

# Respectful Conduct in the Workplace

**AB100**

**Effective: October, 2007**  
**Reviewed: December, 2009**

**AB100**

## **POLICY**

1. The New Westminster Police Service (NWPS) believes that every employee and volunteer has the right to a work environment where they are treated with dignity and respect, and has a responsibility to treat others the same way. A respectful workplace is in the best interests of the NWPS, its employees, its volunteers and the citizens of New Westminster. The NWPS supports its employees and volunteers in preventing discrimination and harassment, reporting and resolving conflicts early and informally if possible, and in eliminating causes of discrimination, harassment and conflict.
2. Through the Respectful Conduct in the Workplace Policy (the “Policy”), the NWPS supports the creation and maintenance of a respectful workplace by providing:
  1. Education of all employees and volunteers about appropriate behaviour in the workplace, human rights, harassment and dispute resolution;
  2. Education of NWPS executive officers, supervisors and Union and Association executive officers (“Workplace Leaders”) in intervention and conflict resolution skills;
  3. Education of Respectful Workplace Advisors in providing the best procedural advice to employees or volunteers who have concerns about the behaviour of others;
  4. Resources and support for resolving disputes at an early stage;
  5. A process for reporting, mediating, and investigating discrimination and harassment complaints.
3. The NWPS will not tolerate discrimination or harassment of any employee or volunteer. Workplace Leaders have an obligation to intervene whenever they are aware that harassment or discrimination is occurring.

## REASON FOR POLICY

4. To ensure that all employees and volunteers work in an environment based on mutual trust, support, and respect.

## PROCEDURES

### Application

5. This Policy applies to all civilian or sworn employees of the NWPS, regardless of their rank; volunteers; contractors; and City of New Westminster employees seconded to the NWPS. The Policy covers all work-related activities, at any location at which NWPS business is conducted. Such locations and activities include, but are not limited to: NWPS buildings; NWPS vehicles; NWPS grounds; non-NWPS spaces where NWPS employees or volunteers gather under the auspices of the Service; work-related travel; work-related courses; off-site social events organized by the NWPS for employees who are off-duty; and all written, verbal and electronic communication taking place in such venues.

## DEFINITIONS

### Respectful Workplace

6. A **Respectful Workplace** is characterized by:
  1. ***Polite behaviour*** ... Be courteous and considerate toward others;
  2. ***Inclusion*** ... Appreciate diversity - different backgrounds, cultures, strengths and opinions;
  3. ***Safety*** ... from disrespectful, discriminatory, bullying and harassing behaviour;
  4. ***Constructively resolving disputes*** ... Accept that differences are a fact of life, often lead to better ways of doing things, and are best managed through conflict resolution processes;
  5. ***Accepting responsibility***... If you say or do something that offends another employee or volunteer, acknowledge your behaviour and offer a sincere apology; and
  6. ***Support***... The NWPS will provide you with education and assistance to learn and practice personal conflict resolution and respectful workplace skills.

## **Harassment**

7. **Harassment** is any improper conduct by an employee or volunteer directed at another employee or volunteer that a person would know or reasonably ought to know would cause offence or harm. It comprises any act, comment or conduct that demeans, belittles, causes personal humiliation or embarrassment, or creates a hostile work environment, and any act of intimidation or threat, where the conduct serves no legitimate work-related purpose. Types of harassment are: sexual harassment, discriminatory harassment and personal harassment.

## **Discrimination**

8. **Discrimination** is unwelcome different, negative or adverse treatment of an employee or volunteer, whether intentional or not, based on the prohibited grounds of discrimination in the B.C. Human Rights Code including race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age, or because of a conviction for a criminal or summary conviction offence unrelated to their employment.

## **Actions Not Considered Harassment**

9. Nothing in this Policy restricts:
  1. The legitimate exercise of supervisory or managerial responsibilities, including giving advice; assigning work; performance appraisal; performance or behaviour correction; and discipline for cause; or
  2. Respectful discussion of different points of view; or
  3. The freedom of employees and volunteers to choose with whom they socialize in activities not related to the workplace.

