

**VILLAGE OF PEMBERTON
-COMMITTEE OF THE WHOLE MEETING AGENDA-**

Agenda for the **Committee of the Whole** of Council of the Village of Pemberton to be held Tuesday, June 21, 2022, at 1:00pm in Council Chambers located at 7400 Prospect Street and via electronic means through a ZOOM Webinar. This is Meeting No. 231.

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Item of Business	Page No.
1. CALL TO ORDER	
In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.	
2. APPROVAL OF AGENDA	1
Recommendation: THAT the Committee of the Whole approves the agenda as presented.	
3. ADOPTION OF MINUTES	
a) Committee of the Whole Meeting No. 230, Tuesday, June 7, 2022	3
Recommendation: THAT the Committee of the Whole approves the minutes of the Committee of the Whole Meeting No. 230, held Tuesday, June 7, 2022, as circulated.	
4. REPORTS	
a) LiveShare Co-Living Proposal - 7340 Crabapple Court - Development Variance Permit Direction - Parking	6
Recommendation: THAT Committee of the Whole recommends to Council that Staff be directed to assist in negotiating a shared parking covenant amendment with the adjacent commercial tenures, prepare a final parking variance strategy, and establish a means to secure the proposed transportation innovations for the proposed development of 7340 Crabapple Court, which includes a proposed variance from 64 to 23 resident parking stalls; four (4) car share parking stalls; and 14 shared parking stalls, for future consideration by Council.	
b) Bullying, Harassment and Discrimination Policy Review	20
Recommendation One: THAT the Committee of the Whole provides comment on the proposed revisions to the Bullying, Harassment and Discrimination Policy as presented.	
Recommendation Two: THAT the Committee of the Whole recommends that the Bullying, Harassment and Discrimination Policy be presented to Council at the July 12, 2022 regular meeting to conclude the annual review of this policy.	
Recommendation Three: THAT the Committee of the Whole recommends to Council that the 2023 annual review of the Bullying, Harassment and Discrimination Policy take place at a Committee of the Whole meeting to be held in the spring.	

5. ADJOURNMENT

Recommendation: THAT the June 21, 2022, Committee of the Whole meeting be adjourned.

**VILLAGE OF PEMBERTON
-COMMITTEE OF THE WHOLE MEETING MINUTES--**

Minutes of Committee of the Whole Meeting No. 230, held Tuesday, June 7, 2022 at 2:00pm in Council Chambers at 7400 Prospect Street and by Zoom webinar.

COUNCIL: Mayor Mike Richman
Councillor Leah Noble*
Councillor Amica Antonelli
Councillor Ryan Zant
Councillor Ted Craddock

STAFF: Sheena Fraser, Acting Chief Administrative Officer
Gwendolyn Kennedy, Acting Manager of Corporate & Legislative Services
Lyndsey Anic, Executive Assistant

PUBLIC: 0

MEDIA: 1

*A recording of the meeting was made available to the media and the public.
Attended via Zoom webinar.

1. CALL TO ORDER

At 2:05 pm Mayor Richman called the June 7, 2022 Committee of Whole meeting to order.

Councillor Amica Antonelli joined the meeting at 2:06pm.

2. APPROVAL OF AGENDA

Moved/Seconded

THAT the Committee of the Whole approves the agenda as presented.

CARRIED

3. ADOPTION OF MINUTES

3.1 Committee of the Whole Meeting No. 229, Tuesday, May 17, 2022

Moved/Seconded

THAT the Committee of the Whole approves the minutes of Committee of the Whole Meeting No. 229, held Tuesday, May 17, as circulated.

CARRIED

4. REPORTS

4.1 National Day for Truth and Reconciliation

Lyndsey Anic, Executive Assistant, presented suggestions for the commemoration of National Day for Truth and Reconciliation, and reviewed the calls to action of the Truth and Reconciliation Commission of Canada that are directed to municipal government. Ms. Anic noted that the annual Nukw7ántwaí Regional Gathering, to be held on Friday, June 10th, will offer the opportunity for discussion of National Day for Truth and Reconciliation with Lil'wat Nation and other First Nations in the region. Ms. Anic sought the Committee's input on appropriate means for the Village to honour National Day for Truth and Reconciliation.

Ms. Anic informed the Committee that Pique Newsmagazine has offered the opportunity for the Village to place an advertisement showing support for National Indigenous Peoples Day, June 21st, at a discounted rate.

The Committee commented on the need to balance our responsibility as settlers to take meaningful action with the need to be sensitive to and guided by First Nations in any actions.

The Committee sought clarification regarding the cultural sensitivity and humility training to be offered to staff and Council and discussed the importance of making awareness and education opportunities available to the community.

The Committee supported the suggestion of updating signage to include Ucwalmícwts wording and place names.

The Committee agreed on the importance of revisiting Action 43, adoption and implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

The Committee concurred that the suggestions for commemoration of National Day for Truth and Reconciliation, including the suggestion of flying the Li'wat Nation Territory flag from the third flagpole at the Community Centre, be discussed at the Nukw7ántwaí Regional Gathering.

Moved/Seconded

THAT the Committee of the Whole recommend to Council that Staff put forward for discussion within the first year of the term of new Council, adoption and implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

CARRIED;

Moved/Seconded

THAT the Committee of the Whole recommends to Council that Staff prepare a report for a future Committee of the Whole meeting regarding replacing street signage with English-Ucwalmicwts bilingual signage and adding Ucwalmicwts place names;

AND THAT the report include the costing to undertake the sign replacement for budget consideration.

CARRIED

Moved/Seconded

THAT Committee of the Whole recommend to Council that Staff consider appropriate means to bring cultural sensitivity and humility learning opportunities to the community.

CARRIED

Ms. Anic left the meeting at 2:35pm.

5. ADJOURNMENT

Moved/Seconded

THAT the June 7, 2022 Committee of Whole meeting be adjourned at 2:36pm.

CARRIED

Mike Richman, Mayor

Sheena Fraser, Corporate Officer

Date: June 21, 2022

To: Elizabeth Tracy, Chief Administrative Officer

From: Cameron Chalmers, RPP, MCIP, Consulting Planner

Subject: LiveShare Co-Living Proposal - 7340 Crabapple Court
Development Variance Permit Direction - Parking

PURPOSE

The purpose of this report is to request direction from Committee of the Whole (CoW) with respect to a Development Permit (DP) and Development Variance Permit (DVP) application that requests significant parking variances at 7340 Crabapple Court. The CoW direction will inform the approach Staff takes to review and process the application. The report outlines a proposed approach to addressing the requested variance, and subject to CoW direction, requests authorization to finalize the necessary steps to consider the variance at a future Council meeting.

