

CAPITAL REGIONAL DISTRICT

CORPORATE POLICY AND PROCEDURE

Section	Human Resources	
Subsection	Policies, Procedures, Manuals	9.95 (HR)
Title	RESPECTFUL WORKPLACE	

1. POLICY:

The Capital Regional District's (CRD's) greatest resource is its people. It is essential to our business that staff are provided with, and contribute towards, a respectful workplace where the values of trust, fairness, integrity, consideration and dignity guide our interactions with one another.

The CRD is committed to providing a work environment in which all individuals are treated with mutual respect and dignity. It is the policy of the CRD that every employee has the right to work in a harassment-free environment and, to that end, the CRD is committed to creating and maintaining a work environment which is free of harassment, bullying and discrimination.

Appropriate corrective action will be taken when necessary against any person under the CRD's direction for breach of this policy.

It is the intent of the CRD to follow the resolution process outlined in this policy for all complaints of Disrespectful Workplace behaviour. These may include those filed under other third party processes (e.g. WorkSafeBC).

This Policy is intended to comply with all relevant regulations and legislation. Where there is a conflict between this Policy and the binding collective agreement the collective agreement shall prevail. Where there is a conflict between this Policy and legislation, the legislation will prevail. By prevail, this is intended that only that portion of the Policy in conflict shall have no application to the extent of that inconsistency. All other portions of the Policy shall continue in full force and effect.

2. PURPOSE:

To ensure a consistent understanding of the maintenance of a respectful workplace, and procedures for addressing concerns that may arise.

3. SCOPE:

This policy applies to all CRD employees, contractors, elected officials and appointed representatives (egg. commission members) in their dealings with the CRD.

This policy applies to the workplace itself, and to work-related events. It includes disrespectful behaviour, including those of prohibitive grounds under the *Human Rights Code*, that involve CRD employees at the workplace, and away from the workplace or after regular working hours where those behaviours have a negative impact on the workplace.

4. RESPONSIBILITIES

4.1 CRD

The CRD has the primary responsibility to establish and maintain a respectful workplace as defined in this Policy.

4.2 Employees

CRD employees shall not be subjected to, and shall not subject others to, disrespectful behaviour as defined in this Policy.

All employees are a part of creating a respectful workplace and have a responsibility to refrain from disrespectful behaviours as defined in this Policy.

All staff share the responsibility to contribute to a respectful workplace. Occurrences of disrespectful behaviour should be reported by any individual who experiences or observe this behaviour, this may include a colleague, Supervisor or Manager.

4.3 Managers and Supervisory Staff

Managers and Supervisors have an essential role in preventing and resolving disrespectful behaviour issues. Managers and Supervisors are responsible not only for their own actions but also for dealing with actions of staff under their supervision. Supervisors will work with their Managers who play a central role in preventing and resolving disrespectful behaviour.

The primarily responsibilities with respect to disrespectful behaviour are to:

- Ensure staff is provided with information about and access to policies and procedures related to behaviour expectations;
- Model appropriate respectful behaviour;
- Monitor the workplace for incidents of disrespectful behaviour prior to waiting for complaints/claims to come forward;
- Avoid retaliation and monitor and address any attempts of retaliation by others in response to concerns/complaints brought forward pursuant to this Policy;
- Intervene promptly and appropriately when they know, or ought reasonably to know, that disrespectful behaviour is occurring;
- Work to resolve and remedy instances of disrespectful behaviour in a timely manner;
- Take steps to restore positive working relationships.

4.4 Human Resources

The responsibilities of Human Resources include the responsibility to:

- Champion respectful workplace behaviours and practices;
- Ensure that appropriate statutes and legislation are understood so that they are adhered to with regards to respect in the workplace;
- Ensure Policy and related information is available, accessible and reviewed annually;
- Provide advice and/or guidance on the Policy and related processes;
- Provide corporate training and development related to respectful workplaces;
- Ensure a fair, prompt and equitable process is followed, and oversee the resolution/investigation process as may be required;
- Protect the privacy and confidentiality of individuals involved, save and except as may be necessary to conduct a fair investigation or as otherwise required by law;
- Assist, as needed, staff who are otherwise not represented and may request representation;

- Intervene promptly and appropriately when they know, or ought reasonably to know, that disrespectful behaviour is occurring;
- Assist to determine an appropriate response to investigations including corrective action;
- Where appropriate, facilitate joint involvement of management, union representatives and other staff to resolve issues.