## **CORRECTIVE ACTION:**

10. Employees who violate this Policy may be required to attend additional training or counseling; may be coached on how to change their behaviour; and may be subject to the full range of discipline available to the NWPS up to and including termination of employment for cause and/or subject to charges under the Police Discipline Regulations. Volunteers who violate this Policy may be coached on how to change their behaviour, or their volunteer status may be terminated.

## **RESPONSIBILITIES**

### **Employees and Volunteers**

11. It is your responsibility to:

1. Participate in appropriate training, familiarize yourself with this Policy and know your rights and obligations arising from it;
2. Treat every person with dignity and respect;
3. Attempt to resolve differences with other employees or volunteers in a respectful way as soon as possible;
4. Challenge inappropriate or offensive behaviour, whether it is directed at you or another employee or volunteer by bringing the matter to the attention of the offending party as soon as possible, either personally or through a Workplace Leader or Respectful Workplace Advisor.
5. Cooperate with an investigation conducted under this Policy.

### **Workplace Leaders – Executive Officers, Supervisors, Union and Association Executive Officers**

12. You have additional responsibilities for implementing this Policy by:

1. Preventing harassment and discrimination by creating a positive and healthy work environment;
2. Leading by example in treating all employees and volunteers with dignity and respect and exercising authority and/or leadership in a respectful manner;
3. Intervening as soon as practicable when you witness any disrespectful behaviour and taking all complaints of disrespectful behaviour seriously;
4. Assisting an employee or volunteer with a complaint of disrespectful behaviour to resolve a concern, by facilitating a discussion between that employee or volunteer and the person whose behaviour they find unacceptable;
5. Coaching employees and volunteers to change their behaviour;
6. Referring employees or volunteers to Respectful Workplace Advisors for assistance in resolving disputes;

7. Taking all necessary actions and measures to put an end to discrimination and harassment as soon as you become aware of it, whether or not a complaint has been made;
8. Informally educating all employees and volunteers about this Policy and ensuring that employees have access to learning opportunities regarding this Policy;
9. Doing whatever is necessary to restore positive working relationships during and following a complaint;
10. Contacting the Deputy Chief Constable if you need assistance to meet your responsibilities under the Policy.

### **Respectful Workplace Advisors**

13. Certain staff members have been trained to act as a resource to employees or volunteers who need advice on how to deal with disrespectful behaviour or a dispute with another employee or volunteer. Respectful Workplace Advisors provide confidential advice to employees or volunteers about the following:
  1. Options for addressing disrespectful behaviour;
  2. How to approach another employee or volunteer and communicate constructively to attempt to resolve a concern;
  3. How to file a complaint;
  4. Rights and obligations of employees or volunteers after a complaint has been filed.

### **CONFIDENTIALITY**

14. Confidentiality is important to protect the privacy and other interests of the employees or volunteers involved in conflicts, to ensure that an investigation will not be prejudiced, and to improve chances of a successful outcome. Everyone involved in an investigation must not discuss the matter except with the Investigator, or to seek advice or assistance from a Workplace Leader, Respectful Workplace Advisor, or the Deputy Chief Constable. Any breach of the requirement for confidentiality may constitute a breach of this Policy.

### **SUPPORT PERSON**

15. If you take part in mediation or are interviewed during an investigation, you may be accompanied by a support person of your choice, who is not a party to or witness in an investigation. The support person will not answer questions or speak on your behalf.

## RESOLVING DISPUTES

16. Employees or volunteers are encouraged to resolve disputes at an early stage using this process and the resources available. Early discussion of concerns may prevent repetition of disrespectful behaviour and clear up misunderstandings.

### **Consulting a Respectful Workplace Advisor or Workplace Leader**

17. If you are unsure how you should respond, whether or not you should make a formal complaint, or what constitutes harassment or discrimination under the Policy, you should request a confidential consultation with a Respectful Workplace Advisor or Workplace Leader. This consultation should take place promptly after the incidents causing you concern in order to facilitate a timely resolution. Consulting a Respectful Workplace Advisor or Workplace Leader does not commit you to filing a formal complaint.

