

DISTRICT OF FORT ST. JAMES
POLICY AND PROCEDURE MANUAL

	POLICY / PROCEDURE	No.	4.10
	Respectful Workplace	Effective Date	2020-08-11
		Revision Letter	B
		Council Approval	2020-14-41

1.0 POLICY

The District of Fort St. James welcomes diversity and is committed to ensure that all staff and Council members will be treated in a fair and respectful manner. Bullying and harassment are not acceptable or tolerated in the workplace. All incidents must be reported and investigated immediately.

2.0 Purpose

The purpose of this policy and program is to assist in developing a working environment in which harassment and bullying are known to be unacceptable and where individuals have the confidence to complain about harassment and bullying, should it arise, in the knowledge that their concerns will be dealt with appropriately and fairly. The Program outlines procedures to be followed by District of Fort St. James if a member of staff or Council feels they are being harassed or bullied in the course of their work or as a result of their employment.

The B.C. Human Rights Code protects us from harassment. The Criminal Code protects us from verbal, physical and sexual assault. You have a right to live and work without being harassed, and if you are harassed, you can do something about it.

3.0 Scope

This program applies to all District of Fort St. James employees and members of Council (as defined in this policy). It applies to face-to-face and electronic communications, such as email or social media. For certainty, this policy shall conform to the requirements of the collective agreement.

4.0 CONFIDENTIALITY

Any complaints under this policy will be kept confidential by all parties. No employee will disclose any information about a complaint except as necessary to investigate the complaint or to take disciplinary action, or as required by law.

5.0 DEFINITIONS

Bullying/Harassment:

“Bullying” and “harassment” are used interchangeably in this policy.

Any inappropriate conduct or comment by a person towards an employee that the person knew or reasonably ought to have known would cause that employee to be humiliated or intimidated. It can take place between co-workers, between a manager and employee, between people of the opposite sex or of the same sex, between an employee and a member of the public, or between an employee and a job applicant.

Bullying and harassing behavior can include (but is not limited to):

- Verbal aggression, insults or threats
- Humiliating initiation practices or hazing
- Spreading malicious rumors
- Calling someone derogatory names
- Vandalizing personal belongings
- Isolation and/or exclusion from work-related activities
- unwelcome remarks, slurs, jokes, taunts, or suggestions about a person’s body, clothing, race, colour, place of origin, religion, age, marital status, family status, physical or mental disability, sex, sexual orientation, political belief, or criminal or summary conviction offence unrelated to employment;
- unwelcome sexual remarks, invitations, or requests (including persistent, unwanted contact after the end of a relationship);
- displays of sexually explicit, sexist, racist, or other offensive or derogatory material;
- written or verbal abuse or threats;
- practical jokes that embarrass or insult someone;
- leering (suggestive staring) or other offensive gestures;
- unwelcome physical contact, such as patting, touching, pinching, hitting;
- patronizing or condescending behaviour;
- humiliating an employee in front of co-workers;
- vandalism of personal property
- physical or sexual assault.

Bullying and harassing behavior does not include:

- Expressing differences in opinion
- Offering constructive feedback, guidance or advice about work-related behavior
- Reasonable action taken by an employer or supervisor relating to the management and direction of employees or the place of employment (e.g., managing an employee’s performance, taking reasonable disciplinary actions, assigning work)
- Consensual banter
- Romantic relationships, where the people involved agree with what’s happening.

Complainant

Someone who makes a complaint or files a formal objection

Employee

For the purposes of this Program, employee means any permanent, temporary, casual, contract, volunteer and student employee, and includes supervisors.

External Investigator

Someone outside the organization hired to investigate an incident

Respondent

One who responds or is in the position to defend their position

Supervisor

An employee who instructs, directs and controls other employees in the performance of their duties. This could be a Department Head, Chief Administrative Officer, Foreman, or Leadhand.

