



## Human Resources Policy & Procedure Manual

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**Subject: Respectful Workplace**

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### 1.0 PURPOSE

- 1.1 To address the various elements that contribute to the creation, development, and/or sustainment of a respectful workplace, including, but not limited to, raising awareness as to appropriate conduct, addressing and/or preventing bullying, discrimination, harassment, and/or workplace incivility.
- 1.2 To outline the procedures to report, investigate, and resolve related concerns.
- 1.3 To clarify that this Policy is not intended to include conduct that a reasonable person would find to be welcome or neutral, including, but not limited to, social invitations, mutually consensual relationships, or other appropriate workplace interactions.
- 1.4 To specify that this policy is in addition to, and not in substitution for, rights all individuals have under the *British Columbia Human Rights Code*, or that workers have under the *Workers' Compensation Act* or provisions of the *Collective Agreement*.

### 2.0 SCOPE

- 2.1 This policy applies to all individuals who may interact with Sunshine Coast Regional District (SCRD) staff in the workplace and at activities where a work relationship exists, including, but not limited to, exempt employees, elected officials or alternates, unionized employees, students, volunteers, contractors or other service providers engaged by the SCRD, and to members of the general public.

### 3.0 POLICY

- 3.1 The SCRD recognizes the obligation to have a respectful workplace that is free of bullying, discrimination, harassment, and incivility. All individuals are responsible for their own personal conduct and are expected to behave in a professional, respectful manner in the workplace and at activities where a work relationship exists.
- 3.2 The SCRD does not tolerate bullying, discrimination, harassment, or workplace incivility, nor will the SCRD tolerate any false complaints or complaints made in bad faith, or any reprisals towards those who report a concern or file a complaint in good faith.

### 4.0 DEFINITIONS

- a. **Bullying and Harassment** - means a person's persistent use of inappropriate comment or conduct which gradually undermines a worker's self-esteem and confidence where the person either knew or reasonably ought to have known would cause humiliation or intimidation. Bullying and harassment excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment. Bullying and harassment includes, but is not limited to:

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- i. Any objectionable comment, act or display that demeans, belittles, compromises or causes personal humiliation or embarrassment and any act of intimidation or threat.
- ii. Actions or comments that are directed at no person in particular but that create an intimidating, demeaning or offensive work environment.
- b. **Cyber-bullying** – means engaging in bullying via the use of electronic technology such as, but not limited to, cell phones, tablets, computers, as well as communication tools such as social media, chats, websites, and text messages.
- c. **Discrimination** – is illegal and includes any comments or conduct that would constitute a contravention of the BC Human Rights Code. This Code currently protects against discrimination based on race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or that group or class of persons.
- d. **Discriminatory harassment** - is illegal and is based on a violation of the BC Human Rights Code that a reasonable person would understand to be unwelcome and that detrimentally affects the work environment or leads to adverse job-related consequences towards the target.
- e. **Sexual harassment** - is illegal and is a form of discriminatory harassment that may include, but is not limited to, the following actions and/or behaviours:
  - i. Unwanted and/or unwelcome sexual advances or attention such as remarks about appearance, conduct or personal life.
  - ii. Display of offensive or pornographic pictures, objects or written material.
  - iii. Requests for sexual favours, persistent unwelcome invitations.
  - iv. Comments made by e-mail, voice mail, or fax, or other conduct, comment, gesture or unwelcome behaviour of a sexual nature that is likely to cause offense or humiliation to an employee.
- f. **Workplace Incivility** – means behaviours that may lack clear, harmful intent but are considered to be discourteous, impolite, abrasive, rude, or otherwise consisting of a lack of regard for others.

### 5.0 RESPONSIBILITIES

- 5.1 All individuals must conduct themselves appropriately and are expected to interact with others in a civil manner that must be free of bullying, harassment, and/or discrimination.

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- 5.2 Any individual who experiences and/or witnesses behaviour that would reasonably constitute a policy violation is to address such behaviour as appropriate, such as by speaking directly to the individual(s) involved, and/or reporting the behaviour to the Human Resources (HR) Department, or, if preferred, to any member of the Senior Leadership Team.
- 5.3 In all public or closed meetings, when SCRD staff are present, while the Chair is responsible for ensuring the meeting is conducted in a respectful manner, the Chief Administrative Officer (CAO) or most senior staff person present may need to exercise judgment as to how to further address the matter.

