



FRASER VALLEY REGIONAL DISTRICT POLICIES AND PROCEDURES

POLICY: DISCRIMINATION, BULLYING AND HARASSMENT PREVENTION POLICY STATEMENT

Date Issued: March 26, 2002

Date Amended: October 2013

POLICY STATEMENT

Discrimination bullying and harassment violate the fundamental rights, dignity and integrity of the individual. The Fraser Valley Regional District (FVRD), its elected officials, and management in cooperation with the union, are committed to the prevention of discrimination, bullying, and harassment and to provide a work environment that is free from discrimination, bullying and harassment where all workers are treated in a fair and respectful manner with dignity and respect.

Application:

This policy applies to all employees working for the FVRD, Board Members and any persons accessing FVRD facilities to conduct business, including the public.

Protection from discrimination, bullying and harassment extends to incidents occurring at or away from the workplace, during or outside working hours, provided the acts are committed within the course of the employment relationship. It applies to interpersonal and electronic communications, such as email.

An essential principle of human rights law is that the most important concern is the effect, or consequences, of actions of others. Sometimes a person is not aware that his or her actions are discriminatory. There may have been no intention to discriminate. However, the intention of the person contravening the Code is not relevant to determining whether a person has been a victim of discrimination.

Where discrimination, bullying or harassment is found to have occurred, the Employer will implement remedial action appropriate to the situation, and may take disciplinary action up to and including dismissal.

Workers who bring forward a complaint in good faith under this policy will not be subject to reprisal. Where it is determined that a complaint was made in bad faith, or was frivolous, vindictive, or vexatious, the Employer will take the appropriate action, which could include disciplinary action up to and including termination.

Definitions:

Employees have the right to employment without discrimination, bullying or harassment based on any of the prohibited grounds of discrimination set out in the *B.C. Human Rights Code*, and based on the B.C. Workers Compensation Act. The prohibited grounds of discrimination under the B.C. Human Rights Code are race, colour, ancestry, place of origin, political belief, religion, sex, sexual orientation, age,

record of conviction for an offence unrelated to the individual's employment, marital status, physical disability, mental disability, and family status.

Discrimination occurs if a distinction is made on one of the above grounds that impose burdens, obligations or disadvantages that are not imposed on others.

Bullying and harassment includes:

(a) 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.

Harassment, including sexual harassment, is one form of discrimination. It is defined as any conduct, comment, gesture or contact based on one of the prohibited grounds of discrimination set out above that is unwelcome, and ought to reasonably be known to be unwelcome. It is any behaviour that demeans, humiliates or embarrasses a person and which detrimentally affects the work environment or leads to adverse job-related consequences for the person who is being harassed.

Some examples of bullying and harassment might include:

- unwelcome remarks, jokes, innuendos, slurs, taunts or suggestions about a person's body, clothing, race, national or ethnic origin, colour, religion, age, sex, marital status, family status, physical or mental disability, sexual orientation, pardoned conviction or other personal characteristics
- unwelcome sexual remarks, invitations, or requests (including persistent unwanted contact)
- threatening behaviour or intimidation
- written or verbal aggression or insults, abuse or threats
- calling someone derogatory names, harmful hazing or initiation practices
- patronizing or condescending behaviour including vandalizing personal belongings, and spreading malicious rumours
- displaying offensive or derogatory pictures, graffiti, cartoons or computer material of a sexual nature
- practical jokes that embarrass or insult someone
- unwelcome physical contact, including touching, patting, hitting, pinching or hugging
- offensive gestures of a sexual nature that include actions that make others feel uncomfortable
- persistent unwelcome invitations or requests, whether direct or indirect
- conduct or comments of a sexual nature which have the effect of creating an intimidating, hostile, or offensive environment
- physical or sexual assault
- in a reprisal or threat of reprisal against any participant complaint of harassment under this policy

The victim of bullying and harassment may be male or female. The person who engages in the bullying and harassment may be of the same or the opposite sex as the victim. Bullying and harassment can occur between individuals of the same or different employment status (manager, supervisor, and co-worker) or between an employee and another individual such as a supplier or a member of the public

with whom the employee comes into contact within the course of employment. It can involve individuals or groups and it can occur with one incident or a series of incidents.

Bullying and harassment which is prohibited by this policy can occur at the workplace, at other locations where employees are in attendance for work related reasons, at FVRD sponsored or employment related social functions, or in other situations where there is a subsequent impact on the work relationship, environment or performance of a worker.

Conduct may be unwelcome or offensive to the victim of bullying and harassment even if the bully or harasser did not intend to offend. Bullying and harassment may be directed at an individual or may be an undirected part of the work environment, such as an inadvertently overheard comment.

ROLES AND RESPONSIBILITIES:

FVRD Board of Directors:

It is the Board of Directors' responsibility to ensure compliance with the *Human Rights Act* and the B.C. Workers' Compensation Act.

Management:

The FVRD shall discourage and use its best efforts to prevent bullying and harassment in the workplace. These efforts will include developing awareness, training and communication programs in support of this policy and regarding the consequences of inappropriate behaviour.

The FVRD encourages workers who feel they have been bullied or harassed in contravention of this policy, as a first step, to make a direct request to the alleged bully or harasser that the offensive behaviour stop.

