



CITY OF VANCOUVER CORPORATE POLICY

APPENDIX C

SUBJECT: Respectful Workplace Policy	
CATEGORY: Employment	POLICY NUMBER: AE-002-06

PURPOSE

The City of Vancouver'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 City of Vancouver is committed to providing a work environment in which all individuals are treated with mutual respect and dignity. In our diverse and equitable workplace, the City endeavors to ensure all employees have the opportunity to contribute fully to the City of Vancouver's mission, and that each employee's unique contribution is respected.

While the City's "Human Rights and Harassment Policy" (AE-002-05) addresses harassment as prohibited by the BC Human Rights Code, this policy deals specifically with disrespectful workplace behaviour. Disrespectful behaviour, commonly referred to as "personal harassment," is not covered by human rights legislation.

The focus of this Policy is to ensure a respectful workplace, prevent disrespectful behaviour and outline guidelines to address disrespectful workplace behaviour should it occur.

SCOPE

This policy applies to all City employees.

This Policy applies to the workplace itself, and to work-related events. It includes disrespectful behaviour involving City employees that happens away from the workplace or after regular working hours, where those behaviours have a negative impact on the workplace.

Disrespectful behaviour towards employees by volunteers, members of the public, contractors, Council Officials, advisory body members, and those doing business with the City is also discouraged, and is covered by related City policies as listed under the "Related Policies" section of this Policy.

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.

Disrespectful behaviour is behaviour that:

- 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 and can consist of a single incident or a number of incidents;

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

- public ridicule or humiliation;
- verbal or written abuse or threats;
- insulting, derogatory or degrading comments, jokes or gestures;
- directing profanity or violent language at another employee;
- unjustifiable or deliberate interference with another's work or work sabotage;
- interference with or vandalizing personal property;
- bullying, which can be defined as offensive, malicious, intimidating, ostracizing, insulting or humiliating behavior.

Some examples of conduct that are not considered disrespectful behaviour under this Policy include, but are not limited to:

- welcome, mutually consensual relationships or social invitations that do not involve inappropriate or offensive behaviours, intimidation, explicit or implicit threat of retaliation, or misuse of power;
- conduct that a reasonable person would find welcome or neutral;
- exercise of the City's right to direct the workforce, including all aspects of supervising and managing such as giving appropriate and legitimate performance feedback, managing employee attendance, coaching, and discipline;
- disagreements or misunderstandings;
- conflicts or quarrels between co-workers unless they include disrespectful behaviours as outlined above.

Respondent means the individual alleged to have engaged in disrespectful behaviour.

POLICY STATEMENTS

1 General

City employees shall not be subjected to, and shall not subject another individual to, disrespectful behaviour as defined in this Policy.

2 Roles and Responsibilities

2.1 The City of Vancouver

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

2.2 Human Resources

The responsibilities of Human Resources include to:

- ensure a fair, prompt and equitable process is followed;
- champion respectful workplace behaviours and practices;
- protect the privacy and confidentiality of all individuals involved;
- work with Managers to determine corrective action;
- where appropriate, facilitate joint involvement of management, union representatives and other staff to resolve issues.

2.3 Supervisory Staff and Managers

Supervisors, Managers and Department Heads have an essential role in preventing and resolving disrespectful behaviour issues. Managers are responsible not only for their own actions, but also for dealing with the actions of staff under their supervision.

Their primary 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;
- intervene promptly and appropriately when they know, or ought reasonably to know, that disrespectful behaviour is occurring;
- work cooperatively with Human Resources to resolve and remedy instances of disrespectful behaviour;
- take steps to restore positive working relationships.

2.4 Employees

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

- act in a professional manner consistent with the standards that support this Policy;
- take personal responsibility to maintain respectful working relationships and constructively resolve conflicts;
- seek out support and assistance if required from their Supervisor, Manager, Human Resources Consultant, Union representative or other resource to effectively resolve workplace conflicts;
- co-operate with, and participate in, any related investigation process as required.

3 Complaint Resolution Procedures

3.1 Informal Resolution

The City strives to provide a wide range of options to resolve complaints informally. Informal resolution may include, but is not limited to behavioural guidelines or agreements, apologies or other measures acceptable to both the Complainant and Respondent.

Informal resolution approaches may include:

- Discussing concerns directly with those involved if it is reasonable and safe to do so. Often the easiest way to stop disrespectful behaviour is to let those involved know that certain behaviours are disrespectful, unwelcome and inconsistent with City policy.
- Requesting assistance from an appropriate party to assist in discussing concerns with those involved. An appropriate party could include a Supervisor, Manager, Department Head, Human Resource Consultant or Union representative;

A Human Resources Consultant or Manager may suggest interim measures to be taken during either the informal or formal processes.

3.2 Formal Resolution

If a complaint cannot be resolved informally, a formal complaint may be made in writing by the Complainant to either the Human Resources Consultant supporting the Complainant's department or another Human Resources Consultant not directly involved in supporting the Complainant's department. Employees may seek the assistance of a Human Resources Consultant, Union representative or other colleague they feel comfortable in assisting them in writing a formal complaint.

As all staff have a responsibility in creating a respectful workplace, occurrences of disrespectful behaviour may be reported to Human Resources by another party such as a colleague or Manager.

The formal resolution 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 appropriate and may recommend the engagement of an external party in the investigation process.

An investigation may be carried out by the Human Resources Consultant directly, assigned to management in the area affected, assigned to an investigative team, assigned to an independent third-party or re-directed to a more appropriate existing process dependent upon the specific circumstances and seriousness of the allegation.