### **Step One: Face-to-face Discussion**

18. Approach the person whose behaviour or actions are causing you concern, **if it is reasonable and safe to do so**. You can ask a Respectful Workplace Advisor to give you some help in how to talk to the other person or advise on what to do if you feel unsafe approaching him or her.
19. Tell the other employee or volunteer that you wish to have a discussion about a concern. Agree on an appropriate time and private place to hold the discussion. If leaving the work area, inform your supervisor.
20. Here are some tips for talking to another employee or volunteer about a concern:
  1. thank the other for agreeing to discuss the problem;
  2. speak calmly, explain in detail what the other person has done that offended you;
  3. provide concrete examples of the behaviour;
  4. stay focused on how the issue is impacting you in the workplace;
  5. state your commitment to being part of the resolution;
  6. if the other person apologizes, accept the apology and thank them;
  7. state your suggestion for how to resolve the dispute;
  8. ask for constructive suggestions if the other person does not agree with the suggested resolution;

9. confirm the agreed-upon resolution and clarify what each person will do to implement the resolution; and
  10. Thank the other person for their willingness to work on the difference.
21. Here are some tips on how to respond if another employee or volunteer speaks to you about a concern they have with your behaviour:
1. listen carefully, avoid interrupting;
  2. take time to think about what the other has said;
  3. ask questions to clarify what the other person means;
  4. offer an explanation for your behaviour, if appropriate;
  5. acknowledge the behaviour or action, if you did it;
  6. offer a sincere apology if you did anything to offend the other person;
  7. state your suggestion for how to resolve the dispute;
  8. ask for constructive suggestions if the other person does not agree with the suggested resolution;
  9. confirm the agreed-upon resolution and clarify what each person will do to implement the resolution; and
  10. thank the other person for their willingness to speak to you directly about their concern.

### **Step Two: Assisted Discussion**

22. If you do not feel safe, or if it seems that the conflict cannot be addressed through a private face-to-face discussion, ask a Workplace Leader for assistance. The Workplace Leader will meet privately with you about your concern. She or he will discuss options for resolving your dispute. These could include: holding a face-to-face discussion with the other employee or volunteer facilitated by a Workplace Leader; a discussion between the other employee or volunteer and the Workplace Leader; or filing a formal complaint. A resolution reached at this stage will be documented in writing.
23. If the conflict involves a Workplace Leader, ask a Respectful Workplace Advisor for assistance.

### **Step Three – Mediation**

24. Mediation is a confidential collaborative communication process involving the persons in a conflict and a mediator, who is an independent third party. The role of a mediator is to facilitate the process of discussion and open communication to assist the parties in finding a mutually acceptable way to resolve the dispute. The mediator has no decision-making authority. Mediation is voluntary. Both parties must agree to the mediation, and it can be initiated at any stage of the dispute resolution process.
25. The Deputy Chief Constable (or Chair of the New Westminster Police Board) will meet separately with the parties to the dispute to ensure that the parties voluntarily agree to the mediation process, and then may appoint a mediator. The mediator will be chosen from a roster mutually agreed upon with the Union or Association. The mediator will work with you and the other person to resolve the issues in dispute. Where an agreement is reached, the mediator will draft a written agreement for both of you to sign. The Deputy Chief Constable (or the Chair of the New Westminster Police Board) will receive a copy of the agreement. The agreement will not be placed on your personnel file.

## **COMPLAINT PROCESS**

### **Filing a Complaint**

26. If the dispute is not resolved through discussion or mediation, or the behaviour is so serious that informal dispute resolution processes would not be safe or reasonable, you may file a complaint of discrimination or harassment with the Deputy Chief Constable (or the Chair of the New Westminster Police Board). Make notes of the time and place of incidents as well as the names of people who may have witnessed the events.

### **Time Limit**

27. A complaint must be filed within six (6) months of the last alleged incident of discrimination or harassment. The Deputy Chief Constable may extend that time limit only in exceptional circumstances.

