

<b>Policy Name:</b>	<b>HUMAN RIGHTS AND RESPECTFUL WORKPLACE POLICY</b>		
<b>Last Updated:</b>	September 29, 2020		<b>Policy #:</b>
<b>Issued By:</b>	Human Resources and Compensation Committee	<b>Approved By:</b>	Surrey Police Board
<b>Review Frequency:</b>	As required		

**The definition of terms used in this Policy are as set out in Appendix A to this Policy.**

## **1.0 PURPOSE**

Surrey Police Service (“SPS”) is committed to providing a safe, healthy, and inclusive work environment, where everyone is valued and is able to fully contribute to SPS’s mission. Its diverse and equitable workplace is free from discrimination, harassment, and disrespectful behaviour (including bullying), and is supportive of individual dignity, positive self-esteem, and mutual respect.

Everyone has a role in meeting this commitment. Foundational to this Policy is the concept that each person covered by this Policy will treat others as they themselves wish to be treated, in alignment with SPS’s values.

SPS is committed to providing communication, education and training to all Employees, Volunteers, and Contractors on the Policy, and to ensuring the procedures for complaint investigation and resolution are implemented and followed.

## **2.0 SCOPE**

- 2.1** This Policy applies to Employees, SPS job applicants, Volunteers and Contractors.
- 2.2** Places covered by this Policy include SPS Premises, locations visited by employees while traveling on SPS related business, SPS related business sites including conferences, meetings, vendor/supplier or customer sites, and locations of work-based social gatherings, whether organized by SPS or not. This Policy includes Discrimination, Harassment, and Disrespectful Behaviour involving SPS Employees that happens away from the workplace or after regular working hours, when the behaviour violates this Policy.
- 2.3** This Policy covers Discrimination and Harassment as prohibited by the B.C. Human Rights Code and Disrespectful Behaviour as detailed in the B.C. Workers Compensation Act and the related B.C. Occupation Health and Safety Regulations. It also complies with

the BC Police Act.

- 2.4** Legitimate job-related actions performed in good faith by Supervisors, such as work direction or assignment, performance appraisals, attendance monitoring, and implementation of disciplinary and other corrective actions, are not discriminatory, harassing, or Disrespectful Behaviour.

### **3.0 RESPONSIBILITIES**

**3.1** Every SPS Employee, Volunteer and Contractor:

- is responsible to create and maintain a workplace that is free from Discrimination, Harassment, and Disrespectful Behaviour by ensuring their behaviour is respectful and by treating others with dignity and care;
- is responsible for their actions, reactions and behaviours, and understanding their impact on others;
- has the right to be treated fairly and respectfully in the workplace; and
- is expected to address behaviour that is inconsistent with this Policy by taking appropriate and timely action, including reporting any violation in accordance with this Policy.

**3.2** Supervisors are expected to:

- facilitate a work environment that promotes a respectful and inclusive workplace;
- be a role model for SPS behaviour standards;
- ensure awareness of and compliance with this Policy;
- take preventative action to avert the development, escalation, or recurrence of Discrimination, Harassment, and Disrespectful Behaviour in the workplace;
- take appropriate action to promptly, impartially, and confidentially address issues covered by this Policy;
- support all parties involved in resolving issues under this Policy;
- seek advice and assistance from the Manager Human Resources where appropriate; and
- report all incidents and actions taken to the Manager Human Resources.

### **4.0 POLICY STANDARDS**

There are three categories of inappropriate behaviour addressed in this Policy:

1. Discrimination based on prohibited grounds under the B.C. Human Rights Code;
2. Harassment based on prohibited grounds under the B.C. Human Rights Code; and
3. Disrespectful Behaviour (including bullying and intimidation).

Intent does not determine whether behaviour amounts to Discrimination, Harassment, or Disrespectful Behaviour. A person cannot excuse their behaviour by saying they did not intend it to contravene this Policy.

