



District of Wells

Respectful Workplace Policy

1. PURPOSE:

- a. The purposes of this Policy are to:
 - i. promote and foster a respectful workplace environment for everyone working for the District of Wells (the "District") and to state clearly that discrimination, bullying and harassment of any kind are unacceptable and will not be tolerated by the District;
 - ii. reassure all individuals covered by this Policy that any claims of discrimination, bullying or harassment will be dealt with in accordance with the terms of this Policy;
 - iii. aim to prevent all forms of discrimination, bullying and harassment of any kind;
 - iv. provide procedures for prompt handling and resolving of complaints of discrimination, bullying and harassment, and to assist all those to whom this Policy applies in doing so.

2. POLICY:

- a. The District is committed to a safe and professional workplace where Council members, officers, employees, contractors and volunteers of the District are treated with respect and dignity.
- b. The District is committed to providing a workplace that is free from discrimination, bullying and harassment, and to complying with the *Workers Compensation Act*, R.S.B.C. 1996, c. 492, the *Occupational Health and Safety (OHS) Policies*, the *Employment Standards Act*, R.S.B.C. 1996, c. 113, and the *Human Rights Code*, R.S.B.C. 1996, c. 210, all as amended from time to time.

3. APPLICATION:

- a. This Policy governs the resolution of all informal or formal complaints in respect of incidents of discrimination, bullying and harassment or sexual harassment made by Councillors, Mayor, employees (including permanent, temporary, casual, student and contract workers) and volunteers of the District.
- b. Individuals covered by this Policy must not engage in the discrimination, bullying and harassment of others; they must report if discrimination, bullying or harassment is observed or experienced; and they must apply and comply with this Policy and these procedures.

- c. This Policy applies to all forms of communication (verbal, non-verbal, electronic, written, etc.).
- d. This Policy applies to all situations where activities are connected to work with the District and could impact employment during and outside of regular business hours at and away from the workplace. Discrimination, bullying or harassment can occur at, but is not limited to, the following:
 - i. the workplace and District premises;
 - ii. work-related business functions, such as meetings, conferences, training sessions or workshops;
 - iii. work-related travel;
 - iv. in-person / telephone conversations, emails, text messages, and social media messaging;
 - v. work-related social functions.
- e. The application of this Policy is also triggered when a complaint is received by a Council member, employee (including permanent, temporary, casual, student and contract worker) or volunteer of the District where discrimination, bullying or harassment is allegedly perpetrated by a member of the public.
- f. While complaints under the Policy may and should be made where an individual covered by this Policy feels discriminated against, bullied or harassed by a member of the public, the rights, obligations and protections set out in this Policy do not apply to members of the public.
- g. This Policy does not cover legitimate and good faith management of the workplace such as performance evaluations, direction or discipline given by management.

4. DEFINITIONS

Discrimination:

- a. Discrimination is the adverse differential treatment of an individual or group, whether intentional or unintentional, on the basis of race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity, gender expression, age or a criminal conviction unrelated to employment or to the intended employment of that person ("Prohibited Ground").
- b. Any conduct, comment, gesture or contact which likely harms, intimidates, offends, degrades or humiliates any person, whether intentionally or unintentionally, based on a Prohibited Ground constitutes discrimination.

- c. Discrimination is based on the erroneous assumption that a particular individual shares attributes, usually negative, stereotypically associated with a group to which they are perceived to belong. Discrimination imposes burdens on, or denies opportunities to, individuals or groups and is unfair because it is not based on actual academic or job performance, or any other form of competence.
- d. Adverse differential treatment has the effect of imposing burdens, obligations or disadvantages on an individual or group that are not imposed on others. Adverse differential treatment may also withhold or limit access to opportunities, benefits and advantages available to other individuals or groups. It is important to note that discriminatory conduct is not only a breach of this Policy, it may also be a breach of the *BC Human Rights Code*.

