Discrimination or Racism without requiring an investigation to be conducted. Informal resolutions may include, but are not limited to, the following:
 - (a) facilitation, mediation, or similar conflict resolution process;
 - (b) drafting of behavioural guidelines;
 - (c) apology; or
 - (d) any other resolution agreed upon between all parties and the City, as deemed appropriate for addressing the complaint.
- 10. As part of the informal resolution process, the Parties will sign a letter stating that a mutually agreeable resolution was reached and implemented, and a copy of this letter will be retained in a confidential personnel file, volunteer file, or contract file as applicable.

Formal Complaint Process

- 11. If the complaint cannot be resolved informally or if informal resolution is not sought, the Complainant must report or will be formally referred to the Designated Individual as determined to be appropriate for the context of the complaint.
- 12. 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 Parties involved.
- 13. Anonymous complaints will not be accepted. The Complainant must file a formal statement of complaint with the Designated Individual, including:
 - (a) Date(s);
 - (b) Time(s);
 - (c) Who was involved;
 - (d) Witnesses, if any;
 - (e) Specific conduct that is the source of the complaint;
 - (f) What you are seeking as a remedy; and,
 - (g) 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.

- 14. If the Complainant does not proceed with a formal complaint, the City may take steps to proceed with the formal complaint process based on information that has come to the City's attention.
- 15. If 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:
 - (a) notify the Respondent of the allegations of the complaint;
 - (b) interview the Complainant (for unionized Employees, a Union representative may be present at the Complainant's request);
 - (c) interview the Respondent (for unionized Employees, a Union representative may be present at the Respondent's request); and
 - (d) interview witnesses as determined by the investigator; witnesses are expected to fully cooperate with the investigator.
- 16. At the conclusion of the investigation a confidential report outlining 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.
- 17. Any Party 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 termination of their employment, revoking of their volunteer opportunity, or termination of their contract.
- 18. The Designated Individual will advise the Complainant and the Respondent of the outcome of the investigation, having regard to the privacy interests of all Parties.

Resolution for Unsubstantiated Complaints

- 19. If an investigator finds insufficient evidence to support the Complainant's allegations and is unable to substantiate the complaint, the investigator will submit that finding to the Designated Individual.
- 20. No record of the complaint on the Complainant's or Respondent's file will be kept and there will be no sanctions given to anyone concerning the incident.
- 21. A finding of no evidence simply reflects an absence of evidence to support the claim and nothing more.

Potential Resolutions Arising out of Substantiated Complaints

22. 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:

- (a) formal apology;
- (b) recommendation to seek employee or family assistance, or other medical services or professional services;
- (c) written reprimand (this will be placed in that Employee's file);
- (d) training or participation in educational courses or other course of correction or instruction;
- (e) demotion or other change of work assignment;
- (f) withholding of promotion;
- (g) financial penalty (including a requirement to reimburse for cost related to the complaint or an adverse effect on compensation);
- (h) revocation of a volunteer opportunity;
- (i) paid or unpaid suspension;
- (j) termination of contract for services; or
- (k) termination of employment.

Appeal Process

- 23. If a Complainant or Respondent is not satisfied with the final decision of the Designated Individual in respect of the outcome of a complaint, the following avenues may be considered:
 - (a) Unionized Employees may speak with their Union about filing a grievance under the Collective Agreement. The timelines for filing a grievance will be applied.
 - (b) All other Parties may appeal to the Chief Administrative Officer 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 Designated Individual to determine whether this Policy was reasonably and appropriately applied. The Chief Administrative Officer may then issue a decision in writing either confirming the decision of the Designated Individual or outlining an alternative outcome which will then constitute the City's final decision.
 - (c) 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 Parties involved.
 - (d) In the event of a breach of the Human Rights Code, any Party has the right to file a complaint with the British Columbia (BC) Human Rights Tribunal. Only conduct related to prohibited

grounds of discrimination, such as Discriminatory Harassment, falls under the jurisdiction of the BC Human Rights Tribunal.

Time Limits

- 24. 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.
- 25. A formal complaint must be made to the Designated Individual within six (6) months of the date of the last alleged incident of Discrimination or Racism.
- 26. As soon as possible after a complaint is made, the Director of Human Resources will make an appointment with the Complainant to discuss the incident in greater detail, and any notes resulting from this meeting will be provided to the Designated Individual to form part of the investigation.
- 27. Complaints filed with the BC Human Rights Tribunal must be made within six (6) months of the alleged Discrimination occurring.

Communication During Complaint Process

- 28. Throughout the complaint resolution process, and particularly towards the resolution stage, the City will ensure that Complainants and Respondents are both kept reasonably informed of the status of the complaint and what is expected of them.
- 29. This section applies regardless of whether the complaint is resolved through the informal complaint process or the formal complaint process.

Retaliation

30. The City will not tolerate any forms of retaliation against an Employee or any witness who has been involved in a Discrimination or Racism complaint. Any Employee, volunteer, or contractor who is discovered to have engaged in any form of retaliation will be subject to appropriate disciplinary action, up to and including termination of employment, services, or volunteer opportunities, as applicable.

Complaints Made in Bad Faith

31. If the City establishes that a complaint has been made in bad faith, such as if a person willfully and falsely accuses an Employee of Discrimination or Racism, then that person may be subject to discipline by the City up to and including termination of their employment, termination of contract for services, termination of volunteer opportunity, or any other remedies available to the City.

Confidentiality

- 32. All Parties are expected to respect and preserve the confidentiality of any complaint and process under this Policy and to assist in the informal resolution process or the formal investigation of any complaint by providing information as requested.
- 33. Confidentiality 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.
- 34. Management and any investigator appointed by the City, insofar as possible, will keep all information concerning the complaint confidential.
- 35. Confidentiality will be maintained throughout the process and information will be disclosed only to the extent necessary to carry out this Policy, 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.
- 36. All documentation respecting any complaint or any investigation involving an Employee 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 will be placed in that Employee's personnel file.

Limitations

37. This Policy articulates the City's position and demonstrates its support and commitment to an environment that is free of Discrimination and Racism. It is not intended to supersede other processes available to Parties wishing to pursue avenues of formal complaint or redress under other City policies.

Training

38. The City takes all concerns about Discrimination and Racism seriously and will therefore train all new Parties on this Policy at the commencement of their employment or services and provide refresher training and other resources to educate Parties every three years thereafter or as otherwise required by applicable laws.

Record Keeping

39. 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 polices, including the Records Management Policy, and applicable laws.

Administration

- 40. This Policy is administered and maintained by the Human Resources Department. Any consequential amendments to this Policy must be approved by the Chief Administrative Officer and the Director of Human Resources or their delegate.
- 41. This Policy will be reviewed annually by the Human Resources Department.
- 42. A copy of this Policy will be:
 - (a) provided to Employees during new Employee orientation sessions;
 - (b) required to be signed off on by new Employees when they are hired;
 - (c) required to be reviewed by all Employees every two years; and
 - (d) posted on the City's website and intranet so that it is available to Volunteers and Contractors.

Consequences

- 43. Where a complaint is substantiated in accordance with this Policy, an appropriate remedy will be implemented. The determination of an appropriate remedy will be assessed on a case-by-case basis.
- 44. As set out further in section 22 of this Policy, such remedy 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, volunteer opportunity, or contract for services, where applicable.

(Administration Only)

Signature

Date Signed

January 14, 2025