



# District of Lantzville

Incorporated June 2003

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**Policy No.: 5005-2**

**Date of Implementation: July 14, 2014**

**Council Resolution: C14-120**

## *Respectful Workplace (Bullying & Harassment) Policy*

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The District of Lantzville respects the rights and interests of all individuals and is committed to providing a working environment free of bullying and harassment. The District will make every reasonable effort to ensure that no Council member, District officer, employee or volunteer is subjected to either bullying or harassment and will consider complaints of bullying and harassment to be serious.

The District will take disciplinary measures, corrective action, or any other appropriate action as is deemed necessary and as outlined in this Policy against any person who is found to have bullied or harassed another.

### **Purpose:**

To affirm the District's commitment to providing a workplace free of bullying and harassment; to comply with the Occupational Health and Safety Policies under sections 115, 116 and 117 of the *Workers Compensation Act*, R.S.B.C. 1996, c. 492, as amended from time to time; to comply with the principles of the Human Rights Code, R.S.B.C. 1996, c. 210, as amended from time to time (the "Human Rights Code"); and to make all reasonable efforts to avoid bullying and harassment in the workplace from occurring.

### **Procedure:**

#### 1. Responsibilities:

- 1.1 Council members, District officers, employees and volunteers all have a responsibility to be proactive to ensure that the workplace remains free from bullying and harassment. They must ensure that bullying and harassment is not allowed, condoned or ignored and while they may not be party to bullying or harassment, there may be grounds for independent discipline should they fail to deal with complaints or take corrective action once they have knowledge of bullying or harassment. Those in positions of authority can often be the first contact for those seeking assistance with bullying and harassment concerns and have an added responsibility for preventing its recurrence and escalation.
- 1.2 Council members, District officers, employees and volunteers must strive to have a clear understanding of what constitutes bullying and harassment and what

their responsibilities are, as well have an awareness of the District's processes to prevent, educate and deal with bullying and harassment of all forms.

- 1.3 If an individual feels that he or she has been subject to bullying or harassment, and is comfortable discussing the issue directly with the perpetrator of the bullying or harassment, he or she should tell the perpetrator that the behaviour is unwelcome and request that it stop immediately.
  - 1.4 If an individual is unable to talk to the perpetrator about the behaviour, or if after confronting the perpetrator the behaviour persists, the individual should involve an advisor, who may be his or her supervisor or the Chief Administrative Officer. Further information on making inquiries and dispute resolution are outlined in the *District's Complaint Resolution Policy*.
2. Scope of the Policy
- 2.1 This Policy covers bullying and harassment complaints based on the prohibited or protected grounds that are considered discriminatory and specified in the *Human Rights Code*.
  - 2.2 This Policy also covers bullying and harassment complaints that are not based on the prohibited or protected grounds set out in the *Human Rights Code*, but which are based on other forms of mistreatment, including verbal aggression or insults, calling someone derogatory names, harmful hazing or initiation practices, vandalizing personal belongings, and spreading malicious rumours. Bullying and harassment will be considered to have taken place if a reasonable person knew such behaviour was objectionable or unwelcome or if a reasonable person ought to have known the conduct would cause that worker to be humiliated or intimidated.
  - 2.3 This Policy does not cover legitimate job related action performed in good faith and in a non-discriminatory manner by District officers, directors, managers and supervisors, which may include work direction or assignment, performance appraisal, attendance monitoring and implementation of disciplinary or other corrective actions.
  - 2.4 This Policy is not meant to inhibit interactions or relations based on mutual consent or normal and acceptable social contact and banter. While this Policy is not intended to curtail such behaviour, such normal interaction can generally be distinguished from bullying and harassment on the basis that it is consensual, mutual and that it was neither intended nor did it actually involve any form of humiliation, intimidation or reprisal.
3. Application of Policy
- 3.1 This Policy applies to all complaints made by workers of alleged bullying and harassment by any person, including Council members, District officers,

employees or volunteers, as well as members of the public or any other person a worker comes into contact with in the course of performing his or her job or official functions. This Policy applies to bullying and harassment that is work related whether it occurs at the workplace itself and includes, without limitation, job related travel and job related social functions.

#### 4. Definitions

4.1 ***District officer*** includes the Chief Administrative Officer, Financial Officers, Corporate Officer and other officers appointed by Council pursuant to the Community Charter, S.B.C. 2003, c.26, as amended from time to time.

