

# BULLYING, HARASSMENT & DISCRIMINATION POLICY

## POLICY PURPOSE

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The purpose of this policy is to outline the procedures for preventing, reporting, investigating and resolving complaints of bullying, harassment and/or discrimination.

## POLICY

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### 1.0 Scope

- 1.1. This policy applies to anyone a Village employee may come into contact with over course of, or as a result of their employment with the Village. This includes other employees, council members, members of the public, contractors, subcontractors, consultants and volunteers. The policy applies to all Village worksites and communication channels, as well as employment-related functions that occur during or outside regular working hours.
- 1.2. Bullying, harassment or discrimination of any kind is unacceptable and will not be tolerated by the Village. Retaliation against any individual for reporting said behaviours, false allegations of the above behaviours or interference in a complaint will be treated seriously and could result in disciplinary action up to and including dismissal.

### 2.0 Definitions

- 2.1 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:

- a. Physical assault;
- b. Verbal aggression, yelling, insults, threatening behaviour or intimidation;
- c. Humiliating or degrading actions, gestures, practical jokes or practices designed to ridicule, insult or degrade;
- d. Using derogatory names towards someone;
- e. Targeted social isolation;

- f. Hazing or initiation practices;
- g. Vandalizing personal belongings;
- h. Sabotaging someone's work;
- i. Social undermining;
- j. Spreading malicious gossip or rumours or other conduct which adversely affects working conditions or work performance;
- k. Rudeness, incivility, taunting and/or patronizing behaviour

2.2 Bullying and harassment is not the same as providing constructive criticism, giving feedback or taking disciplinary actions assuming these steps are taken in a fair, professional and respectful way. Common workplace interactions that do not amount to bullying or harassment include:

- a. Expressing differences of opinion;
- b. Normal workplace conflict;
- c. Offering constructive feedback, guidance or advice about work-related behaviour or performance;
- d. 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;
- e. 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;
- f. Disagreement, misunderstanding, miscommunication and/or conflict situations, provided that the behaviour of the individuals involved remains professional and respectful;
- g. Making a legitimate complaint about someone's behaviour through established procedures

2.3 Discrimination refers to negative treatment based upon a personal characteristic including; age, ancestry, skin 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.

2.4 Village staff/employees encompass the permanent workforce, term or casual employees or volunteers representing the Village of Pemberton for the purpose of this policy.

### 3.0 Procedures

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.

### **3.1. Informal Resolution**

An individual who believes that they are experiencing or observing bullying, harassment or discriminatory behaviour in line with this policy may:

- a. If comfortable doing so, inform the offending individual/s that their conduct is unwelcome and contrary to this policy, and request that they cease the offending behaviour;
- b. If the conversation does not result in a satisfactory resolution or if the individual does not wish to or is unable to speak to the offending individual directly they should contact their manager for assistance;
- c. Consider the option of mediation with support from a neutral party.

In the instance the complaint is directed against their manager, they should seek assistance from human resources or their managers' superior;

In the instance the complaint involves an elected official, refer to the Code of Conduct Bylaw No 958. 2024 and seek assistance from the CAO;

The informal resolution process outlined above is not mandatory. Where the informal resolution process fails to provide a solution, or isn't deemed appropriate, the formal complaint process should be initiated.

### **3.2. Formal Complaint Process**

Throughout the formal complaint process, the individual making the complaint will be referred to as the complainant, the individual/s identified in the complaint will be referred to as the respondent/s.

### **3.3. Complaint Submission**

To trigger the formal process a written complaint will need to be submitted via email, or letter to human resources. In the instance the complaint concerns human resources or involves an elected official, the complaint should be submitted directly to the CAO. Unless exceptional circumstances exist, a formal complaint must be brought forward within six months of the most recent incident alleged to constitute bullying, harassment or discrimination.

Complaints should be as detailed as possible with relevant dates, witness names, screenshots, photos or quotes included if they are available.

### **3.4. Investigation Process**

If the individual receiving the complaint determines that the subject matter fits within the definition of bullying, harassment or discrimination, or could potentially fit within the definition subject to further information, it will be investigated. Should the complaint not fit the definition of bullying, harassment or discrimination, the complainant will be notified accordingly.

The Village will appoint up to two designates which can be either a member of staff or an external third party to conduct or support the investigation. 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 by the investigator.

Investigations will be confidential, unbiased, thorough, 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.

Individuals taking part in an investigation are required to maintain the confidentiality of any information received during the course of 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 respondent/s alleged to have engaged in bullying, harassment or discriminatory behaviour. The respondent/s shall be provided the opportunity to explain their behaviour and to have such explanations properly considered in the investigation process.

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 compile a report to present to the CAO 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 complainant and respondent/s will be provided with a summary of the findings.

### **3.5. Remedies**

Where bullying, harassment or discrimination is identified following an investigation, the Village will take appropriate remedial or disciplinary action against the individual/s concerned.

If the respondent is a member of Village staff, remedies may include education and training, modification of policies/procedures, or disciplinary action up to and including dismissal with just cause.

If the respondent is not a Village staff member, remedies could include warning letters, cancellation of contracts, modification of policies/procedures, suspension from Village facilities, or logging a file with RCMP, where applicable.

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.

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. 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.

### **3.6. Malicious Complaints**

If a complaint is demonstrated to have been brought forward for frivolous or malicious purposes with the intent to cause harm, appropriate 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.

### **3.7. 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.

## **4.0 Responsibilities**

Village staff and representatives hold the following roles and responsibilities in relation to the successful implementation and preservation of this policy:

### **4.1. Village staff will:**

- a. Not engage in any conduct that constitutes bullying, harassment or discriminatory behaviour;
- b. Report bullying, harassment or discriminatory behaviour if observed or experienced in line with the scope of this policy;
- c. Apply and comply with this policy and its procedures at all times;
- d. Approach their manager or human resources for guidance if they have questions or concerns about this policy.

### **4.2. Management will, in addition to the above:**

- a. Acknowledge complaints in a timely manner
- b. Take steps to prevent where possible, or otherwise minimize, bullying, harassment and/or discrimination impacting their team members;
- c. Complete an annual review of this policy and reserve the right to make amendments from time to time.
- d. Ensure that parties responsible for conducting investigations are trained and qualified.

### **4.3. Human Resources will, in addition to the above:2.2**

- a. Facilitate an annual review of this policy with management and Council;
- b. Draft recommended amendments to this policy for approval;
- c. Coordinate annual training on this policy for Village staff.

### **4.4. Council will:**

- a. Not engage in any conduct that constitutes bullying, harassment or discriminatory behaviour;
- b. Report bullying, harassment or discriminatory behaviour if observed or experienced in line with the scope of this policy;
- c. Apply and comply with this policy and its procedures;
- d. Approach the CAO or the Mayor for guidance if they have questions or concerns about this policy;
- e. Complete an annual review of this policy and reserve the right to make amendments from time to time.

## POLICY AMENDMENTS

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Amendments to this policy will be made from time to time and communicated to users accordingly.

The Chief Administrative Officer is responsible for approving this policy and any substantive or administrative amendments.