BACKGROUND

On August 31, 2021, the Committee of the Whole (CoW) considered a request from Staff to provide direction on the subject application for 64 micro-suite dwellings for an innovative rental housing project. The specific issue necessitating CoW direction is the requested parking variance described in this report. In response, CoW made the following recommendation to Council that was subsequently passed by resolution:

***THAT** Committee of the Whole recommends to Council that Staff be directed to continue processing the application for the proposed development of 7340 Crabapple Court, which includes a proposed variance from 64 to 25 stalls, for future consideration by Council.*

The recommendation to Council was considered at Regular Meeting No. 1545, held September 21, 2021, at which time Council supported the recommendation and passed the following resolution:

Moved/Seconded

***THAT** Staff be directed to work with the applicant for the proposed development of a co-living, multi-family residential development located at 7340 Crabapple Court, which will include a separate development variance permit application for the requested parking variance.*

CARRIED

Since the August 2021 CoW meeting, the Applicants have commissioned Bunt and Associates Transportation Planners and Engineers to undertake a comprehensive assessment of parking in the Crabapple Court neighbourhood. This report presents to the CoW the resulting Opinion Letter, attached as **Appendix A**, which will frame future consideration of the proposed development.

APPLICATION BACKGROUND

Staff are in receipt of a new DP and DVP application at 7340 Crabapple Court that proposes to introduce a new form of “co-living” housing to the community. The proposal includes a new building consisting of 64 micro-suite dwelling units, each approximately 300 square feet, which the proponent states will rent for approximately \$900 per month. The micro-suites will provide basic sleeping quarters and washroom facilities and will include common cooking and lounge facilities in a co-operative living environment. The initial drawing submission is available at this link: <https://www.pemberton.ca/public/download/files/213691>.



Variance Discussion

Under the Village of Pemberton Zoning Bylaw, the project would be required to provide one (1) stall per unit for a total of 64 parking stalls, assuming the project qualifies for an affordable housing reduction. The application includes consideration of a variance to the parking regulations for the reasons outlined in the report below.

In addition to the 64 stalls required under the bylaw, the subject lands are subject to a restrictive covenant obligation to provide an additional 14 surface stalls to service the neighbouring mixed-use building known as the Gateway. The restrictive covenant results from an historic approval for two buildings, of which only the first one was built. It did not provide adequate parking, abdicating 14 parking stalls to the second building, which is now being reconsidered as the LiveShare co-living project.

The application as submitted has elected to provide the covenanted required parking and proposes to provide 14 surface parking stalls for the benefit of the neighbouring Gateway property. The application therefore proposes to provide a total of 25 parking stalls directly benefitting the proposed LiveShare Co-Living project. Of these 25 stalls, the applicant proposes to use two (2) for visitor parking and four (4) for a dedicated car co-op. The proposed parking arrangement results in a deficiency of 39 parking stalls per the Zoning Bylaw.

Given the significance of the variance being sought by the Applicants, Staff feel compelled to engage Council at this early stage of the application review to seek guidance specifically on the proposed parking arrangement. Staff have not undertaken a broader analysis of the proposal and are not in a position to make recommendations on the proposal overall but have rather elected to start with the parking variance request, as it is a significant deviation from the bylaw standard for parking.

DISCUSSION & COMMENTS

The Opinion Letter prepared by Bunt and Associates seeks to reconcile the parking obligation generated by the development and the existing obligation to provide 14 additional parking stalls for the benefit of the adjacent commercial development. It also seeks to rationalize an appropriate level of parking for a development of this type and to propose alternatives to personal vehicles that will be delivered by the project to offset the requested reduction in parking. The specific details of the proposal are contained in the attached Bunt and Associates Opinion Letter in **Appendix A** and are outlined generally below.

The Applicant proposes to implement a shared surface parking lot to meet the covenant obligation to provide an additional 14 stalls for the adjacent commercial development. This lot would be used for commercial uses during daytime and be made available to the adjacent residential building (The Gateway) outside of business hours. The parking arrangement would be managed and enforced by the in-house staff at the proposed LiveShare building. The submission also notes that the Village has recently obtained grant funding to construct a new municipal parking lot in proximity to Crabapple Court that may also provide additional relief to both commercial and residential parking demands should the Village choose.

In support of the parking variance requested for the project, the Bunt and Associates submission cites the *Resident Parking in Market Rental Sites by Unit Size (bedrooms)* dataset which suggests a parking demand of 0.47 stalls per unit for this housing form. Though the comparables are likely from more urban municipalities with different attributes than Pemberton, the notion is that this housing form may require less than one stall per unit parking supply as required in the bylaw.

Further, the Applicants are proposing the following contributions to provide alternative modes of transportation to personal/individual automobiles:

- Shared bicycle fleet of 10 bicycles owned and managed by LiveShare;
- Car-share program of 4 seven passenger AWD vehicles for use by residents;
- LiveShare Community App, which is an app available to LiveShare residents to arrange ride-shares.

In terms of area parking, the report notes several opportunities the Village may explore or undertake to increase street-parking in the area. The first is the previously mentioned municipal parking lot/park-and-ride located on Lot 13, which is in comfortable walking distance from the

Crabapple Court neighbourhood. The second is enhanced street parking in the area, particularly on a seasonal basis.

Reduced parking standards is an important means of promoting and securing affordable housing options and promoting alternatives to personal vehicles as recommended in the Village's Community Climate Action Plan. Parking is a significant cost-centre for any housing project and Pemberton, like many municipalities, incentivizes affordable housing through reducing parking requirements. The current zoning bylaw reduces parking in affordable housing projects by 0.25 stalls per unit, effectively eliminating the visitor parking requirement. A number of urban municipalities have significantly lower parking standards for affordable housing projects, some as low as zero-parking.

However, Pemberton is distinguishable from urban municipalities as it is still necessarily auto-dependent given its location, employment patterns, and recreation/lifestyle preferences. It is also under-serviced by public transportation options. The challenge confronting Staff in the initial processing of this application is the degree to which an affordable housing proposal of 64 units with 25 parking stalls can function without unduly impacting the neighbourhood.

The proposal represents an innovative attempt to provide mobility by means other than personal automobiles. Substantial thought has been given to providing a range of transportation options that seek to address the employment, recreation, and day-to-day transportation needs of prospective residents. Staff sees merit in the proposed approach, particularly given the likely profile of building residents.

Staff are however concerned with the magnitude of the variance in a location that has limited alternative parking. The immediate area is approaching build-out and given the success of some of the commercial businesses in the area, is experiencing parking pressures already. There are limited options for parking, and street parking is regulated by the Village, allowing for term parking during the day. Interdepartmental meetings have identified there are possibilities for achieving the parking arrangement proposed in the Bunt and Associates Opinion Letter, but additional resolution is required.

Staff are prepared to support advancing the parking discussion to the next stage, subject to Council direction. This would entail assisting the Applicant to initiate shared parking arrangement negotiations with the adjacent commercial users; establishing a means to secure the proposed alternate transportation options outlined in the Bunt submission and exploring the potential area-wide parking improvements with Staff in several departments. The intent is to present a detailed and refined package to Council at a future meeting.

COMMUNICATIONS

There are no communications elements required at this time.

LEGAL CONSIDERATIONS

There are no legal, legislative or regulatory considerations at this time.

IMPACT ON BUDGET & STAFFING

This report has been prepared in response to a complete Development application, including fees to cover this initial processing.

INTERDEPARTMENTAL IMPACT & APPROVAL

Relevant municipal departments have been consulted and as the application proceeds, additional more detailed consultation will be required.

