

Village of Lions Bay

Policy Statement

Regarding: Harassment
Approved by Council: September 22, 2003
Rescind: June 5, 1995

1. Purpose

The Village of Lions Bay is committed to maintaining a work environment that respects and supports the dignity of all employees. All employees have the right to work in an environment free from harassment, as defined in this Policy. The purpose of this Policy is to establish the Village's commitment to a harassment-free workplace, and to outline the procedures and principles for preventing, identifying and resolving harassment issues.

2. Application

This Policy applies to all employees of the Village of Lions Bay. It applies to interaction between employees, as well as interaction between employees and members of the public, Council members, contractors and volunteers. Harassment by, or of, employees, members of the public, Council members, contractors and volunteers is subject to this Policy.

This Policy applies to all Village worksites. It also applies at employment-related functions which occur during or outside working hours, whether or not they occur at Village worksites, where there is a subsequent impact on the work environment.

3. Definition

Harassment is defined as any conduct, comment, gesture or contact based upon any of the prohibited grounds listed below, that is unwelcome and ought reasonably to be known to be unwelcome, and that detrimentally affects the work environment. The prohibited grounds are:

Race, Colour, Ancestry, Place of Origin, Religion, Marital Status, Family Status, Sex, Physical or Mental Disability; Sexual Orientation; Age (19-64); Political Belief, and Criminal or Summary Conviction Unrelated to Employment.

Harassment in the workplace is a form of discrimination, and is covered by the BC Human Rights Code.

Harassment prohibited by this Policy includes sexual harassment, along with harassment on the basis of any other protected ground(s). Examples of harassment can include, but are not limited to, the following behaviours:

- Jokes, comments, innuendo or slurs related to a person's sex, sexual orientation, race, religion, colour, mental or physical disability, or other protected ground;
- Unwelcome or inappropriate email or internet use related to a protected ground;
- Comments about a person's perceived sexual attractiveness or unattractiveness;
- Posters, cartoons, pinups, or electronic images related to sex;
- Derogatory nicknames related to a protected ground; or
- Unwelcome romantic or sexual advances.

4. The Policy

Harassment as defined in this Policy will not be tolerated or condoned by the Village of Lions Bay. Harassment, retaliation against any person for reporting harassment, or interference in a harassment complaint will be treated seriously, and may result in discipline up to and including dismissal from employment.

This policy is not intended to constrain workplace-appropriate, welcomed social interaction.

5. Responsibility for Harassment

The Village is responsible for maintaining a workplace that is free from harassment, as defined in this policy, and to respond promptly and appropriately to complaints of harassment.

Supervisors and Managers are responsible for modeling appropriate behaviour, monitoring the workplace for harassment, and intervening when they know or ought reasonably to know that harassment has occurred or is occurring.

All Village employees are responsible for refraining from harassing others, and helping to maintain a respectful work environment that is free of harassment. Employees have the right, and are encouraged, to report harassment without fear of retaliation.

6. Retaliation

No person shall be subjected to retaliation or reprisal for having brought a complaint of harassment, or for having participated in the resolution of a harassment complaint.

Retaliation is also a form of discrimination. It damages the workplace by intimidating and silencing individuals from speaking up about harassment. An employee found to have engaged in retaliation may be subject to disciplinary action up to and including dismissal.

7. In Case of Harassment

An individual who believes that he or she is experiencing harassment may:

- If comfortable doing so, inform the other individual that their conduct is unwelcome;
- If the situation is not resolved or if the individual does not wish to speak to the other person directly, contact the Municipal Administrator for assistance in discussing concerns with the other person;
- Review with the Municipal Administrator alternative courses of action, including informal harassment complaint resolution or formal harassment complaint investigation.

Where the complaint is directed against the Municipal Administrator, the individual may consult the Mayor for assistance.

An individual who has been told that his or her actions are harassing or unwelcome should:

- Listen, rather than ignoring the situation or responding with hostility, defensiveness or anger;
- Consider his or her actions carefully, including how those actions might impact others;
- Consider changing behaviours that are unwelcome to others.

8. Informal Harassment Complaint Resolution

Informal complaint resolution can include, but is not limited to, mediation, drafting of behavioural guidelines, apology, or other resolution agreed between the parties and the Village to be an appropriate and satisfactory process for resolving the particular situation.

9. Formal Harassment Complaint Investigation

If a complaint is not resolved informally, the individual who believes he or she has experienced harassment (the “Complainant”) may wish to make a formal complaint.

An individual making a formal complaint shall submit the complaint in writing to the Municipal Administrator or, where the Municipal Administrator is named in the complaint, to the Mayor. A formal complaint must be brought within six months of the most recent incident alleged to constitute harassment.

Upon receiving a formal written complaint, the Municipal Administrator (or alternatively, the Mayor,) shall designate an appropriate party to conduct the investigation.

Formal complaints are not carried out anonymously, and the identity of the Complainant and the nature of the complaint shall be made known to the individual alleged to have engaged in harassment (the “Respondent”). The Respondent shall be provided the opportunity to explain his or her behaviour and to have such explanations properly considered.

Where a formal investigation is completed, a written report will be prepared containing findings of fact and, where possible, a conclusion as to whether harassment in violation of this Policy has occurred.

If the investigation concludes that harassment has occurred, disciplinary action may be taken as appropriate, up to and including dismissal.

Where a complaint is not substantiated, no documentation of the complaint will be placed on the personnel file of the Respondent. However, documentation of the formal investigation will be kept in a confidential file securely maintained in order to evidence the Village’s proper investigation of all formal allegations of harassment.

10. Malicious Complaints

If a complaint is demonstrated to have been brought for malicious purposes with the intent to cause harm, appropriate disciplinary action may be taken against the Complainant. However, a complaint that is simply unsubstantiated or that has been brought in error is not considered a malicious complaint.

11. Documentation

All written materials, including all notes taken during a formal or informal harassment resolution process, and any resolutions or reports prepared in relation to the resolution of a complaint, will be treated as strictly confidential for the purposes of any applications made under the Freedom of Information and Protection of Privacy Act.

12. Resolution Through Other Means

The procedures established above to investigate and resolve harassment complaints do not preclude an individual from seeking resolution of their complaint externally with the BC Human Rights Tribunal.