

<b>SUBJECT:</b> RESPECTFUL WORKPLACE – ALL EMPLOYEES	
<b>DATE OF ISSUE:</b> September 2013	<b>ORIGIN:</b> Human Resources
<b>REVISION DATE:</b> June 2014 April 2017 November 2018 November 2019 May 2022  <b>REVIEW DATE:</b> Central Safety Nov. 17, 2020	<b>REFERENCE:</b> <ul style="list-style-type: none"> <li>• Human Rights Code of BC</li> <li>• Worker’s Compensation Act</li> <li>• CUPE Collective Agreement Articles 7 and 33</li> <li>• IAFF Collective Agreement Article 47</li> <li>• Council Policy: Code of Conduct</li> <li>• Exempt Terms and Conditions- section 29</li> <li>• Freedom of Information and Protection of Privacy Act</li> <li>• Workplace Violence Prevention Program</li> <li>• Inappropriate Behaviour – Citizen policy</li> <li>• Associated standards and/or procedures including the Respectful Workplace Guidelines &amp; Procedures</li> </ul>

**1. POLICY OBJECTIVE**

- 1.1 The District of Saanich is committed to creating and sustaining a vibrant work environment where all employees are treated with respect, civility and dignity. Respect is present in a workplace where all employees display courteous, considerate and professional behaviour toward one another, and in their interactions with customers and members of the public. Inappropriate behaviour (disrespectful behaviour, bullying & harassment and discrimination) in our workplace is unacceptable and will not be tolerated. We encourage reporting of all incidents of inappropriate behaviour, regardless of who the offender may be.
  
- 1.2 The purpose of this administrative policy is to:
  - a. Adopt a proactive approach to the prevention and management of inappropriate workplace behaviour;
  - b. Outline the expectations and obligations of employees and the District of Saanich (“the District”) in reporting and responding to any incidents of disrespectful behaviour, bullying & harassment and discrimination; and
  - c. Ensure inappropriate workplace behaviour, which includes disrespectful behaviour, bullying & harassment and discrimination will be reviewed, potentially investigated and responded to appropriately.

**2. POLICY STATEMENTS**

2.1 General Policy Statements

- 2.1.1 The District is committed to working in collaboration with its employees, unions and associations to create a respectful workplace by:
  - a. Maintaining a common understanding of the expectations and behaviours considered appropriate and inappropriate in District workplaces and in the delivery of, or access to, District services; and
  - b. Taking action to prevent and manage inappropriate behaviour(s) in the workplace.
  
- 2.1.2 The District recognizes that conflict, disagreement or lesser forms of inappropriate workplace behaviour will occur. The District expects these issues to be resolved in a manner that contributes to a healthy, safe and productive workplace. Where appropriate, informal resolution mechanisms will be used.

- 2.1.3 People listed in section 3 will adhere to this administration policy and will not subject any person to inappropriate workplace behaviour.
- 2.1.4 The District will assess and respond in a timely manner to allegations of inappropriate workplace behaviour and will respect the privacy of all concerned as much as reasonably possible.
- 2.1.5 This policy is in addition to and not a substitution for any rights an individual may have to pursue actions whether under Collective Agreements, the BC Human Rights Code, the Workers Compensation Act and other proceedings with legal standing.

**3. SCOPE**

- 3.1 This policy applies to all District of Saanich employees including, student employees, and consultants/contractors, with the exception of those who have their own corporate Respectful Workplace / Bullying & Harassment Policies. The policy applies to these employees and contractors while they are:
  - a. performing work on behalf of the District of Saanich;
  - b. on coffee and meal breaks during the work day;
  - c. attending a District of Saanich related business event;
  - d. wearing a District of Saanich uniform;
  - e. utilizing a District of Saanich vehicle including during off duty hours
  - f. utilizing interpersonal and/or electronic communication (i.e. email and social media)

Note: District of Saanich Council members not covered by this policy and are governed by the Council Code of Conduct.

