

<b>POLICY TITLE</b>	Respect in the Workplace
<b>CATEGORY</b>	Administrative
<b>POLICY NUMBER</b>	ADMIN-050
<b>POLICY OWNER</b>	Human Resources
<b>ACCESS</b>	Public

## PURPOSE

The purpose of this Policy is to support a work environment in which every person is treated with respect and dignity.

The Policy is a key vehicle in moving the City towards an aspirational vision of a diverse workplace where:

- People are knowledgeable about, and attentive to the rights and needs of others, and actively participate in creating a culture of care.
- When, despite the above, harm happens in interactions, there is widespread capacity in the workplace to assist with repair, restoration of relationships and transformation of root causes; and
- Processes used to address harm are attentive to the rights and needs of all involved, and strive for fairness, timeliness, and care for the parties.

This Policy:

- reflects the City of Vancouver (*“the City”*) values of responsiveness, excellence, fairness, integrity, leadership and learning;
- establishes expectations for behaviours that create and promote a respectful and harassment-free workplace;
- defines unacceptable behaviours; and
- outlines the City’s responsibility as an employer to take all reasonable steps to promote respect, and prevent where possible, or otherwise investigate complaints of Harassment.

This policy should be read in conjunction with its accompanying Procedure document which describes the process by which allegation of Harassment are received and addressed by the City.

## SCOPE

This policy:

- applies to all City and Board of Parks & Recreation employees.
- describes expectations in situations where employees engage in behaviours towards, or are subject to behaviours by, any persons including employees, Mayor and Council, volunteers, contractors, advisory body members, community partners, and members of the public.
- applies to behaviours in all City workplaces, including:
  - City buildings, facilities, sites, offices, works yards and remote work

- locations
  - locations visited by employees while on City business
  - meetings, conferences and trainings attended by employees on behalf of the City
  - work-related events, including employee sponsored social gatherings
  - online meetings, phone calls, emails, text messages, and social media channels connected with City business; and/or
  - any other physical or digital space where City business is conducted.
- may apply to behaviours that occur away from the workplace or after regular working hours between City employees where those behaviours have a negative impact on the workplace.

This policy does not apply to appropriate workplace interactions such as:

- welcome, consensual relationships or social invitations;
- conduct that a reasonable person would find welcome or neutral having regard to all circumstances;
- exercise of the City's right to direct the workforce, such as supervising employees, managing attendance, giving performance feedback, coaching, investigation, and discipline;
- delivering information that a person finds unpleasant;
- enforcement of City policies that a person may disagree with;
- raising a concern about another's behaviour, under this policy;
- raising a concern about City policies and practices using appropriate channels; and
- disagreement, conflict, or critique when conducted respectfully.

## DEFINITIONS

### Employee is:

- Anyone employed by the City, including full-time, part-time, temporary, auxiliary or casual employees, unionized or exempt; and
- A "worker" with the City as defined by the British Columbia [Workers Compensation Act](#).

**Supervisory Staff** are employees who lead, instruct, direct, and supervise other employees. This includes directors, managers, superintendents and supervisors who are exempt or unionized.

**City Manager** is the appointed administrative manager of the City of Vancouver.

**City Leadership Team** is made up of the City Manager, Deputy City Managers and the heads of the City's major services groups.

**Good faith** refers to an honest and sincere intent.

**Harassment** is any conduct or comment by a person that the person knew or reasonably ought to have known would cause another person to be humiliated or intimidated and have a demonstrable negative impact on the workplace or individual.

It also includes harassment connected to the protected grounds under the Human Rights Code (i.e. based on Indigenous identity, race, colour, ancestry, place of origin, religion, family status, marital status, physical disability, mental disability, sex, age, sexual orientation, gender identity or expression, political belief, and conviction of a criminal or summary conviction offence unrelated to their employment).

Harassment may:

- consist of a single serious incident, though it is typically defined by repetition and persistence of inappropriate behaviours;
- be written, verbal, non-verbal, in-person or online;
- be directed towards one employee or a group of employees; and
- be intentional or unintentional, although intention is relevant in assessing the severity of any wrong-doing.

Not every unpleasant interaction in the workplace amounts to Harassment.

Some examples of Harassment include:

- abusive or threatening language, including profanity directed at another person;
- displaying or distributing derogatory or offensive pictures, graffiti or other materials;
- bullying, ridicule or humiliation;
- malicious rumours and gossip;
- shunning or malicious exclusion;
- interference with or vandalizing personal property;
- unjustifiable and deliberate interference with another's work or work sabotage;
- misuse or abuse of power or authority, including decisions based on factors unrelated to work;
- offensive comments, remarks, jokes, slurs or innuendo that belittle or ridicule a person's membership or perceived membership related to the BC Human Rights Code prohibited grounds;
- refusing to interact or communicate with someone because of their race, gender identity, ability, sexual orientation or other personal characteristic;
- imitating or mocking a person's accent, speech or mannerisms;
- unwanted or unwelcome sexual advances, requests, comments, or physical contact;
- negative consequences for refusing sexual advances, or promises of reward for agreeing to sexual advances;
- retaliation.