Formal resolution investigations cannot be carried out anonymously. The identity of the complainant and the allegations contained in the complaint will be made known to the individual(s) alleged to have engaged in

disrespectful behaviour and he/she shall be provided 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. Human Resources will work with management to determine the appropriate action to be taken, communicate the decision to the Complainant and Respondent, identify follow-up actions to ensure the issue has been resolved and provide any additional support deemed necessary for the parties involved.

Should it be found that the disrespectful behaviour constitutes harassment as defined by the BC Human Rights Code, the investigation may involve the Equal Employment Office (EEO) as per the "Human Rights and Harassment Policy."

Concerns about disrespectful behaviour should be raised as soon as reasonably possible to ensure disrespectful behaviour does not go unaddressed. It is recommended that staff bring forward concerns no longer than 6 (six) months from the time of the last alleged incident of disrespectful behaviour, although this does not preclude a complaint being raised at a later date.

3.3 False or Malicious Complaints

If a Complaint is found to be false or brought for malicious purposes, the City may take disciplinary measures against the Complainant, up to and including termination of employment. However, a Complaint that is found to be unsubstantiated or based on mistake may not be considered false or malicious.

4 Retaliation

Any form of retaliation or discrimination against an employee because that person initiated a complaint, or because that person acted as a witness or participated in a complaint resolution process will be considered a violation of this Policy. Retaliation may result in discipline 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 departmental General Manager who will review the complaint with the General Manager, Human Resources, to ensure the allegation is appropriately addressed.

5 Consequences of Disrespectful Behaviour

Engaging in disrespectful behaviours or retaliation may result in disciplinary action up to and including termination of employment. Repeated instances of disrespectful behaviour will be considered as one of the factors in determining the appropriate level of disciplinary action. Disrespectful behaviour does not need to be intentional although intention may be relevant in assessing the severity of the behaviour.

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

6 Confidentiality

Information collected and retained by Human Resources during the course of an investigation process is treated as confidential. During the investigation process, Human Resources will limit disclosure of investigation-related information to that which is necessary to resolve the complaint.

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

7 Collective Agreements and Legislation

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

RELATED POLICIES

AE - 028 - 01	Code of Conduct
AE - 028 - 02	Whistleblower Policy
AE - 002 - 05	Human Rights & Harassment Policy

APPROVAL HISTORY

Issued by:	Approved by:	Date:
City Manager's Office	Council	2011/03/01

Respectful Workplace Policy Guideline

The Respectful Workplace Policy was passed by Council in 2011.

In November 2013, WorkSafe BC (WSBC) introduced new policies on the prevention of bullying and harassment that are associated with section 115 (1) (a) of the Workers' Compensation Act that ensures the health and safety of workers. These policies have specific requirements which, in certain situations, are not in alignment with the policy framework established in 2011.

In order to meet its obligations and ensure compliance with the law, the City has issued an interpretive guideline. This guideline operates according to two fundamental assumptions:

1. The existing policy as established by Council remains in effect except as clarified by this Guideline.
2. Clarifications under this Guideline are noted in italics below, and are adopted for the purpose of compliance with the law.

Clarification under the Guideline

Purpose

The policy maintains the City's commitment to, and expectation of, a respectful, harassment free workplace.

Additionally this Guideline clarifies that disrespectful behaviour, which includes bullying and harassment, is not accepted or tolerated in the workplace.

Scope

The policy continues to apply to all employees.

This guideline clarifies that harassing behaviour by volunteers, members of the public, contractors, Council Officials, advisory body members, and those doing business with the City is also not tolerated.

Where such behaviour does NOT impact employees, it is covered and may be addressed by related City policies as listed under the "Related Policies" section. Where such behaviour DOES impact employees, it falls under the scope of this Policy.

Definitions

This guideline clarifies that "disrespectful behaviour" is deemed to include bullying and harassment as defined by WorkSafe BC: Bullying and harassment includes:

"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".*

And, further:

**A person includes any individual, whether or not they are a workplace party. This means that a 'person' could be a workplace party such as an employer, supervisor, or co-worker, or a non-workplace party such as a member of the public, a client, or anyone a worker comes into contact with at the workplace.*

Roles and Responsibilities

The existing roles and responsibilities of the Policy are maintained.

This Guideline clarifies that:

1. *the Employer and all City employees, including supervisory staff and managers:*
 - a) *must apply and comply with the City's policies and procedures related to expectations of workplace conduct, such as the Respectful Workplace Policy.*
 - b) *must not engage in disrespectful behaviour, including bullying and harassment, of other employees, supervisory staff and managers, the employer or persons acting on behalf of the employer.*
 - c) *must report incidents of disrespectful behaviour either observed or experienced in the workplace as soon as possible. Incidents must be reported in writing to:*
 - i. *Manager or Supervisor, or*
 - ii. *Human Resources Consultant, or*
 - iii. *Equal Employment Opportunity Program (phone calls will be accepted in lieu of a written report), or**If the person exhibiting the alleged disrespectful behaviour is the supervisor or person acting on behalf of the employer, employees have the option to report the incident to the General Manager, Human Resources or the Director of the Equal Employment Opportunity Program.*
2. *A written complaint that is received and falls within the scope of this policy will be investigated by Human Resources or their designate. If the complaint:*
 - a) *relates directly to bullying and harassment not based wholly or in part on a prohibited ground as identified in the BC Human Rights Code, the complaint will be investigated under the City's Respectful Workplace Policy (AE-002-06).*
 - b) *relates directly to bullying and harassment based wholly or in part on a prohibited ground as identified in the BC Human Rights Code, the complaint will be redirected for investigation under the City's Human Rights and Harassment Policy (AE-002-05).*
3. *Council Officials and Park Board Commissioners (elected employees) must report incidents of bullying and harassment according to Section 8 of the Code of Conduct Policy.*