Bullying and Harassment:

- a. Bullying and harassment includes unwanted and unwelcome comments or conduct from a person who knows, or reasonably ought to know, such comments or conduct are unwelcome and would cause the person to feel humiliated or intimidated.
- b. Bullying and harassment can consist of a single incident or several or repeated incidents over a period of time which are insulting, intimidating, humiliating, hurtful, malicious, degrading or otherwise offensive to an individual or group of individuals. It can also consist of incidents that create an uncomfortable environment, or which might reasonably be expected to cause insult, embarrassment, intimidation, humiliation, insecurity, discomfort, or offence to a person or group.
- c. Bullying and harassment includes, but is not limited to:
 - i. written or verbal abuse, intimidation, teasing, undermining, bullying or threats, including swearing, shouting or making derogatory gestures or comment to or about an individual;
 - ii. physical assault;
 - iii. unwelcome remarks, jokes, innuendoes, criticisms or taunting about a person's body, sexual orientation, gender identity, gender expression, attire, age, marital status, ethnic or racial origin, religion, or family members etc.;
 - iv. practical jokes which cause or which should reasonably be known to cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
 - v. isolation practices, hazing or initiation rites;
 - vi. condescension, paternalism, or patronizing behavior which undermines self-respect or adversely affects performance or working conditions;
 - vii. rude, belittling, sarcastic or slanderous comments or malicious gossip; viii. vandalizing personal belongings;

- ix. false accusations of harassment, motivated by malice or mischief, meant to cause others harm;
- x. sexual harassment, as further described below.

Sexual Harassment:

- a. Sexual harassment includes a course of vexatious comment or conduct against a person in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of conduct is known or reasonably ought to be known to be unwelcome or unwanted.
- b. Sexual harassment includes the making of unwanted and offensive sexual advances, solicitations, offensive remarks, gestures or acts where the individual making them is in a position to confer, grant or deny a benefit or advancement to a person and the individual knows or ought to reasonably know that such behaviour or conduct is unwelcome.
- c. Sexual harassment may include, but is not limited to:
 - i. unwanted or inappropriate physical contact, including but not limited to, touching, pinching, grabbing, patting, rubbing, or purposefully brushing up against another person;
 - ii. unwanted verbal abuse or advances, invitations or propositions of a sexual nature or repeated invitations after previous requests have been refused;
 - iii. displaying, sending or sharing sexually inappropriate images or videos, such as pornography, or suggestive letters, notes, photos, videos, text messages or emails with co-workers;
 - iv. telling lewd jokes, sharing sexual anecdotes or asking sexual questions, such as questions about someone's sexual history or their sexual orientation;
 - v. leering, staring in a sexually suggestive or offensive manner, or whistling;
 - vi. making sexual comments about appearance, clothing, body parts, personal life; or
 - vii. making offensive comments about someone's sexual orientation, gender identity or gender expression;

Complainant: An individual who believes that they have been subject or witness to discrimination, bullying or harassment and brings forward a complaint under this Policy.

Respondent: An individual against whom an allegation of discrimination, bullying or harassment has been made and to which they are responding.

Bystander: An individual who has witnessed behaviour that, in their view, potentially constitutes a violation of this Policy. Bystanders should report their concerns in accordance with Step 2 of the Informal Process set out below. Bystanders are not parties to a complaint. However, they may be interviewed as witnesses in the event there is a formal investigation into their concerns.

Mediation: A voluntary process used to resolve conflict by having a neutral, trained third party help the disputing parties arrive at a mutually acceptable solution.

Investigator: The person assigned to investigate a complaint and may include the CAO or designate, the Mayor or an external third party, as appropriate.