5. DEFINITIONS:

- **Respectful Workplace** is a work environment where individuals treat each other with respect at all times which includes:
 - Inclusion of people with different backgrounds, strengths and opinions;
 - Safety from disrespectful, bullying or intimidating behaviours;
 - Individual accountability for effective workplace relationships involving the constructive resolution of differences.
- **Complainant** means the individual making a complaint that disrespectful behaviour has occurred.
- **Bystander / Witness** means anyone who witnesses disrespectful behaviour.
- **Respondent** means the individual alleged to have engaged in disrespectful behaviour.
- **Manager** means direct manager, division manager, or general manager of the immediate work area.
- **Bullying and harassment** may include any inappropriate 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, but excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment. Examples of conduct or comments that might constitute bullying and harassment include verbal aggression or insults, calling someone derogatory names, harmful hazing or initiation practices, vandalizing personal belongings, and spreading malicious rumours. (*reference: WorkSafeBC*)
- **Disrespectful Behaviour** is behaviour that may or may not be related to Prohibited Grounds which:
 - Ought reasonably to be known or expected to be offensive, humiliating or intimidating;
 - Has a clear and demonstrably negative effect on the complainant;
 - Includes either words or actions of an egregious, threatening or abusive nature.

Some examples of behaviour that may be defined as disrespectful behaviour under this Policy may include, but are not limited to:

- Public ridicule or humiliation;
- Verbal or written abuse or threats;
- Insulting, derogatory or degrading comments, jokes, actions or gestures;
- Directing profanity or violent language at another employee;
- Unjustifiable and deliberate interference with another's work or work sabotage;
- Interference with or vandalizing personal property;
- Bullying is behaviour that is objectively determined to be offensive, malicious, intimidating, ostracizing, insulting and/or humiliating.

Disrespectful Behaviour that may violate this Policy may include communications in person, on the phone, and in writing, through email, texts, social media messaging, and otherwise. Potential

violations may consist of inappropriate communication made *to* a person and/or communication made *about* a person to others.

Some examples of behaviour that may NOT be defined as disrespectful behaviour under this Policy may include, but are not limited to:

- Communication and conduct that is welcome and a part of mutually consensual relationships provided that it does not create an inappropriate or offensive workplace atmosphere;
 - Social invitations that do not involve inappropriate or offensive behaviours, intimidation, explicit or implicit threat of retaliation, or misuse of power;
 - Conduct that withstands the test of what a “reasonable person” would find appropriate or neutral;
 - Exercise of the CRD’s right to direct the workforce, including all aspects of supervising and managing employees, such as giving appropriate and legitimate performance feedback, setting expectations, managing employee attendance, coaching, discipline, and related matters, provided such direction and management is communicated and delivered in a respectful manner;
 - Day-to-day disagreements, misunderstandings or differences of opinion provided they are discussed in a reasonable and respectful manner;
 - Conflicts or quarrels between coworkers unless they include egregious behaviours of a threatening or abusive nature that meets the definition of disrespectful behaviour set out above.
- **Prohibitive Grounds** means those defined grounds outlined within the *BC Human Rights Code* that refer to the ‘prohibited grounds of discrimination’, and include discrimination regarding employment based on: race; colour; ancestry; place of origin; political belief; religion; marital status; family status; physical or mental disability; sex; sexual orientation; age; or criminal or summary conviction offence unrelated to the employment or intended employment of that person.

6. PROCEDURE:

Concerns about Disrespectful Behaviour should be raised as soon as reasonably possible to ensure that it is resolved as early and as informally as possible in the circumstances.

A complaint shall be reported no later than six (6) months after the date on which the alleged incident(s) of Disrespectful Behaviour arose, unless the delay was incurred in good faith and no substantial prejudice will arise as a result of the delay.