**Complainant** is the individual alleging that they have experienced Harassment.

**Respondent** is the individual alleged to have engaged in Harassment.

**Witness** is an individual who has observed Harassment or may have information that helps establish or refute an allegation of Harassment.

**Investigation** is the formal process of fact-finding, examination of evidence, and

analysis by an investigator appointed by the City. Investigation is the primary path by which the City determines if a breach of this policy has taken place, and through which corrective action and discipline may be imposed.

**Restoration** refers to a range of processes that engage effected parties to focus on understanding harm and its root causes, repairing relationships, determining meaningful accountability, and may include putting in place agreements or structural changes that reduce the likelihood of harm occurring again in the future.

## POLICY STATEMENTS

### 1. General

- 1.1. The City of Vancouver is committed to taking all reasonable steps to provide and maintain a Respectful Workplace.
- 1.2. A Respectful Workplace is a work environment where people:
  - treat each other with respect and are treated with respect;
  - welcome and include those with diverse backgrounds, identities and lived experiences,
  - uphold human rights based on race, Indigeneity, colour, ancestry, place of origin, political belief, religion, marital or family status, ability, gender identity or expression, sex, sexual orientation, or age;
  - continue to learn about equity, diversity and inclusion and choose behaviours to reduce negative impact on others; and
  - resolve conflicts constructively and take responsibility for effective workplace relationships
- 1.3. Harassment is harmful to creating a Respectful Workplace. Harassment is unacceptable and not tolerated by the City.
- 1.4. Allegations of Harassment against City Employees are typically addressed through an investigation, and may be addressed through a restoration process if both complainant and respondent are willing to participate.
- 1.5. City employees found to have engaged in Harassment may face corrective action (such as mandatory training or coaching) or discipline (such as a warning letter, temporary suspension without pay, or other) up to and including termination of employment.
- 1.6. There are other behaviours that do not on their own rise to the level of Harassment, but they lead to a person feeling disrespected or uncomfortable. Examples include one-off incidents of careless or rude comments, unintentional stereotyping, interrupting or failing to acknowledge someone.

Given the diversity of the workplace, and the existence of multiple cultural norms governing behaviours, an understanding of what makes another person feel disrespected or uncomfortable may not be shared.

When a person feels disrespected or uncomfortable in the workplace as a result of another's action, their first step may be to address the issue directly with the other party. When that is not possible, the person is entitled to raise the concern and request support from their supervisor, Human Resources or the Equity Office. Typically, incidents that do not rise to the level of Harassment are addressed using restoration processes or other informal remedies.

## 2. Roles and Responsibilities

**All Employees** are responsible for:

- reviewing and understanding this Policy and its accompanying Procedure;
- applying and complying with this Policy and its accompanying Procedures;
- modelling, promoting and engaging in Respectful Workplace behaviours and practices;
- not engaging in Harassment towards others;
- reporting Harassment observed or experienced in the workplace;
- taking personal responsibility to maintain respectful working relationships and constructively resolve conflicts;
- learning from mistakes and adjusting behaviours to help everyone feel respected and comfortable in the workplace;
- participating in restoration and investigation processes in good faith and as required; and
- abiding by the expectations for confidentiality and avoiding retaliation as outlined in this Policy.

The following individuals and groups have additional responsibilities in administering, implementing, and monitoring the Policy and carrying out restoration and investigation processes laid out in the Procedure document.

**Supervisory Staff** are responsible for:

- modelling respectful behaviours and continuous learning;
- participating in training and/or other learning opportunities on how to conduct investigations and assist in restoration processes;
- providing employees with information about expectations of behaviours under this policy;
- monitoring the workplace for incidents of Harassment;
- investigating complaints of Harassment with assistance from Human Resources (note: unionized supervisors are to bring complaints of Harassment to the attention of exempt supervisory staff in their reporting line)
- addressing conflicts promptly;
- bringing requests for restoration processes to the Equity Office, and assisting with or participating in restoration processes as needed;
- recognizing and addressing retaliation;
- listening intently when a person has felt disrespected or uncomfortable, and working with relevant parties to restore an environment of respect and minimize discomfort in interpersonal interactions;
- implementing remedies and corrective actions as appropriate; and
- where possible, taking steps to restore positive working relationships.

**Equity Office** is responsible for:

- acting as a sounding-board for employees who have experienced, witnessed or caused behaviour that makes others uncomfortable or disrespected, and are considering how to address the behavior;
- designing and conducting restoration processes, assisting supervisors in facilitating restoration processes, or recommending external resources to lead restoration processes;
- helping to educate employees on equity-informed approaches to establishing and maintaining a Respectful Workplace;
- providing employees information on options for addressing Harassment, particularly those related to the prohibited grounds; and
- providing advisory support to supervisory staff and Human Resources on equity-informed options for addressing harm caused by workplace interactions.