**4. WORKPLACE BEHAVIOUR**

4.1 Appropriate Workplace Behaviour

- 4.1.1 In general, behaviours that are encouraged are those which support and create a healthy, respectful workplace and its related business objectives.
- 4.1.2 Examples of appropriate workplace behaviour include, but are not limited to:
  - a. Being polite, courteous and respectful of others;
  - b. Using common greetings, farewells or inquiries about others' well-being;
  - c. When reviewing other's ideas, suggestions or work, care is taken to provide constructive feedback;
  - d. Treating others equitably and fairly;
  - e. Being open-minded to others' ideas, comments and suggestions;
  - f. Seeking input and the active involvement of appropriate people in planning, decision-making and implementing initiatives;
  - g. Ensuring that decision-making takes into account relevant factors and is fair;
  - h. Recognizing and valuing the diversity among workgroup members, customers and citizens;

4.2 Inappropriate Workplace Behaviour

- 4.2.1 Inappropriate workplace behaviour is an action that is objectionable or

unwelcome, and negatively affects an individual or the workplace. Understanding different types of inappropriate workplace behaviour is key to evaluating and adjusting our own actions, and responding and acting appropriately.

- 4.2.2 There are three types of inappropriate workplace behaviour addressed in this policy. They are:
- a. Disrespectful Behaviour;
  - b. Bullying & Harassment; and
  - c. Discrimination
- 4.2.3 Disrespectful Behaviour is:
- a. Objectionable or unwelcome conduct with moderate impact, which may or may not have intent to cause harm and has a negative effect on the work environment or individual(s);
  - b. Incivility; and/or
  - c. Any inappropriate workplace behaviour that does not meet the definition of Bullying & Harassment.
- 4.2.4 Examples of Disrespectful Behaviour include, but are not limited to:
- a. Demeaning or belittling comments or conversation;
  - b. Interruptions;
  - c. Refusing to listen to another person's point of view;
  - d. Excessive use of profanity;
  - e. Taking credit for someone else's work or a team's work;
  - f. Decision-making which is influenced by factors which have no work related purpose; and/or
  - g. Yelling, angry outbursts, or shouting (except where intended to alert another to danger).
- 4.2.5 Bullying & Harassment is:
- a. Any single significant incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows, or ought reasonably to know, will or would cause offence or humiliation to an individual and/or a negative effect an individual's health and safety;
  - b. Repeated conduct, comments, bullying, actions or gestures which when taken in isolation seem minor but when combined are considered bullying & harassment;
  - c. A single incident of sufficient seriousness to have a significant impact on an individual, group or the work environment;
  - d. Hostile or unwanted;
  - e. Conduct affecting the employee's dignity, psychological wellbeing, or physical integrity;
  - f. Conduct resulting in a harmful or poisoned work environment; and/or
  - g. Vexatious conduct, comments, bullying, actions or gestures which are intended to humiliate, intimidate, offend or degrade a particular person or group.
- 4.2.6 Determining if disrespectful behavior or bullying & harassment has occurred is based on an objective assessment of the specific facts of each case, and not on the subjective belief of an individual.