### **6.0 PROCEDURE**

- 6.1 If comfortable doing so, individuals are encouraged to speak with the other person as soon as possible, describe the behaviours or actions that were considered to be inappropriate, outline that the conduct was and is unwelcome, that it should cease immediately, and seek an understanding that it is not to be repeated.
- 6.2 If the individual is not comfortable addressing directly with the other person, or, if the matter was unable to be satisfactorily addressed through such a discussion, the matter should be reported as soon as possible verbally or in writing.
- 6.3 Employees in the bargaining unit, who wish to do so, may either pursue a complaint under this policy or seek to initiate a grievance as outlined in the collective agreement. Employees also have the option of pursuing allegations of discrimination through the Human Rights Tribunal, or pursuing claims of disability attributed to workplace bullying and harassment to WorkSafeBC.
- 6.4 All complaints of a violation of this policy will be taken seriously, addressed as promptly as possible, and every reasonable effort will be made to maintain confidentiality throughout the process.
- 6.5 A complaint may be made to any manager verbally or in writing by the person (the "Complainant") who directly experienced or witnessed the behaviour. If the Complainant is a member of the bargaining unit, s/he is welcome to invite a Union Representative to be present while reporting the matter.
- 6.6 If reported verbally, a manager receiving the complaint will fill out the designated complaint form and is duty bound to follow through in ensuring the complaint is addressed. If reported in writing, the Complainant will fill out the designated complaint form.
- 6.7 Once a complaint form has been completed, it is to be submitted to the HR Department directly or via any Senior Leadership Team (SLT) member. Upon receipt in HR, a decision will be made as to the most effective way to address the matter and that may

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include, but is not limited to, an intervention, investigation, and/or involvement of an external resource. The SCRD reserves the right to investigate matters whether or not a complaint has been made.

- 6.8 The person(s) identified in the complaint (the “Respondent”) will be advised as to the general nature of the complaint that has been received and will be provided with the opportunity to respond.
- 6.9 Any complaint, once initiated and unless retracted, will conclude with a finding as to whether or not a policy violation occurred. If the matter has been addressed via an investigation, relevant findings and recommendations will be communicated to the Complainant and Respondent by the Human Resources Department or Senior Leadership Team designate.
- 6.10 In circumstances involving findings of disrespectful behaviour at a public or closed meeting, the CAO may also report the matter to the SCRD Board at a closed meeting with an explanation as to the reasons for the decision and outline what steps may be recommended to resolve the matter and prevent any future occurrence.
- 6.11 Where a complaint of a violation of this policy is substantiated, those found to have been involved in the inappropriate action(s) or behaviour(s), may be subject to corrective or disciplinary action, up to and including termination.
- 6.12 Any person who is found to have made a vexatious complaint or a complaint in bad faith, or any person who engages in retaliatory action towards anyone who made a complaint in good faith, may be subject to corrective or disciplinary action, up to and including termination.

### **7.0 REMEDIAL OR DISCIPLINARY MEASURES**

- 7.1 Any breach of this policy by an employee may result in remedial measures or disciplinary action up to and including verbal or written reprimand, suspension, termination of employment, or legal prosecution, depending on the severity of the infraction.
- 7.2 In situations where the findings are clear that there was no intent for an individual to offend the other person, and where there is genuine remorse and accountability, a remedial approach to resolving the disrespectful conduct may be utilized. Such measures may include coaching, attendance at training seminars, seeking and obtaining a commitment to stop the offending behaviour, and act respectfully with all persons.
- 7.3 Any breach of this policy by a contractor/consultant/visitor may result in being banned from the premises, withdrawal of privileges, and/or the cancellation of any existing contractual arrangements, and may also include the potential for legal prosecution.

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### Materials Required

- **Respectful Workplace Policy Complaint Form**

### REFERENCES

- *SCRD / Unifor Local 466 Collective Agreement*
- *SCRD Policy # III-10 - Conflict of Interest*
- *SCRD Policy # III-11- Code of Conduct*
- *SCRD Policy # III-30 - Personal Use of SCRD Property*
- *BC Human Rights Code*
- *Workers' Compensation Act*

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I acknowledge that I have received and reviewed a copy of the Respectful Workplace Policy.

SIGNATURE: \_\_\_\_\_

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

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Once signed, a copy of this page is to be forwarded to the Human Resources Department for placement in the personnel file.

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