



# The Corporation of the District of Peachland

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## **RESPECTFUL WORKPLACE POLICY**

### **PURPOSE:**

The purposes of the Respectful Workplace Policy are:

- to formalize the responsibility and commitment of the District of Peachland to ensure the workplace and service environment is free from any form of discrimination or harassment (including sexual harassment.)
- to establish that the District of Peachland promotes a work environment in which all are treated with respect and dignity and can contribute to a productive and professional atmosphere.
- to ensure an understanding of what is meant by a respectful workplace and know what to do to ensure that a respectful workplace is created and maintained at the District of Peachland.
- to provide processes and procedures to handle complaints and remedy situations when workplace discrimination, harassment or conflict occurs, as defined by this Policy.

### **IMPLICATIONS:**

#### **GENERAL:**

#### **What is a respectful workplace?**

- ◆ A respectful workplace is one which is free from discrimination and harassment as prohibited by the BC Human Rights Code. Discrimination and harassment are not tolerated at the District of Peachland.
- ◆ A respectful workplace is a workplace where all are treated fairly and civilly and are expected to conduct themselves in a friendly, courteous and professional manner. And to consider the feelings and pride of others and to respect their unique backgrounds and contributions.
- ◆ A respectful workplace promotes cooperative and collaborative behaviors including healthy group dynamics and proactive problem solving.

In order to foster a respectful workplace, everyone must understand that this policy applies to all and includes their responsibility and accountability to ensure that a discrimination and harassment free work and service environment exists.

#### **What is Discrimination**

Discrimination refers to unfair, differential treatment of individuals or groups and is prohibited by law. Discrimination may be intentional or unintentional and often stems from prejudice and/or stereotypes. Discrimination can result in one individual or group having an advantage over another. Discrimination can cause an individual or group to be excluded from activities, in which they have the right to be included.

The BC Human Rights Code protects all from discrimination on the following grounds: race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age, political belief or unrelated criminal or summary conviction.

### **What is Harassment**

Harassment is a type of discrimination. It is a serious violation of fundamental human rights. Harassment means engaging in a course of annoying comment or conduct that is known or ought reasonably to be known to be unwelcome, and is tied to a prohibited ground of discrimination. It is behaviour which causes distress and serves no legitimate work related purpose.

Harassment attacks a person's dignity, health and well being. It is unwarranted comment or conduct that humiliates, intimidates, excludes, isolates and undermines the individual's self esteem due to membership in a protected group. It can be a single incident (in the case of physical contact) or a pattern of repeated incidents directed against an individual or group. Whether intentional or unintentional, harassment demonstrates a lack of respect for the Individuality and the dignity of those it targets.

Harassment behaviour includes, but is not limited to:

- Physical threats or intimidation
- Words, gestures, actions or jokes which may humiliate, degrade or abuse
- Distribution or displaying of offensive pictures or materials, including materials on computers.

### **What is Sexual Harassment**

Sexual harassment is a type of discrimination under the BC Human Rights Code. Sexual harassment is uninvited and unwelcome conduct that is sexual in nature that may detrimentally affect the work or service environment or lead to adverse job related or other consequences for the victim of harassment. The term 'sexual harassment' has come to be used to identify those kinds of sexual coercion and exploitation of women and men in a formal or structured relationship in which we have an expectation that the relationship has nothing to do with sex or sexuality.

Sexual harassment behaviour includes, but is not limited to:

- ◆ Remarks, jokes, innuendoes or derogatory or demeaning comments regarding someone's body, appearance, physical or sexual characteristics or clothing
- ◆ Displaying of sexually offensive or derogatory pictures, cartoons or other material
- ◆ Unwelcome questions or sharing of information regarding a person's sexuality, sexual activity or sexual orientation
- ◆ Sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the victim of harassment
- ◆ **Unwanted** physical contact of any kind.

## **What is Criminal Harassment**

Criminal harassment may be defined as adverse differential treatment of an individual or individuals which involves assault, damage to personal property or company property, and stalking.

## **What is a Poisoned Environment**

Harassment can 'poison' the work environment for the victim of harassment as well as for others who share the work environment. A 'poisoned' work environment is one which is hostile, intimidating or offensive. Comments or actions of a co-worker or a supervisor may create a poisoned environment. These comments and/or actions make the workplace uncomfortable and can interfere with productivity and interactions of the work group. The poisoned environment forms a unequal term or condition of employment, and is therefore a violation of the right to be free from discrimination.