COMMUNITY CLIMATE ACTION PLAN

The proposal aligns with the recommendations of the Community Climate Action Plan strategies as follows:

- Shift Beyond the Car – the proposal provides a range of alternatives to individual automobiles, including car-share and active transportation options

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

A review of this application has no impact on other jurisdictions.

ALTERNATIVE OPTIONS

Option One: THAT Committee of the Whole recommends to Council that Staff be directed to assist in negotiating a shared parking covenant amendment with the adjacent commercial tenures, prepare a final parking variance strategy, and establish a means to secure the proposed transportation innovations for the proposed development of 7340 Crabapple Court, which includes a proposed variance from 64 to 23 resident parking stalls; four (4) car share parking stalls; and 14 shared parking stalls, for future consideration by Council.

Option Two: THAT Committee of the Whole recommends to Council that the application for the proposed development of 7340 Crabapple Court be referred back to Staff as the CoW does not support the requested parking variance and proposed mitigation measures.

RECOMMENDATIONS

Option One: THAT Committee of the Whole recommends to Council that Staff be directed to assist in negotiating a shared parking covenant amendment with the adjacent commercial tenures, prepare a final parking variance strategy, and establish a means to secure the proposed transportation innovations for the proposed development of 7340 Crabapple Court, which includes a proposed variance from 64 to 23 resident parking stalls; four (4) car share parking stalls; and 14 shared parking stalls, for future consideration by Council.

ATTACHMENTS:

Appendix A: Bunt Transportation Planners and Engineers Opinion Letter Dated June 10, 2022

Prepared or Submitted by:	Cameron Chalmers, RPP, MCIP, Consulting Planner
Manager Approval:	Scott McRae, Manager of Development Services
Corporate Officer Approval by:	Sheena Fraser, Manager, Corporate & Legislative Services

Committee of the Whole



MEMO

DATE: June 10, 2022
PROJECT NO: 04-21-0519
PROJECT: **LiveShare Co-Living**
SUBJECT: **Pemberton Gateway Parking Rationale – Opinion Letter**

TO: Jake McEwan
LiveShare Co-Living

PREPARED BY: Luke Kenny, B.Sc.
REVIEWED BY: Daniel Fung, M.Sc., P.Eng.

1. INTRODUCTION

LiveShare Co-Living (LiveShare) has retained Bunt & Associates Engineering Ltd. (Bunt) to provide transportation consulting services in support of the proposed redevelopment of 7340 Crabapple Court to provide rental co-living units, which will be subject to an affordable housing agreement, within the Village of Pemberton (Village), BC.

The project will provide 64 affordable micro-suites with shared amenities that will be supported by a total of 41 off-street vehicle parking spaces provided at-grade and across one level of underground parking. Access to the parkade will be via a driveway shared with the neighbouring site (7330 Arbutus Street) that connects with Crabapple Court to the north. The drawing package is currently under development and will be provided by the applicant at a future date.

The on-site parking supply will comprise 21 resident spaces and 4 car share spaces provided across a single level of underground parking, with a further 2 parking spaces provided at-grade. The northern portion of the project site will include a surface level parking lot accommodating an additional 14 parking spaces that are intended to be shared with neighbouring commercial uses. The parking supply is summarized as follows:

- 23 x resident parking spaces
- 4 x car share parking spaces (and 4 car share vehicles)
- 14 x shared use parking space (subject to discussions with the neighbouring site)

The LiveShare development would employ Community Leaders who would manage the proposed parking facilities and car share fleet.

This Opinion Letter outlines a rationale to support the proposed vehicle parking supply, which would require a relaxation compared to the Zoning Bylaw requirements outlined in the following section.

2. BYLAW REQUIREMENTS

The Village outlines the vehicle parking supply requirements in their Zoning Bylaw No. 832, which was adopted in July 2018 and last consolidated in March 2021. The relevant requirements for the purposes of this study have been extracted from Section 8 of the Zoning Bylaw and are summarized in **Table 2.1** below.

These requirements include allowable reductions outlined in Section 8.7 of the Zoning Bylaw, which permit a parking ratio reduction of 0.25 spaces/unit where *‘a multiple family building is subject to a Housing Agreement for the provision of affordable purchased or rental housing’*. After further guidance from the Village, this has been applied to the visitor parking ratio. LiveShare has confirmed they will be entering into a Housing Agreement with the Village to provide affordable rental units.

Table 2.1: Vehicle Parking Supply Requirements

STALL TYPE	BYLAW REF.	DENSITY	REQUIREMENT RATE (1)	REQUIREMENT	PROPOSED
Residential	8.3 & 8.7	64 x studio units	1 space per unit	64 spaces	37 spaces
Residential Visitor	8.3		0 spaces per unit	0 spaces	0 spaces
Car Share	n/a		n/a	n/a	4 spaces
TOTAL				64 SPACES	41 SPACES

(1) Parking ratios reduced by 0.25 in accordance with Section 8.7 of the Zoning Bylaw.

The vehicle parking supply requirement for the proposed development per the Zoning Bylaw is 64 resident spaces with no requirement for residential visitor spaces. Compared to the baseline requirement, the planned supply of 37 resident spaces plus 4 car share spaces (and vehicles) represents a reduction of 23 spaces in total.

3. PARKING RELAXATION RATIONALE

LiveShare has confirmed that their proposed residence targets a population that would typically be employed locally in Pemberton or as a resort worker at Whistler. The housing form paired with LiveShare tools and strategies are designed with the intention of allowing residents to live without a vehicle, instead commuting via car share vehicles or travelling by other means (described in detail below) to complete daily trips for all purposes.

The following outlines key mitigation strategies proposed by LiveShare to cater to a car-free lifestyle. The rationale also highlights shared parking principles and research into the effects of unit size on parking demand.

3.1 Transportation Demand Management

Transportation Demand Management (TDM) is defined as the “application of strategies and policies to reduce travel demand (specifically that of single-occupancy private vehicles), or to redistribute this demand in space or in time”¹. A successful TDM program can influence travel behaviour away from Single Occupant Vehicle travel during peak periods towards more sustainable modes such as High Occupancy Vehicle travel, transit, cycling or walking.

Travel patterns are most pliable when residents move from one location to another. Therefore, LiveShare has the opportunity to play a significant role in changing the travel behaviours of future residents and attracting them to a live a car-free lifestyle. The following measures are proposed by LiveShare to mitigate the vehicle parking relaxation that is sought for the proposed development.

3.1.1 Shared Bicycle Fleet

LiveShare will provide and manage a dedicated fleet of ten (10) bicycles that will be made available to future residents for free 24 hours a day, 365 days a year. The shared bicycle fleet, which will be located at-grade in a secure, internal location, will operate as a two-way system, i.e., each trip shall start and end on-site.

These bicycles will facilitate resident active travel around Pemberton for leisure and day-to-day errands. In addition to standard bicycles, the fleet will include specialty bicycles including adaptive-, cargo-, and electric-bicycles.

In addition to offering convenient mobility for many trip-types, the shared fleet will also provide healthy exercise, and by reducing automobile travel they can help reduce vehicle ownership rates, traffic congestion, consumer costs, energy consumption, and pollution emissions

The bicycles shall be available for usage without any additional user fees and will be privately owned, operated, and maintained by LiveShare. All bicycles will be ISO Certified. Furthermore, LiveShare shall provide for every cycle: helmets, locks, automatic lights (white in front and red in back) and other safety features (reflectors, bell) to support compliance with the laws of British Columbia and the Village.

