



DISTRICT OF NORTH SAANICH

COUNCIL POLICY

TITLE: RESPECTFUL WORKPLACE POLICY	NO. COU-061
---	--------------------

POLICY STATEMENT

The District recognizes the diversity of our community and believes that all have the right to work and do business in a workplace that is free from discrimination, bullying and harassment. The District is committed to providing a work environment in which all individuals covered by this policy are treated with mutual respect, personal worth and human dignity.

The District is further committed to respecting and upholding the spirit and principles of British Columbia's *Human Rights Code*, the *Workers' Compensation Act*, WorkSafe BC's *Occupational Health and Safety Regulations* and Policies and the implementation of the Calls to Action of the Truth and Reconciliation Commission.

The District acknowledges and accepts its role in creating a community and workplace that respects human rights and promotes accessibility, equity and inclusion. As such, bullying, harassment and discrimination in any form are not tolerated and are strictly prohibited by the District.

Failure to comply with this policy may result in disciplinary action up to and including termination of employment for cause, or sanction by Council where applicable, and severing of Agreements or Appointments.

2.0 PURPOSE

The purpose of this policy is to ensure that all who work or do business with the District are aware of the District's standards and expectations for respectful workplace behaviour, their rights and obligations regarding appropriate workplace conduct; to provide a means of reporting behaviour inconsistent with the standards, including incidents of harassment, bullying and discrimination; to provide the processes for investigating and responding to such

EFFECTIVE DATE: 2009	APPROVED BY: COUNCIL	LAST AMENDMENT: February 2022	REF:	PAGE 1 of 18
	PREVIOUS POLICY NO. 4001.5			

TITLE: RESPECTFUL WORKPLACE POLICY	NO. COU-061
---	--------------------

incidents; and, to comply with the provisions of the *Human Rights Code* and the *Workers' Compensation Act*.

The District will take steps to ensure all employees, elected officials, volunteers and contractors are trained on this policy and are encouraged to include aspects of respectful conduct in their recommendations and decision making.

The District will take steps to prevent discrimination, bullying and harassment, including through: training; regular reminders of appropriate standards of behaviour; expeditious and efficient investigations of concerns and complaints; and the imposition of effective responses to breaches of this policy.

3.0 SCOPE

The scope of this policy extends to all employees, contractors, volunteers (paid or unpaid) and elected officials and prohibits any forms of bullying, harassing or discriminatory conduct or communication (verbal, non-verbal, electronic, or written etc.) whether while on-duty or off-duty, while performing work for the District and/or attending work-related functions or meetings whether or not the function, meeting or conduct occurs at or on District facilities, property and worksites.

The application of this policy is also triggered when a complaint is received by a person covered by the policy where discrimination, bullying or harassment is allegedly perpetrated by a member of the public. 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, protections and complaint resolution process described in section 8.0 below does not apply to members of the public.

This policy does not limit the rights of the District to appropriately and in good faith manage the workforce as described in section 6.0 below. The District has the responsibility to investigate incidents, with or without the person's consent, where there are concerns of alleged discrimination, bullying or harassment, and the potential impact of such conduct on a respectful workplace.

EFFECTIVE DATE: 2009	APPROVED BY: COUNCIL	LAST AMENDMENT: February 2022	REF:	PAGE 2 of 18
	PREVIOUS POLICY NO. 4001.5			

TITLE: RESPECTFUL WORKPLACE POLICY	NO. COU-061
---	--------------------

4.0 DEFINITIONS

Accessibility describes the degree of ease that something (e.g., a device, service, and place) can be used and enjoyed by persons with a disability. Accessibility requires conscious planning, design and/or effort to ensure barriers are removed, and the environment is highly useable and practical for the general population.

Advisor means the Director of Corporate Services or other person designated by the Chief Administrative Officer. ('CAO')

Bullying and Harassment includes any conduct or comment by a person towards a worker that the person knows or reasonably ought to know would be unwelcome, humiliating or intimidating.

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.

Examples include but are not limited to:

- i. practical jokes which cause or which should reasonably be known to cause awkwardness or embarrassment, endanger a person's safety, well-being or negatively affect performance;
- ii. Unjustified, persistent and/or excessive criticizing of another person or their work;
- iii. vandalizing belongings/work equipment;
- iv. 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.