5. FAIRNESS

- a. All parties, including Complainants, Respondents and witnesses, have a right to fair treatment in the investigation and adjudication of complaints made under this Policy.
- b. Fair treatment includes the following:
 - i. the right to bring forward concerns and have them addressed in a timely manner;
 - ii. the right to be informed in a timely manner of complaints made against them and an opportunity to respond;
 - iii. an impartial and objective consideration and evaluation of each complaint, through formal or informal resolution processes;
 - iv. confidentiality to the extent possible in the circumstances;
 - v. protection from retaliation; and
 - vi. being informed of the outcome of any formal investigation or intervention (Complainants and Respondents only).

6. ANNUAL REVIEW

- a. This Policy will be reviewed on an annual basis. All individuals working on behalf of the District will be advised and educated on this policy and program when they are hired through the employee orientation process.

7. ROLES, RIGHTS, RESPONSIBILITIES

a. Senior Management

- i. The Chief Administrative Officer ("CAO") is responsible for the implementation and administration of this Policy.
- ii. The CAO shall assess every complaint for appropriate action and exercise their discretion as to how this Policy is implemented and who in management is advised of the complaint and its findings.
- iii. The CAO must:
 - Ensure that the workplace is free from discrimination, bullying and harassment and ensure the principles of the Policy are reflected in the

execution of their duties, operational policies and practices within their area of responsibility;

- Model inclusive and professional behaviour and not participate in discriminatory, bullying or harassing behaviour;
- 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, appoint a third-party investigator to investigate any allegations or complaints;
- Consult with the investigator(s) to set a reasonable period for the completion of the investigation;
- Review the findings and recommendations;
- Determine, in cooperation with Human Resources (if applicable), the outcome and the appropriate action to be taken, which may include education, training or disciplinary action, dependent upon the results;
- Ensure the Complainant and Respondent are informed of the outcome, in writing, in a timely fashion and that appropriate education and such other proactive measures as necessary for a workplace free from bullying, harassment and discrimination; and
- Maintain confidentiality of all involved.

iv. Managerial staff have a responsibility to:

- Ensure that the workplace is free from discrimination, bullying and harassment and to ensure the principles of the Policy are reflected in the execution of their duties, operational policies and practices within their area of responsibility;
- Model inclusive and professional behaviour and not participate in discriminatory, bullying or harassing behaviour;
- Report incidents of discrimination, bullying or harassment;
- Listen to any complaint, treating it sensitively, seriously and confidentially;
- Take appropriate action if anyone is found to have engaged in conduct contrary to this Policy; and

- Provide reasonable and appropriate remedies for anyone who has been the target of discrimination or harassment.

b. Employees and Volunteers

- i. Not engage in discrimination, bullying or harassment of employees, Council members or volunteers;
- ii. Report incidents of discrimination, bullying or harassment experienced or witnessed.

c. Council members

- i. Ensure that the workplace is free from discrimination, bullying and harassment and ensure the principles of the Policy are reflected in the execution of their duties;
- ii. Model inclusive and professional behaviour and not participate in discriminatory, bullying or harassing behaviour; iii. Report incidents of discrimination, bullying or harassment.

d. Complainants

- i. Complainants have a right to:
 - Make a complaint and receive a copy of the complaint;
 - Be informed of the status and progress of the investigation;
 - Be informed of the results of the investigation including any corrective action that has or will be taken as a result of the investigation;
 - Not be subject to retaliation;
 - Withdraw a complaint at any time during the procedure; however, depending upon the nature and severity of the allegations, the CAO or their designate may determine that an investigation is required, and the process will continue notwithstanding the withdrawal.
- ii. Complainants have a responsibility to:
 - Maintain confidentiality with respect to the investigation and sign a Discrimination, Bullying and Harassment Confidentiality Agreement;
 - Cooperate with all those responsible for dealing with the investigation of the complaint.

e. Respondents

- i. Respondents have a right to:

- Be informed that a complaint has been filed;
- Be informed of the status and progress of the investigation;
- Have the allegations provided to the Investigator;
- Be informed of the allegations against them and be provided an opportunity to respond;
- Be informed of the results of the investigation and corrective action that has been taken or will be taken as a result of the investigation, including any discipline that may be imposed on the Respondent or training that may be required.

