



AC20

RESPECTFUL WORKPLACE

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POLICY

1. The Delta Police Department (“Department”) believes that every individual has the right to a work environment where they are treated with dignity and respect and has a responsibility to treat others the same way.
2. This policy applies to all employees, volunteers and persons contracted to work with the Department. These individuals have a responsibility to maintain a workplace that is free from discrimination and bullying and harassment by treating others with dignity and respect.
3. Workplace leaders have an added responsibility to intervene when they are aware or made aware that discrimination or bullying and harassment is occurring, whether or not a complaint is made.
4. The Department does not tolerate or condone discrimination or bullying and harassment in the workplace. The ultimate goal of this policy is to promote a workplace free from discrimination and bullying and harassment, correct inappropriate behaviour at the earliest stage, and maintain a positive, productive, healthy and respectful work environment.

RELATED POLICIES

AC40 Restoring Performance Standards
AC42 Internal Discipline Rules

REASON FOR POLICY

5. To ensure that all individuals who work within the Department are treated with dignity, free from discrimination and bullying and harassment, and supported in resolving workplace disputes.



6. To define conduct that is prohibited and set out the expectations of the Department. This policy also sets out the procedure with respect to reporting and resolving discrimination and bullying and harassment complaints.
7. To distinguish between acceptable supervisory practices and prohibited conduct.

Definitions and Examples

8. For the purpose of this policy, the following definitions will apply:

Bullying and Harassment:

According to WorkSafeBC's policies, "**bullying and harassment**":

- a) 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
- b) excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

Examples of behaviour that may constitute bullying and harassment under this policy include but are not limited to:

- a) verbal aggression or insults;
- b) derogatory name-calling;
- c) harmful hazing or initiation practices;
- d) vandalizing a person's belongings or work equipment;
- e) spreading malicious rumours;
- f) targeting a person for social isolation;
- g) cyber bullying; or
- h) humiliation.

Discrimination:

"**Discrimination**" means differential behaviour directed against another person relating to personal characteristics of an individual or group with respect to any protected ground under the British Columbia *Human Rights Code* that (i) treats an individual or group negatively; or (ii) imposes burdens or limits access to opportunities on an individual or group.

The protected grounds under the *BC Human Rights Code* are:



- a) race;
- b) colour;
- c) ancestry;
- d) religion;
- e) place of origin;
- f) political belief;
- g) marital status;
- h) family status;
- i) sex;
- j) physical or mental disability;
- k) sexual orientation;
- l) age; or
- m) criminal or summary conviction offence that is unrelated to the employment of that person.

Examples of behaviour that may constitute discrimination under this policy include but are not limited to:

- a) racial or ethnic slurs including racially derogatory nicknames;
- b) unwelcome remarks, jokes, innuendos or taunting about a person's body, age, marital status, gender, ethnic or racial origin, religion, accent, or disabilities; or
- c) patronizing behaviour, language or terminology that reinforces stereotypes and undermines self-respect or adversely impacts working conditions or performance.

Sexual Harassment:

Sexual harassment is a form of discrimination. “**Sexual harassment**” means unwanted or unwelcome conduct of a sexual nature, either verbal or physical, that interferes with a person's work or job opportunities.

Examples of behaviour that may constitute sexual harassment under this policy include but are not limited to:

- a) sexist jokes causing embarrassment or offence;
- b) leering;
- c) display or circulation of material of a sexually explicit nature;
- d) derogatory or degrading remarks directed towards members of one sex or one sexual orientation;
- e) unwanted touching;



- f) demanding sexual favours; or
- g) sexual assault.

Intent does not determine whether behaviour amounts to discrimination or bullying and harassment. A person cannot excuse behaviour by saying he or she did not intend the behaviour to contravene this policy.

Examples of behaviour that would not constitute bullying and harassment or discrimination under this policy include but are not limited to:

- a) appropriate supervision and performance management including performance evaluations and disciplinary measures;
- b) normal and acceptable social contact between employees; or
- c) relations between employees based on mutual consent.

Workplace:

“**Workplace**” is any location at which the business of the Department is conducted including buildings, grounds, vehicles and non-Departmental spaces where Department employees, volunteers and clients are gathered under the auspices of the Department. Work related social functions, travel, courses, telephone conversations, written communications, voice mail and electronic communications are also covered by this policy.

Complainant:

“**Complainant**” is the individual who has brought forward or filed a complaint under this policy. A Complainant may be directly affected by the behaviour or may be a witness to the behaviour.

Respondent:

“**Respondent**” is the individual who is alleged to have violated this policy.

Investigator:

“**Investigator**” is the individual assigned to investigate and resolve formal complaints made under this policy.