### **Investigation**

28. A discrimination or harassment investigation is a process in which an independent external person investigates the allegations made in a complaint.

29. The Deputy Chief Constable (or the Chair of the New Westminster Police Board, if applicable) may screen out a complaint if the allegations do not fall within the definition of discrimination or harassment contained in this Policy; or she or he is satisfied the complaint is made in bad faith. If the complaint has been resolved through the dispute resolution process in this Policy, the Deputy Chief Constable (or the Chair of the New Westminster Police Board) will not proceed further. The Deputy Chief Constable (or the Chair of the New Westminster Police Board) will notify you in writing if she or he decides not to proceed with your complaint. If the allegations fall within the definitions of discrimination and harassment, and the matter has not been resolved, the Deputy Chief Constable (or the Chair of the New Westminster Police Board) will appoint an external Investigator from a roster mutually agreed upon with the Union or Association.
30. The investigation will be objective, expeditious and fair for all employees or volunteers involved. *Appendix A, Conduct of the Investigation* sets out the procedure that will be followed for the investigation.
31. At the conclusion of the investigation, the Investigator will provide a Final Investigation Report to the Deputy Chief Constable (or the Chair of the New Westminster Police Board).

#### **Complaints against the Deputy Chief Constable**

32. If a complaint of discrimination or harassment is made against the Deputy Chief Constable, the Chief Constable will receive the complaint and handle all matters related to the investigation.

#### **Complaints against the Chief Constable**

33. If a complaint of discrimination or harassment is made against the Chief Constable, the Deputy Chief Constable will receive the complaint and refer the matter to the Chair of the New Westminster Municipal Police Board.

#### **Complaints against the Deputy Chief Constable and the Chief Constable**

34. If a complaint of discrimination or harassment is made against both the Chief Constable and the Deputy Chief Constable, the complaint shall be referred to the Chair of the New Westminster Municipal Police Board.

#### **After the Investigation**

35. The Deputy Chief Constable (or the Chair of the New Westminster Police Board) will consider the findings contained in the Final Investigation Report and determine what steps, if any, to take, including: discipline; education; counseling or other action. She or he will communicate the decision in writing to the Complainant, the Respondent, and their representatives, if applicable.

## **Review Process**

36. The Complainant or Respondent may request a review of the decision of the Deputy Chief Constable or the Chair of the New Westminster Police Board by writing to the New Westminster Police Board within 30 days of receipt of the Final Investigation Report, or may file a grievance under a collective agreement, if applicable.

## **Retaliation**

37. Retaliation, threats or intimidation against any employee or volunteer who has filed a complaint or has been named as a respondent or witness in a complaint will not be tolerated and may result in corrective or disciplinary action.

## **Sanctions**

38. An employee or volunteer who does not observe the confidentiality requirements of the Policy or makes a complaint which is frivolous, vexatious, or made in bad faith contravenes the Policy and may be subject to corrective or disciplinary action.