- 4.2.7 Examples of workplace bullying & harassment include, but are not limited to:
- a. Written or verbal comments, actions, gestures, taunting, or other behaviours or jokes which are humiliating, offensive, hurtful or belittling;
  - b. Intimidation;
  - c. Abuse of authority that undermines a person's working capabilities or threatens a person's career;
  - d. Deliberately excluding an employee from relevant work activities or decision making;
  - e. Attempting to discredit an employee by spreading false information about them;
  - f. Tampering with a person's personal belongings or work equipment;
  - g. Blocking applications for training, leave or promotion for no valid reason;
  - h. Eye rolling, finger wagging, or other physical gestures that are used to make fun of, express frustration with, or isolate another employee; and/or
  - i. Practical jokes that result in awkwardness or embarrassment.
- 4.2.8 Discrimination is:
- a. Harassment and bullying, when connected to a protected ground: race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, criminal conviction or age or any other protected ground covered by the BC Human Rights Code.
  - b. Practices, policies or systems which have a direct or negative impact based on a protected ground; and/or
  - c. Behaviours, comments or actions to or about an individual or group, which are unwelcome, based on a protected ground and result in a negative or poisoned work environment.
- 4.2.9 Examples of Discrimination include, but are not limited to:
- a. Any previously described workplace behaviour under section 2.5.4 that is based on a protected ground listed above;
  - b. Sexual Harassment is any unwelcome behaviour, comment or conduct that is sexual in nature and negatively affects, or threatens to affect, directly or indirectly, a person. Examples include:
    - Unwelcome advances, requests, comments, physical contact such as unnecessary touching, pinching, patting, jostling or gestures that are sexually suggestive;
    - Leering that is sexual in nature;
    - Implied or expressed threats of reprisal for refusal to comply with a sexual request; and/or
    - Implied or expressed promise of reward for agreeing to comply with a sexual request;
  - c. Unwelcome remarks, jokes, taunts, suggestions or speculations about a person's physical attributes or appearance;
  - d. Displays of pornographic, racist, or offensive materials in the form of pictures, email, social media, text messages, graffiti, cartoons or sayings in the workplace, regardless of whether the exchange of the materials is consensual; and/or
  - e. Unwelcome inquiries or comments about a person's personal life, such as

inquires relating to a person's sexual orientation, family status, marital status, disability, age, or any other protected ground listed above.

- f. Making a hiring decision based on ethnicity without an bone fide occupational reason

#### 4.3 Exceptions

This policy has the following exceptions:

- 4.3.1 Inappropriate workplace behaviour does not include any reasonable conduct of an employer, leader or supervisor related to the normal management of employees or workplaces. Such reasonable conduct *may* include:
  - a. Allocating work according to specific job-related requirements;
  - b. Following-up on work absences;
  - c. Requiring performance to job standards;
  - d. Enforcing workplace policies and procedures;
  - e. Evaluating or measuring performance;
  - f. Denying training or leave requests with good reason;
  - g. Conducting investigations in good faith;
  - h. Discussing disciplinary action in private;
  - i. Dismissing, suspending, demoting or reprimanding with just cause; and/or
  - j. Providing constructive feedback.
- 4.3.2 Differences of opinion, disagreements and misunderstandings when communicated in a reasonable and respectful manner are generally not considered to be bullying & harassment;
- 4.3.3 A single minor incident of objectionable or unwelcome conduct may not be considered a violation of the RWP policy (i.e. an act of bullying & harassment); and
- 4.3.4 Workplace violence and threats of violence by persons other than a co-worker, and any acts addressed in the Workplace Violence Prevention Policy do not fall under this Policy.

## 5. DEFINITIONS

- 5.1 The District regards disrespectful behaviour, bullying & harassment and discrimination as serious offences which undermine its ability to provide a respectful workplace for all employees. Accordingly, any such action is subject to the disciplinary process up to and including termination.

In this administration policy:

- a. Employee means District of Saanich employees, consultants/contractors providing service for the District, suppliers delivering material to the District, and volunteers;
- b. Workplace means a place where an employee is, or may be, conducting work on behalf of the District, including work- related social gathering;
- c. Disrespectful Behaviour is objectionable, unwelcome or uncivil conduct with moderate impact, which may or may not have intent to cause harm and has a negative effect on the work environment or individual(s);
- d. Bullying & harassment may include many types of seriously negative or threatening behaviour. WorkSafeBC defines bullying and harassment as a single term which

*includes any inappropriate conduct or comment by a person toward a worker that the person knew or reasonably out to have known would cause that worker to be humiliated or intimidated, but excludes any reasonable action taken by an employer or supervisor related to the management and direction of worker or the place of employment.*

