

Deep Bay Improvement District

Human Rights and Harassment Policy

Policy Number: 21-06-01

1. PURPOSE

The Deep Bay Improvement District (DBID) is committed to providing a work environment in which all individuals are treated with mutual respect and dignity.

The DBID also recognizes that employees have the right to work in an environment that is free from harassment as prohibited by the *BC Human Rights Code*.

This Policy sets out guidelines for the reporting, investigating and resolving of Complaints of harassment in an effort to ensure a respectful workplace for everyone.

2. SCOPE

This policy applies to all DBID employees, contractors, volunteers, and trustees.

This Policy applies to the workplace itself, and to work-related events. It includes harassment amongst DBID employees, contractors, volunteers, and trustees that happens away from the workplace or after regular working hours, where the harassment has a negative impact on the workplace.

3. DEFINITIONS

Harassment is a form of discrimination, and is prohibited by the *BC Human Rights Code*. It is defined as behaviour that a reasonable person would find unwelcome, has a negative impact on the workplace, and is related to any of the characteristics which are listed as prohibited grounds of discrimination in the *BC Human Rights Code*, namely:

- Race
- Colour
- Ancestry
- Place of Origin
- Political Belief
- Religion
- Marital Status
- Family Status
- Physical or Mental Disability
- Sex
- Sexual Orientation
- Gender identity or expression
- Age
- Criminal or summary conviction offence unrelated to employment or intended employment

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Harassment can, depending on the seriousness of the behaviour, consist of a single incident or a number of incidents. It can be directed at one person, or it can involve a number of individuals.

Behaviour does not need to be intentional in order to be considered harassment, although intention may be relevant in assessing the severity of the behaviour. Some examples of harassment include, but are not limited to:

- unwelcome, offensive remarks, jokes slurs, or innuendo related to any of the Prohibited Grounds;
- unwelcome, offensive behaviour related to gender identity, gender expression or perceptions of sexual orientation or gender;
- displaying or distributing derogatory or offensive pictures, graffiti or other materials related to any of the Prohibited Grounds, including but not limited to racist, sexist, or homophobic materials;
- refusing to interact or communicate with persons because of any of the Prohibited Grounds;
- stalking;
- unwelcome, offensive communications related to a Prohibited Ground sent by any means, including email or other electronic transmission;
- unwelcome, offensive behaviour related to a Prohibited Ground, where tolerance of the behaviour is explicitly or implicitly made a term of employment or a consideration in job-related decisions;
- unwelcome, offensive behaviour related to a Prohibited Ground that creates an intimidating, hostile, offensive or poisoned workplace environment;
- unwelcome, offensive comments that are sexual in nature; and
- unwelcome, physical contact, such as touching, patting or pinching.

Harassment under this Policy does not include conduct that a reasonable person would find welcome or neutral. This Policy is not intended to curtail welcome, appropriate workplace interaction. Some examples of conduct that is not harassment include, but are not limited to:

- welcome, mutually consensual relationships or social invitations that do not involve inappropriate or offensive behaviours, intimidation, explicit or implicit threat of retaliation, or misuse of power;
- the exercise of the DBID's right to direct the employees/volunteers/trustees, including supervising, managing and giving appropriate and legitimate performance feedback, coaching, and discipline; and
- bona fide occupational requirements established by the DBID as contemplated in section 13 subsections 3 and 4 of the *BC Human Rights Code*.

Complainant means the individual making a complaint that harassment has occurred.

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Respondent means the individual alleged to have engaged in disrespectful behaviour.

Leader means Administrator, Board Chair, HR Committee or Fire Chief.

Investigator means the leader who is chosen by the board of trustees to investigate a complaint.

4. POLICY STATEMENTS

1. DBID employees, contractors, volunteers, and trustees shall not be subjected to, and shall not subject another employee, contractor, volunteer or trustee to harassment as it is defined in this policy.
2. Roles and Responsibilities
 - a. The DBID has the primary responsibility to establish and maintain a work environment free of harassment as defined in this Policy.
 - b. Leaders have an essential role in preventing and resolving harassment issues. Their primary responsibilities with respect to harassment are to:
 - i. ensure employees/contractors/volunteers/trustees are provided with information about and access to policies and procedures related to harassment;
 - ii. model appropriate behaviour;
 - iii. monitor the workplace for incidents of harassment; and
 - iv. intervene promptly and appropriately when they know, or ought reasonably to know, that harassment is occurring.
 - c. All employees/contractors/volunteers/trustees have a responsibility to refrain from harassment as defined in this Policy.
 - d. The responsibilities of Investigator are to:
 - i. ensure a fair, prompt and equitable process is followed;
 - ii. champion behaviours and practices that are free of harassment;
 - iii. create and maintain records of the investigation;
 - iv. protect the privacy and confidentiality of all individuals involved;
 - v. work with Leaders and the Board of Trustees to determine corrective action;
 - vi. where appropriate, facilitate meetings to resolve issues;
 - vii. ensure the Complaint investigation is an impartial, fact-finding process; and
 - viii. not advocate on behalf of, or represent, any party involved in a Complaint.
3. Harassment Complaint Procedures

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- a. The DBID's procedures for addressing harassment Complaints are meant to be flexible, timely and accessible. The DBID provides both an informal and formal process to resolve harassment Complaints.
- b. An individual who believes he or she is being harassed (the "Complainant") may consult a Leader, who can assess whether the Complaint falls under this Policy and discuss possible courses of action.
- c. Concerns about harassment should be raised as soon as reasonably possible. The time limit for filing a Complaint under this Policy is 6 (six) months from the time of the last alleged incident of discrimination or harassment. Exceptions may be made in extenuating circumstances.