ii. Respondents have a responsibility to:

- Follow all procedures under this Policy;
- Cooperate with all those responsible for dealing with the investigation of the complaint;
- Maintain confidentiality with respect to the investigation and sign a Discrimination, Bullying and Harassment Confidentiality Agreement.

f. Bystanders

i. Bystanders have the right to:

- Not be subject to retaliation because they have participated as a witness.

ii. Bystanders have a responsibility to:

- Meet with the investigator and cooperate with all those responsible for the investigation of the complaint;
- Maintain confidentiality with respect to the investigation and sign a Discrimination, Bullying and Harassment Confidentiality Agreement. g.

Investigator

i. The investigator shall:

- Ensure the Respondent is informed of the allegations;
- Ensure all parties involved have been informed of their rights and responsibilities;
- Interview the parties concerned and any witnesses;
- Collect all pertinent information;
- Recommend a mediation process where appropriate;
- Prepare a written report;
- Ensure the investigation is completed in a timely fashion taking into account particular circumstances; - Maintain confidentiality.

8. COMPLAINT RESOLUTION PROCEDURE

- a. Complainants are encouraged to resolve complaints and concerns about discrimination, bullying or harassment with others as soon as they arise, first using the individual conversation or informal processes unless it is clearly inappropriate in the circumstances.
- b. Without limiting its application, the informal resolution process is commonly used in circumstances where the alleged conduct appears to be non-repetitive (such as a “one-off” interaction or discussion) and relatively minor in severity or seriousness, considering its content, potential impact on the health and safety of the individual and/or of the organization overall. Although a Complainant may wish to proceed by way of the informal resolution process, the District may at any time exercise its discretion to initiate a formal process based upon its overall review of the circumstances.
- c. A Complainant should approach their direct supervisor, or if the Complainant is uncomfortable approaching their direct supervisor, the Complainant should approach the CAO. If the Respondent is the CAO, the Complainant should approach the Mayor. If the Respondent is a Council member, the Complainant should approach the CAO.
- d. If the Complainant is a Council member, the Complainant should approach the CAO. If the Complainant is the CAO, the CAO should approach the Mayor, unless the Respondent is the Mayor. In such case, the CAO should approach the District Clerk or the Chief Financial Officer.

9. STEP 1: INDIVIDUAL CONVERSATION

- a. A Complainant should first bring the matter to the attention of the Respondent in a direct and discreet manner as soon as possible following the incident and advise them that their conduct is unwelcome and ask that the conduct cease.

10. STEP 2: INFORMAL COMPLAINT PROCESS

- a. If the conduct persists or the Complainant does not feel comfortable speaking directly to the Respondent, the Complainant or Bystander should approach their direct supervisor, the CAO, the Mayor, or their designate, as set out in section 8 above with their concerns (the “Facilitator”), including particular examples of inappropriate statements or behaviour by the Respondent. The Complainant should provide as much detail as is possible, including dates, times, and witnesses to the alleged conduct. This should be done as soon as reasonably possible following the incident(s).
- b. Complainants should keep written records of date(s), time(s), what was said and done, and the name of any witnesses to the incident(s), if any.
- c. The Facilitator will review the concern(s) and must directly or indirectly facilitate a resolution of the complaint in a manner that they consider to be effective and reasonable considering all of the circumstances. The filing of a written complaint under Step 2 does not automatically mean that a formal investigation will be conducted. The manner in which the complaint is resolved will be determined by the District, following consultation with the parties and will depend on a number of factors, including the

nature, extent and severity of the allegations brought forward by the Complainant(s) and

the history of circumstances leading up to the filing of the written complaint.