3.1.2 Car Share Program

LiveShare will create a car share program. As part of the underground parking supply, four (4) dedicated car share stalls will be reserved for car share vehicles provided by LiveShare. These 7-8 passenger vehicles will be AWD suitable year round for the surrounding terrain and climate.

¹ <http://ops.fhwa.dot.gov/tdm/index.htm> FHWA Travel Demand Management home page

For the proposed development, the car share provision will be operated as a two-way service. The vehicle's "home" position remains constant, and car share members must return the vehicles to their origin when they have finished using it. The vehicles will be available for use by future LiveShare members and can be booked through LiveShare's webpage and mobile app.

Car-sharing services have developed significantly in the last 10-15 years. These services allow people to have short term access to a shared vehicle located on or close to their site, without having to buy or maintain their own vehicle. It is anticipated that members will pay a small monthly administration fee to cover some of the fixed costs of the car and then a "pay as you go" approach is adopted as members pay by the hour and mile when they use a vehicle. Each shared car has been shown to remove between 3-11 private vehicles from the street system, and number of vehicles owned per household is shown to drop when a car sharing membership is acquired².

3.1.3 Ridesharing – LiveShare Community App

To complement the other programs and initiatives provided by LiveShare, a mobile app will be developed for resident-use creating a platform that allows community members to coordinate ridesharing opportunities.

Members who own cars and park them on-site will be able to post a ride time on the community app to rideshare with other community members travelling to a similar destination or a destination enroute. Like typical rideshare schemes, the driver will be compensated by those who catch a ride (unless the driver posts the ride as free). LiveShare will stipulate a standard per km charge.

In smaller communities, ridesharing is an important mobility option for non-drivers and, in the case of the commute distance between Pemberton and Whistler, are likely to result in significant mileage reductions. The development of a rideshare community is also important for serving less-common destinations locally including Mt Currie, Lillooet, etc. where alternative travel options may not be as available.

3.2 Effect of Unit Size

The proposed development will provide 64 micro-suites, typically far smaller than a studio/bachelor unit given the relocation of standard amenities into a shared living space. Bunt has conducted a review of the influence of unit size for rental tenure on auto ownership and parking demand. Summarized in this section are the general findings from this research based on data outlined within the '*Regional Parking Study*' (RPS) completed in 2018 for Metro Vancouver.

² <http://www.metrovancouver.org/services/regional-planning/PlanningPublications/MetroVancouverCarShareStudyTechnicalReport.pdf>

As part of the RPS, a Household Survey (HHS) was completed with over 1,500 respondents from 70 sites capturing household vehicle ownership rates regardless of whether the vehicles are parked on-site or not (unlike field counts that only include observed vehicle demand).

Of relevance to this study is the effect of unit size of vehicle occupancy. Outlined below in Table 3.3 is the ‘Resident Parking in Market Rental Sites by Unit Size (bedrooms)’ HHS dataset for ‘Market Rental’ sites extracted from the 2018 RPS.

Table 3.1: Resident Parking in Market Rental Sites by Unit Size (Bedrooms)

MARKET RENTAL SITES (HHS RESPONSES)	STALLS PER DU	PARKED VEHICLES PER DU	VEHICLES PER DU	PARKING OVERSUPPLY ESTIMATE
0-bedroom (n=15)	0.85	0.47	0.47	+81%
1-bedroom (n=66)	1.02	0.79	1.02	+29%
2-bedroom (n=50)	1.23	1.12	1.26	+10%

The following key findings can be summarized from this data:

- Average parking demand for studio/bachelor units (0-bedrooms) was 0.47 spaces/unit.
- Average parking demand for studio/bachelor units was less than half (46%) of the average parking demand for 1-bedroom units and only 37% of the average parking demand for 2-bedroom units.

It is acknowledged that the Village context typically differs from the Metro Vancouver region. However, these findings demonstrate a fundamental relationship between unit size and parking demand with parking demand declining as the number of bedrooms decreases. In particular, there is a significant reduction in demand between 1-bedroom units and studio/bachelor units.

On the basis that studio parking demand is shown to be less than half that of a 1-bedroom unit, the Village’s baseline parking requirement of 1 space per 1-bedroom unit (without reductions) is considered to be a significant overestimate of the projected parking demand for a micro-suite unit.

3.3 Shared Parking

Shared Parking is a well-established parking management measure for development sites with more than one land use and according to the Urban Land Institute, shared parking is defined as follows:

Shared parking is the use of a parking space to serve two or more individual uses without conflict or encroachment. The ability to share parking spaces is the result of two conditions:

- Variations in the accumulation of vehicles by hour, by day or by season at the individual land uses; and
- Relationships among the land uses that result in visiting multiple land uses on the same auto trip.

In essence, these two factors support mixed-use sites having a shared parking pool so as to lower the overall parking supply needed by making more efficient use of the spaces available.

3.3.1 On-Site Surface Parking Lot

In the case of the project site, it is proposed to enter a shared use agreement for the new surface parking lot (14 spaces) that will be owned by the neighbouring site at 7330 Arbutus Street.

The neighbouring site is mixed-use and accommodates a restaurant, food market, hair & beauty salon, and massage therapist across the first storey and residential apartments across the upper levels. A single level of underground parking is provided at present for 7330 Arbutus Street, and this will be supplemented by the new surface lot, which is expected to be used by visitors to the non-residential uses (rather than residents) of the neighbouring site.

Typically, the peak visitation periods for non-residential uses like those within the neighbouring site would occur at contrasting times to the peak parking demand for the proposed residential use. The shared agreement would make use of these differing peak demand periods by allowing future LiveShare residents to use the surface lot outside of operational periods for the non-residential uses. To ensure that any shared facilities are managed appropriately, an on-site LiveShare Community Leader (management) would monitor use of the lot to optimize the benefits of a shared agreement.

3.3.2 Village Park & Ride Facilities

To complement the proposed shared use of the on-site parking lot, opportunities for additional shared agreements will continue to be explored. It is understood that the Village is in the process of applying for funding to construct a Park & Ride facility, which would be located at 1420 Portage Road, as part of its efforts to improve local transit.

Intended to be situated between Signal Hill Elementary School and the Crestline building at 1422 Portage Rd (approximately 400m west of the project site), the facility is envisioned to provide 50 parking spaces. While the facility would likely be at capacity during the daytime (with commuters at work), the facility is likely to be vacant during the evening and overnight periods once commuters have returned and collected their vehicles.

Outside of peak commuting times, a Park & Ride facility at this location would provide considerable additional parking capacity for local residents and residential visitors if managed appropriately. Given the proximity of the project site to the proposed Park & Ride location, this presents another feasible shared parking opportunity in the unlikely event that parking demand exceeds anticipated demand.

3.4 On-Street Parking

While it is considered that the proposed parking supply and planned mitigation strategies are sufficient to accommodate forecast parking demand for the project site, Bunt has reviewed the ability of the surrounding street network to accommodate any minor overspill in parking demand.