## **Appendix A - Conduct of the Investigation**

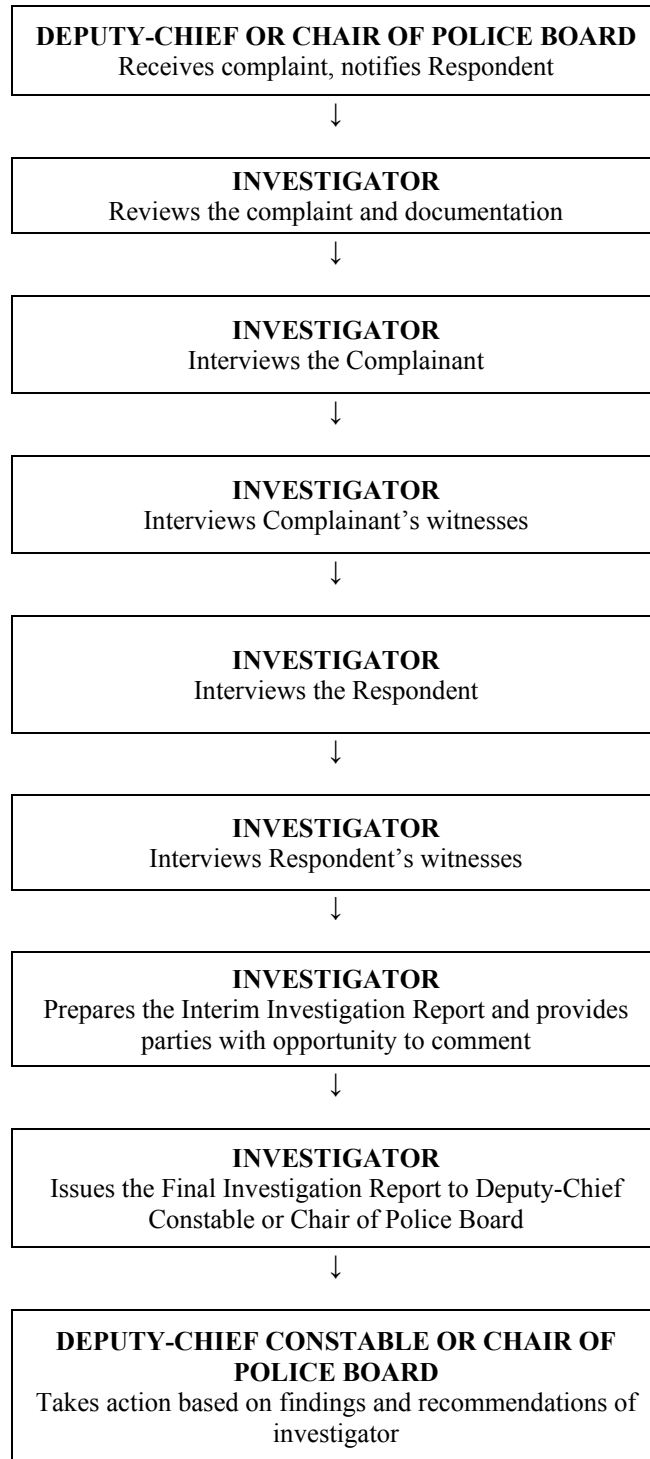
### **1. To ensure fairness to both parties, the investigation will be conducted according to the following procedure:**

1. If mediation is not undertaken or it is not successful, an investigation will be initiated and the parties will be notified. The Investigator will conduct an independent investigation for the purpose of determining whether the *Respectful Conduct in the Workplace Policy* (AB 100) (the “Policy”) has been contravened.
2. A copy of the complaint will be provided by the Deputy Chief Constable (or Chair of the Police Board, if applicable) to the person against whom the allegations of harassment are made (“the Respondent”).
3. The Deputy Chief Constable (or Chair of the Police Board, if applicable) will invite the Respondent to provide a written response to the allegations. A copy of that written response will be given to the person who filed the complaint (“the Complainant”).
4. The Investigator will contact the Complainant and the Respondent to explain the process.
5. Mediation is available at any time during the resolution process, and will be offered and encouraged before the investigation process begins. Where mediation is appropriate, and is agreed to by both parties, the services of an external mediator will be used. The Deputy Chief Constable will appoint an external mediator from a roster mutually agreed upon with the Union or Association. If mediation is undertaken at any time during the investigation process, the investigation will be suspended and will be resumed only if the mediation is not successful.
6. If a resolution is reached during mediation, it will be recorded as a written agreement between the parties to the complaint. The agreement will contain a provision that it constitutes a full and final resolution of the complaint. A copy of the agreement will be provided to the Deputy Chief Constable (or the Chair of the New Westminster Police Board).
7. Any new allegations arising after the investigation has begun must be submitted by the Investigator to the Deputy Chief Constable (or the Chair of the New Westminster Police Board, if applicable).
8. The Investigator will request that the parties provide a list of witnesses, contact information for each witness, and a brief outline of the type of evidence each witness could provide. The Investigator will not provide a copy of the witness lists to the other party.