6.1 Informal Resolution

The CRD encourages parties, including bystanders, to take steps to resolve concerns as early and as informally as possible in the circumstances. Informal resolution options may include, but are not limited to discussing concerns directly with those involved if it is reasonable and safe to do so. Often the easiest way to stop disrespectful behaviour, as a party or bystander, is to let those involved know that certain behaviours are disrespectful, unwelcome and inconsistent with CRD policy and allow them an opportunity to correct their behaviour.

6.2 Formal Resolution

If a complaint cannot be resolved informally, a formal complaint may be made and a formal resolution process shall be followed.

6.2.1 Stage 1 Process – Facilitated Discussion

Stage 1 is the use of a “facilitated discussion” between those involved. The Complainant shall report concerns to an appropriate party (Manager, Supervisor, Human Resources) to assist in an early resolution of the issue. At Stage 1, the Complainant may report the concerns either verbally or in writing. The Complainant may seek the assistance of a third-party (Union representative or Human Resources).

Through the facilitated discussion process, the facilitator(s) may recommend resolves for the Complainant and Respondent, including but not necessarily limited to recommending apologies, establishing clear behaviour guidelines or understandings, and/or other measures acceptable to both the Claimant and Respondent.

Any agreed to resolutions will be formally documented for both the Complainant and Respondent in writing.

6.2.2 Stage 2 Process – Formal Investigation

In the event that a facilitated discussion is unsuccessful, or unreasonable given the circumstances, a formal investigation may be undertaken. At Stage 2, a formal complaint will be put forward in writing by the Complainant to either Human Resources, the Supervisor or the Manager. If the complaint is made to the Supervisor or Manager, the Supervisor/Manager will advise Human Resources immediately. Employees may seek the assistance of a representative (Union representative or Human Resources) in writing a formal complaint.

The Stage 2 process is initiated once a written complaint is received. Once a formal written complaint of Disrespectful Behaviour is made, Human Resources will commence an investigation if deemed appropriate. Depending on the circumstances, Human Resources may also consider first attempting a Stage 1 resolution if such has not already been undertaken.

Formal Investigations may include the engagement of an external investigator.

All persons interviewed by the investigator may be accompanied by a representative (Union representative/Human Resources).

Formal investigations cannot be carried out anonymously. The identity of the Complainant(s), witnesses, and the allegations contained in the complaint will be made known to the Respondent(s) alleged to have engaged in the Disrespectful Behaviour and he/she shall be provided with an opportunity to respond to the allegations.

At the conclusion of the investigation, the investigator will document his/her findings and any recommendations for the resolution of the Disrespectful Behaviour. Findings will be presented to the Employer, typically the senior staff member of the work area and/or senior staff member of Human Resources, who will then prepare an Employer-Decision report (“Employer Decision”) of the complaint, confirming what actions will be undertaken. A copy of the Employer Decision will be provided to the Complainant and the Respondent on a confidential basis.

It is understood that:

- unionized employees have the right to dispute the Employer Decision report under the provisions of the appropriate collective agreement under the grievance process; and
- non-unionized employees have the right to appeal the Employer Decision report to the Chief Administrative Officer within fifteen (15) days of the Decision. In such circumstances, the Chief Administrative Officer shall review the appeal and issue a decision.

To best resolve concerns, investigations and final reports will be undertaken, concluded and presented as expeditiously as practicable.

7. OTHER INFORMATION:

7.1 Consequences of Disrespectful Behaviour

Engaging in Disrespectful Behaviour or retaliation may result in appropriate corrective action being taken when necessary. The severity and duration of the Disrespectful Behaviour will be considered in determining appropriate corrective action.

It is understood that unionized employees may grieve any disciplinary action under the applicable collective agreement.

7.2 Confidentiality

Information collected and retained during the course of an investigation process is treated as confidential and will not be disclosed by any party except as otherwise may be required by legislation or by law. Information will be collected and retained confidentially in Human Resources.

Information collected and retained by Human Resources may be required to be released by legislation or by law including release required in court proceedings, arbitration or other legal proceedings.