Workplace Leaders:

“**Workplace Leaders**” are Executive Officers, Supervisors, Managers, Union and Association Executive Leaders.

PROCEDURES

Guideline

Responsibilities

9. Employees, volunteers and contractors:
 - a) are expected to have a clear understanding of this policy and their rights and responsibilities;
 - b) are responsible for conducting themselves in a professional non-discriminatory manner within the workplace and for treating others with dignity and respect;
 - c) have the right to be treated fairly and respectfully in the workplace;
 - d) are expected to address behaviour that is inconsistent with this policy by taking appropriate action; and
 - e) are expected to report any conduct inconsistent with this policy.

10. Workplace leaders are expected to foster a respectful workplace by:
 - a) modeling appropriate behaviour in the workplace;
 - b) taking appropriate and timely action if they observe or are made aware of discrimination or bullying and harassment in the workplace, whether or not a complaint has been made;
 - c) preventing discrimination or bullying and harassment by creating a respectful workplace environment; and
 - d) seeking advice and assistance from their manager or Human Resources where appropriate.



11. The Administration Branch will:
- a) formally communicate the intent and procedures of the policy to all existing and new employees and volunteers working within the Department;
 - b) provide support for the policy by way of education and referral;
 - c) assist or conduct investigations of complaints and advise on appropriate administrative response; and
 - d) advise the Complainant and Respondent of the final disposition of a complaint.

Confidentiality

12. In order to protect the interests of the individuals involved and to improve the chances of a successful resolution, confidentiality will be maintained throughout the informal and formal resolution process to the extent practicable and appropriate. Information will only be disclosed to the extent required for: the purpose of investigation or disciplinary action; by Department policy or procedures; or by law.
13. Complainants, Respondents and witnesses must maintain confidentiality concerning complaints or incidents of discrimination or bullying and harassment and breaches of confidentiality may be subject to disciplinary action.
14. The Office of the Police Complaint Commissioner may be informed of a complaint under this policy when appropriate and in accordance with the British Columbia *Police Act*.
15. The Inspector of Human Resources and Administration will inform the Chief Constable of complaints made against members under this policy so that reporting to the Office of the Police Complaint Commissioner may occur as applicable and as required under the Internal Discipline Rules.

Resolution of Complaints

16. This policy does not preclude individuals from pursuing resolution of a complaint through the grievance procedure of a collective agreement or under the British Columbia *Police Act* or *Human Rights Code*. However, if a complainant chooses to proceed in an alternate forum, the Chief Constable, or delegate, may, at his/her discretion, decline to proceed under this policy.



Informal Resolution Process

17. Employees or volunteers are encouraged to resolve disputes at an early stage. If comfortable doing so, the Complainant is encouraged to communicate directly with the Respondent in a reasonable and appropriate manner that the offending behaviour is objectionable and unwelcome and ask the Respondent to stop.
18. While this is often the simplest and most effective way to stop discrimination or bullying and harassment, a Complainant is not obliged to approach a Respondent. If the Complainant is unwilling or unable to directly approach the Respondent, or if the offending behaviour continues after communication, the Complainant should report the offending behaviour to his or her supervisor, manager, or Human Resources to obtain assistance in resolving the situation informally. Resolution may be attempted through mediation or assisted discussion. The supervisor or manager will inform Human Resources of the situation, actions and outcome.
19. If the Complainant is not comfortable with the informal resolution process, he or she may proceed directly with the formal investigation process.

Formal Investigation Process

20. Any Employee, Volunteer or Contractor who believes that he or she is being discriminated against, bullied or harassed (or witnessed same), may file a formal complaint in writing against the alleged perpetrator with the Inspector or Staff Sergeant of Human Resources and Administration. Where the alleged perpetrator is the Chief Constable or a Deputy Chief Constable, the formal complaint is to be filed directly with the Chair of the Police Board.
21. A Complainant may, at any time, withdraw his/her formal complaint, allowing the complaint to be informally resolved.
22. Notwithstanding anything in this policy, the Department retains the right to initiate or continue any investigation of a workplace discrimination and/or bullying and harassment allegation where the Department believes it is in the best interests of the Department and/or the parties to further the investigation.
23. Investigations of workplace discrimination, bullying and harassment complaints differ from criminal investigations. While there are workplace discrimination, bullying and harassment incidents that may also involve criminal acts, it is important that, where a Complainant proceeds with the formal investigation



