

## CITY OF PRINCE RUPERT

Policy Title:	<b>Respectful Workplace Policy</b>	Policy No:	HR-F15
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### 1. Purpose

The City of Prince Rupert has a duty to ensure the health and safety of its workers. It is understood and is necessary for all to understand that workplace bullying, harassment and violence can lead to injury, illness or death. For this reason, the City has implemented this policy to establish the procedures for workers to report incidents or complaints and the procedures for how the employer will deal with incidents or complaints of workplace bullying, harassment and violence.

This policy is not meant to impede free speech or to interfere with everyday interactions. However, what one person finds offensive, others may not. Usually, bullying or harassment can be distinguished from normal, mutually acceptable socializing. It is important to remember that it is the perception of the receiver which determines whether something is acceptable or not. A potentially offensive message be it spoken, a gesture, a picture or some other form of communication which may be deemed objectionable or unwelcome determines whether something is acceptable or not.

This policy abides by the *Human Rights Code of BC*, *Workers' Compensation Act*, and *Occupational Health and Safety Regulation of British Columbia*.

### 2. Policy Statement

**Workplace bullying, harassment and violence are not acceptable and will not be tolerated in the City of Prince Rupert.**

**The City of Prince Rupert commits to treating all workers in a fair and respectful manner.**

### 3. Scope

For the purposes of this policy, bullying, harassment, and violence can occur:

- At the workplace;
- At employment-related social functions;
- In the course of work assignments outside of the workplace;
- During work-related travel;
- Over the telephone, if the conversation is work-related; or

- Elsewhere, if the person is there as a result of work-related responsibilities or work-related relationship.

#### 4. Definitions

***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. Examples include, but not limited to:

- Verbal aggression, threats, intimidation, yelling;
- Spreading malicious rumors;
- Passive aggressive behaviour;
- Vandalizing belongings/work equipment;
- Humiliating initiation practices, hazing, name-calling, or insults;
- Written or verbal communications, gestures, actions, ‘practical jokes’, the natural consequence of which is to humiliate or intimidate;
- Cyber-bullying;
- Physical assault;
- Sexual assault;
- Unwanted remarks, comments, actions, jokes, innuendo or taunting based on one of the above factors;
- Displaying offensive pictures, cartoons, or other object focused on one of the above factors;
- Unwelcome repeated invitations or requests based on sex or sexual orientation;
- Unwelcome physical contact based on one of the above factors;

***Bullying and Harassment*** behaviours do not include:

- Expressing differences of opinion; and
- Management functions as defined in section 5 of this policy titled **Management Functions not considered Bullying or Harassment**.

In general, if you are not sure whether certain actions are considered bullying, ask yourself whether or not a reasonable person would consider the actions taken to be acceptable or unacceptable.

***Complainant*** means a City employee or worker who makes an allegation of bullying, harassment or discrimination pursuant to this policy;

***Cyber Bullying*** means bullying that occurs through the use of electronic communication (email, text messaging, social networks etc.). Incidents of cyber bullying should be reported and will be investigated in accordance with the procedures outlined within this policy;

***Employee/Worker*** includes any union or excluded employee or manager;

***Employer*** means the City of Prince Rupert;

**Investigator** means the person designated by either the City Manager or Designate to ensure that complaints are processed effectively and efficiently, including through alternative dispute resolution and/or investigation and/or appointment of an external investigator;

**Passive Aggressive Behaviour** means a deliberate and masked way of expressing covert feelings or anger that lead to a range of behaviours designed to get back at another person for an imagined or real slight or psychological injury without them recognizing the underlying slight or injury;

**Reasonable Person** is defined as a person who exercises the degree of attention, knowledge, intelligence, and judgement that society requires of its members for the protection of their own and of others' interests. The reasonable person acts sensibly, does things without serious delay, and takes proper but not excessive precautions;

**Respondent** means the person or persons against whom the allegations are made under this policy;

**Violence (in the workplace)** as defined in the BC's *Occupational Health and Safety Regulations* (Part 4.27) means the attempted or actual exercise by a person, other than a worker, of any physical force as to cause injury to a worker, and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that he or she is a risk of injury;

**Workplace Violence** could include, but not limited to:

- Physical Acts (e.g. Hitting, Shoving, Pushing, Kicking, Sexual Assault);
- Any threats, behaviour or action which is interpreted to carry the potential to harm or endanger the safety of others, result in an act of aggression, or destroy or damage property;
- Disruptive behaviour that is not appropriate to the work environment (e.g yelling and/or swearing at individuals);

**Witness** means any individual who has pertinent information regarding the complaint made under this policy;

**Workplace** includes any location where an employee/worker carries out their job duties, attends an event directly related to their employment, including training, meetings, social, or other purpose, and which has the potential for affecting the workplace or the health and safety of employees/workers.

