

CITY OF FORT ST. JOHN RESPECTFUL WORKPLACE POLICY
Council Policy No. 146/21

The City of Fort St John values all of its Employees and is committed to providing an environment where Employees, Members of City Council, Volunteers, Customers, Contractors and Visitors are treated, and treat each other professionally and respectfully with dignity in their interactions. Through this Policy, the City supports the maintenance of a respectful workplace by providing education about appropriate workplace behaviour and setting out processes to resolve respectful workplace complaints.

This policy, along with the City's Code of Conduct (Management and Union Employees) Council Policy No. 53/18 and Human Rights Policy No. 147/21, responds to the City's responsibility to create and maintain a respectful workplace, provides procedures to handle complaints and to resolve problems and remedy situations when a breach of this policy occurs.

Section 1 – Policy

- 1.1 The City does not tolerate disrespectful behaviour. All persons associated with and employed by the City of Fort St John (Employees, Members of City Council, Volunteers, Customers, Contractors and Visitors) are responsible for conducting themselves in a respectful manner in the workplace and at work-related gatherings. Any person found to be in breach of this Policy will be subject to discipline up to and including termination from employment, cancellation of contract or denial of services.
- 1.2 All persons associated with and employed by the City of Fort St John will be treated equitably under this Policy. All matters arising under this Policy will be dealt with in a fair, unbiased and timely manner.
- 1.3 All persons associated with and employed by the City of Fort St John are responsible for ensuring that the City's working environment is free from disrespectful behaviour. Members of City Council, management and union representatives bear the primary responsibility for maintaining a working environment free from disrespectful behaviour. They are expected to act on this responsibility whenever necessary, whether or not they are in receipt of a complaint. The expertise of the Human Resources department is available to all persons associated with and employed by the City to assist with the interpretation and implementation of this Policy.
- 1.4 Efforts at informal resolution will be encouraged as a first avenue to the resolution of a complaint, refer to section 6.3, The Informal Process.
- 1.5 This Policy will be interpreted, administered and applied in accordance with the principles of procedural fairness and natural justice. In particular:

- a) All persons will be advised of the provisions of this Policy and of the procedures available to them under the terms of this Policy.
 - b) Any Complainant who wishes the City to assist in the resolution of a complaint through mediation or investigation must be prepared to be identified to the Respondent.
 - c) Complainants and Respondents must be given the opportunity to present evidence supporting their positions and to defend themselves against allegations of disrespectful behaviour.
 - d) For unionized staff a Shop Steward or Staff Rep could be a representative of their union throughout the process established by this Policy. Lawyer representation is not permitted for performance-related issues.
 - e) All complaints that proceed beyond the informal resolution phase must be submitted in writing. All submissions, responses, comments and decisions pursuant to the Policy will be made in writing if the complaint proceeds beyond the informal resolution phase.
- 1.6 Those responsible (Managers, Directors, Officers and Human Resources staff) for interpreting, administering and applying this Policy will use a Reasonable Person Standard.
- 1.7 This Policy will not be applied in such a way as to limit the rights and responsibilities of those in supervisory roles to manage and discipline Employees in accordance with collective agreements or applicable City policies and procedures.
- 1.8 Persons associated with and employed by the City of Fort St John have an obligation to participate in the procedures established under this Policy and to cooperate in a forthright manner by providing honest, accurate and timely information.
- 1.9 If, following an investigation, the City determines that a complaint has been made in bad faith or is frivolous, vexatious or malicious, the City may take disciplinary action up to, and including, the termination of employment, cancellation of contract or denial of services. A misunderstanding, a misinterpretation or an unfounded complaint do not constitute a complaint made in bad faith.
- 1.10 A Complainant or a Respondent may object to a person's participation in the administration of this Policy on the grounds of a perceived conflict of interest or reasonable apprehension of bias. Such objection should be submitted in writing to the Chief Human Resources Officer whose decision will be final. Where the objection relates to the participation of the Chief Human Resources Officer, the Chief Administrative Officer will make the determination.