**Human Resources** is responsible for:

- conducting investigations, or assisting supervisors in conducting investigations, or appointing an external resource to conduct investigations;
- providing education, coaching and support for employees, including supervisory staff, on preventing and addressing Harassment;
- providing employees information on options for addressing Harassment;
- working with appropriate supervisory staff to determine corrective actions;
- supporting measures to prevent retaliation against employees that raise concerns about Harassment;
- supporting measures to restore positive working relationships and a Respectful Workplace environment; and
- conducting the review and revision of the Respect in the Workplace Policy and its Procedure.

**City Leadership Team** is responsible for:

- modelling and providing leadership in establishing and maintaining a Respectful Workplace;
- ensuring resource availability for proactive Respectful Workplace education and training opportunities;
- ensuring resource availability and effective implementation of restoration processes, investigations, corrective actions, and education and training; and
- ensuring that employees are held accountable for their responsibilities under this Policy.

**City Manager** has ultimate responsibility for:

- taking all reasonable steps to establish and maintain a Respectful Workplace; and
- ensuring that all responsible parties are held accountable under this Policy.

### 3. Reporting Procedures

Individuals wishing to file a complaint of Harassment should refer to this policy's accompanying Procedure document.

## 4. Malicious complaints

It is a violation of this Policy to make a malicious allegation of Harassment. Where the City determines this occurred, appropriate corrective action and/or disciplinary action may be taken up to and including termination of employment.

Making an allegation of Harassment may be considered malicious when:

- it is not filed in good faith and is intended to harass the person named as respondent; and/or
- it is known to be false, untrue, contrived or calculated to deceive.

A misunderstanding, misinterpretation or unsubstantiated complaint does not constitute a violation of this Policy.

## 5. Retaliation

Retaliation means any adverse action or threat of action directed at a person because they are or might be involved in making an allegation of Harassment under this policy. It is a violation of this policy to retaliate against another person for:

- filing a complaint in good faith;
- reporting possible Harassment one observes or becomes aware of in good faith;
- participating in an investigation or a restoration process;
- supporting someone to file a complaint; and/or
- carrying out their responsibilities under this Policy.

An employee who experiences retaliation can file a complaint under this Policy.

Where the City determines retaliation occurred, appropriate corrective action and/or disciplinary action may be taken, up to and including termination of employment.

Exercising the City's right to direct the workforce in good faith does not constitute retaliation.

## 6. Confidentiality

Confidentiality in investigation and restoration processes is critical to maintaining their integrity as well as fostering a Respectful Workplace. Sharing of information among parties to an investigation, including conversation among witnesses, can compromise the ability of the investigator to conduct accurate and rigorous fact finding, and can seriously undermine the interests of the parties involved. Confidentiality extends to all information provided orally or in writing, meetings, interviews, investigation results and summary reports.

Everyone involved in an investigation or restoration process has a different role with respect to maintaining confidentiality:

- **Complainants, respondents and witnesses** are expected to keep confidential the subject matter of the complaint, the identities of other persons involved in the complaint, and any information they learn through an investigation process. However, this does not prevent them from obtaining advice or support

from union representatives and professional advisors (lawyers, doctors, counsellors, etc.), or speaking in confidence with their designated support person(s). Parties to a restoration process are expected to abide by confidentiality agreements constructed for the specific process they are participating in.

- **Human Resources** representatives and **supervisors** who carry out an investigation are expected to keep confidential all information collected in the course of an investigation or restoration process and will limit disclosure of such information to that which is necessary to investigate and/or resolve the complaint or for the conduct of legal proceedings.
- **Equity Office** staff who assist with a restoration process are expected to keep confidential all information collected in the course of a restoration process and will limit disclosure of such information to that which is necessary for the resolution of the matter or necessary for the conduct of legal proceedings.

## 7. Document Retention

Information collected and retained during an investigation process shall be kept in a confidential file separate from any employee's personnel file and shall be maintained by Human Resources. Documentation which outlines disciplinary action shall be placed on an employee's personnel file. Documentation of any outcomes following a restoration process will be shared with the parties involved and those responsible for helping to hold the parties accountable.

Information collected and retained during a restoration or investigation process may be required to be disclosed for example for the purpose of court proceedings, arbitration or other legal proceedings. Personal information shall be protected in accordance with the *Freedom of Information and Protection of Privacy Act*.

## 8. Collective Agreements and Legislation

In the event that any portion of this Policy or Procedure is inconsistent with a binding City collective agreement or any applicable legislation, that portion and only that portion of the Policy or Procedure shall have no application to the extent of that inconsistency. All other portions of the Policy or Procedure shall continue in full force and effect.

### RELATED POLICIES AND PROCEDURES:

- [ADMIN-050P1](#) Respect in the Workplace Procedure
- [AE - 028 - 01](#) Code of Conduct
- [ADMIN - 021](#) Occupational Health and Safety Policy
- [AE - 010 - 01](#) Preventing Violence in the Workplace Policy



**APPROVAL AND REVIEW HISTORY:**

<b>Version 1 approved by:</b> <i>Policy will be active as of            January 1, 2024</i>	City Manager	6/26/2023
	City Council	6/28/2023
<b>Version 2 approved by:</b>	General Manager - Human Resources	5/14/2024
	City Solicitor	5/10/2024
	City Manager	5/21/2024

**Next review date    01/01/2025**