



CULTUS LAKE PARK

Corporate Policy

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| Section: | | |
| Sub-Section: | | |
| Title: | DISCRIMINATION, BULLYING AND HARASSMENT PREVENTION POLICY | |

APPROVALS

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| Approval Date: January 27, 2010 | Approved by: Cultus Lake Park Board |
| Amended: February 10, 2010 | Approved by: Cultus Lake Park Board |
| Amended: January 30, 2014 | Approved by: CLPB 04.23.14 |
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PURPOSE AND STATEMENT OF POLICY:

Cultus Lake Park is dedicated to an environment free of discrimination, bullying and harassment as described in this policy. All employees, elected officials, volunteers and persons having a business relationship with Cultus Lake Park (i.e. contractors and consultants) are covered by this policy.

Cultus Lake Park will not tolerate harassment and will use its best efforts to prevent and/or remedy harassment in the workplace.

Discrimination, bullying and harassment violate the fundamental rights, dignity and integrity of the individual. Cultus Lake Park, its elected officials and management, in cooperation with the Union, are committed to the prevention of discrimination, bullying and harassment, where all workers are treated in a fair and respectful manner with dignity and respect.

Employees have the right to employment without discrimination, bullying or harassment based on any of the prohibited grounds of discrimination set out in the *B.C. Human Rights Code* and based on *Work Safe B.C.* legislation.

DEFINITIONS

“Bullying” is the use of force, threat or coercion to abuse, intimidate or aggressively impose domination over others.

“Harassment” means any conduct, comment, gesture or contact based on one of the prohibited grounds of discrimination set out below that is unwelcome and ought reasonably to be known to be unwelcome, and that detrimentally affects the work environment or leads to adverse job-related consequences for the person who is being harassed.

The prohibited grounds of discrimination referred to above and set out in the B.C. Human Rights Code are race, colour, ancestry, place of origin, political belief, religion, sex, sexual orientation, marital status, physical disability, mental disability, age, criminal conviction unrelated to employment, and family status.

Harassment can occur between individuals of the same or different employment status (manager, supervisor, and co-worker) or between an employee and another individual such as a supplier or a member of the public with whom the employee comes into contact within the course of employment. Harassment can involve individuals or groups and can occur with one incident or a series of incidents.

Harassment can occur at the workplace, at other locations where employees are in attendance for work related reasons, at Cultus Lake Park sponsored or employment related social functions, or in other situations where there is a subsequent impact on the work relationship, environment or performance of any employee.

If the conduct occurs away from work but has workplace impact, or if the conduct is committed within the course of the employment relationship, it may be covered by the Policy.

Harassment may be directed at an individual or may be an undirected part of the work environment.

Examples of harassment and bullying may include, but are not limited to, behavior such as:

- Any inappropriate conduct or comment by a person toward another that the person knew or reasonably ought to have known would cause that person to be humiliated or intimidated;
- Excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers in the place of employment;
- Unwelcome remarks, jokes, slurs, innuendoes or taunting related to the prohibited grounds of discrimination set out above;
- The displaying of racist, derogatory or offensive pictures, graffiti or materials;
- Refusing to interact or communicate with employees because they belong to one of the groups that are protected by human rights legislation.
- The inappropriate display of sexually suggestive objects, pictures or graffiti;
- Unnecessary physical contact including patting, touching, hitting, pinching and massaging;
- Offensive gestures;
- Leering;
- Sexual propositions;
- Sexually suggestive jokes or comments;
- Kissing;
- Physical or sexual assault.

Any retaliation against an employee who brings a complaint pursuant to this Policy (or acts as a witness or otherwise cooperates in the investigation of a complaint) will be considered an act of harassment in violation of this policy.

“Complainant” means an employee who believes that he/she is experiencing harassment contrary to this policy.

“Respondent” means a person who is accused of engaging in harassment contrary to this policy.

HARASSMENT COMPLAINT RESOLUTION PROCESS AND PROCEDURE

Direct Approach

A Complainant is encouraged to speak directly to the Respondent and ask the Respondent to stop the offending behaviour. Often people do not know that their conduct is offending others and will stop when asked. A Complainant must also refrain from participating in the kind of behavior that offends them or makes them uncomfortable.

Assisted Informal Resolution

If an attempted direct approach does not remedy alleged harassment, or a Complainant is uncomfortable attempting a direct approach to the Respondent, the Complainant may discuss the

matter with his/her Manager or the Chief Administrative Officer (“CAO”) to informally resolve the situation between the Complainant and Respondent.