Section 2 - Principles

- 2.1 A Respectful Workplace enhances job satisfaction, teamwork and productivity and thus is in the best interests of the City, its Employees, Members of City Council, and those providing services to the City and the citizens of Fort St John.
- 2.2 The City of Fort St John will not tolerate disrespectful behaviour. All persons associated with and employed by the City of Fort St John are accountable for their own conduct and are required to conduct themselves respectfully and appropriately at the workplace and work-related gatherings. They are also responsible for reporting any breaches of this Policy to Human Resources and participating in the City's initiatives to improve respect and conflict management within their work units.
- 2.3 The City of Fort St John will provide training designed to support the administration of this Policy and to ensure that all persons governed by this Policy are aware of their responsibilities under this Policy.
- 2.4 All individuals are accountable for creating and sustaining a Respectful Workplace. Management Employees and Supervisors have additional accountability for ensuring a Respectful Workplace.

Section 3 - Scope

- 3.1 This policy applies to all persons associated with and employed by the City of Fort St John, Members of City Council, and all aspects of the employment relationship. It governs conduct at the workplace and work-related gatherings.
- 3.2 This Policy does not limit the rights or responsibilities of the City of Fort St John to manage work performance appropriately and in good faith. Actions by management that are part of their responsibilities and performed for legitimate business purposes, such as changing work assignments or performance management, do not constitute a breach of this Policy.
- 3.3 The City may investigate an incident(s) on its own initiative where there are concerns about alleged breaches of this Policy, and the potential impact of inappropriate conduct on a respectful workplace.

Section 4 – Purpose

- 4.1 To formalize the responsibility and commitment of the City of Fort St John to ensure that all Employees, Members of City Council, Volunteers, Customers, Contractors and Visitors enjoy a workplace and service environment that is respectful.
- 4.2 To establish that the City of Fort St John promotes a workplace and service environment for Employees, Members of City Council, Volunteers, Customers, Contractors and Visitors that is respectful.

- 4.3 To ensure that all Employees, Members of City Council, Volunteers, Customers, Contractors and Visitors understand what is meant by providing a respectful workplace and service environment, and know their responsibilities to ensure that such an environment is provided and sustained by the City of Fort St John. Under this Policy, it is understood that employees who witness disrespectful behaviours in the workplace should report these incidents.
- 4.4 To provide appropriate processes and procedures to deal with complaints effectively and timely and to remedy situations when Respectful Workplace principles are not being honoured.

Section 5 – Definition of Respectful Workplace

5.1 What is a Respectful Workplace?

- a) A respectful workplace and work environment honours everyone’s entitlement to have a respectful experience and honours each person’s pride and dignity. In a Respectful Workplace, the principles of promoting cooperative and collaborative behaviours, including healthy group dynamics and proactive problem solving, are honoured. A Respectful Workplace includes conduct that is respectful and inclusive of others.
- b) A Respectful Workplace does not include aggressive or demeaning behaviours, negative or inappropriate communication, or bullying directed toward a specific person or persons resulting in an individual feeling humiliated, lessened in their well-being, or intimidated.
- c) Disrespectful conduct does not include legitimate job-related actions performed in good faith by supervisors and management employees, such as work direction or assignment, performance appraisals, attendance monitoring and implementation of disciplinary and other corrective actions.

5.2 What is disrespectful workplace behaviour?

- a) Disrespect occurs where individuals do not honour the entitlement of everyone to be respected in the workplace. Disrespectful workplace behaviour is distinct from Discrimination or Harassment that are prohibited by the BC Human Rights Code; that conduct is covered under the City of Fort St John’s Human Rights Policy.

5.3 How to avoid disrespectful workplace behaviour?

- a) Foundational to this Policy is the concept that each person covered by this Policy considers how they would like to be respected and will work with others as they wish to be respected, in alignment with the City’s values.

