

PROCEDURE TITLE	Respect in the Workplace Procedure
CATEGORY	Administrative
PROCEDURE NUMBER	ADMIN-050P1
RELATED POLICY, PROCEDURES, LEGISLATION	ADMIN-050 Respect in the Workplace Policy
POLICY OWNER	Human Resources
ACCESS	Public

PLEASE NOTE: POLICY PROCEDURE WILL BE ACTIVE AS OF JANUARY 1, 2024

PURPOSE

This Procedure falls under and should be read in conjunction with the Respect in the Workplace policy (*hereinafter the Policy*), the purpose of which is to support a work environment in which every person is treated with respect and dignity. The Procedure describes reporting mechanisms that can be utilized when a person experiences or observes behaviour that they believe fall with the definition of Harassment in the workplace as set out in the Policy. The Procedure further describes what takes place once allegations of Harassment are brought to the attention of the City.

PROCEDURE STATEMENTS

Harassment Between Employees

1. Employees who experience Harassment from other employees may:

1.1. Address it directly with the other employee;

1.2. Reach out for support in exploring issues and options from:

- Their supervisor or manager;
- Their Human Resources Consultant;
- The Equity Office; and/or
- Their union (where applicable)

1.3. Request a restoration process or other informal remedy

Restoration processes are facilitated by the Equity Office, external consultants, and/or exempt supervisor or manager with support from the Equity Office.

1.4. File a Harassment complaint to request an investigation be conducted

Investigation are conducted by Human Resources, external investigators, and/or exempt supervisor or manager with support from Human Resources

Depending on the seriousness of the conduct and risks posed to the individuals and the work environment, the City may be required to investigate allegations of Harassment it becomes aware of, even when the employee experiencing Harassment chooses not to file a complaint.

CORPORATE POLICY PROCEDURE

Harassment Towards Employees by Non-Employees

2. Employees, who experience Harassment from any other person who is not an employee but captured under the scope of the Policy, may also make a complaint.
 - 2.1. When an employee makes a complaint of Harassment with respect to the Mayor or a member of City Council, or a member of an advisory committee, task force, commission, board, or other Council-established body, the complaint will be referred to the Integrity Commissioner to be addressed under the Code of Conduct for Council Members and Advisory Board Members (By-law No. 12886).
 - 2.2. Complaints by employees alleging that they have experienced Harassment by members of the public, or other individuals that do not have a contractual relationship with the City, may not lend themselves to investigations, as the City may not be able to compel participation in the investigation process. Such allegations are evaluated on the basis of available information. The inability of the City to fully investigate such allegations does not preclude consideration of protective measures for the employee, as may be available and appropriate.

Harassment Towards Employees Unwilling or Unable to Make Complaints

3. Allegations of Harassment can be brought to the City's attention by anyone who witnesses, observes or becomes aware of Harassment. When the City becomes aware of allegations of Harassment, it may be legally obliged to act even in cases when the person who experienced the Harassment chooses not to file a complaint.

In these circumstances the Chief Equity Officer and the Chief Human Resources Officer have the discretion to take action, including appointing an investigator.

 - 3.1. The employee who experienced Harassment will be advised before an investigation is initiated.
 - 3.2. The person who experienced Harassment may be called upon as a witness, and can be accompanied by a support person.
 - 3.3. The person who experienced or witnessed Harassment will not be identified as a "complainant".
 - 3.4. The person who experienced Harassment may need to be identified in order to address the allegations or as required by law.

Harassment Towards Non-Employees by Employees

4. Any non-employee who experiences Harassment by an employee may make a complaint under the City's Code of Conduct policy.

CORPORATE POLICY PROCEDURE

Restoration Processes

5. The City makes available restorative options for addressing harm, as an alternative to investigations, or as a complement to investigations. Restoration processes typically do not focus on establishing breach of Policy and cannot on their own lead to disciplinary action. Instead, restoration processes are focused on the parties' needs, their understanding of their own and others' intentions and impacts, and an exploration of root causes of harm, with the goal of repairing relationships and preventing harm from reoccurring in the future.

5.1. Examples of restoration processes include:

- a) Mediated or facilitated conversations between the parties
- b) Group facilitations for team(s) involved in conflict
- c) Circles, brushing ceremonies and other culturally appropriate healing practices
- d) A facilitated apology or accountability process
- e) Co-creation of new group agreements, team norms or other supporting structures for working together; and/or
- f) Training and/or coaching for individuals or teams

5.2. Restoration processes can be used instead of, during, or after an investigation. The investigator may suspend an investigation pending the outcome of a restoration process.

5.3. Restoration processes are voluntary and require willing participation of the parties. The choice of approach, facilitator, and specifics of the design are determined with input from the parties involved and with regard to the parties' needs and requests.

5.4. The City may decline to provide, or may decide to suspend a restoration process, when the City believes such a process would cause greater harm to the parties involved.

Making a Complaint

6. Complaints of Harassment can be made verbally or in writing. Verbal complaints are put into writing by the City before an investigation proceeds.

6.1. The complaint should include the following information, if it is known:

- a) complainant's name, position and contact information;
- b) date, time and location of the incident(s) of Harassment;
- c) name of respondent(s);
- d) conduct of concern;
- e) name of witnesses if any; and
- f) any action the complainant has taken to stop the unwanted conduct, including any previous investigations, restoration processes and the outcome.

6.2. Complaints of Harassment can be made, by those who have experienced, witnessed, observed or otherwise become aware of Harassment, to:

- The exempt supervisor or manager;

CORPORATE POLICY PROCEDURE

- Human Resources through a Human Resources Consultant;
- Senior leader if the complaint is about one's exempt supervisor or manager; or
- The City Manager if the complaint is about Human Resources or the Equity Office

6.3. Complaints under the policy can only be made to the City; however, unionized employees may reach out to their union in order to obtain support in making a complaint.