- e. Discrimination under the policy refers to poor or adverse treatment based on a personal characteristic as protected under the BC Human Rights Code. In employment, people are protected from discrimination based on certain characteristics which include 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. These characteristics are also known as *prohibited grounds*. Bullying & harassment that is based on a prohibited ground is considered discrimination under the BC Human Rights Code. Sexual harassment is a form of discrimination specifically addressed under the *Human Rights Code* of B.C and is considered a type of gender discrimination. Discrimination can also include practices, policies or systems which have a direct or negative impact based on a prohibited ground;

## 6. **PROCEDURE**

- 6.1 The District ensures a respectful workplace by providing:
  - a. process for informal resolution of respectful workplace complaints; and
  - b. process for formal resolution including reporting, investigating and determining the appropriate response to respectful workplace complaints.
- 6.2 Detailed procedures are found in the Respectful Workplace Guidelines and Procedures document found at [District of Saanich E-Link - Respectful Workplace: Respectful Workplace](#) or a copy obtained from Human Resources.

## 7. **ROLES AND RESPONSIBILITIES**

- 7.1 Everyone covered by this policy is responsible for conducting themselves in a respectful manner. Inappropriate behaviour must be addressed. It is expected that disrespectful behaviour will be addressed through informal resolution options wherever possible. Bullying & harassment or discrimination that is experienced or observed must be reported to the appropriate supervisor, manager, human resources or department head. See Guidelines and Procedures found at [District of Saanich E-Link - Respectful Workplace: Respectful Workplace](#) or a copy obtained from Human Resources.
- 7.2 Unions and Associations have a responsibility and obligation to work cooperatively with the District to create and maintain a respectful workplace.
- 7.3 Administrator
  - a. Approves policy and procedure; and
  - b. Administers the policy and/or procedures in cases where the Senior Manager of Human Resources and the Director of Corporate Services are both either a party to a complaint or in a direct reporting relationship or other conflict of interest with one or more of the parties to the complaint.
- 7.4 Director of Corporate Services
  - a. Maintains an effective Respectful Workplace Policy and related Procedures; and
  - b. Administers the policy and/or procedures in cases where the Senior Manager of Human Resources is a party to a complaint or is in a direct reporting relationship or

other conflict of interest with one or more of the parties to the complaint.

7.5 Senior Manager of Human Resources (SMHR)

- a. Administers the policy and/or procedures;
- b. Conducts an annual review of the policy, procedures and training and recommends appropriate revisions;
- c. Provides advice regarding the correct and consistent application of the Policy and procedures for reporting, addressing and investigating incidents and complaints;
- d. If the complaint is substantiated, the SMHR in consultation with the appropriate manager/director) will determine resolution.
- e. Ensures the provision of mandatory training to all staff, and the availability of resources to support the procedures
- f. Facilitates access to third party mediation and/or formal investigation when required and deemed appropriate;
- g. Oversees the collection and documenting of data related to incidents of bullying & harassment, discrimination and disrespect in the workplace, including interventions and results;
- h. Ensures documentation related to investigations are held in confidence in a separate file in the HR Division as outlined by this Policy.

7.6 Department Heads

- a. Ensure that all Departmental employees are aware of and compliant with the Respectful Workplace Policy;
- b. Enforce the Policy within the Department;
- c. Recommend changes in policy and procedures;
- d. Encourage employee involvement in respectful workplace practices;
- e. Assist subordinate supervisory personnel in matters pertaining to the Respectful Workplace Policy.

7.7 Management and Supervisory Personnel

- a. Ensure all employees in their section(s) are aware of and compliant with the Respectful Workplace Policy and Procedures;
- b. Assist the Department Head in enforcing the Respectful Workplace Policy; and
- c. Initiate appropriate action according to Policy and Procedures in consultation with the SMHR, Department Head and/or Manager of Human Resources and/or HR Advisor.