- b) Getting along with others by working in a respectful, inclusive manner is required at the City of Fort St John. Each individual covered by this Policy will make every effort to work cooperatively with other Employees, Members of City Council, Volunteers, Customers, Contractors and Visitors. This means:
 - a. Bullying or other aggressive or demeaning behaviours towards others is not tolerated.
 - b. It is respected that everyone is different, and there are different approaches or ways of doing things.
 - c. Self-awareness of how individual actions impact others in the workplace.
 - d. Not talking negatively, gossiping or judging others.
 - e. Including everyone in the workplace.
 - f. If an individual is not sure how his/her behaviour is impacting others in the workplace, they ask for clarification.
- c) An individual is bullying or harassing when they take an action that they knew or reasonably ought to have known would cause another individual to feel humiliated, excluded or intimidated.

5.4 The Consequences of Disrespectful Behaviours

- a) Disrespectful behaviours may hurt the victim and others, reflect poorly on the City, and are not in keeping with its Values.
- b) Individuals found to be bullying, intimidating, disrespecting or otherwise tormenting others, either physically or mentally, will be subject to discipline up to and including termination.

5.5 Definitions

- a) **Allegation:** is an unproven assertion or statement.
- b) **Complainant:** is the person bringing forward a complaint or allegation of disrespectful behaviour. There may be more than one Complainant in a complaint.
- c) **Employee:** includes all employees (exempt, unionized, full-time, part-time, auxiliary, and probationary), applicants, students, volunteers, contractors and consultants working for the City of Fort St John.

- d) **Mediation:** is a voluntary process where the Complainant and the Respondent consent to meet with a Human Resources representative to determine whether the dispute can be informally resolved in a mutually satisfactory manner. In some instances the City may determine that an external mediator should be called upon to assist in achieving resolution. Mediation discussions between the parties are treated as private and confidential.
- e) **Members of City Council:** means those individuals elected to Council and includes the Mayor and Councillors of the City of Fort St John.
- f) **Person(s):** includes all Employees, suppliers delivering material to the City, and public members who are accessing City services or City-operated facilities.
- g) **Reasonable Person Standard:** refers to whether or not a reasonable person in roughly the same position as the Complainant would determine disrespectful behaviour to have occurred.
- h) **Respondent:** is a person or persons against whom an allegation of disrespectful behaviour has been made pursuant to this Policy.
- i) **Retaliation:** is taking adverse action against another person for making a complaint in good faith or providing information in connection with an investigation or as a result of the resolution of a complaint. Examples of retaliation may include withholding information, sabotaging a person's work, denial of a transfer or promotion, unjust negative evaluations or references.
- j) **Workplace(s):** includes City buildings, facilities, sites, offices or work environment, locations visited by Employees and Elected Officials while travelling on City-related business, including conferences, meetings, and locations of work-based social gatherings.

Section 6 – Resolution Procedures

6.1 The City of Fort St John recognizes that conflicts and disagreements can occur within the workplace and expects such issues to be resolved in a manner that contributes to a healthy and productive workplace. Employees are encouraged to resolve disputes at an early stage through respectful and open dialogue between themselves, or by calling upon the assistance of their supervisors or a Human Resources representative.

6.2 The following procedures have been established so that complaints can first be addressed informally; and only if that is not possible, then formally. The goal of this Policy and its procedures is to prevent, correct and remedy disrespectful behaviour situations and not be punitive. However, depending on circumstances, discipline up to and including termination may result.

6.3 The Informal Process

Step 1: The Informal Conversation

- a) Persons who experience disrespectful behaviour are strongly encouraged to engage in a conversation with the Respondent to clarify and resolve the concerns.
- b) Where a Complainant is unable to have the conversation directly with the Respondent, they should contact their Manager or Supervisor as soon as possible. If needed, the Manager/Supervisor will offer assistance, such as scheduling the conversation between both parties or attending the meeting as an observer.
- c) Union participation and support is welcome.