EFFECTIVE DATE: 2009	APPROVED BY: COUNCIL	LAST AMENDMENT: February 2022	REF:	PAGE 3 of 18
	PREVIOUS POLICY NO. 4001.5			

TITLE: RESPECTFUL WORKPLACE POLICY	NO. COU-061
---	--------------------

- v. written or verbal abuse, intimidation, teasing, undermining, bullying or threats, including swearing, shouting or making derogatory gestures or comment to or about an individual;
- vi. cyber-bullying, harassment, intimidation, discrimination;
- vii. isolation practices, shunning, ignoring, hazing or initiation rites;
- viii. condescension, paternalism, or patronizing behavior which undermines self-respect or adversely affects performance or working conditions;
- ix. rude, belittling, sarcastic or slanderous comments or malicious gossip;
- x. false accusations of harassment, motivated by malice or mischief, meant to cause others harm;
- xi. physical assault;
- xii. Sexual Harassment or Discrimination as defined below.

Bystander means any individual who has witnessed behavior 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. Witnesses are not parties to a complaint, however they may be interviewed as witnesses in the event there is a formal investigation into their concerns.

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

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

EFFECTIVE DATE: 2009	APPROVED BY: COUNCIL	LAST AMENDMENT: February 2022	REF:	PAGE 4 of 18
	PREVIOUS POLICY NO. 4001.5			

TITLE: RESPECTFUL WORKPLACE POLICY	NO. COU-061
---	--------------------

unrelated to employment or to the intended employment of that person (“Prohibited Ground”).

Discrimination includes 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. It also includes erroneous assumptions that a particular individual shares attributes, usually negative, stereotypically associated with a group to which they are perceived to belong, 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.

Adverse differential treatment has the effect of imposing burdens, obligations or disadvantages on an individual or group that are not imposed on others. Adversedifferential treatment may also withhold or limit access to opportunities, benefits and advantages available to other individuals or groups. It is important to note thatdiscriminatory conduct is not only a breach of this Policy, it may also be a breach of the BC *Human Rights Code*.

Employee includes full-time, part-time, temporary, casual, seasonal, probationary,student, or volunteer firefighter whether in a union or exempt from one.

Employer means the District of North Saanich.

Equity means treating everyone fairly by acknowledging their unique situation and addressing systemic barriers. The aim of equity is to ensure that everyone has access to equal benefits and outcomes.

Inclusion means the deliberate selection of vocabulary that avoids explicit or implicit exclusion of particular individuals or groups and that avoids the use of false generic terms, usually with reference to gender. Making diverse members of society or an organization feel included, valued and respected.

Investigator means the person tasked with investigating a complaint. The Investigator may be the CAO or their designate, Mayor, or in some instances, an external third party.

EFFECTIVE DATE: 2009	APPROVED BY: COUNCIL	LAST AMENDMENT: February 2022	REF:	PAGE 5 of 18
	PREVIOUS POLICY NO. 4001.5			

TITLE: RESPECTFUL WORKPLACE POLICY	NO. COU-061
---	--------------------

Respondent means an individual against whom an allegation of discrimination, bullying or harassment has been made and to which they are responding. Does not include members of the public.

Sexual Harassment means to engage in 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.

This 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.

Sexual harassment may include, but is not limited to:

- a. unwanted or inappropriate physical contact, including but not limited to, touching, pinching, grabbing, patting, rubbing, or purposefully brushing up against another person;
- b. unwanted verbal abuse or advances, invitations or propositions of a sexual nature or repeated invitations after previous requests have been refused;
- c. displaying, sending or sharing sexually inappropriate images or videos, such as pornography, or suggestive letters, notes, photos, videos, text messages or e-mails with co-workers;
- d. telling lewd jokes, sharing sexual anecdotes or asking sexual questions, such as questions about someone's sexual history or their sexual orientation;
- e. leering, staring in a sexually suggestive or offensive manner, or whistling;
- f. making sexual comments about appearance, clothing, body parts, personal life; or
- g. making offensive comments about someone's sexual orientation, gender identity or gender expression;

Workplace includes any location where an Employee or elected official carries out their job duties, attends an event directly related to their employment or provision of services including

EFFECTIVE DATE: 2009	APPROVED BY: COUNCIL	LAST AMENDMENT: February 2022	REF:	PAGE 6 of 18
	PREVIOUS POLICY NO. 4001.5			

TITLE: RESPECTFUL WORKPLACE POLICY	NO. COU-061
---	--------------------

training, meetings, social, or other purpose, and which has the potential for affecting the workplace or the health and safety of others in the workplace.