## 4.1 Definition of Discrimination and Harassment

- 4.1.1 **Discrimination** refers to adverse differential treatment of individuals or groups that is related to a prohibited ground of discrimination under the B.C. Human Rights Code. The differential treatment may impact behaviours, practices, policies, or systems. It may be intentional or unintentional, and may stem from prejudice and/or stereotypes of others. It can result in one individual or group having an advantage over another individual or group. Discrimination can cause an individual or group to be excluded from activities where they have the right to be included. The prohibited grounds of Discrimination in employment as set out in the B.C. Human Rights Code are race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, gender identity or expression, sexual orientation, age, and conviction of a criminal or summary conviction offence that is unrelated to employment or intended employment.
- 4.1.2 **Harassment** is a type of Discrimination. Harassment is defined as unwelcome conduct or conduct that is of such a nature that it would be reasonable to assume that it is unwelcome, that is based on or related to one of the prohibited grounds set out in Section 4.1.1 of this Policy, and that detrimentally affects the work environment or how accommodation, services, or facilities are provided, or leads to adverse job-related consequences for another person.
- 4.1.3 **Sexual Harassment** is a type of Discrimination on the prohibited ground of sex. It involves one or more incidents of unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature and/or where submission to that conduct is made either explicitly or implicitly a condition of employment or the basis for employment decisions affecting the individual.

### **Examples of Harassment and/or Sexual Harassment include:**

- Remarks, jokes, innuendos or other comments or gestures regarding someone's body, appearance, age, marital status, ethnic origin, religion, physical or sexual characteristics, or clothing;
- The display, distribution or storage of offensive or derogatory pictures, cartoons, or other material (including material on computers, social media or email);
- Unwelcome questions or sharing of information regarding a person's sexuality or sexual activity, religious activities, or disability status;
- Suggestive staring, leering, or other offensive gestures;
- Sexual solicitation or advance that is unwelcome;
- Unwanted physical touching;
- Sexual assault; and
- Favouring, or appearing to others to be favouring, a subordinate Employee in exchange for sexual favours.

**4.2 Definition of a Respectful Workplace and Disrespectful Behaviour.** A Respectful Workplace honours the entitlement of everyone to have a respectful experience and honours the pride and dignity of each person. 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 is inclusive of others.

A Respectful Workplace does not include aggressive or demeaning behaviours, negative or inappropriate communication, or bullying that is directed toward a specific person or persons that results in an individual feeling humiliated, lessened in their personal well-being, or intimidated.

Disrespectful Behaviour occurs when individuals do not honour the entitlement of everyone to be respected in the workplace. An individual engages in Disrespectful Behaviour when they take an action that they knew or reasonably ought to have known would cause another individual to feel humiliated, excluded, or intimidated.

**Disrespectful Behaviour can be:**

1. Vexatious: conduct, comments, actions, or gestures which are humiliating, offensive, hurtful, or belittling.
2. Repeated: conduct, comments, actions, or gestures which when taken in isolation seem minor but when repeated can lead to a conclusion of harassment.
3. A single incident of sufficient seriousness to have a significant impact on the recipient or the work environment.

**Examples of Disrespectful Behaviour include:**

1. written or verbal comments, actions, gestures, insults, or other behaviours or jokes which are humiliating, offensive, hurtful or belittling;
2. bullying or intimidation;
3. cyber bullying;
4. harmful hazing or initiations practices;
5. abusing authority;
6. yelling or shouting (except where intended to alert another to danger);
7. deliberately excluding an employee from relevant work activities or decision making (social isolation);
8. decision-making which is influenced by factors which have no work-related purpose; and
9. attempting to discredit an employee by spreading false information/rumours.

## **5.0 ADMINISTRATION**

**5.1 Confidentiality.** All processes under this Policy are conducted confidentially. Complainants, Respondents, Witnesses, and Supervisors must maintain confidentiality concerning workplace Discrimination, Harassment, and Disrespectful Behaviour complaints or investigations.

The *Freedom of Information and Protection of Privacy Act* governs rights to privacy and access to information with respect to any complaint.

Human Resources must keep complaint records in accordance with applicable legislation. A secure and separate filing system will be maintained by the Manager Human Resources (or such other person or location as designated by the Chief Constable or by Policy) for complaints made pursuant to this Policy.

If any individual knowingly discloses confidential information collected under this Policy contrary to the Policy and without proper authorization, that individual may be subject to discipline, up to and including termination of employment.

Every reasonable effort will be made to ensure confidentiality throughout the Informal Resolution and Formal Investigation Processes. Information will only be disclosed to the extent required: (a) for the purpose of investigation or disciplinary action; (b) by SPS Policy or procedures; or (c) by law (i.e. *BC Freedom of Information and Protection of Privacy Act*, *Police Act*, *Workers Compensation Act*, or rules governing administrative proceedings and court orders).