*NOTE: Employees have the right to be accompanied by a union representative at any meeting in accordance with collective agreements and this policy.*

7.8 Employees

- 7.8.1 All employees have a role to play in preventing inappropriate workplace behaviour. Accordingly, employees have a duty/obligation to ensure that the workplace is free from disrespectful behaviour, bullying & harassment and discrimination.
- 7.8.2 This means not engaging in, condoning, or ignoring inappropriate behaviour, and reporting bullying/harassing or discriminatory behaviour to your immediate supervisor unless that supervisor is involved in the disrespectful behaviour. In that case, report the behaviour to the next level of management.

- 7.8.3 To create and maintain a respectful workplace every employee must:
- a. Be familiar with and follow the Respectful Workplace Guidelines and Procedures;
  - b. Ensure your own behaviour is respectful and appropriate at all times;
  - c. Accept responsibility for your own actions, reactions, behaviour and your impact on others;
  - d. Make your concerns known promptly if something is troubling you. If confident and safe, immediately inform the aggressor to stop the behaviour, or inform your supervisor, another leader, or Human Resources ;
  - e. Report incidents of inappropriate workplace behaviour as soon as possible if informal options to resolve the conflict are unsuccessful;
  - f. Be a part of the solution by engaging in steps to resolve the matter; and
  - g. Inform the police if there is an imminent threat or risk of violence that could compromise an individual's safety and follow the District safety reporting procedures.
- 7.8.4 An employee reporting an injury or adverse symptom resulting from an incident of inappropriate workplace behaviour (i.e. violence or bullying & harassment) is advised to consult a health professional of the employee's choice for treatment, referral or reporting to WorkSafeBC.

## **8. CONFIDENTIALITY & DISCLOSURE OF INFORMATION**

Records related to respectful workplace matters are subject to the provisions of the Freedom of Information and Protection of Privacy Act.

- 8.1 All written file material will be kept in confidential file in the Human Resources Division. Any written agreements signed by the Parties to a dispute will remain confidential to only those Parties and Human Resources and will not be shown, circulated or discussed with any other parties, subject to disclosure required by law or in order to administer the agreement.
- 8.2 All individuals involved in a complaint under this policy must maintain the confidentiality of any information they receive during the course of the complaint process. Any employee breaching confidentiality may be subject to the disciplinary process up to and including termination.

## **9. OBLIGATION OF GOOD FAITH**

- 9.1 Making an allegation of inappropriate workplace behaviour is a serious matter and can have a significant personal and professional impact on individuals, groups and leaders. Everyone bringing forward a complaint whether informally or formally must do so in "good faith" (with honesty, sincerity of intention, and without malice). An individual who makes a complaint that is found to be in bad faith may be subject to discipline up to and including termination. A complaint that is determined to be unsubstantiated (absence of evidence to support the allegation) but made in good faith is not subject to a disciplinary sanction.

## **10. CONSEQUENCES OF NON-COMPLIANCE**

- 10.1 Any employee who violates this Policy will be subject to appropriate administrative and disciplinary action. The action taken will depend on the circumstances of the incident and may range from, but not be limited to, discipline, up to and including termination.



10.2 Members of the public, visitors to the District's facilities, or individuals conducting business with the District are expected to conduct themselves in a manner that is consistent with this policy. This includes refraining from disrespectful behaviour, bullying & harassment or discrimination towards employees, elected officials, and persons acting on behalf of the District. The District will take appropriate action to ensure a respectful workplace.

10.3 Retaliation

10.3.1 Everyone has the right to report, in good faith, incidents of inappropriate workplace behaviour without fear of retaliation.

10.3.2 Retaliation by any person against anyone involved in informal or formal complaint or resolution processes will not be tolerated and will be subject to discipline, up to and including termination for employees or potential denial of District services for citizens.

LEGISLATIVE AUTHORITY: The policy must be reviewed annually as required by WorkSafeBC.