The CAO or Manager to whom the Complainant reports the matter will immediately take steps to receive information from both the Complainant and Respondent about the matter and to facilitate an informal resolution of the complaint. If appropriate, the CAO or Manager will notify or involve other managers (including the CAO and Managers of the Complainant and Respondent) in achieving a resolution or inform them of any resolution reached.

If the complaint can be resolved to the satisfaction of the Complainant and Respondent, the resolution will be recorded in writing, signed by the Complainant and the Respondent and kept in a confidential file by the CAO for a minimum of three (3) years.

If the Complainant raises the matter with the CAO rather than his/her Manager, the CAO will notify the Complainant’s Manager if applicable and necessary. The Respondent’s Manager, if any, will also be notified of the complaint if necessary. The CAO will notify the Cultus Lake Park Board Chair of the informal complaint.

Formal Complaint/Investigation

If a complaint is not resolved informally or the Complainant does not wish to attempt informal resolution, the Complainant must prepare and submit a written complaint to the CAO within six (6) months of the alleged harassment, unless there are cogent reasons why this period of time should be extended.

The written complaint must provide particulars of the alleged harassment (i.e. who did or said what to whom when, who else was witness to the conduct, and how the conduct impacted the Complainant) and particulars of any attempts to resolve the matter through a direct approach or informal resolution.

Upon receipt of a written complaint, the CAO will inform the Cultus Lake Park Board and will conduct an investigation into the complaint or, where the CAO considers it appropriate, appoint a third party investigator (an “Investigator”) to investigate the complaint.

The investigation process will be as confidential as possible, recognizing that the rights of parties involved must be respected and the investigation must be thorough and fair.

All investigations will respect the right of all parties to know, understand and fully respond to the allegations or explanations of the other parties or third party witnesses.

If the Respondent to a complaint includes one or more of the CAO, Board Chair or Board Member, the CAO or Board Chair will evaluate the complaint and determine whether it can be investigated and addressed internally (i.e. by referring it to a senior manager or Board member who is not a Respondent) or should be referred to an Investigator who will report to a senior manager or Board member who is not a Respondent.

If at any time during the investigation the complaint can be resolved to the satisfaction of the Complainant and Respondent, the resolution will be recorded in writing, signed by the Complainant and the Respondent and kept in a confidential file by the CAO for a minimum of three (3) years.

All persons involved with a complaint must ensure the matter remains strictly confidential, which means that information arising out of an investigation will be disclosed only as necessary to fully and fairly investigate the complaint.

The complaint investigation will conclude with a confidential report that summarizes the CAO or Investigator's findings of fact and conclusions as to whether the Respondent's conduct breached the provisions of this Policy.

All written materials (including all notes taken and any report prepared by the CAO or Investigator) related to the investigation of the complaint under this policy will be treated as strictly confidential for all purposes including any applications made under the *Freedom of Information and Protection of Privacy Act* and, whenever possible, investigation reports will be presented in a summary format without the names of witnesses.

DECISION/REMEDY

The CAO (or other senior manager or Board member or third party if the CAO is a Respondent) will consider the report and any other relevant information and decide whether harassment in violation of the Policy occurred and then determine and implement whatever remedial action is appropriate.

Remedial action and/or disciplinary action up to and including dismissal may be taken against a Respondent who is found to have breached this Policy.

If the CAO (or other senior manager or Board member if the CAO is a Respondent) decides that an unsubstantiated complaint was not bona fide, was frivolous or was filed for inappropriate or malicious purposes, the CAO may initiate appropriate disciplinary action against the Complainant up to and including termination of employment and or repayment of all costs incurred by Cultus Lake Park to investigate the complaint.

No documentation of a complaint will be placed on the personnel files of the Complainant or Respondent, except any written record of discipline or dismissal arising out of the complaint. However, the investigation report will be sealed and kept in a confidential harassment file by the CAO.

TRAINING

Training is mandatory for all staff and elected officials and certified, appropriate coursework will be provided by Cultus Lake Park. Initial training for staff and elected officials will be provided in the future:

- a. newly elected officials will receive training within six months following Board elections;

- b. new staff who have not previously received training by Cultus Lake Park will receive training within the first year of their employment; and
- c. all staff will receive refresher training once every three years.

Each staff member and elected official who attends training will be required to complete all components of the training and provide a Certificate of completion for their training file, or if no certificate is provided, sign a form acknowledging their attendance and understanding of the training. All staff members and elected officials will be provided with a copy of this policy.