The Manager Human Resources will inform the head of the Profession Standards Unit of complaints made against sworn police officers under this Policy, so that reporting to the Office of the Police Complaint Commissioner may occur as applicable.

- 5.2 Expectations.** Employees who violate this Policy may be subject to disciplinary action, up to and including termination of employment. Volunteers and Contractors may have their relationship with SPS terminated.
- 5.3 Policy Review Schedule.** The Human Rights and Respectful Workplace Policy will be reviewed and amended as required, by the Executive Team, for approval by the Surrey Police Board. Such amendments will be communicated to Employees, Volunteers, and Contractors.
- 5.4 False Complaints.** An allegation of Discrimination, Harassment, or Disrespectful Behaviour is a serious matter. Complaints, including reports, which are investigated and determined to be false and malicious may lead to discipline for the individual who files the complaint. A false and malicious complaint is a complaint brought forward in bad faith and for improper reasons. A good faith complaint brought forward for proper reasons, which is found to not have merit, is not a false and malicious complaint.
- 5.5 Retaliation.** Retaliation for speaking out, bringing a complaint, or participating in the investigation of a complaint under this Policy is prohibited. Retaliation is a serious disciplinary offence and will not be tolerated. A separate complaint can be made if an individual has been the subject of retaliatory behaviour for bringing a complaint. Everyone has the right to report, in good faith, incidents of Discrimination, Harassment, or Disrespectful Behaviour without fear of retaliation.

Retaliatory behaviour includes unjustified or unwarranted:

- Criticism of a person's job performance;
- Refusal to extend to a person an opportunity available to others;
- Refusal to work with a person; or
- Reassignment of a person to different duties or a different position.

**5.6 Employee and Family Assistance Program ("EFAP").** SPS provides an EFAP for Employees and their families. Employees are encouraged to use the EFAP whenever they feel the need for guidance or counselling in coping with any issue, including Discrimination, Harassment, and Disrespectful Behaviour.

**5.7 Complaint under the B.C. Human Rights Code.** An individual covered by this Policy, who believes they have been subjected to discrimination or harassment based on prohibited grounds, has the right to file a complaint under the B.C. *Human Rights Code*.

**5.8 BC Police Act.** Where a complaint may constitute misconduct under the *BC Police Act*, the complaint must be handled per the *Police Act*. In the event of inconsistency between this Policy and the *Police Act*, the *Police Act* will govern.

**5.9 Collective Agreements.** Nothing in this Policy should be construed as depriving unionized Employees covered under collective agreements with SPS of their rights under those collective agreements.

**5.10 Communication of the Complaints Process.** A copy of this Policy will be posted on SPS's intranet and its website. SPS will advise Employees, Volunteers, Contractors, and job applicants, of the process for reporting complaints as required from time to time. This information will make clear that no Complainant will be penalized for making a good-faith report of a complaint, nor will SPS tolerate retaliation against a Complainant who makes a good-faith report of the complaint. SPS will periodically communicate reminders of the process for reporting complaints.

## 6.0 COMPLAINT PROCEDURES

**6.1 Rights of Complainant and Respondent.** A Complainant has the right to:

- Receive fair treatment;
- Have their complaint dealt with in a timely manner;
- Have their complaint reviewed without fear of embarrassment or reprisal;
- Be accompanied by a person of their choice for support during any proceedings relating to the complaint, providing no costs are incurred by SPS;
- Be represented throughout the complaint process by a Union Representative (where applicable); and
- A written summary of the findings of the investigation at the conclusion of the process (if there is a Formal Investigation Process).

A Respondent has the right to:

- Receive fair treatment;
- Be informed as soon as practicable that a complaint has been made about them;
- Be provided with a summary of the allegations and be afforded an opportunity to respond to them;
- Be accompanied by a person of their choice for support during any proceedings relating to the investigation of the complaint, providing no costs are incurred by SPS;
- Be represented throughout the investigation process by a Union Representative (where applicable); and
- A written summary of findings of the investigation at the conclusion of the process (if there is a Formal Investigation Process).

The Respondent will be made aware of the Complainant's identity and will have an opportunity to respond to all allegations made.

**6.2 Informal Resolution Process.** With the Informal Resolution Process, SPS places emphasis on personal responsibility, the long- term nature of workplace relationships, and the concept that all individuals make mistakes.

Early resolution of Discrimination, Harassment, or Disrespectful Behaviour issues is the desirable outcome in most circumstances. While it is suggested that Complainants first attempt to resolve any respectful workplace issues through the Informal Resolution Process, Complainants may proceed directly with the Formal Investigation Process. Factors to consider include the seriousness of the allegations, the rank of the respondent(s), previous workplace issues, and any mitigating circumstances.

Informal resolution of Discrimination, Harassment, or Disrespectful Behaviour is when the Complainant and the Respondent attempt to resolve the situation by finding a mutually agreeable solution to their issue(s). Often written records of such process are not maintained. If a Supervisor is involved in the Informal Resolution Process documentation should occur.

The Informal Resolution Process includes but is not limited to the following:

1. **Generic approach:** a Supervisor who becomes aware of a situation, either by way of a complaint or by personal observation, may implement general steps to address the inappropriate behaviour. These steps may include discussions at staff meetings or briefings where it is emphasized that certain behaviour is unacceptable. Records should be made of such actions. The Supervisor should discuss such situations with their Supervisor and/or the Manager Human Resources.
2. **Direct approach:** this occurs with person to person interaction. The direct approach may be from Complainant to Respondent, co-worker/witness to Respondent, Supervisor to Respondent, Union to Respondent, etc. The approach may be made in person and be done one on one, with a co-worker, and/or with third party assistance. For third party assistance, the Manager Human Resources (or designate) may assist with the selection of a facilitator, if such assistance is requested by either the Complainant or the Respondent.

If a Complainant is not comfortable approaching the other Employee, or if the issue is not resolved, the Supervisor should be informed about the conflict. The Supervisor must discuss the situation with Human Resources.

A co-worker who sees others behaving in a way that is inappropriate or disrespectful should encourage them to stop the behaviour. If the behaviour continues, it must be reported to a Supervisor.

**6.3 Formal Investigation Process.** Any Employee or Volunteer who believes they are dealing with Discrimination, Harassment or Disrespectful Behaviour (or witnesses such behaviours), may file a formal complaint in writing against the alleged perpetrator with the Deputy Chief Constable Support Services (or Designate). Where the alleged perpetrator is the Chief Constable or a Deputy Chief Constable, the formal complaint is filed directly with the Surrey Police Board Chair.

Notwithstanding anything in the Policy, SPS retains the right to initiate or continue any investigation of a workplace Discrimination, Harassment, or Disrespectful Behaviour allegation where SPS believes it is in the best interests of the SPS and/or the parties to further the investigation. If the Complainant withdraws the complaint, SPS may continue with the formal investigation of the complaint.

Investigations of complaints under this Policy differ from criminal investigations. While there are incidents that may involve criminal acts, it is important that, where a complaint is processed under this Policy, SPS utilize an Investigator who is familiar with labour law, workplace discrimination matters and related statutes, including the BC Police Act, the B.C. Workers Compensation Act and the B.C. Human Rights Code. The Deputy Constable Support Services (or Designate) will appoint an Investigator to conduct an investigation into the complaint.

The Investigator may be an internal or external person, who has experience in the conduct of such investigations. The Investigator will conduct a thorough, fair, and confidential investigation of the complaint. The Investigator will interview the Complainant, the Respondent, and any Witnesses they deem may have relevant information.

6.3.1 A formal written complaint will:

- Identify the name and position of the Complainant;
- Identify the name and the position of the Respondent(s);
- List the areas of alleged violation under the Policy, if any; and
- Contain a brief description of the key incidents that constitute the substance of the complaint.

6.3.2 The Investigator will conduct an interview with the Complainant that will include:

- A review of the Complainant's evidence;
- A review of relevant documents;



- The identification of Witnesses; and
- The outcome sought by the Complainant.

6.3.3 The Investigator will conduct an interview with the Respondent(s) that will include:

- A review of the complaint;
- A review of the Respondent's evidence;
- A review of relevant documents; and
- Identification of Witnesses.

6.3.4 The Investigator will conduct an interview with any relevant Witnesses. If information is obtained from Witnesses, the Complainant, or the Respondent(s) that is material and conflicting, the Investigator will provide the Complainant and the Respondent(s) an opportunity to respond to the information.

6.3.5 The Investigator will prepare a confidential report for the Manager Human Resources, detailing:

- Evidence of the Complainant, Respondent, and any Witnesses;
- The Investigator's assessment of credibility, if necessary;
- The Investigator's findings of fact; and
- The Investigator's conclusion as to whether the findings of fact constitute a violation of this Policy.

6.3.6 A copy of the report will be forwarded through the Manager Human Resources, to the Deputy Chief Constable Support Services, and the Chief Constable or designate (or to the Surrey Police Board where applicable), who will review the Investigator's report, to determine whether discipline and/or corrective action should be taken and whether to notify the Office of the Police Complaints Commissioner, where applicable.

6.3.7 Although there are no firm deadlines, the Investigator is required to conduct the investigation as expeditiously as practicable and in the normal case would be expected to make a determination within 60 days of beginning the investigation.

6.3.8 The Investigator will advise the Complainant and the Respondent(s) if the complaint is deemed to be "founded" or "unfounded". Witnesses are not advised of the investigation findings. In appropriate circumstances, the Investigator may provide the Complainant, Respondent(s), or others, additional information relating to the investigation and its conclusions.

**6.4 Mediation.** With the consent of the Complainant, Respondent(s), and the Manager Human Resources, the Investigator may mediate the complaint. If the complaint is resolved, the Investigator will prepare a written settlement agreement describing the terms of resolution. All parties involved in the dispute will sign the resolution, a copy of

which will be provided to the Complainant, the Respondent(s), and the Manager Human Resources. A copy will be kept on file. The Manager Human Resources will monitor the implementation of the resolution, if appropriate.

- 6.5 Contractor Complaints.** A Contractor who believes they are subject of Discrimination, Harassment, or Disrespectful Behaviour by SPS or its employees, should contact the Manager Human Resources to access the process for complaint resolution. If the complaint is not received in written form, SPS will request the Complainant submit it in writing.

With the objective of effective resolution of complaints from Contractors, all such complaints will be initially processed through an informal investigation. An informal investigation will include a confidential meeting with an Investigator to discuss the complaint and appropriate fact-finding actions. The meeting may include a representative from the work area in question. In some circumstances, SPS may require the Complainant and Respondent to participate in mediation. If the Complainant declines to fully participate in a required mediation, SPS shall be under no obligation to progress to the Formal Investigation Process.

**APPENDIX A – DEFINITIONS**

**Complainant:** An Employee, Volunteer, or Contractor who has brought forward or filed a complaint under this Policy is someone who believes they have experienced Discrimination, Harassment or Disrespectful Behaviour in the Workplace. SPS may also be a Complainant.

**Contractor:** All individuals who access the Workplace, as defined in this Policy, for the purpose of providing services or supplies to the SPS on a contractual basis.

**Discrimination:** Defined in Section 4.1.1.

**Disrespectful Behaviour:** Defined in Section 4.2.

**Employee:** Any Employee of SPS, including students, whether unionized or exempt. Employees may be sworn members or civilian staff.

**Harassment:** Defined in Section 4.1.2.

**Investigator:** An internal or external individual who will investigate a complaint brought under this Policy.

**Manager Human Resources:** The position designated by the Chief Constable to effectively address and resolve all matters that come under this Policy and provide options for support services and preventative measures.

**Respondent(s):** A person or group of persons, against whom allegation(s) of Discrimination, Harassment or Disrespectful Behaviour have been made pursuant to this Policy.

**Sexual Harassment:** Defined in Section 4.1.3.

**SPS Premises:** Includes, but is not limited to, any property permanently or temporarily coming under the jurisdiction of SPS, including land, building, job sites, facilities, parking lots, equipment, or vehicles, whether owned, leased or used by SPS and wherever located. The work site of a seconded employee is considered an extension of their SPS workplace, and therefore “SPS Premises”.

**Supervisor:** A team leader, manager, sergeant, inspector, supervisor, Deputy Chief Constable, Chief Constable, and other persons acting in a supervisory capacity who is accountable for a particular area or shift on behalf of SPS.

**Volunteer:** A person serving SPS who is not an Employee, as defined in this Policy, and includes those individuals serving on any board(s), commission(s) or committee(s) established by SPS.

**Witness(es):** Any individual(s) determined to have pertinent information with relation to a complaint filed under this Policy.

**Workplace:** Anywhere where activities directly related to the business of SPS occur, including any social gathering where there is potential for impact on the workplace or any location travelled to for a work-related reason.