6.4. Complainants are strongly encouraged to bring a complaint forward as soon as possible following an incident, and within twelve months of the last event of alleged Harassment leading to the complaint, unless there are extenuating circumstances.

6.5. The complainant's identity and the allegations are shared with the respondent in order to address the complaint in accordance with the principles of procedural fairness.

6.6. Complainants will receive communication from the City:

- a) When the complaint has been received, within 7 days of filing the complaint
- b) When an investigator has been assigned and an anticipated start date of the investigation has been determined
- c) Once a month while the investigation is ongoing; and
- d) When the investigation is completed and a debrief session scheduled

Respondents will receive communication from the City:

- g) When the allegations are ready to be shared with the respondent
- h) When an investigator has been assigned and an anticipated start date of the investigation has been determined
- i) Once a month while the investigation is ongoing; and
- j) When the investigation is completed and a debrief session scheduled

The City recognizes the mental and emotional stress of participating in an investigation and aims to complete investigations promptly. Investigation timelines are influenced by a variety of factors including complexity of investigation, the number of parties involved, availability of appropriate investigators, and conditions such as illness that may delay a party's participation.

6.7. The City responds to complaints of Harassment using investigation and/or offering restoration processes as appropriate. In doing so, the City balances the needs and the rights of the complainant and respondent(s), and the responsibility to protect others in the workplace.

Investigations

7. The City will determine if an investigation into a complaint or report is warranted, and how that investigation will be carried out.

CORPORATE POLICY PROCEDURE

7.1. The City may decline to investigate a complaint if the City has good reason to believe the complaint is malicious or retaliatory, does not, on its face, meet the definition of Harassment as defined in the Policy, or where the circumstances are such that there is a strong likelihood the City would be unable to complete a meaningful investigation.

7.2. The City will determine the appropriate investigator(s). Appropriate investigators include:

- Human Resources personnel
- Exempt management personnel; and/or
- External investigators

The City will take all reasonable steps to prevent conflicts of interest when determining who the appropriate investigator will be. In choosing an investigator, consideration will be given to the needs and requests of the parties.

7.3. The City will make reasonable efforts that investigations are:

- prompt and timely;
- fair and impartial;
- sensitive to and respectful of employees' identity and lived experiences; and
- conducted with appropriate confidentiality.

7.4. The respondent will be provided an opportunity to respond to the information in the complaint.

7.5. The complainant and the respondent may have a support person attend meetings with them.

7.5.1. The support person may not answer questions, advocate or speak on behalf of the complainant or respondent. However the support person may notice and check in to understand when the person is tired, distressed or confused, and may suggest a break or other adjustment to the meeting.

7.5.2. The support person must keep all information gained by attending these meetings confidential.

7.5.3. The support person may be a friend, family member, trusted colleague, Elder or similar. Unionized employees may have a union steward or business agent act as their support person. In these cases, the union's role is not that of a representative and is limited to that of a support person.

7.5.4. The investigator must be informed ahead of time that a support person will be involved in a meeting, and may decline a proposed support person in some circumstances, for example when the support person is

CORPORATE POLICY PROCEDURE

a witness to the events and may be called upon in another capacity during the investigation.

- 7.6. The investigator may require the production of, and review of, relevant evidence such as emails, handwritten notes, photographs, videos, social media posts, employment records and/or other relevant evidence.
- 7.7. Employees who are either complainants or respondents will be provided the option of being debriefed on the findings of the investigation which related to them.
 - 7.7.1. Respondents will be advised of any corrective or disciplinary action if they are found to have breached the Policy.
 - 7.7.2. Complainants will be informed of the investigator's findings but will not be advised of the consequence to respondents found to have breached the Policy.
- 7.8. The investigator may produce a written report. Such reports are protected under privacy legislation pertaining to employment and will not be publicly shared. They may be reviewed in whole or in part with employees who are complainants and respondents at the City's discretion.

Interim Measures, Consequences and Other Remedies

8. Interim measures may be taken by the City at any time to ensure the safety of the employees involved.
 - 8.1. Interim measures may include changing a reporting relationship, changing the physical work location of one of the individuals involved, or prohibiting a member of the public from dealing with a particular employee or group of employees where possible and appropriate.
9. Consequences are intended to deter, prevent and address the harm caused by harassment and could include a written apology, additional training, change in job site, change to responsibilities, discipline up to and including termination of employment, or any other remedial actions as determined by the City including discipline up to and including termination of employment.
 - 9.1. Unionized employees may grieve any disciplinary action under the terms of their collective agreement.
10. None of these procedures prevent an employee from pursuing other remedies, such as a grievance, where applicable, a complaint with the BC Human Rights Tribunal, or a claim with WorkSafeBC.
 - 10.1. These procedures may be suspended at the discretion of the Employer until any other remedial processes have been concluded."

CORPORATE POLICY PROCEDURE

Procedure Interpretation and Feedback

11. Employees can reach out to the Equity Office or Human Resource for assistance in interpreting this Procedure.
12. Employees may provide feedback regarding their experience under this policy and procedure to the Equity Office or the Chief Human Resources Officer.

APPROVAL AND REVIEW HISTORY:

Version 1 approved by:	City Manager	6/26/2023
	City Council	6/28/2023
Version 2 approved by:	General Manager - HR (CHRO)	11/30/2023
	City Manager	12/05/2023

Next review date 01/01/2025