- d. Interventions may include one or more of the following:
 - i. Meeting separately with each person involved in the alleged conduct to discuss and investigate the situation;
 - ii. Meeting together with the persons involved to facilitate a discussion aimed at understanding and resolving the issue in a practical, non-punitive manner or mediating a solution that works for all persons;
 - iii. Coaching one or more of the parties (verbally or in writing) on workplace expectations regarding appropriate workplace conduct; iv. Recommending or applying progressive discipline where warranted;
 - v. Engaging an external third-party facilitator or mediator to work with the parties involved to achieve a practical and mutually agreeable resolution to outstanding concerns without making findings against the parties; or vi. Requiring one or more of the parties involved to complete relevant training.
- e. Step 2 should be completed within thirty (30) days of receiving a complaint unless the circumstances reasonably permit an extension of this timeline.
- f. At the completion of Step 2, the Facilitator must prepare a written report to the CAO (or Mayor if the CAO is the Respondent) which should contain the following:
 - i. The facts from the interviews with the Complainant, Respondent, and Bystander(s), if any;
 - ii. Steps the Facilitator took to resolve the complaint, including coaching or discipline imposed;
 - iii. Any recommendations designed to ensure that further discrimination, bullying or harassment does not occur.
- g. If mediation is not successful in resolving the complaint, or if the Complainant is not satisfied with the result, the Complainant can submit a formal complaint as set out in Step 3 within ten (10) business days.
- h. If at any time during Step 2 the Facilitator concludes that, given the severity of the alleged complaint, including the potential for physical or psychological harm on the Complainant or other individuals protected by this Policy, a formal investigation is warranted, then the matter should be immediately referred to Step 3.

11. STEP 3: FORMAL COMPLAINT PROCESS

- a. The formal process involves an objective and full investigation of a complaint of discrimination, bullying or harassment brought forward to the attention of a supervisor or the CAO (or their designate), Mayor or by the Facilitator.
- b. **File a Complaint:** Individuals can formally report incidents or complaints of workplace discrimination, bullying and harassment either verbally or in writing. When submitting a written complaint, individuals are to use the Respectful Workplace Complaint Form (see Appendix A). When reporting verbally, the person who receives the complaint, along with the Complainant, will be required to fill out the Respectful Workplace Complaint Form.
- c. **When to File a Complaint:** Incidents or complaints should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated and addressed promptly.
- d. **Documentation to Include:** Individuals must provide as much information as possible in the complaint form, such as the names of people involved, witnesses, where the events occurred, when they occurred, and what behaviour and/or words led to the complaint, along with anyone who may have been witness to the incidents. Attach any supporting documents, such as emails, handwritten notes, or photographs. Include the impact of the behaviour complained of on the Complainant and any steps that have already been taken under either Steps 1 or 2 of this Policy and the outcome of those steps.
- e. **Screening and Acknowledgement of the Complaint:** Within ten (10) business days of the receipt of a complaint, the CAO (or their designate) or the Mayor will review the complaint and exercise their discretion to either conduct an investigation, appoint a neutral third party to investigate the complaint or dismiss the complaint if it would not constitute a violation of this Policy or the Human Rights Code.
 - i. If the CAO (or their designate) or the Mayor decides not to conduct an investigation, he/ she will inform the Complainant in writing of the reasons.
 - ii. If an investigation is determined necessary, the procedures are outlined below.
- f. **Appointment of Investigator:** The District will retain either an internal or external investigator depending on the overall complexity of the facts/ law related to the complaint, the parties to the complaint, the anticipated length of time necessary to conduct the investigation, the potential severity of the outcome of the investigation to the Respondent should the complaint be substantiated, and any other relevant considerations.
 - i. For complaints brought against a Council Member or the CAO, an external investigator with expertise regarding the matters covered under this Policy will be retained.
 - ii. In cases involving the Mayor as Respondent, the investigator will be retained by, and will report directly to, the CAO. In cases involving other Council members as Respondents, the investigator will be retained by, and will report directly to, the Mayor and CAO. In cases involving the CAO as Respondent, the

investigator will be retained and report directly to the Mayor/District Clerk/Chief Financial Officer as appropriate.