5.0 MANAGEMENT NOT BULLYING OR HARASSMENT

It is not harassment, bullying or discrimination for supervisors and managers to exercise reasonable management functions, in good faith and for operational reasons. These include:

- (a) Establishing workloads and deadlines;
- (b) Re-organizations, including transfers, promotions, lay-offs and other consequences of re-organizations;
- (c) Work instruction, supervision, correction, feed-back or other performance management;
- d) Work performance evaluations;
- (e) Imposition of discipline, including warnings, suspensions and termination of employment.

6.0 ROLES AND RESPONSIBILITIES

Advisor or their designate must listen to any complaint and assess it for appropriate action, treating the complaint sensitively, seriously and confidentially and exercising their discretion as to how this policy is implemented. See section 8 below.

Bystanders have a right to not be subject to retaliation because they have participated as a witness. They have a responsibility to meet with the Advisor or Investigator and to cooperate with all those responsible for the investigation of the complaint. Bystanders have a responsibility to maintain confidentiality with respect to the investigation and sign a confidentiality agreement.

Complainants have a right to make a complaint and receive a copy of the complaint, have the allegations provided to the Investigator, be informed of the status and progress of the investigation, be informed of the conclusion of the investigation in writing including any corrective action that has or will be taken as a result of the investigation and not be subject to retaliation.

EFFECTIVE DATE: 2009	APPROVED BY: COUNCIL	LAST AMENDMENT: February 2022	REF:	PAGE 7 of 18
	PREVIOUS POLICY NO. 4001.5			

TITLE: RESPECTFUL WORKPLACE POLICY	NO. COU-061
---	--------------------

Complainants also have a right to withdraw a complaint at any time during the procedure; however, depending upon the nature and severity of the allegations, the Advisor, CAO or its designate, or Mayor may determine that an investigation is required and the process will continue notwithstanding the withdrawal.

Complainants have a responsibility to maintain confidentiality with respect to the investigation, sign a confidentiality agreement and cooperate with all those responsible for dealing with the investigation of the complaint.

Employees, including managers and supervisors, contractors and volunteers must not engage in discrimination, bullying or harassment and must report incidents of discrimination, bullying and harassment experienced or witnessed.

Management, which includes the CAO, other statutory officers and managers/directors, is responsible for the implementation and administration of this policy.

Management and Mayor and Council are expected to:

- ensure that the workplace is free from discrimination, bullying and harassment and to ensure that the objectives and principles of this policy are reflected in the exercise of their duties, operational policies and practices within their area of responsibility.
- model inclusive, respectful and professional behaviour and not participate in discriminatory, bullying or harassing behaviour.
- report incidents of discrimination, bullying or harassment and 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, bullying or harassment.

Respondents have a right to be informed that a complaint has been filed, be informed of the allegations against them and be provided an opportunity to respond, be informed of the status and progress of the investigation, be informed of the conclusion of the investigation in writing and of any corrective action that has been taken or will be taken as a result of the investigation.

EFFECTIVE DATE: 2009	APPROVED BY: COUNCIL	LAST AMENDMENT: February 2022	REF:	PAGE 8 of 18
	PREVIOUS POLICY NO. 4001.5			

TITLE: RESPECTFUL WORKPLACE POLICY	NO. COU-061
---	--------------------

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, not to retaliate against the Complainant(s), Bystanders or others involved in the investigation, and sign a confidentiality agreement.

7.0 ANNUAL REVIEW AND TRAINING

All Employees, supervisors and managers will receive and must complete meaningful and interactive training on this policy, including but not limited to,

- (a) working through various case studies or examples highlighting appropriate and inappropriate workplace behaviour and examples of conduct or comments that might constitute bullying, harassment or discrimination;
- (b) when and how to make a complaint and to who,
- (c) how the District will address, investigate and respond to incidents or complaints of bullying, harassment or discrimination

Contractors will be provided this policy upon execution of agreements when conducting business with the District.

Volunteers will be provided training during annual orientation sessions or designated events as required and further, must acknowledge they have read and understood this policy.

Newly Elected Officials will be provided with training during orientation at the commencement of their term of office and further, must acknowledge they have read and understood this policy.

This policy will be reviewed on an as needed basis but no less than every two (2) years.

8.0 PROCEDURES FOR INVESTIGATION AND RESOLUTION

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.

EFFECTIVE DATE: 2009	APPROVED BY: COUNCIL	LAST AMENDMENT: February 2022	REF:	PAGE 9 of 18
	PREVIOUS POLICY NO. 4001.5			

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.

A Complainant should approach their direct supervisor, or if the Complainant is uncomfortable approaching their direct supervisor, the Complainant should approach the Advisor. If the Respondent is the Advisor, the Complainant should approach the CAO. If the Respondent is the CAO, the Complainant should approach the Advisor or the Mayor (or their designate). If the Respondent is a Council member, the Complainant should approach the CAO/ Advisor.