From a review of the Downtown Pemberton area, there are on-street parking opportunities within 400m (5-minute) walking distance of the proposed development. From measurements taken using Google Earth, there is approximately 620m of unrestricted on-street curb space available along both sides of the following roads within walking distance: Arbutus Street, Laurel Street, and Vine Road.

Using the Village's design length for a parallel parking space (6.7m), the available unrestricted on-street parking supply is approximately 92 spaces within a 5-minute walk of the site.

It is understood that during the winter season (November 15th - March 31st), the Village temporarily suspends a portion of on-street parking to accommodate winter snow clearing operations. This suspension is applicable to side of any highway on which civic addresses are assigned even numbers, which is estimated at 50% of the available on-street supply. In this case, approximately 46 on-street spaces would remain available for use.

In the unlikely event that parking demand generated by the development cannot be contained on-site, it can instead be accommodated on-street at no detriment to the activity and operation of the surrounding Downtown area.

As with on-site parking, LiveShare Community Leaders would assist in monitoring and managing potential on-street parking demand generated by the proposed development in the unlikely event that this occurs.

4. SUMMARY

This Opinion Letter outlines a rationale to support the proposed vehicle parking supply for 7340 Crabapple Court, which would require a relaxation compared to the Village's Zoning Bylaw requirements.

The proposed residence targets a population that would typically be employed locally in Pemberton or as a resort worker at Whistler. Similar to other LiveShare operations, residents would not normally own a vehicle and would instead commute via other means to complete daily trips for commuting purposes. Strategies to mitigate the parking variance include:

- LiveShare would employ Community Leaders to manage the proposed parking facilities and car share fleet, in addition to monitoring any potential off-site demand.

- A dedicated, shared fleet of ten (10) bicycles for future residents, available for free 24 hours a day, 365 days a year. The fleet will facilitate resident active travel around Pemberton for leisure and day-to-day errands.
- As part of the residential visitor parking supply, four (4) car share stalls will be reserved for an equal number of car share vehicles provided by LiveShare. These vehicles, which can be booked through a mobile app or LiveShare's webpage, will be 7-8 passenger capacity AWD vehicles suitable year round for the surrounding terrain and climate.
- A platform will be developed that allows community members to coordinate ridesharing opportunities.

Bunt has also reviewed the influence of unit size for rental tenure on auto ownership given that the proposed development will provide 64 micro-suites, typically far smaller than a studio/bachelor unit. The Regional Parking Study demonstrated a clear relationship between unit size and parking demand with parking demand declining as the number of bedrooms decreases. In particular, there is a significant reduction in demand between 1-bedroom units and studio/bachelor units.

Subject to further discussions, LiveShare is interested in entering a shared parking agreement relating to 14 surface parking spaces owned by the neighbouring property (non-residential land uses). The shared agreement would make use of the contrasting peak demand periods by allowing future LiveShare residents to use the surface lot outside of operational periods for the non-residential uses.

Furthermore, opportunities for additional shared agreements will continue to be explored. It is understood that the Village is in the process of applying for funding to construct a Park & Ride facility located at 1420 Portage Road (400m west of the site). Outside of peak commuting times, a Park & Ride facility at this location would provide considerable additional parking capacity for local residents and residential visitors if managed appropriately.

Numerous on-street parking opportunities exist within 400m (5-minute) walking distance of the proposed development. In the unlikely event that site-generated parking demand cannot be contained on-site, it can instead be accommodated on-street at no detriment to the activity and operation of the surrounding Downtown area.

Date: June 21, 2022

To: Elizabeth Tracy, Chief Administrative Officer

From: Emily White, HR Coordinator

Subject: **Bulling, Harassment and Discrimination Policy Review**

PURPOSE

The purpose of this report is to provide the Committee of the Whole with a proposed update to the Village of Pemberton Bullying, Harassment and Discrimination Policy and to recommend that Council complete a review of this policy on an annual basis moving forward to increase awareness of and familiarity with Village of Pemberton organizational policies.

BACKGROUND

In 2001 the Village of Pemberton introduced a Harassment Policy. The policy was updated in 2008 and again in 2015 to reflect amendments to WorkSafe BC Legislation related to bullying and harassment.

The proposed update, attached as Appendices A and B, includes some minor housekeeping edits in addition to the changes discussed below.

DISCUSSION & COMMENTS

Policy Purpose:

- Advises employees that they have the right to seek legal advice and pursue other remedies to address a complaint outside of our policy where applicable.
- Requires Council review of the policy on an annual basis in addition to review by Village of Pemberton management.

Scope:

- Adjusts the scope of the policy.

Definition:

- Adds examples of bullying and harassment behaviours and highlights behaviours that would not be considered bullying or harassment within a workplace setting.
- Expands the definition of discrimination, incorporating indigenous identity as a protected trait.

Policy:

- Incorporates false allegations of bullying, harassment or discrimination as potential disciplinary issues.
- Assigns to Council the same responsibilities as management for the implementation of this policy.

Procedure:

- Stipulates that the complainant will be notified should their complaint not fit the definition of the policy.
- Introduces a deadline for the conclusion of an investigation: no longer than three (3) months from the date of submission of the formal complaint.
- Acknowledges that, should a respondent of a complaint not be a Village of Pemberton employee, alternative remedies to resolve the complaint will be implemented if appropriate and possible.

COMMUNICATIONS

The update of the Bullying, Harassment and Discrimination Policy does not require a communications element.

LEGAL CONSIDERATIONS

The policy as presented is compliant with the BC Human Rights Code, Workers Compensation Act, and WorkSafe BC guidance and there are no other legal, legislative or regulatory considerations.

IMPACT ON BUDGET & STAFFING

The policy review and update have been facilitated in-house as a component of the Human Resource Coordinator's day-to-day activities. As such, there are no impacts to the budget or staff hours.

INTERDEPARTMENTAL IMPACT & APPROVAL

No interdepartmental impacts or approvals are required. All staff are required to review and sign the Policy at time of hire. Following the approval of the updated Policy by Council, it will be circulated to all staff for review and signature.

COMMUNITY CLIMATE ACTION PLAN

The update of the Bullying, Harassment and Discrimination Policy has no impact on the Community Climate Action Plan strategies.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

Updating the Bullying, Harassment and Discrimination Policy has no impact on other jurisdictions.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

RECOMMENDATIONS

Recommendation One: THAT the Committee of the Whole provides comment on the proposed revisions to the Bullying, Harassment and Discrimination Policy as presented.

Recommendation Two: THAT the Committee of the Whole recommends that the Bullying, Harassment and Discrimination Policy be presented to Council at the July 12, 2022 regular meeting to conclude the annual review of this policy.

Recommendation Three: THAT the Committee of the Whole recommends to Council that the 2023 annual review of the Bullying, Harassment and Discrimination Policy take place at a Committee of the Whole meeting to be held in the spring.