## 5. Management Functions not considered Bullying or Harassment

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

- Establishing workloads and deadlines;
- Re-organizations, including transfers, promotions, lay-offs and other consequences of re-organizations;
- Work instruction, supervision, correction, feed-back or other performance management;

- Offering guidance, or work-related advice about behaviour;
- Work performance evaluations;
- Imposition of discipline, including warnings, suspensions and termination of employment.

## 6. Roles and Responsibilities

All employees, supervisors, and managers are responsible for preventing bullying, harassment, violence and discrimination in the workplace and to promote and contribute to a respectful and safe work environment.

As described in *WorkSafeBC's Employers Factsheet on Harassment and Bullying*, the City of Prince Rupert shall:

- Not engage in any form of bullying, harassment or violence;
- Develop and maintain policy statements on bullying, harassment and violence;
- Take steps to prevent and minimize bullying, harassment and violence;
- Develop, implement and maintain procedures for reporting incidents and complaints;
- Develop, implement and maintain procedures for investigating incidents and complaints;
- Ensure supervisors/managers and employees are aware of steps to prevent bullying, harassment and violence in the workplace.
- Ensure employees and supervisors/managers are properly trained in recognizing the potential for bullying, harassment and violence, how to respond to incidents, and procedures for reporting;
- Review this Policy and procedures annually.

As described in *WorkSafeBC's Supervisor Factsheet on Harassment and Bullying*, the City of Prince Rupert's Supervisors/Managers shall:

- Not engage in bullying and harassment;
- Promote a respectful and safe work environment;
- Applying and complying with the City's policies and procedures on bullying, harassment and violence;
- Ensure employee adherence to the policies and procedures on bullying, harassment and violence;
- Investigate complaints of bullying, harassment or violence promptly and impartially;
- Apply appropriate disciplinary action when relevant.

As described in the *WorkSafeBC's Worker Factsheet on Harassment and Bullying*, employees/workers shall:

- Treat others with respect, and contribute to a respectful and safe work environment;
- Report all acts of bullying, harassment and violence to management;
- Ensure and comply with the City of Prince Rupert's policies and procedures regarding workplace bullying, harassment and violence.

## 7. If You Witness Bullying, Harassment or Violence

Any employee who witnesses bullying or harassment is directed to:

- a) Offer the Complainant support and inform them that you witnessed the incident;
- b) Encourage the Complainant to come forward and let them know that you will be a witness and will provide a statement in the event of an investigation;
- c) In some cases, the Complainant may decide to utilize the **Self-Resolution** process under section 9(A) and confront the Respondent. In such cases you may be asked to be a witness to the conversation or to be support;
- d) If the Complainant does not wish to utilize the Self-Resolution process or to report, it is up to the witness to report the incident to management following the procedure in section 9 titled **Procedures for Reporting, investigating and Resolution**.
- e) If you witness an act of violence call “911” and report the incident immediately to the supervisor or department head. See section 8 titled **Violence Requires Immediate Action**.

## 8. Violence Requires Immediate Action

Canada’s Criminal Code deals with matters such as violent acts, threats and behaviours such as stalking. The police should be contacted immediately when an act of violence has occurred in the workplace or when someone in the workplace is threatened with violence. If an employee feels threatened by a co-worker, volunteer, contractor, student, vendor, visitor, council member, client/customer, or any public member then an immediate call to “911” is required.

All cases of violence need to be reported immediately to the employee’s immediate manager/supervisor or another manager.