4.2 ***District employee*** includes managers, supervisors, and union and non-union staff employed by the District.

4.3 ***Bullying and Harassment includes:***

a. any unwelcome or objectionable conduct or comment that would be considered discriminatory under the Human Rights Code, if the conduct or comment was in respect of any of the following prohibited grounds:

- race
- conviction for an offence
- colour
- ancestry
- physical disability
- place of origin (birthplace)
- mental disability
- political belief
- sex
- religion
- age (19 to 65 years)
- marital status
- sexual orientation
- family status

b. Sexual Harassment; and

c. any other unwelcome or objectionable conduct or comments 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, including verbal aggression or insults, calling someone derogatory names, harmful hazing or initiation practices, vandalizing personal belongings, and spreading malicious rumours.

4.4 ***Sexual harassment*** is any verbal, written or physical conduct, comment, gesture or contact of a sexual nature that may cause offence or humiliation or that might reasonably be perceived by a worker as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

Examples of sexual harassment may include but are not limited to:

- unwelcome remarks, questions, jokes, innuendo or taunting, about a person's body or sex, including sexist comments or sexual invitations
- verbal abuse and threats of a sexual nature
- leering, staring or making sexual gestures
- display of pornographic or other sexual materials in the form of degrading pictures, graffiti, cartoons or sayings
- unwanted physical contact such as touching, patting, pinching, hugging
- intimidation, threat or actual physical assault of a sexual nature
- sexual advances with actual or implied work related consequences

NOTE: *While it may not be a harasser's intention for personal or sexual harassment to occur, the intent of a harasser may be an irrelevant factor in a consideration of whether harassment has or has not occurred.*

- 4.5 **Volunteer** means a person serving the District of Lantzville who is not a Council member or District officer or employee and includes a person serving on any board, commission or committee established by the District.
- 4.6 **Worker** includes, for the purposes of this Policy, Council members, District officers, District employees, and volunteers.
- 4.7 **Workplace** includes, but is not limited to, work sites such as the Municipal Hall, Operations Centre, Fire Hall, parks locations and buildings, and construction or maintenance sites, business related social functions, work locations away from the office, work related conferences and training sessions, work related travel, telephone conversations, voice mail and electronic messaging.

## 5. **Complaint Resolution Procedures**

- 5.1 A worker who believes he or she is the victim of bullying or harassment should refer to the *Complaint Resolution Policy* for guidance on making inquiries or initiating complaints. This *Complaint Resolution Policy* has been established as a basis for dealing with complaints under this *Respectful Workplace Policy*.
- 5.2 A Council member, District officer, employee or volunteer who knowingly makes a false, frivolous, bad faith or malicious report under this Policy may be subject to discipline.
- 5.3 A Council member, District officer, employee or volunteer who retaliates against a worker who has made a report under this Policy may be subject to discipline.

## 6. **Training and Education**

- 6.1 The Corporate Administration Department, as part of staff training, will take steps to provide education to Council members, new and existing District officers and employees, and volunteers on the Bullying and Harassment Policy and how to prevent bullying and harassment from occurring in the workplace.

- 6.2 The Corporate Administration Department will ensure that the necessary training has been provided to those involved in the investigative process and that they are made aware of their role and responsibilities.
  - 6.3 Once a complaint has been investigated in accordance with the complaint resolution procedures, and it has been confirmed that bullying or harassment occurred, the Chief Administrative Officer will determine if any additional training or education is required for the involved parties or if meetings with the affected parties are necessary.
  - 6.4 Where a complaint has become public or reported in the press, a meeting will be held to ensure that all parties involved or affected are aware of their responsibilities, the Bullying and Harassment Policy, and those reprisals to either party will not be tolerated. Reprisals will be considered to be harassment and disciplinary action will be taken.
7. General
- 7.1 This policy will be posted in visible and accessible locations within the Municipal Hall and on the District's website.
  - 7.2 In the event that any portion of this policy is inconsistent with a binding District collective agreement or federal or provincial legislation, that portion and only that portion of this policy will have no application to the extent of that inconsistency and all other portions of the policy will continue in full force and effect.
  - 7.3 This policy is to be read in conjunction with other applicable District policies or employee handbooks as they are amended from time to time.
  - 7.4 Any questions related to the interpretation of this policy should be directed to the Corporate Administration Department.