7.3 Breach of Confidentiality

Where it is found that the Complainant, Respondent or other participant has breached confidentiality of the investigation process (see point 1.5), appropriate disciplinary action may be taken against the employee involved. (Note: it will not be a breach if it was disclosed in accordance with the law)

7.4 False or Malicious Complaints

If a complaint is found to be filed for malicious or vexatious purposes, formal disciplinary action may be taken against the employee involved. Conduct based on genuine misunderstandings, or misinterpretations may not be considered malicious or vexatious unless such complaints continue to be filed by an individual after he/she receives education and clarification on the Policy.

7.5 Retaliation

Any form of indirect or direct retaliation by any employee against a party, witness or bystander because of their involvement in a process related to this Policy will be considered a violation of this Policy.

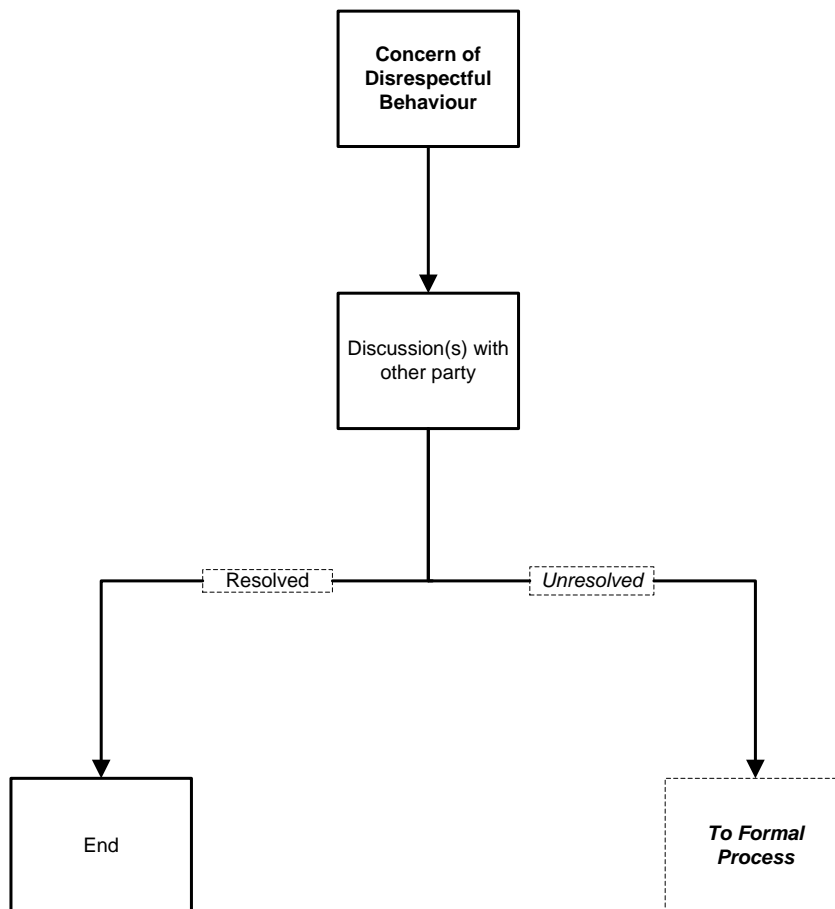
Retaliation may result in corrective action up to and including termination of employment.

If an employee believes that they have been subjected to retaliation as set out above, that person may submit a written complaint to their Manager and/or Human Resources. The Manager will review the complaint with Human Resources to ensure the allegation is appropriately investigated and addressed.

Approval Date:	May 23, 2001*	Approved By:	CAO
1. Amendment Date:	March 16, 2011*	Approved By:	CLT
2. Amendment Date:	November 28, 2013	Approved By:	ELT
3. Amendment Date:	September 12, 2014	Approved By:	ELT
Next Review Date:	Reviewed Annually	Reviewed By:	ELT
Supersedes:	*HR Policy 9.95 "Workplace Harassment"		