## 9. Procedures for Reporting, Investigation and Resolution

### A. Self-Resolution

An employee who believes they have experienced bullying or harassment should first seek to resolve the matter themselves by:

- (a) calmly speaking to the Respondent about the event and informing them that their actions are not acceptable;
- (b) describing the specific actions that caused them to feel uncomfortable and the effect the Respondent’s behaviour is having on the complainant and their workplace; and
- (c) asking that the Respondent refrain from the same or similar behaviour in the future.

It is important to note that when a Respondent is confronted, in many instances, the person will stop. Sometimes a person is not aware that they are acting in an inappropriate manner and addressing the problem with the Respondent can help to prevent inappropriate behaviours from continuing or escalating.

If the matter cannot be resolved or if the severity of the bullying and harassment is that which requires management intervention then proceed to section 9(B) **How to Report**.

## **B. How to Report**

City of Prince Rupert employees can report incidents or complaints of workplace bullying and harassment verbally or in writing. When submitting a written complaint, please use the workplace bullying and harassment complaint form. When reporting verbally, the reporting contact, along with the complainant, will fill out the complaint form. The complaint form can be found on the Share Drive (S:) in the file titled BULLYING and HARASSMENT.

## **C. When to Report**

Incidents or complaints should be reported as soon as possible (no later than ten (10) days) after experiencing or witnessing an incident. This allows the incident to be investigated and addressed promptly.

## **D. Reporting Contact and Alternate Reporting Contact**

Incidents are to be reported directly to the Department Head or one of the Managers in the department. If the allegation involves the Department Head or a Manager, then the incident needs to be reported to Human Resources. If the allegation involves Human Resources, then the complaint goes to the City Manager. If the allegation involves the City Manager, then the complaint goes to Human Resources. Contact information, regarding the above Report Contacts and Alternate Reporting Contacts, will be posted in every department. When in doubt, go to a manager you trust; they will assist you through this process.

## **E. What to Include in a Report**

Provide as much information as possible in the report, 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. Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted.

## **F. How and When Investigations will be Conducted**

Most investigations at the City of Prince Rupert will be conducted internally. In complex or sensitive situations, an external investigator might be hired.

Investigations will:

- be undertaken promptly and diligently, and be as thorough as necessary, given the circumstances;
- be fair and impartial, providing both the complainant and respondent equal treatment in evaluating the allegations;
- be sensitive to the interests of all parties involved, and maintain confidentiality;
- be focused on finding facts and evidence, including interviews of the complainant, respondent and any witnesses; and

- incorporate, where appropriate, any need or request from the complainant or respondent for assistance during the investigation process.

#### **G. What will be Included in the Investigation**

Investigations will include interviews with the alleged target, the alleged bully, and any witnesses. If the Complainant and the Respondent agree on what happened, then the City of Prince Rupert will not investigate any further, and will determine what corrective action to take, if necessary.

The investigator will also review any evidence, such as emails, handwritten notes, photographs, or physical evidence like vandalized objects.

#### **H. Investigation Roles and Responsibilities**

Human Resources is responsible for ensuring workplace investigation procedures are followed.

Workers are expected to cooperate with investigators and provide any details of incidents they have experienced or witnessed.

Human Resources will conduct investigations and provide a written report to the City manager with conclusions within two (2) weeks of the investigation.

If an external investigator is hired, they will conduct investigations and provide a written report with conclusions to Human Resources and the City Manager no later than four (4) weeks from start of the investigation.

#### **I. Follow-up**

The Respondent and Complainant will be advised of the investigation findings by Human Resources.

Following an investigation, Human Resources will review and revise workplace procedures to prevent any future bullying and harassment incidents in the workplace. Appropriate corrective actions will be taken within a reasonable time frame.

In appropriate circumstances workers may be referred to the City's benefit provider's employee assistance program or be encouraged to seek medical attention. See [section 13](#) titled **Employees Experiencing Adverse Symptoms**.

#### **J. Corrective Action**

In keeping with the Policy Statement (Section 2) of the City of Prince Rupert regarding bullying, harassment and violence, corrective action is intended to be appropriate to the situation. When determining appropriate corrective action, the following factors will 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.

Bullying, harassment and violence will not be tolerated at the City of Prince Rupert and can and will lead to termination.

#### **K. Record Keeping**

The City of Prince Rupert expects that workers will keep written accounts of incidents and submit with any complaints. The City of Prince Rupert will maintain a complete written record of the investigation, including the names of the parties involved (ie, 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 and summary.