ATTACHMENTS:

Appendix A: Bullying, Harassment & Discrimination Policy with track changes

Appendix B: Bullying, Harassment & Discrimination Policy without track changes

Prepared by:	Emily White, HR Coordinator
Manager Review:	Sheena Fraser, Manager, Corporate & Legislative Services
CAO Approval by:	Elizabeth Tracy, Chief Administrative Officer

Bullying, Harassment and Discrimination Policy

Department:	CAO	Policy No.:	PER-006
Sub-department:		Created By:	Original Unknown
Approved By:	Council	Amended By:	Emily White
Approved Date:	2001	Amendment:	3
Amendment			
Approved Date:	TBC		

POLICY PURPOSE

The Village of Pemberton (the Village) is committed to maintaining a healthy work environment that respects and supports the dignity, safety and wellbeing of all employees. The purpose of this Policy is to outline the procedures for preventing, reporting, investigating and resolving complaints of Bullying, Harassment and Discrimination ~~in the workplace~~.

~~This Policy will serve as a replacement to the Harassment Policy adopted and implemented by Village Council in 2001 and subsequently updated in 2008. With the amendments to WorkSafeBC Legislation relating to Bullying and Harassment, it has been deemed necessary to update the Policy and bring forward amendments for Council's approval.~~

Employees maintain, at any time, the right to seek legal advice and to pursue any other available remedy to address an incident, such as filing a complaint with the police or the Human Rights Commission.

Council and Management will review this policy on an annual basis and reserve the right to make amendments from time to time.

SCOPE

This Policy applies to anyone an employee may come into contact with over course of, or as a result of, their employment, including other employees, to everyone performing work for the Village and/or interacting with Village Staff for the purpose of work, including Employees, council members, members of the public, contractors, subcontractors, consultants and volunteers (Employees). This Policy applies to all Village worksites and communication channels. It also applies at all employment-related functions which occur during or outside working hours.

REFERENCES

- BC Human Rights Code

Bullying, Harassment and Discrimination Policy

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- Workers Compensation Act (the Act)
- Work Safe BC
- Village of Pemberton Code of Conduct (as amended from time to time)
- Village of Pemberton Social Media Policy (as amended from time to time)

DEFINITIONS

Bullying and Harassment includes any inappropriate conduct or comment, be it verbal or written (including via social media or other electronic means), ~~by a person towards an Employee that the~~ that a person knew or reasonably ought to have known would cause ~~that Employee to be~~ humiliated or intimidated, or any other form of unwelcome verbal or physical behaviour which by a reasonable standard would be expected to cause insecurity, discomfort, offence or humiliation ~~to an Employee or group of Employees~~, and /or has the purpose or effect of interfering with an employee’s work performance or creating an intimidating, hostile or offensive work environment.

~~Bullying and Harassment does not include any reasonable action taken by or on behalf of the Village relating to the management and direction of Employees or the place of employment.~~

Bullying and Harassment includes, but is not limited to, ~~such things as:~~

- Physical assault;
- Verbal aggression, yelling, insults, threatening behaviour or intimidation;
- Humiliating or degrading actions, gestures, practical jokes or practices designed to ridicule, insult or degrade;
- Using derogatory names towards someone;
- Targeted social isolation;
- Hazing or initiation practices;
- Vandalizing personal belongings;
- Sabotaging someone’s work;

Bullying, Harassment and Discrimination Policy

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- Social undermining;
- Spreading malicious gossip or rumours or other conduct which adversely affects working conditions or work performance;
- Persistent rudeness, taunting and patronizing behaviour.
- ~~words, gestures, actions or practical jokes, the natural consequence of which is to humiliate, ridicule, insult or degrade;~~
- ~~threats or intimidation;~~
- ~~physical assault; or~~

~~persistent rudeness, bullying, taunting, patronizing behaviour, yelling, spreading malicious rumours, or other conduct which adversely affects working conditions or work performance.~~

Bullying and Harassment does not include any reasonable action taken by or on behalf of the Village relating to the operational management and direction of Employees or the place of employment, this includes:

- Expressing differences of opinion;
- Normal workplace conflict;
- Unintentional incivility or plain rudeness;
- Offering constructive feedback, guidance or advice about work-related behaviour and performance;
- Normal exercise of managerial or supervisory responsibilities, including performance reviews, direction, coaching and disciplinary action where necessary, provided they are conducted in a respectful, professional manner in accordance with Village policies;
- Welcomed social interactions, jokes and bantering which are mutually acceptable and workplace-appropriate, provided that the interactions are respectful and there is no negative impact for others in the workplace;
- Disagreement, misunderstanding, miscommunication and/or conflict situations, provided that the behaviour of the individuals involved remains professional and respectful;
- Making a legitimate complaint about someone's behaviour through established procedures

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Discrimination means—refers to negative treatment based upon a personal characteristic ~~discrimination in employment based on a person’s including: sex, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sexual orientation, gender identity or expression, age, age, ancestry, colour, family status, gender identity or expression, indigenous identity, marital status, mental disability, physical disability, place of origin, political belief, race, religion, sex, sexual orientation~~ or a criminal conviction ~~which is~~ unrelated to the person’s employment.

POLICY

Bullying, Harassment ~~and or~~ Discrimination of any kind is unacceptable and will not be tolerated by the Village of Pemberton. Bullying, Harassment ~~and or~~ Discrimination, retaliation against any person for reporting said behaviours, false allegation of the above behaviours or interference in a complaint will be treated seriously, and may result in discipline up to and including dismissal. Management and Employees have the following responsibilities in cooperation with this Policy:

Council and Management must will:

- Take steps to prevent where possible, or otherwise minimize, Bullying, Harassment and Discrimination;
- Make all Employees aware of this Policy, the procedures set out herein, the Policy purpose and the steps being taken by the Village to prevent where possible, or otherwise minimize, incidents of ~~Discrimination or Bullying, g and Harassment~~ Discrimination;
- Provide training to Employees to help them fulfill their responsibilities under this Policy;
- Ensure all parties responsible for conducting investigations are trained and qualified;
- Maintain the confidentiality of any information received during the course of a complaint or investigation process under this Policy;
- Not engage in retaliation against any individual who files a complaint or participates in an investigation under this Policy;
- Review this Policy and the procedures set out herein on a proactive basis, adding

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any additional prohibited behaviours as identified and;

- Review this Policy on an annual basis.

Employees **must will:**

- Avoid engaging in any conduct that constitutes ~~Discrimination or Bullying, g and Harassment~~ or Discrimination;
- Report ~~if Discrimination or Bullying, -and Harassment~~ or Discriminatory behaviour if observed or experienced;
- Cooperate with all aspects of the investigation process;
- Maintain the confidentiality of any information received during the course of a complaint or investigation process under this Policy;
- Not engage in retaliation against any individual who files a complaint or participates in an investigation under this Policy, and;
- Apply and comply with this Policy and the procedures set out herein.

PROCEDURE

~~If you are victim to or witness Bullying, Harassment and/or Discrimination, both informal and formal procedures for resolution exist.~~

Informal Resolution

An individual who believes that ~~he or she is~~ they are experiencing or observing Bullying, ~~and~~ Harassment or Discrimination in line with this policy in the workplace may:

- If comfortable doing so, inform the ~~other~~ individual/s that their conduct is unwelcome and contrary to this Policy, and request that they cease the offending behaviour immediately;
- If the conversation does not result in a satisfactory resolution or if the individual does not wish to speak to the other person directly or is unable to speak to the other person directly, contact the Chief Administrative Officer (CAO) ~~for~~ ** for assistance in discussing concerns with the other person;

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- Review with the CAO the option of mediation between the two parties by the CAO or other neutral party as designated by the CAO.