Step 2: Mediation with the direct assistance of a Manager/Supervisor or Human Resources Representative

- a) If there is no resolution under Step 1 and the Complainant continues to seek resolution, then they should approach their Manager or Supervisor with the concern(s). The goal is to understand and mutually resolve the issue so that persons conduct themselves in a civil, respectful and cooperative manner.
- b) Steps taken by the Manager, Supervisor, or Human Resources representative could include:
 - a. Meeting separately with the Complainant and the Respondent to review the concerns;

- b. Meeting together with the Complainant and the Respondent to facilitate a conversation aimed at understanding and resolving the issue;
 - c. Reviewing applicable policies with the Complainant and the Respondent and reinforcing expectations of respectful conduct;
 - d. Seeking commitments from the Complainant and the Respondent that they will conduct themselves in a respectful manner;
 - e. Following-up where appropriate with the Complainant and the Respondent after the resolution process to ask whether commitments to respect are being adhered to; or
 - f. Recording steps taken in the resolution process.
- c) In the event Employees cannot resolve their differences by informal conversation, the Human Resources department may provide the assistance of an external mediator to support the Employees informally and to find a mutually acceptable way to resolve the conflict. This external mediator will report to Human Resources on the conclusion of the mediation.

6.4 Interim Measures

- a) It may be necessary for interim measures to be taken while a complaint is being resolved, investigated or decided. Such measures will be precautionary, not disciplinary and may include separating the Complainant from the Respondent by transfer, assignment of different hours, or leave with pay.

6.5 The Formal Process

Step 3: Formal complaint

- a) If there is no resolution under Steps 1 and 2, and the Complainant continues to seek resolution, then they must file a written complaint to their Manager or to the Chief Human Resources Officer.
- b) A complaint must be filed within three (3) months of the alleged incident, or the last incident if there is more than one incident. The Chief Human Resources Officer may extend that time limit in exceptional circumstances.
- c) Information required for a written complaint:

- a. The specific incident(s) that have led to the filing of the complaint — if there is more than one, number them;
- b. The date the incident(s) occurred;
- c. The identity of the Respondent;
- d. What the Respondent(s) said or did that was in breach of this Policy;
- e. The names and department(s) of any potential witnesses;
- f. How the incident(s) affected the Complainant; and any impact the incident(s) had on the Complainant's work.
- g. Any attempts made to resolve the complaint under Steps 1 or 2; what those were, and who assisted.

6.6 The Investigation

- a) Once a written complaint is received, the Chief Human Resources Officer or HR representative will undertake an investigation immediately.
- b) The names of the parties and the circumstances related to the complaint will not be disclosed except where necessary to investigate the complaint or take appropriate disciplinary measures.
- c) The Chief Human Resources Officer may reject a complaint on the grounds that it is made in bad faith, is frivolous, vexatious or malicious, or that it lies outside the jurisdiction of this Policy, or is beyond the time limits for making a complaint. This decision must include the reasons for the decision.
- d) If a complaint of disrespectful behaviour is made against the Chief Human Resources Officer, the Chief Administrative Officer will receive the complaint and handle all matters related to the investigation and resolution of the complaint.
- e) If a complaint proceeds, the Chief Human Resources Officer may appoint an external investigator to investigate the allegations made in the complaint. The Complainant and the Respondent will be notified that an investigation will proceed and provided the name and contact information of the investigator. The Chief Human Resources Officer or Human Resources representative will oversee the investigation process.