- process, the Department utilize an Investigator who is familiar with labour law, workplace discrimination, bullying and harassment matters and related statutes, including the *Police Act* and *Workers Compensation Act*.
24. The Department will appoint a suitable Investigator, who may be from outside of the Department, to conduct an investigation into the complaint. Appointment of the Investigator must be in compliance with provisions of the Internal Discipline Rules.
 25. All formal written complaints will:
 - a) identify the name and position of the Complainant;
 - b) identify the name and position of the Respondent;
 - c) list the prohibited grounds of discrimination (if any); and
 - d) include a brief description of the key incidents that constitute the substance of the complaint.
 26. The Investigator will conduct an interview with the Complainant that will include:
 - a) a review of the Complainant's evidence;
 - b) a review of relevant documents;
 - c) the identification of witnesses; and
 - d) the outcome sought by the Complainant.
 27. The Investigator will conduct an interview with the Respondent that will include:
 - a) a review of the Respondent's evidence;
 - b) a review of relevant documents; and
 - c) identification of witnesses.
 28. The Investigator will conduct an interview with any relevant witnesses.
 29. If information is obtained from witnesses, the Complainant, or the Respondent, that is material and conflicting, the Investigator will provide the Complainant and the Respondent an opportunity to respond to the information.
 30. The Investigator will prepare a report detailing:
 - a) the evidence of the Complainant, the Respondent and any witnesses;
 - b) the Investigator's assessment of credibility if necessary;
 - c) the Investigator's findings of fact; and



- d) the Investigator's conclusion as to whether the findings of fact constitute a violation of the Respectful Workplace Policy.
31. A copy of the report will be forwarded through the Inspector or Staff Sergeant of Human Resources and Administration to the Chief Constable or designate (or to the Police Board where applicable) who will review the Investigator's report and:
- a) determine whether disciplinary and/or corrective action should be taken; and
 - b) notify the Office of the Police Complaint Commissioner where applicable.
32. Any disciplinary action will be carried out in accordance with the Collective Agreement, Internal Discipline Rules, and Restoring Professional Standards Policy, and will be recorded in writing.

Mediation

33. With the consent of the Complainant, Respondent and the Inspector or Staff Sergeant of Human Resources and Administration, the Investigator may mediate the complaint. If the complaint is resolved the Investigator will prepare a settlement agreement in writing describing the terms of the resolution. All parties involved in the dispute will sign the resolution, a copy of which will be provided to the Complainant, the Respondent and the Inspector or Staff Sergeant of Human Resources and Administration. A copy may be placed on the personnel files of both the Complainant and the Respondent. The Inspector or Staff Sergeant of Human Resources and Administration will monitor the implementation of the resolution, if appropriate.

Police Act

34. Where a complaint may constitute misconduct under the *Police Act*, the complaint must be handled in accordance with Part 11 of the *Police Act*.
35. In the event of inconsistency between this policy and the *Police Act*, the *Police Act* will govern.

Records

36. A secure and separate filing system will be maintained by the Inspector or Staff Sergeant of Human Resources and Administration (or such other person or location as so designated by the Chief Constable or by policy) for complaints made pursuant to this Respectful Workplace Policy.



Rights of Complainant and Respondent

37. A Complainant has the right to:

- a) receive fair treatment;
- b) have his or her complaint dealt with in a timely fashion;
- c) obtain a review of his or her complaint without fear of embarrassment or reprisal;
- d) be accompanied by a person of his or her choice for support during any proceedings relating to the complaint, provided that no costs are incurred by the Department;
- e) be represented throughout the complaint process by a Union representative where applicable; and
- f) be provided with a written summary of the findings at the conclusion of the investigation of a formal written complaint.

38. A Respondent has the right to:

- a) receive fair treatment;
- b) be informed as soon as is practicable that a complaint has been made about him or her;
- c) be provided with a summary of the allegations and be given an opportunity to respond to them;
- d) be accompanied by a person of his or her choice for support during any proceedings relating to the complaint, provided that no costs are incurred by the Department;
- e) be represented throughout the complaint process by a Union representative where applicable; and
- f) be provided with a written summary of the findings at the conclusion of the investigation of a formal written complaint.

Violation of Policy

39. Any employee who violates this Policy is subject to disciplinary action or corrective action up to and including termination of employment.

40. Any volunteer or contractor who violates this Policy may have their services terminated.

41. If a complaint is made in bad faith or for vexatious or malicious motives, corrective or disciplinary action may be taken against the Complainant.



Retaliation

42. Retaliation is a serious disciplinary offence and will not be tolerated. Retaliation, threats or intimidation against any individual who has filed a complaint in good faith or has been named as a Respondent or witness in a complaint will not be tolerated and may result in corrective or disciplinary action up to and including dismissal or termination of the contract or volunteer appointment.