The FVRD will develop procedures for reporting that empowers employees to bring forward complaints, and procedures for hearing complaints in a fair and confidential manner.

The FVRD shall promptly investigate any complaint and if bullying and harassment in contravention of this policy is determined to have taken place, appropriate action will be taken.

The FVRD will review this policy statement every year. All workers will be provided with a copy.

Workers:

Workers must apply and comply with this policy and procedures on discrimination, bullying and harassment and contribute to a positive work environment where they treat each other with dignity and respect, and not engage in the bullying and harassment of other workers.

Employees, who are experiencing bullying and harassing behaviour, knowing their rights and privacy are protected, should report if bullying and harassment is observed or experienced without delay.



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PURPOSE

To establish the process to be used to hear and resolve complaints of Discrimination, Bullying and Harassment in the Fraser Valley Regional District in accordance with the Discrimination, Bullying and Harassment Prevention Policy.

PROCEDURE

REPORTING:

The following defines the procedures to be used when allegations of bullying and harassment occur, and is applicable to Union and Exempt Employees, Board Members and anyone conducting business with the Fraser Valley Regional District.

1. Anyone who believes they are being bullied and harassed is encouraged to advise the alleged offender that the behaviour is unwelcome and request that the offensive behaviour cease.
2. If the worker is uncomfortable doing so or if the unwelcome conduct continues, the worker ("the Complainant") can report the incident or complaint verbally or in writing as soon as possible with the Human Resources Department who can, at the request of the Complainant, discuss the conduct with the alleged offender (the "Respondent") in an attempt to effect an informal resolution. The Complainant also has the option of reporting the complaint formally to the Director of Corporate Services*. Incidents or complaints should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated and addressed promptly.
3. If the employer, the complainant's supervisor, or the reporting contact named in Step 2 is the person engaging in bullying and harassing behaviour, contact the Chief Administrative Officer.
4. Where the Complainant and the Respondent are able to informally resolve the complaint, the terms of that resolution will be recorded in writing and kept in a confidential file in the office of the Human Resources Department.
5. The formal complaint must be in writing and must provide full details of the alleged bullying and harassment including:
 - (a) the names of the parties involved;

- (b) a description of the event(s) or circumstances which form the basis of the complaint:
- (c) the location, date and time of the incident(s)
- (d) names of any witnesses;
- (e) attach any supporting documents, such as emails, handwritten notes, or photographs; physical evidence, such as vandalized personal belongings, can also be submitted.
- (f) details of any prior attempts to resolve the issue; and
- (g) nature of the remedy sought.

*Where the offender has been a member of the public, the employee should immediately report the incident to the Director of Corporate Services who will take appropriate action.

INVESTIGATION:

1. The Director of Corporate Services is responsible for ensuring workplace investigations procedures are followed.
2. A confidential investigation of the complaint will then be undertaken. The Director of Corporate Services will, in consultation with the Chief Administrative Officer, decide whether the Human Resources Officer, the Director of Corporate Services, or an external investigator will conduct the investigation (the "Investigator").
3. Investigators will:
 - 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;
 - incorporate, where appropriate, any need or request from the complainant or respondent for assistance during the investigation process.
4. Workers are expected to cooperate with investigators and provide any details of incidents they have experienced or witnessed.
5. The investigator will include interviews with the alleged target, the alleged bully, and any witnesses. If the alleged target and the alleged bully agree on what happened, then the FVRD will not investigate any further, and will determine what corrective action to take, if necessary.
6. The investigators will also review any evidence, such as emails, handwritten notes, photographs, or physical evidence like vandalized objects.

7. The investigator will carry out the investigation and provide a confidential report to the Chief Administrative Officer setting out findings of fact and a conclusion as to whether those findings of fact constitute a breach of this policy.
8. In all circumstances, the Respondent is to be given the opportunity to explain him or herself and to have those explanations properly considered.
9. The name of the Complainant, the Respondent, or the circumstances of the complaint will not be disclosed to any person except where disclosure is necessary for the purpose of investigating the complaint or as required by law.
10. The Chief Administrative Officer, in consultation with the appropriate personnel, which may include the Director of Corporate Services and the Human Resources Officer, will determine the future action to be taken, including appropriate disciplinary action.
11. If a complaint is found to be valid, an appropriate resolution will be provided for the Complainant and, the Respondent may be disciplined up to and including termination of employment. If the Respondent is a member of the Board, the Chief Administrative Officer will seek an audience with the Executive Committee to determine the recourse.
12. The complainant and the Respondent will be advised of the outcome of the investigation by the Human Resources Department.
13. The investigation report will be retained by Human Resources in a confidential bullying and harassment file.
14. No documentation of unsubstantiated bullying, sexual harassment or discrimination will be maintained in individual personnel files.
15. Proven allegations of bullying and harassment including disciplinary action taken shall be documented and form part of the Respondent's permanent record.
16. Following an investigation the Human Resources Department 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.
17. In appropriate circumstances, workers may be referred to the Employee Assistance Program or be encouraged to seek medical advice.

These procedures will be reviewed annually. All workers will be provided with a copy as soon as they are hired, and copies will be available on the FVRD Intranet.