4. Interim/Immediate Complaint Handling Procedures

Some of the options available may include:

- a. the Complainant discussing her or his concerns directly with those involved;
- b. having an appropriate party assisting the Complainant in discussing concerns with those involved. An appropriate party could include any of the Leaders;
- c. initiating an "informal" or "formal" resolution process; and/or
- d. the Leader suggesting interim measures to be taken during either the informal or formal processes.

5. Informal Complaint Resolution

The DBID strives to provide a wide range of options to resolve Complaints. Informal Complaint resolution may include, but is not limited to: mediation, behavioural guidelines or agreements, apologies or other measures agreed to between the parties and the Board of Trustees (in Camera, as required).

6. Formal Complaint Resolution

If a Complaint is not resolved informally, or if an individual who believes he or she is experiencing harassment chooses, he or she may make a formal Complaint through a Leader. Formal Complaints shall be made in writing to the Leader, who will ensure that assistance in completing a written Complaint is provided, as required.

The Leader will bring the Complaint to the Board of Trustees at an in-camera meeting.

Formal Complaint investigations are assigned to a Leader by the board.

Formal Complaint investigations cannot be carried out anonymously. The identity of the Complainant and the allegations contained in the Complaint shall be made known to the individual(s) alleged to have engaged in harassment (the "Respondent"). The Respondent shall be provided a full and fair opportunity to respond to the allegations contained in the Complaint. Likewise, the Complainant shall be provided with the response and shall have an opportunity to reply.

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At any time during the course of the investigation, the matter may be resolved, so long as the resolution is agreed to by each of the parties and the Leader.

Once the formal Complaint investigation is complete, the Complainant, Respondent and the Board of Trustees shall be notified of the findings of the investigation.

7. Other Remedies

None of the procedures described in this Policy prevent a person from pursuing other remedies, such as pursuing a grievance, where applicable, or filing a Complaint with the BC Human Rights Tribunal.

The investigation procedures outlined under this Policy may be suspended at the discretion of Board of Trustees until any other remedial processes have been concluded.

8. False or Malicious Complaints

If a Complaint is found to be false or brought for malicious purposes, the DBID may take disciplinary measures against the Complainant, up to and including termination of employment, contract, or volunteer status. However, a Complaint that is found to be unsubstantiated or based on mistake may not be considered false or malicious.

9. Retaliation

Retaliation also constitutes a form of discrimination under this Policy, and may form the basis of a separate Complaint.

Any form of retaliation or discrimination against an employee, contractor, volunteer or trustee because that person initiated a Complaint of harassment, or because that person acted as a witness or otherwise participated in an investigation, may be considered a violation of this Policy. Such action may result in discipline up to and including termination of employment, contractor, or volunteer status.

10. Reporting Retaliation

If a complainant believes that he or she has been subjected to retaliation as set out above, that person may report it as outlined under Section 3 of this Policy.

11. Consequences of Harassment

Engaging in harassment or retaliation is serious misconduct and may result in disciplinary action.

12. Confidentiality and Document Retention

Information collected and retained by investigator during the course of an informal or formal harassment resolution process is treated as confidential. During the investigation process, the investigator shall limit disclosure of Complaint-related information to that which is necessary to resolve the Complaint. Information collected and retained by the investigator may be required to be released by law including release required in court proceedings, arbitration or other legal proceedings.

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Confidentiality extends to all records relating to Complaints, including but not limited to meetings, interviews and investigation results. Individuals making a Complaint, witnesses and individuals against whom a Complaint has been made are expected to maintain confidentiality. Personal information, including the identities of the Complainant(s) and Respondent(s), shall be protected in accordance with the DBID privacy policy. Documentation of the investigation shall be kept in a separate confidential file and maintained by the administrator in order to document the DBID's proper investigation of formal Complaints.

5. REFERENCES

1. WorkSafeBC
2. BC Human Rights Code
3. City of Vancouver policy: <https://policy.vancouver.ca/AE00205.pdf>
4. Government of British Columbia policy: https://www2.gov.bc.ca/assets/gov/careers/managers-supervisors/managing-employee-labour-relations/hr-policy-pdf-documents/11_discrimination_and_harassment_in_the_workplace_policy.pdf

POLICY HISTORY

Approved by Board:	June 21, 2021
Amended	

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Schedule 'A'

HUMAN RIGHTS ACKNOWLEDGEMENT

Please use a pen to complete

I (print name) _____ hereby acknowledge that I have read and understand the Deep Bay Improvement District's (hereinafter called "DBID") policy 21-06-01 regarding human rights and harassment. This policy outlines my rights and responsibilities regarding human rights during the course of my affiliation or assignment at the DBID. I further acknowledge that I have read and understand the consequences for breach of this policy.

RELATIONSHIP WITH DBID:

- _____ Employee
- _____ Trustee
- _____ Volunteer
- _____ Contractor

Signature: _____

Date _____ / _____ / _____
Day Month Year