## **ORGANIZATIONAL:**

### Discrimination and Harassment Complaint Procedure

Those who feel subject to, or who are aware of an incident of discrimination or harassment, are encouraged to try and communicate directly with the other individual involved and advise him/her that the behaviour is unwelcome. If an individual does not feel able to communicate directly with the other person involved, he/she should discuss the issue with a member of management (and a union official if he/she wishes.)

All incidents of discrimination and harassment, including single and multiple incidents, must be reported so that corrective action may be taken to:

- 1) Stop the discriminatory behaviour; and
- 2) Remove the individual from the work site until a full investigation is complete; and
- 3) Remedy the situation for the individual(s) involved.

All complaints, must be dealt with promptly and fairly.

If a manager or supervisor suspects that discrimination or harassment may be occurring, he/she must take action to deal with the concern.

Each incident reported will be investigated in a timely manner and appropriate remedial action will be taken upon completion of the investigation. Individuals who investigate and or mediate complaints of discrimination and harassment should have experience in dealing with Human Rights complaints. All complaints should be resolved within sixty days. The resolution will ensure that all discriminatory or harassing behaviour which has been substantiated through the investigative process, will be stopped, and that a respectful work environment is created for all individuals implicated in the complaints. Where warranted, disciplinary action will be taken. Individuals who file a complaint under this Policy may still file a Human Rights complaint with the BC Human Rights Tribunal. Complaints to the BC Human Rights Tribunal must be filed within six months of the last alleged incident of discrimination.

While it may be difficult to bring forward a complaint of workplace harassment an individual will feel more comfortable in doing so if he/she is assured of confidentiality with respect to his/her complaint. It is in the best interest of everyone involved in a complaint that the matter be treated in confidence. Therefore, to protect the interests of everyone involved, confidentiality will be maintained throughout the investigative process. Information that must be shared in the process will be disclosed on a "need to know" basis.

An allegation of harassment is an extremely serious matter. Complaints which are made in bad faith or which are vexatious or vindictive in nature may lead to discipline for the individual who files the complaint.

Individuals who file a complaint, as well as anyone else implicated in the investigation or resolution of a complaint, will not be penalized for his/her participation. Any interference with the conduct of an investigation, or retaliation against a complainant, respondent or witness, will itself result in disciplinary action.

No record of a complaint of discrimination or harassment will be noted in employee personnel files, except in the case where discipline has been imposed. In cases where discipline has been imposed, a copy of the disciplinary letter will be placed on the employee's personnel file.

Individuals who file a complaint under this Policy may still file a Human Rights complaint with the BC Human Rights Commission.

### **What About Workplace Conflict**

Discrimination and harassment are specific types of conflicts which are prohibited by the BC Human Rights Code. There are many other types of conflicts that can arise in the workplace that are not dealt with by the BC Human Rights Code; these other types of conflicts are dealt with as "Workplace Conflict."

Getting along with co-workers or supervisors may not always be easy, but making an effort to resolve conflict at work should be a goal of all. It is the expectation that each person will try his/her best to get along with his/her co-workers. This means:

- Respect the fact that others may be different from you and that they may have a different approach or way of doing something than you do.
- Be aware of the fact that how you act can impact others in the workplace.
- Avoid talking negatively, gossiping or being judgmental. This type of behavior encourages conflict in the workplace, and is not consistent with the goals of the Respectful Workplace Policy.

### **Workplace Violence**

Employees must not engage in any improper activity or behavior or violent behavior in the Workplace that might create or constitute a hazard to them or any other person.

Improper activity or behavior includes the attempted exercise by a person towards another person in the workplace of any physical force or violence so as to cause injury and includes any threatening statement or behavior which gives a person reasonable cause to believe he or she is at risk of injury. Improper activity or behavior also includes physically or mentally bullying, tormenting or other demeaning behaviors towards another person.

### **Workplace Bullying**

Workplace bullying can be defined as a conscious, willful and deliberate hostile activity intended to harm.

Bullying usually involves repeated incidents or a pattern of behavior that is intended to intimidate, offend, degrade or humiliate a particular person or group of people.

Bullying can also be described as the assertion of power through aggression.

Bullying or other aggressive or demeaning behaviors towards others are contrary to a respectful workplace and will not be tolerated.