Target

Person who is the focus of bullying/harassment

Workplace

Workplace is not confined to the offices and buildings where business of the District of Fort St. James is being carried out. Harassment can occur during or after working hours, on or off District of Fort St. James property. Harassment can occur during business travel, work-related social gatherings, through internet communications, or any other locations where the prohibited conduct may have a subsequent impact on the work relationship, environment or performance of any employee.

6.0 RESPONSIBILITIES

All Employees

- Not engage in bullying or harassment of other employees.
- Treat each other with respect
- Speak up if they or someone else is being harassed
- Report bullying and harassment observed or experienced in the workplace
- Complete appropriate forms to document any incidents of bullying or harassment
- Respect the confidentiality of anyone involved in a harassment complaint
- Do not make complaints in bad faith (deliberately malicious complaints with absolutely no basis). In such an instance, the complainant may be subject to the same penalties as a bully.
- Do not retaliate in any way against a person who has been involved in a harassment complaint. An employee found to have taken retaliation may be subject to the same penalties as a bully.

Supervisors

- Set an example for appropriate workplace behaviour, and deal with situations of harassment immediately upon becoming aware of them, whether or not there has been a complaint
- Inform and train employees on this program

- Take steps to prevent bullying and harassment
- Ensure time and resources are available to conduct training, investigations, etc.
- Complete all appropriate forms to document any incidents of bullying or harassment
- Assist in the investigation of any incidents of bullying or harassment where necessary or required
- Act upon all complaints and ensure that they are resolved quickly, confidentially, and fairly.

Investigators

- Gather all required information to conduct a full and comprehensive investigation
- Complete investigations free of bias
- Provide follow up and recommendations to assist in eliminating reoccurrence.

Council

- Provide support and direction to the Chief Administrative Officer when requested
- Receive and investigate complaints concerning bullying/harassing behaviour by the Chief Administrative Officer
- Receive and investigate appeals of decisions made by the Chief Administrative Officer
- Appoint a primary and an alternate to receive complaints of bullying and harassment against the Chief Administrative Officer or a member of Council.

DISTRICT OF FORT ST. JAMES WORKPLACE BULLYING AND HARASSMENT PROGRAM

This program includes:

- 1.0 Procedures for reporting incidents of bullying/harassment (COMPLAINANT)
- 2.0 Procedures for investigating incidents of bullying/harassment (EMPLOYER)
- 3.0 Appeal Procedure
- 4.0 Training
- 5.0 Record Keeping
- 6.0 Annual Review

1. Procedure FOR REPORTING INCIDENTS OF BULLYING/ HARASSMENT (COMPLAINANT)

- 1.1. If you believe you are being bullied or harassed, record all unwelcome behaviour; write down what has happened, when, where, how often, who else was present, and how you felt about it. Speak up right away. If possible, tell the person that you are not comfortable with their behaviour, and want it to stop.
- 1.2. If you are not comfortable speaking to the person, or if the person does not discontinue the behaviour, report incidents of bullying/harassment immediately to your immediate supervisor, verbally and in writing. A Workplace Bullying and Harassment Complaint Form (Schedule A) is to be completed.
- 1.3. Incidents may be submitted to the employees supervisor.
- 1.4. Where the supervisor is the alleged bully, you must report the incident to the Department Head or Chief Administrative Officer (and/or other designate)
- 1.5. Where the Chief Administrative Officer is the alleged bully, the designated Council member will receive the complaint.
- 1.6. Where a member of Council is the alleged bully, the Chief Administrative Officer shall receive the complaint and provide it to the designated member of Council or alternate should the designated member be the alleged bully.
- 1.7. Anonymous complaints may not be fully investigated.
- 1.8. Incidents which are reported outside of the statute of limitations may not be fully investigated
- 1.9. If the harassment involves physical or sexual assault, which are criminal offences, the RCMP should be informed in addition to the above.