If the complaint is substantiated, a record of the incident(s) and outcome(s), including any corrective action taken, will be kept in the Respondent's personnel file. If the complaint is unsubstantiated, there will be no record of the complaint kept in the Respondent's personnel file.

#### **10. Appeals**

Decisions from Human Resources or the City Manager under this policy are final. However, a decision made under this policy does not affect the rights of an individual to seek recourse through the Collective Agreement, if applicable, WorkSafeBC, or the Human Rights Tribunal.

#### **11. False Allegations**

The City recognizes that not every incident complained of will constitute bullying or harassment. Determining whether a particular action or incident occurred and/or constitutes bullying or harassment will depend on an evaluation of all the facts, surrounding circumstances and applicable legal principles. A Complainant reporting an event in good faith and reporting truthfully will not be subject to negative consequences if the behaviour complained of does not amount to bullying or harassment.

However, the City recognizes that false allegations can have serious detrimental effects on innocent parties. Where as a result of an investigation, it is determined that a complaint was malicious, frivolous, vexatious or deliberately misleading, disciplinary action, which may include immediate dismissal, will be taken against the Complainant.

## 12. Employees Experiencing Adverse Symptoms

Employees experiencing an adverse symptom as a result of bullying, harassment, discrimination or violence in the workplace should consult a physician for treatment or referral.

Adverse symptoms include:

- increased absenteeism due to disturbed sleep patterns, or a fear of going to work;
- a lack of productivity due to reduced concentration, confidence or morale;
- an increase in turnover as employees no longer want to work in the same place as the person who is bullying or harassing them;
- an increased likelihood of illness or injury due to stress;
- harmful eating (e.g. a loss of appetite, or overeating/bingeing);
- psychological effects that turn into physical symptoms (e.g. psychosomatic stomach pains or headaches);
- substance dependency issues (increased use of alcohol or drugs);
- feelings of shock, anger, frustration, vulnerability, etc;
- panic or anxiety;
- clinical depression (and possible suicidal thoughts).

Managers or supervisors or other City representatives to whom an employee reports an adverse symptom arising from bullying, harassment or violence in the workplace should advise the employee to consult a medical professional for treatment or referral.

## 13. Confidentiality and Access to Information

The City will not disclose any information about a bullying, harassment, or violence complaint, except as necessary to investigate the complaint or to take disciplinary action, or as required by law. The participants (the Complainant, the Respondent, and any witnesses) will also be expected to keep all matters relating to the complaint and the investigation strictly confidential.

## 14. Retaliation

This policy and its procedures seek to prevent and remedy workplace bullying, harassment, violence and discrimination. Any act of retaliation against a person who raises a concern under this policy is expressly forbidden and may result in interim measures such as suspension, or may result in progressive discipline up to and including dismissal.

## 15. Training Responsibility

The City of Prince Rupert will provide **annual training** on the following in regards to prevention of workplace bullying, harassment and violence. Employees will review:

- a) the Respectful Workplace Policy which includes the City's policy statement on the matter;

- b) how to report incidents or complaints of workplace bullying, harassment and violence, including how, when and to whom a worker should report incidents and complaints. Also, what to do when your supervisor or manager is the alleged bully or harasser;
- c) how and when investigations will be conducted;
- d) roles and responsibilities of employers, supervisors, workers and others;
- e) what the follow-up to the investigation looks like;
- f) recognizing bullying, harassment, and violence in the workplace;
- g) record keeping requirements;
- h) how to respond to bullying and harassment;
- i) supervisors/managers are adequately trained on how to respond to and investigate reports of bullying, harassment, or violence; and,
- j) supervisors/managers are adequately trained on how to provide support for employees who may suffer from adverse symptoms as a result of bullying, harassment or violence in the workplace.

**16. Acknowledgement and Agreement**

I, \_\_\_\_\_, acknowledge that I have read, understood and agree to the *Respectful Workplace Policy* of the City of Prince Rupert. I agree to adhere to this policy and will ensure that employees working under my direction adhere to this policy. I understand that if I violate the rules of this policy, I may face disciplinary action, up to and including termination of employment.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor