

SUBJECT: Human Rights and Harassment Policy

PURPOSE

Britannia Community Centre is committed to providing a work environment in which all individuals are treated with mutual respect and dignity.

Britannia 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.

SCOPE

This policy applies to all Britannia Centre employees.

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

Harassment of employees by volunteers, members of the public, contractors, Council Officials, advisory body members, Board members and those doing business with Britannia is also prohibited, and is covered by related Britannia Centre policies and procedures.

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:

- Age
- Ancestry
- Colour
- Criminal or summary conviction offence that is unrelated to employment
- Family Status
- Marital Status
- Physical or Mental Disability
- Place of Origin

- Political belief
- Race
- Religion
- Sex
- Sexual Orientation
- (the “Prohibited Grounds”).

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;
- 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;
- 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 Britannia’s right to direct the workforce, including supervising, managing and giving appropriate and legitimate performance feedback, coaching, and discipline;
- Bona fide occupational requirements established by Britannia as contemplated in section 13 subsections 3 and 4 of the BC Human Rights Code.

POLICY STATEMENTS

1. General

Britannia employees shall not be subjected to, and shall not subject another individual to, harassment as it is defined in this policy.

2. Role and Responsibilities

2.1 Britannia Centre

Britannia Centre has the primary responsibility to establish and maintain a work environment free of harassment as defined in this Policy.

2.2 The Equal Employment Opportunity Program (“EEO”)

EEO is mandated by City Council to oversee the City’s/Britannia Human Rights and Harassment Policy, and provides:

- Informal and formal processes to address concerns of harassment;
- An accessible, impartial resource for all staff;
- Education and support to all staff, including employees, supervisors, and managers, on preventing and addressing harassment.

2.3 Supervisory Staff and Managers

Supervisors, Managers and Department Heads have an essential role in preventing and resolving harassment issues. Their primary responsibilities with respect to harassment are to:

- ensure staff is provided with information about and access to policies and procedures related to harassment;
- model appropriate behaviour;
- monitor the workplace for incidents of harassment; and
- intervene promptly and appropriately when they know, or ought reasonably to know, that harassment is occurring.

2.4 Employees

All employees have a responsibility to refrain from harassment as defined in this Policy.

3. Harassment Complaint Procedures

3.1 General

Britannia’s procedures for addressing harassment Complaints are designed to be flexible, timely and accessible. Britannia provides both an informal and formal process to resolve harassment Complaints.

An individual who believes he or she is being harassed (the “Complainant”) may consult an EEO Advisor, who can assess whether the Complaint falls under this Policy and discuss possible courses of action.

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.

Some of the options available may include:

- The Complainant discussing her or his concerns directly with those involved;
- Having an appropriate party assist the Complainant in discussing concerns with those involved. An appropriate party could include a supervisor, manager, department head, human resources consultant, EEO advisor or union representative;
- Initiating an “informal” or “formal” resolution process through EEO as outlined below.

EEO may suggest interim measures to be taken during either the informal or formal process.

3.2 Informal Complaint Resolution

Britannia 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/Executive Director or her/his delegate.

3.3 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 EEO. Formal Complaints shall be made in writing to management or EEO. EEO will ensure that assistance in completing a written Complaint is provided, as required.

Formal Complaint investigations are conducted by EEO staff. A formal Complaint investigation is an impartial, fact-finding process. The investigators do not advocate on behalf of, or represent, any party involved in a Complaint.

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.

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 Board/Executive Director or her/his delegate.

Once the formal Complaint investigation is complete, the Complainant, Respondent and the Board/Executive Director or her/his delegate shall be notified of the findings of the investigation.

3.4 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 EEO until any other remedial processes have been concluded.

3.5 False or Malicious Complaints

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

4. Retaliation

4.1 General

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

4.2 Forms of Retaliation

Any form of retaliation or discrimination against an employee 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.

4.3 Reporting Retaliation

If an employee 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.

5. Consequences of Harassment

Engaging in harassment or retaliation is serious misconduct and may result in disciplinary action up to and including termination of employment.

It is understood that unionized employees may grieve any disciplinary action under the applicable collective agreement.

6. Confidentiality and Document Retention

Information collected and retained by EEO during the course of an informal or formal harassment resolution process is treated as confidential. During the investigation process, EEO shall limit disclosure of Complaint-related information to that which is necessary to resolve the Complaint.

If, after investigation, a Complaint is not established, no documentation of the Complaint shall be placed on either of the parties' personnel files. However, documentation of the investigation shall be kept in a confidential file separate from the employee's personnel file and maintained by EEO in order to evidence the City's/Britannia's proper investigation of formal Complaints of harassment. Documentation which outlines disciplinary action arising from an investigation shall be placed on an employee's personnel file.

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 Freedom of Information and Protection of Privacy Act.

Information collected and retained by EEO may be required to be released by law including release required in court proceedings, arbitration or other legal proceedings.

7. Collective Agreements and Legislation

In the event that any portion of this Policy is inconsistent with a binding Britannia collective agreement or federal or provincial legislation, that portion and only that portion of the Policy shall have no application to the extent of that inconsistency. All other portions of the Policy shall continue in full force and effect.

RELATED POLICIES

AE – 028 – 01 Code of Conduct
AE – 028 – 02 Whistleblower Policy
AE – 002 - 06 Respectful Workplace Policy

APPROVAL HISTORY

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Britannia Board

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