2. PROCEDURES FOR INVESTIGATING INCIDENTS OF BULLYING/ HARASSMENT (EMPLOYER)

- 2.1.** The process for investigating incidents and complaints of workplace bullying and harassment will be:
- 2.1.1. undertaken promptly and diligently, and be as thorough as necessary, given the circumstances
 - 2.1.2. fair and impartial, providing both the complainant and respondent equal treatment in evaluating the allegations
 - 2.1.3. sensitive to the interests of all parties involved
 - 2.1.4. confidential
 - 2.1.5. focused on finding facts and evidence, including interviews of the complainant, respondent, and any witnesses
 - 2.1.6. incorporate, where appropriate, any need or request from the complainant or respondent for assistance during the investigation process.
- 2.2. All employees have a responsibility to co-operate in the investigation.
- 2.3. Both the complainant and the respondent have the right to be accompanied by someone with whom they feel comfortable during any interviews or meetings.

3. Investigator selection

- 3.1. Where there is a complaint against a member of staff from a member of staff the supervisor of the alleged bully will be the investigator.
- 3.2. Where the alleged bully is the Chief administrative Officer the Council of the District of Fort St. James will be responsible for investigating, following-up, and remedying the incident if applicable.
- 3.3. Where there is a complaint from or against a member of Council from a member of staff or Council the Chief Administrative Officer, or Corporate Officer if the Chief administrative Officer is the alleged bully, may:
- 3.3.1. issue notice of the incident(s) to a neighboring municipality requesting the appointment of a committee of two Council members and one staff;
or
 - 3.3.2. seek an independent consultant;
- responsible for investigating, following up, and remedying, the incident(s).
- 3.4. Reasonable costs incurred in an investigation performed under section 3.3.1 shall be reimbursed to the investigator.
- 3.5. The Purchase and Tender policy of the municipality shall not apply to section 3.3.2.
- 3.6. The following criteria establish the decision framework for seeking a neighboring municipality or external investigator to implement the responsibilities established in this policy:

	Is the issue time consuming or complex?	Does the incident involve a significant number of documents	Do(es) the incident(s) occur over 6-months or longer	Does the incident involve an allegation of sexual misconduct
Independent consultant	YES	YES	YES	YES
Committee of a neighboring municipality	NO	NO	NO	No

3.6.1. The decision-making framework does not establish a requirement to conduct an investigation a certain way, rather to assist in the formulation of a staff recommendation.

3.7. The Workplace Bullying and Harassment Investigation Form is shown in Schedule B.

4. Incident Review

4.1. Investigations will include interviews with the alleged target, the alleged bully, and any witnesses.

4.2. If the complainant and the respondent agree on what happened, then the investigator will not investigate further, and will determine what corrective/ follow up action to take, if necessary.

4.3. Documents to be reviewed may include:

4.3.1. Workplace Bullying and Harassment Complaint Form

4.3.2. Emails or social media evidence

4.3.3. Notes

4.3.4. Photographs

4.3.5. Physical evidence like vandalized objects

4.4. In the case of an external investigation the Chief Administrative Officer or if the Chief Administrative Officer is involved in the incident, the Corporate Officer, will be made responsible for the handling, documentation, and transmission of copies to the neighboring municipalities for review. All original documentation used in the course of the investigation will be kept with the District of Fort St. James.

4.5. The investigator will determine – based on the interviews and documents – whether, on a balance of probabilities, the incident did take place. The

investigator will also recommend appropriate remedies, penalties, or other action.

- 4.6. If there is not enough evidence to support an allegation of bullying or harassment on the balance of probabilities, the investigator will not recommend any penalties or remedies.

5. Follow up

- 5.1. All investigations of alleged bullying and harassment will be followed up and documented. Follow up will include a description of corrective actions, a time frame, and a means for dealing with adverse symptoms.
- 5.2. The complainant(s) will be advised of the outcome of an investigation. However, the complainant will not be informed of details of an investigation.