9. The Investigator will conduct a personal interview of the Complainant, the Respondent, witnesses, and any other individuals who, in the opinion of the Investigator, have information relevant to the investigation. The person being interviewed will be given the opportunity to review the statement and make any necessary corrections before signing it. The statements will be retained by the Investigator, and copies of the statements will not be provided by the Investigator to the parties during the investigation.
10. The Investigator will determine which witnesses will be interviewed based on the relevance of the information they could provide to the allegations raised. The Investigator will advise witnesses that the information contained in their statements may appear in the investigation reports.
11. During interviews with the Investigator, the Complainant, Respondent and witnesses may be accompanied by a person of their choice, who is not a party or witness in the investigation. That person may not answer questions on behalf of the Complainant, Respondent or witness. Their role is primarily that of advisor.
12. All documentation supplied to the Investigator by the individuals interviewed will be copied and provided to the other party as soon as possible after it is received by the Investigator.
13. The Investigator will emphasize the need to maintain confidentiality to the parties to the complaint, witnesses, support persons and representatives. The Investigator will also explain that, although the importance of maintaining confidentiality is stressed to all persons involved with the investigation, it is impossible to guarantee confidentiality.
14. The Investigator will provide progress reports to the Deputy Chief Constable or the Chair of the New Westminster Police Board, as requested.
15. The Investigator will prepare an Interim Investigation Report, which will contain findings of fact and a list of witnesses interviewed only. The conclusions of the Investigator will appear in the Final Investigation Report only. The Complainant and Respondent will be provided with a copy of the Interim Investigation Report, and given the opportunity to provide written comments to the Investigator. The Investigator may interview additional witnesses, or conduct a follow-up interview with a person who has already been interviewed if additional information is required to prepare the Final Investigation Report.
16. Once the Investigator has completed the investigation, he or she will present the Final Investigation Report, which includes relevant summaries of statements of the parties and witnesses, findings, analysis, conclusions, and any recommendations, to the Deputy Chief Constable (or the Chair of the New Westminster Police Board).

17. Any recommendations included in the Final Investigation Report by the Investigator will not refer to discipline and are not binding on the Deputy Chief Constable (or the Chair of the New Westminster Police Board).
18. The Deputy Chief Constable (or the Chair of the New Westminster Police Board) will forward a copy of the Final Investigation Report to the Complainant, the Respondent and their representatives (if applicable).
19. The Deputy Chief Constable (or the Chair of the New Westminster Police Board) will monitor the outcome of the complaint to ensure that the problem is resolved conclusively, regardless of the method chosen.

## Appendix B - Investigation Process



## 1. **Review of Complaint**

1. Review the complaint to ensure that it contains the following information:
  1. The name of the Respondent
  2. The relationship between the Respondent and the Complaint (ie. supervisor, colleague)
  3. The date of the incident(s)
  4. Accurate details of the allegations
2. Review dates of incident(s) to ensure compliance with time limit in Policy.
3. Review allegations to ensure that they fall within the scope of the Policy.
4. Advise Complainant in writing if the complaint or any of the allegations in the complaint will be screened out for failure to comply with time frame, or because the allegations do not fall within the scope of the Policy.

## 2. **Letters to Parties**

1. Send a letter to a Complainant and Respondent after receipt of the complaint, covering the following points:
  1. Date complaint received
  2. Process for dealing with complaint (explain mediation option, investigation)
  3. Name of Investigator appointed
  4. What happens next (Investigator will contact the parties for an interview)
  5. Right to have another person present at interviews with Investigator
  6. Right to provide list of witnesses
  7. Should have no contact with witnesses
  8. Importance of maintaining confidentiality
  9. Support and assistance available (Respectful Workplace Advisors, Workplace Leaders, Employee Assistance Program)
  10. Retaliation is prohibited under the Policy
2. A copy of the complaint must be attached to the Respondent's letter.

### **3. Retaining Services of Investigator**

1. Select Investigator from roster
2. Check with parties and representatives to ensure there are no conflict of interest issues
3. Prepare Terms of Reference and Contract for Investigator