* Where the complaint is directed against the CAO, the individual will consult the Mayor for assistance.

The informal complaint resolution process outlined above is not mandatory.

Formal Complaint Resolution

If a complaint is not resolved informally, the individual who believes ~~he or she~~ they have ~~has~~ experienced Bullying, ~~and~~ Harassment or Discrimination (the Complainant) may wish to make a formal complaint.

The Complainant will submit the complaint ~~orally or~~ in writing to the CAO or, where the CAO is named in the complaint, to the Mayor. Unless exceptional circumstances exist, a formal complaint must be brought within six (6) months of the most recent incident alleged to constitute Bullying, ~~and~~ Harassment or Discrimination.

All complaints will be taken seriously, and will be dealt with fairly and promptly, using the investigation process set out below in this Policy.

Investigation Process

If the subject matter of a complaint fits within the definition of Bullying, ~~and~~ Harassment or Discrimination it will be investigated. Should the complaint not fit the definition of Bullying, Harassment or Discrimination, the Complainant will be notified accordingly.

Investigations will be unbiased, thorough, complete, and conducted in as expedient a manner as practicable upon receipt of the formal complaint, but no longer than three (3) months from the time of submitting the formal complaint. Where appropriate, the CAO or Mayor can appoint a designate which can be either a member of staff or an external third party to conduct or support the investigation.

Bullying, Harassment and Discrimination Policy

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For the purposes of the investigation, formal complaints cannot be pursued anonymously; the identity of the Complainant and the nature of the complaint shall be made known to the individual/s alleged to have engaged in Bullying, ~~and~~ Harassment or Discrimination (the Respondent/s). The Respondent/s shall be provided the opportunity to explain ~~his or her~~their behaviour and to have such explanations properly considered in the investigation process.

Investigations will involve reviewing all relevant documentation and conducting in-person interviews with the Complainant, the Respondent/s, and any other applicable witnesses. Statements provided during interviews will be documented.

All documentation considered during, and resulting from, the investigation of a complaint will be treated as strictly confidential for the purposes of any applications made under *the Freedom of Information and Protection of Privacy Act*.

The Investigator will submit a report to the CAO or as appropriate, Council, with conclusions as to whether the evidence supports or does not support the allegations of Bullying, ~~and~~ Harassment or Discrimination and, if applicable, recommendations for a remedy or resolution. The report will remain strictly confidential, and the parties will be provided with a summary of the findings in the report by the CAO or their designate.

Remedies

Where a finding of Bullying, ~~and~~ Harassment or Discrimination is made following an investigation, the Village will, as soon as is reasonably practicable, take appropriate remedial or disciplinary action against the ~~Employee individual/s~~ who violated the ~~is~~ Policy. This action may include education and training, modification of policies/procedures, or disciplinary action up to and including dismissal with just cause. A copy of the complaint and the outcome of the investigation, including any action to be taken, will be filed in the Respondent's personnel file ~~where applicable~~. Where the investigation results in a finding that the complaint of Bullying, ~~and~~ Harassment or Discrimination has not been proven, no record of the complaint shall be kept in the Respondent's personnel file.

The parties to the complaint will be informed of the outcome of the investigation and, where

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appropriate, the nature of any remedial or disciplinary action.

The Village will keep a written record of investigations as part of their due diligence as an organization. If the complaint was deemed to be unfounded, the investigation will not be referred to in any future complaints against the Respondent/s. Subject to disclosure which is required by law or is necessary to investigate or resolve a complaint, the Village will make every effort to keep confidential any information pertaining to the complaint.

In the instance a Respondent of the complaint is not a Village employee, alternative remedies will be implemented where appropriate and possible to do so.

Malicious Complaints

If a complaint is demonstrated to have been brought for frivolous or malicious purposes with the intent to cause harm, appropriate disciplinary action may be taken against the Complainant. A complaint that is simply unsubstantiated or that has been brought in error, but was made in good faith, is not considered a malicious complaint.

Withdrawal of Complaint

At any time during the investigation, the Complainant may choose to withdraw ~~his or her~~their complaint without penalty so long as the complaint was filed in good faith.

Notwithstanding this right, if in the opinion of the CAO (or their designate), the circumstances warrant the continuation of the complaint process, they may do so unilaterally.

~~For further clarification surrounding this Policy, please contact your Manager or Supervisor.~~

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<u>Mike Richman</u>	<u>Nikki Gilmore</u>
<u>Mayer</u>	<u>Chief Administrative Officer</u>
<u>Village of Pemberton</u>	<u>Village of Pemberton</u>

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POLICY PURPOSE

The Village of Pemberton (the Village) is committed to maintaining a healthy work environment that respects and supports the dignity, safety and wellbeing of all employees. The purpose of this Policy is to outline the procedures for preventing, reporting, investigating and resolving complaints of Bullying, Harassment and Discrimination.

Employees maintain, at any time, the right to seek legal advice and to pursue any other available remedy to address an incident, such as filing a complaint with the police or the Human Rights Commission.

Council and Management will review this policy on an annual basis and reserve the right to make amendments from time to time.

SCOPE

This Policy applies to anyone an employee may come into contact with over course of, or as a result of, their employment, including other employees, council members, members of the public, contractors, subcontractors, consultants and volunteers. This Policy applies to all Village worksites and communication channels. It also applies at all employment-related functions which occur during or outside working hours.

REFERENCES

- BC Human Rights Code
- Workers Compensation Act (the Act)
- Work Safe BC
- Village of Pemberton Code of Conduct (as amended from time to time)

Bullying, Harassment and Discrimination Policy

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- Village of Pemberton Social Media Policy (as amended from time to time)

DEFINITIONS

Bullying and Harassment includes any inappropriate conduct or comment, be it verbal or written (including via social media or other electronic means), that a person knew or reasonably ought to have known would cause humiliation or intimidation, or any other form of unwelcome verbal or physical behaviour which by a reasonable standard would be expected to cause insecurity, discomfort, offence or humiliation, and/or has the purpose or effect of interfering with an employee’s work performance or creating an intimidating, hostile or offensive work environment.

Bullying and Harassment includes, but is not limited to:

- Physical assault;
- Verbal aggression, yelling, insults, threatening behaviour or intimidation;
- Humiliating or degrading actions, gestures, practical jokes or practices designed to ridicule, insult or deplete;
- Using derogatory names towards someone;
- Targeted social isolation;
- Hazing or initiation practices;
- Vandalizing personal belongings;
- Sabotaging someone’s work;
- Social undermining;
- Spreading malicious gossip or rumours or other conduct which adversely affects working conditions or work performance;
- Persistent rudeness, taunting and patronizing behaviour.