- g. **Investigation:** An investigation will be conducted as quickly as possible to determine the facts of the situation. The Investigator will review all relevant documents and conduct interviews with the Complainant, the Respondent and any Bystander(s) that may have relevant information.
- i. Each party has the right to be accompanied or represented by a person of their choosing (union representative, another employee). All participants will be asked to maintain confidentiality and sign off accordingly.
 - ii. The Respondent will be provided with the Complainant's name and information on the particulars of the complaint and offered an opportunity to respond.
 - iii. The investigation will normally commence within two (2) weeks of the filing of the complaint and be completed within thirty (30) business days following such time. Completion time may be reasonably extended beyond those timelines in order to ensure a thorough investigation has been conducted.
 - iv. During the investigation, depending on the severity of the allegations, changes in scheduling or reporting may be implemented; or the District may suspend individuals with pay pending the outcome of the investigation if deemed appropriate.
 - v. Following the completion of the investigation, the investigator will file a written report with the instructing officer of the District (CAO, or their designate, or Mayor).
 - vi. The CAO (or their designate) or Mayor will review the report to determine if the investigation reveals evidence to support the allegation(s) made in the complaint. They will then inform the Complainant and Respondent, in writing, of the findings and, if warranted, validation of corrective action that has been or will be taken and any other action (s) the District may take.
 - vii. Determining culpability and discipline will be the sole responsibility of the CAO (or designate) or Mayor depending on the circumstances.
- h. **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 discrimination, bullying or harassing behaviour in the workplace contrary to this Policy may be subject to appropriate disciplinary action, up to and including termination of employment for just cause or legal action, depending up on the severity of the misconduct. The range of appropriate disciplinary action may include, but is not limited to, the following:
- i. Oral and/or written apology from the Respondent and/or District;

- ii. 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) iii. Coaching; iv. Counselling;
- v. Training or education;
- vi. Re-orientation to this Policy and its purpose; vii. Discipline up to and including termination of employment for just cause.
- viii. Where the Respondent is not covered by this Policy, the District will take any and all steps necessary to remedy the substantiated complaint to protect the Complainant from future harm.
- i. **Unsubstantiated Complaints:** If the Investigator finds insufficient evidence to support the Complainant's allegations, the Investigator will submit that finding. There will be no record of the complaint on the Complainant's or Respondent's file and there will be no penalty 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.
- j. **No Reprisals or Retaliation:** Any Complainant (or person closely related to or associated with the Complainant), Bystander, Respondent or employee responsible for implementing this Policy and procedure, who in good faith:
 - i. Makes a complaint alleging workplace discrimination, bullying or harassment; (protects the complainant);
 - ii. Identifies or opposes a practice that he or she reasonably believes to constitute workplace discrimination, bullying or harassment; (protects a witness);
 - iii. Implements or participates in a discrimination, bullying or harassment investigation, proceeding or hearing under this Policy or pursuant to any applicable statutory complaint process; (protects an individual charged with implementing the policy).

Any reprisal or retaliatory action that is related, in any way, to the circumstances noted above violates this Policy and will not be tolerated.

Any individual 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.

- k. **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 disciplinary action, which action may include termination of employment for just cause.

I. **Acknowledgement and Agreement with Policy**

The Undersigned acknowledges that they have read and understand the District of Wells Respectful Workplace Policy and they agree to uphold it.

DATE: _____ SIGNED: _____

Name: _____

Appendix A

Respectful Workplace Complaint Form

Name and position of Complainant
Name and position of Respondent
Address or location where the incident(s) occurred
Date(s) and time of each incident
Detailed summary of all of the specific incidents or examples of behaviour that have led to the filing of the complaint (continue on separate page if needed)
Name(s) of any potential bystander(s)
Impact of the behaviour / incident complained of

Any steps that have already been taken under either Steps 1 or 2 of this Policy to resolve the complaint and the outcome of those processes.

Signature

Date