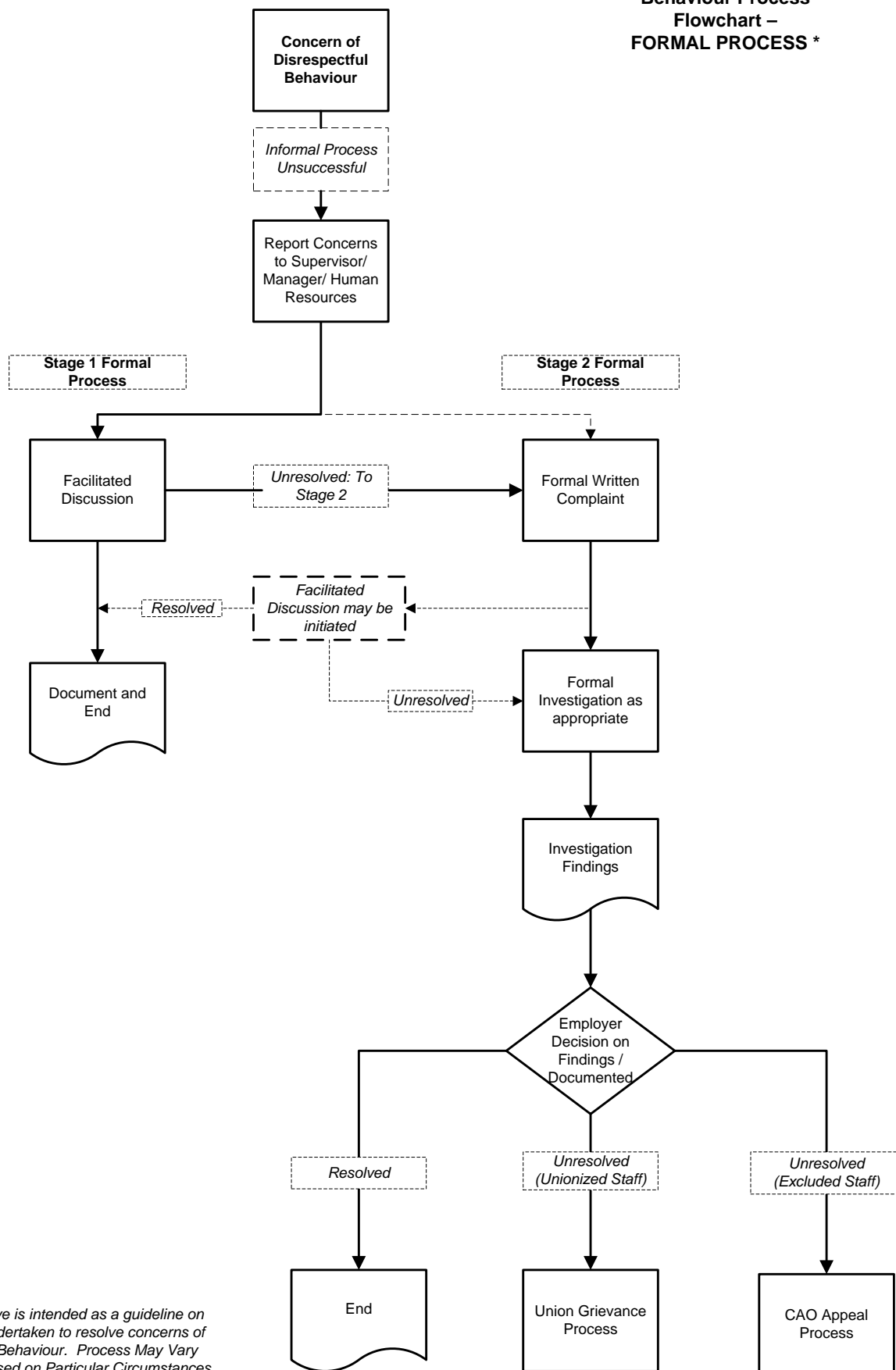
Reviewed:	September 2015	Approved By:	ELT
Reviewed:	September 2016	Approved By:	ELT

**Disrespectful
Behaviour Process
Flowchart –
INFORMAL PROCESS ***



Note: The above is intended as a guideline on the process undertaken to resolve concerns of Disrespectful Behaviour. Process May Vary From Above Based on Particular Circumstances

**Disrespectful
Behaviour Process
Flowchart –
FORMAL PROCESS ***



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