6. Remediation

- 6.1. Remedies for the complainant may include any of the following, depending upon the nature and severity of the incident(s):
- 6.1.1. employee assistance programs
 - 6.1.2. an oral or written apology from the respondent
 - 6.1.3. payment of lost wages;
 - 6.1.4. a job or promotion that was denied
 - 6.1.5. compensation for any lost employment benefits, such as sick leave.
- 6.2. Corrective action for a respondent may include any of the following, depending on the nature and severity of the incident(s):
- 6.2.1. an oral or written apology to the victim
 - 6.2.2. a written reprimand
 - 6.2.3. anti-harassment training session
 - 6.2.4. a suspension, with or without pay
 - 6.2.5. a demotion
 - 6.2.6. dismissal.

7. APPEAL PROCESS

- 7.1. Should either complainant or respondent wish to appeal any outcome of the investigation, they are free to do so.
- 7.2. An appeal must be made in writing without unreasonable delay, no later than 30 days after the decision.
- 7.3. Full details on the reason for appealing the decision must be provided, clearly explaining why there is a disagreement on the decision.
- 7.4. Every effort must be made to follow the current corrective actions while the appeal is reviewed.

7.5. An appeal meeting will be arranged to discuss the appeal and, where possible, other participants may be included in the discussion (different senior manager, unbiased 3rd party, union etc).

7.6. The Chief Administrative Officer shall investigate all appeals.

7.7. A final decision will be provided in writing within one week of the appeal meeting.

8. TRAINING

8.1.1. Training for supervisors and employees will include the following:

9. How to recognize bullying and harassment

10. How staff who experience or witness bullying and harassment should respond

11. Procedures for reporting, and how the employer follows up with incidents or complaints of bullying and harassment

12. Documents/form review.

13. RECORD KEEPING

13.1.1. District of Fort St. James expects that staff experiencing or witnessing suspected/alleged bullying and harassment to complete the Workplace Bullying and Harassment Complaint Form. (Schedule A). District of Fort St. James will keep all records pertaining to investigations and findings in a secure and confidential manner.

14. ANNUAL REVIEW

14.1.1. This program and these procedures will be reviewed annually. All employees will be advised and educated on this policy and program when they are hired, through the new employee orientation process.

7.0 Document Approvals

Role	Position	Name of Approver	Approval Signature	Date Approved
Owner	Chief Administrative Officer	David Schroeter		
Reviewer	Corporate Officer	Duncan Malkinson		
Final Approver	Mayor and Council	Paul Stent		

14.0 Revision History

Effective Date	Rev Letter	Document Author	Description of Change
2014-01-22	A	Kevin Crooke	Policy Adoption
2020-08-11	B	David Schroeter	Policy Amended to include provision and guidance. Additional formatting amendments.

SCHEDULE A

[illegible]

SCHEDULE B

WORKPLACE BULLYING AND HARASSMENT INVESTIGATION FORM	
COMPLETED BY THE INVESTIGATOR	
INVESTIGATOR INFORMATION	
NAME(S):	POSITION(S):
DEPT:	DATE:
DOCUMENT REVIEW	
List all documentation reviewed (emails, notes, photographs, physical evidence etc.)	
INTERVIEWS	
PERSON INTERVIEWED (Name, position)	
SITUATION DESCRIPTION (include dates, words actions) and impact (humiliated, intimidated etc.)	
PERSON INTERVIEWED (Name, position)	
SITUATION DESCRIPTION (include dates, words actions) and impact (humiliated, intimidated etc.)	
PERSON INTERVIEWED (Name, position)	
SITUATION DESCRIPTION (include dates, words actions) and impact (humiliated, intimidated etc.)	
OUTCOMES	
Based on the investigation, did workplace bullying and harassment occur? Yes No	
Reason(s) for this conclusion:	
Follow up with complainant/respondent. Include corrective actions, time frame, training opportunities etc.	