- f) Respondents will be provided with the opportunity to explain themselves and have those explanations fully considered by whoever is carrying out the investigation.
- g) The investigator's mandate will include interviewing the Complainant, Respondent and witnesses where appropriate; making findings of fact, determining whether the facts constitute disrespectful behaviour in breach of this Policy, and issuing a summary report consistent with the mandate. The investigation will be thorough, objective, expeditious and fair for all parties involved.
- h) In deciding on whether this Policy has been breached, the investigator will use a standard of proof corresponding to the civil burden of proof on a balance of probabilities.
- i) The investigator's report will be delivered to the Chief Human Resources Officer. All documentation related to the investigation is the property of the City. The Complainant and the Respondent will be advised of the outcome of the investigation, but will not be provided with a copy of the report. Witnesses who participate in the investigation will be advised that the investigation has concluded.
- j) In the event of legal proceedings (for example, grievance and arbitration); documentation required for the judicial process will be made available by the Chief Human Resources Officer to the requesting legal counsel, or union representative, representing the parties.
- k) The Chief Human Resources Officer will consider the report's findings and determine what steps or remedies to take within six weeks of receiving the report. These may include education, counselling, discipline, or some other action. The Chief Human Resources Officer will communicate this decision in writing to the Complainant, the Respondent, and their representatives, if applicable.
- l) The Complainant or Respondent may request a review of this decision by the Chief Human Resources Officer; this request must be made in writing to the Chief Administrative Officer within thirty (30) days of receipt of the Chief Human Resources Officer's decision.
- m) This Policy is meant to foster a respectful workplace environment through a fair and equitable process and does not contemplate any form of financial remedy.

Section 7 - Consequences of Non-Compliance With This Policy

- 7.1 Any person who breaches this Policy will be subject to remedial measures or disciplinary action, up to and including termination of employment, cancellation of contract or denial of services.

- 7.2 Where behaviour may constitute a criminal offence, the City will refer the matter to RCMP for further investigation.
- 7.3 Every person has the right to report, in good faith, incidents of disrespectful behaviour without fear of retaliation. The City prohibits any form of retaliatory action against any person who files a complaint in good faith. Retaliation by any person against anyone involved in an informal, internal or external formal complaint process will be subject to discipline, up to and including termination of employment, cancellation of contract or denial of services.

Section 8 - Employee's Rights

If an Employee makes a complaint under this Policy, the Employee retains the right to make a complaint to the BC Human Rights Tribunal or WorkSafe BC. If the Union has filed a grievance on behalf of the Employee, the Employee will not be entitled to make a complaint under this Policy based on the same facts

Section 9 Complaints Against, or by Members of City Council

- 9.1 If the complaint is made by or involves a member of City Council, a written complaint must be filed to the Chief Administrative Officer.
- 9.2 A complaint must be filed within three (3) months of the alleged incident, or the last incident if there is more than one incident. The Chief Administrative Officer may extend that time limit in exceptional circumstances.
- 9.3 Information required for a written complaint:
 - a) The specific incident(s) that have led to the filing of the complaint — if there is more than one, number them;
 - b) The date the incident(s) occurred;
 - c) The identity of the Respondent;
 - d) What the Respondent(s) said or did that was in breach of this Policy;
 - e) The names and department(s) of any potential witnesses;
 - f) How the incident(s) affected the Complainant; and any impact the incident(s) had on the Complainant's work;
 - g) Any attempts made to resolve the complaint informally; what those were, and who assisted.

- 9.4 The Chief Administrative Officer will be responsible for conducting an initial review of the complaint to determine whether the investigation will occur internally with the Chief Human Resources Officer assisting the Chief Administrative Officer or if the matter will be brought forward to the Council to determine referral to a third-party to investigate. The Investigator's report will be submitted directly to the Chief Administrative Officer, Mayor and Council. If a finding of a breach of the Policy has been made by the Investigator, the matter will then be handled by the CAO or referred to a third-party facilitator experienced in conflict resolution, who will review the situation and make appropriate recommendations.
- 9.5 Any member of City Council who breaches this Policy will be subject to remedial measures as per Council direction following applicable legislation of the *Community Charter*.