Bullying and Harassment **does not include** any reasonable action taken by or on behalf of the Village relating to the operational management and direction of Employees or the place of employment, this includes:

- Expressing differences of opinion;
- Normal workplace conflict;

Bullying, Harassment and Discrimination Policy

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- Unintentional incivility or plain rudeness;
- Offering constructive feedback, guidance or advice about work-related behaviour and performance;
- Normal exercise of managerial or supervisory responsibilities, including performance reviews, direction, coaching and disciplinary action where necessary, provided they are conducted in a respectful, professional manner in accordance with Village policies;
- Welcomed social interactions, jokes and bantering which are mutually acceptable and workplace-appropriate, provided that the interactions are respectful and there is no negative impact for others in the workplace;
- Disagreement, misunderstanding, miscommunication and/or conflict situations, provided that the behaviour of the individuals involved remains professional and respectful;
- Making a legitimate complaint about someone’s behaviour through established procedures

Discrimination refers to negative treatment based upon a personal characteristic including; age, ancestry, colour, family status, gender identity or expression, indigenous identity, marital status, mental disability, physical disability, place of origin, political belief, race, religion, sex, sexual orientation or a criminal conviction unrelated to the person’s employment.

POLICY

Bullying, Harassment or Discrimination of any kind is unacceptable and will not be tolerated by the Village of Pemberton. Bullying, Harassment or Discrimination, retaliation against any person for reporting said behaviours, false allegation of the above behaviours or interference in a complaint will be treated seriously, and may result in discipline up to and including dismissal. Management and Employees have the following responsibilities in cooperation with this Policy:

Council and Management will:

- Take steps to prevent where possible, or otherwise minimize, Bullying, Harassment and Discrimination;

Bullying, Harassment and Discrimination Policy

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- Make all Employees aware of this Policy, the procedures set out herein, the Policy purpose and the steps being taken by the Village to prevent where possible, or otherwise minimize, incidents of Bullying, Harassment or Discrimination;
- Provide training to Employees to help them fulfill their responsibilities under this Policy;
- Ensure all parties responsible for conducting investigations are trained and qualified;
- Maintain the confidentiality of any information received during the course of a complaint or investigation process under this Policy;
- Not engage in retaliation against any individual who files a complaint or participates in an investigation under this Policy;
- Review this Policy and the procedures set out herein on a proactive basis, adding any additional prohibited behaviours as identified and;
- Review this Policy on an annual basis.

Employees will:

- Avoid engaging in any conduct that constitutes Bullying, Harassment or Discrimination;
- Report Bullying, Harassment or Discriminatory behaviour if observed or experienced;
- Cooperate with all aspects of the investigation process;
- Maintain the confidentiality of any information received during the course of a complaint or investigation process under this Policy;
- Not engage in retaliation against any individual who files a complaint or participates in an investigation under this Policy, and;
- Apply and comply with this Policy and the procedures set out herein.

PROCEDURE

Informal Resolution

An individual who believes that they are experiencing or observing Bullying,

Bullying, Harassment and Discrimination Policy

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Harassment or Discrimination in line with this policy may:

- If comfortable doing so, inform the individual/s that their conduct is unwelcome and contrary to this Policy, and request that they cease the offending behaviour immediately;
- If the conversation does not result in a satisfactory resolution or if the individual does not wish to speak to the other person directly or is unable to speak to the other person directly, contact the Chief Administrative Officer (CAO)* for assistance in discussing concerns with the other person;
- Review with the CAO the option of mediation between the two parties by the CAO or other neutral party as designated by the CAO.

* Where the complaint is directed against the CAO, the individual will consult the Mayor for assistance.

The informal complaint resolution process outlined above is not mandatory.

Formal Complaint Resolution

If a complaint is not resolved informally, the individual who believes they have experienced Bullying, Harassment or Discrimination (the Complainant) may wish to make a formal complaint.

The Complainant will submit the complaint in writing to the CAO or, where the CAO is named in the complaint, to the Mayor. Unless exceptional circumstances exist, a formal complaint must be brought within six (6) months of the most recent incident alleged to constitute Bullying, Harassment or Discrimination.

All complaints will be taken seriously, and will be dealt with fairly and promptly, using the investigation process set out below in this Policy.

Investigation Process

If the subject matter of a complaint fits within the definition of Bullying, Harassment or Discrimination it will be investigated. Should the complaint not fit the definition of Bullying,

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Harassment or Discrimination, the Complainant will be notified accordingly.

Investigations will be unbiased, thorough, complete, and conducted in as expedient a manner as practicable upon receipt of the formal complaint, but no longer than three (3) months from the time of submitting the formal complaint. Where appropriate, the CAO or Mayor can appoint a designate which can be either a member of staff or an external third party to conduct or support the investigation.

For the purposes of the investigation, formal complaints cannot be pursued anonymously; the identity of the Complainant and the nature of the complaint shall be made known to the individual/s alleged to have engaged in Bullying, Harassment or Discrimination (the Respondent/s). The Respondent/s shall be provided the opportunity to explain their behaviour and to have such explanations properly considered in the investigation process.

Investigations will involve reviewing all relevant documentation and conducting in-person interviews with the Complainant, the Respondent/s, and any other applicable witnesses. Statements provided during interviews will be documented.

All documentation considered during, and resulting from, the investigation of a complaint will be treated as strictly confidential for the purposes of any applications made under *the Freedom of Information and Protection of Privacy Act*.

The Investigator will submit a report to the CAO or as appropriate, Council, with conclusions as to whether the evidence supports or does not support the allegations of Bullying, Harassment or Discrimination and, if applicable, recommendations for a remedy or resolution. The report will remain strictly confidential, and the parties will be provided with a summary of the findings in the report by the CAO or their designate.

Remedies

Where a finding of Bullying, Harassment or Discrimination is made following an investigation, the Village will, as soon as is reasonably practicable, take appropriate remedial or disciplinary action against the individual/s who violated the Policy. This action may include education and

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training, modification of policies/procedures, or disciplinary action up to and including dismissal with just cause. A copy of the complaint and the outcome of the investigation, including any action to be taken, will be filed in the Respondent’s personnel file where applicable. Where the investigation results in a finding that the complaint of Bullying, Harassment or Discrimination has not been proven, no record of the complaint shall be kept in the Respondent’s personnel file.

The parties to the complaint will be informed of the outcome of the investigation and, where appropriate, the nature of any remedial or disciplinary action.

The Village will keep a written record of investigations as part of their due diligence as an organization. If the complaint was deemed to be unfounded, the investigation will not be referred to in any future complaints against the Respondent/s. Subject to disclosure which is required by law or is necessary to investigate or resolve a complaint, the Village will make every effort to keep confidential any information pertaining to the complaint.

In the instance a Respondent of the complaint is not a Village employee, alternative remedies will be implemented where appropriate and possible to do so.

Malicious Complaints

If a complaint is demonstrated to have been brought for frivolous or malicious purposes with the intent to cause harm, appropriate disciplinary action may be taken against the Complainant. A complaint that is simply unsubstantiated or that has been brought in error, but was made in good faith, is not considered a malicious complaint.

Withdrawal of Complaint

At any time during the investigation, the Complainant may choose to withdraw their complaint without penalty so long as the complaint was filed in good faith.

Notwithstanding this right, if in the opinion of the CAO (or their designate), the circumstances warrant the continuation of the complaint process, they may do so unilaterally.