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 Advisor.

Step 1: Individual Conversation

- A Complainant or Bystander 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.

Step 2: Informal Complaint Process

- If the conduct persists, the Complainant or Bystander should approach their direct supervisor, the Advisor, 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 or Bystander should provide as much detail as possible, including dates, times, and witnesses to the alleged conduct. This should be done as soon as reasonably possible following the incident(s).

- Complainants and Bystanders 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.

EFFECTIVE DATE: 2009	APPROVED BY: COUNCIL	LAST AMENDMENT: February 2022	REF:	PAGE 10 of 18
	PREVIOUS POLICY NO. 4001.5			

TITLE: RESPECTFUL WORKPLACE POLICY	NO. COU-061
---	--------------------

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

- Interventions may include one or more of the following:

a. Meeting separately with each person involved in the alleged conduct to discuss and investigate the situation;

b. 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;

c. Coaching one or more of the parties (verbally or in writing) on workplace expectations regarding appropriate workplace conduct;

d. Recommending or applying progressive discipline where warranted;

e. 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

f. Requiring one or more of the parties involved to complete relevant training.

- Step 2 should be completed within thirty (30) days of receiving a complaint unless the circumstances reasonably permit an extension of this timeline.

- 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:

a. The facts from the interviews with the Complainant, Respondent, and Bystander(s), if any;

EFFECTIVE DATE: 2009	APPROVED BY: COUNCIL	LAST AMENDMENT: February 2022	REF:	PAGE 11 of 18
	PREVIOUS POLICY NO. 4001.5			

TITLE: RESPECTFUL WORKPLACE POLICY	NO. COU-061
---	--------------------

b. Steps the Facilitator took to resolve the complaint, including coaching or discipline imposed;

c. Any recommendations designed to ensure that further discrimination, bullying or harassment does not occur.

- 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.

- 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.

Step 3: Formal Complaint Process

The formal process involves an objective and fulsome investigation of a complaint of discrimination, bullying or harassment brought forward to the attention of the Advisor, a supervisor or the CAO (or their designate), Mayor or by the Facilitator.

- **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.

- **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.

- **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

EFFECTIVE DATE: 2009	APPROVED BY: COUNCIL	LAST AMENDMENT: February 2022	REF:	PAGE 12 of 18
	PREVIOUS POLICY NO. 4001.5			

TITLE: RESPECTFUL WORKPLACE POLICY	NO. COU-061
---	--------------------

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.

- **Screening and Acknowledgement of the Complaint:** Within ten (10) business days of the receipt of a complaint, the Advisor, CAO (or their designate) or the Mayor will review the complaint, obtain legal advice if needed, 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.

a. 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.

b. If an investigation is determined necessary, the procedures are outlined below.

- **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.

a. For complaints brought against the Mayor, members of council or the CAO, an external investigator with expertise regarding the matters covered under this Policy will be retained by the District or legal counsel.

b. In cases involving the Mayor as Respondent, the investigator will be retained by, and will report directly to, the CAO or legal counsel. In cases involving other Council members as Respondents, the investigator will be retained by, and will report directly to, the Mayor and CAO and/or legal counsel. In cases involving the CAO as Respondent, the investigator will be retained and report directly to the Mayor or Advisor and/or legal counsel.

- **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.

EFFECTIVE DATE: 2009	APPROVED BY: COUNCIL	LAST AMENDMENT: February 2022	REF:	PAGE 13 of 18
	PREVIOUS POLICY NO. 4001.5			

TITLE: RESPECTFUL WORKPLACE POLICY	NO. COU-061
---	--------------------

a. Each party has the right to be accompanied or represented by a person of their choosing (union representative, another employee, legal representative). All participants will be asked to maintain confidentiality and sign off accordingly.

b. The Respondent will be provided with the Complainant’s name and information on the particulars of the complaint and offered an opportunity to respond.

c. 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 and depending on parties’ availability.

d. 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.

e. 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, or legal counsel).

f. 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.

g. Determining culpability and discipline will be the sole responsibility of the Advisor, CAO (or designate), Mayor or Council depending on the circumstances.

9.0 REMEDIAL ACTION

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 found to be 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:

EFFECTIVE DATE: 2009	APPROVED BY: COUNCIL	LAST AMENDMENT: February 2022	REF:	PAGE 14 of 18
	PREVIOUS POLICY NO. 4001.5			

TITLE: RESPECTFUL WORKPLACE POLICY	NO. COU-061
---	--------------------

- Oral and/or written apology from the Respondent and/or District;
- 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)
- Coaching and more continuous monitoring;
- Counselling;
- Training or education;
- Re-orientation to this policy and its purpose;
- Discipline up to and including termination of employment for just cause.
- Sanction by Council (for elected officials only)
- 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(s) from future harm.

In keeping with the commitment of the District to the prevention of bullying, harassment and discrimination in the workplace, corrective action is intended to be proportionate to the situation. When determining appropriate corrective action, the following factors may be considered:

- (a) nature and seriousness of the breach;
- (b) whether the harassment was a single or a repeated act;
- (c) the relationship of the Complainant and the Respondent;
- (d) the impact of the harassment on the Complainant;
- (e) the employment history of the Respondent; and,
- (f) any other relevant factors.

EFFECTIVE DATE: 2009	APPROVED BY: COUNCIL	LAST AMENDMENT: February 2022	REF:	PAGE 15 of 18
	PREVIOUS POLICY NO. 4001.5			

TITLE: RESPECTFUL WORKPLACE POLICY	NO. COU-061
---	--------------------

10.0 RECORD KEEPING

The Investigator and/or the District will maintain a complete and confidential written record of the investigation, including the names of the parties involved (f. ex, the complainant, respondent and witnesses); the details of the complaint; notes or other documentation of interview or other fact finding exercises; any evidence considered; the investigator’s findings; any corrective action recommended and/or taken; and the investigation report.

11.0 FAIRNESS

All parties, including Complainants, Respondents and Bystanders, have a right to fair treatment in the investigation and adjudication of complaints made under this policy. Fair treatment includes the following:

- (a) the right to bring forward concerns and have them addressed in a timely manner;
- (b) the right to be informed in a timely manner of complaints made against them and an opportunity to respond;
- (c) an impartial and objective consideration and evaluation of each complaint, through formal or informal resolution processes;
- (d) confidentiality to the extent possible in the circumstances;
- (e) protection from retaliation;
- (f) being informed of the conclusion of any formal investigation or intervention (Complainants and Respondents only).

12.0 UNSUBSTANTIATED COMPLAINTS

The District recognizes that not every incident complained of will constitute bullying, discrimination or harassment. Determining whether a particular action or incident occurred and/or constitutes harassment or discrimination will depend on an evaluation of all the facts, circumstances and applicable legal principles.

If the Advisor or Investigator finds that a complaint is substantiated, a record of the incident(s) and outcome(s), including any corrective action taken, will be kept in the Respondent’s

EFFECTIVE DATE: 2009	APPROVED BY: COUNCIL	LAST AMENDMENT: February 2022	REF:	PAGE 16 of 18
	PREVIOUS POLICY NO. 4001.5			

personnel file. If the Advisor or Investigator finds insufficient evidence to support the Complainant's allegations, they 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.

12.0 NO REPRISAL OR RETALIATION

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 or sanction by Council (when applicable).

Reprisal or retaliation that is related, in any way, to a Complainant (or person closely related to or associated with the Complainant), Bystander, Respondent or employee responsible for implementing this Policy will not be tolerated if in good faith they:

- Make a complaint alleging workplace discrimination, bullying or harassment;
- Identify or oppose a practice that they reasonably believe to constitute workplace discrimination, bullying or harassment; or
- participate in an investigation or proceeding under this policy or pursuant to any applicable statutory complaint process

13.0 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 the termination of employment for just cause or sanction by Council (when applicable).

14.0 CONFIDENTIALITY AND ACCESS TO INFORMATION

The District will not disclose any information about a bullying, harassment, or discrimination complaint, except as necessary to investigate the complaint or to take disciplinary action, or as required by law. The participants to an investigation (the Complainant, the Respondent, and

EFFECTIVE DATE: 2009	APPROVED BY: COUNCIL	LAST AMENDMENT: February 2022	REF:	PAGE 17 of 18
	PREVIOUS POLICY NO. 4001.5			

TITLE: RESPECTFUL WORKPLACE POLICY	NO. COU-061
---	--------------------

any Bystanders) will also be expected to keep the existence of the complaint and investigation and all matters relating to them strictly confidential.

15.0 RESPONSIBILITY

Please contact Human Resources/ Advisor for further information.

EFFECTIVE DATE: 2009	APPROVED BY: COUNCIL	LAST AMENDMENT: February 2022	REF:	PAGE 18 of 18
	PREVIOUS POLICY NO. 4001.5			