



WEST VANCOUVER POLICE DEPARTMENT

Administrative Policy

AC0325: Respectful Workplace

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Respectful Workplace

1.0 PURPOSE

- 1.1 The purpose of this policy is to clearly set out the commitment of the Department and the Board to ensuring a respectful Workplace that is free of bullying and harassment and supportive of the productivity, dignity and self-esteem of every Employee. This policy is also intended to:
- a) provide clear guidelines for appropriate Employee conduct within the Department and to ensure accountability;
 - b) provide a clear process for Employees as to how complaints will be dealt with by the Department; and
 - c) ensure that the Department complies with the requirements of the [BCHRC](#) and the [WCA](#).

2.0 DEFINITIONS

- 2.1 For the purposes of this policy, the following definitions will apply:

“BCHRC” means the BC Human Rights Code [RSBC 1996], Chapter 210, as amended from time to time.

“Board” means the West Vancouver Police Board.

“Bystanders” means third Parties who have witnessed behavior that, in their view, potentially constitutes a violation of this policy.

“Complainant” means the person making a complaint or seeking recourse in relation to this policy.

“DCC” means the Deputy Chief Constable of the Department.

“Department” means the West Vancouver Police Department.

“Employee” means any employee of the Board, including sworn and civilian, and including exempt, temporary, casual, permanent full-time, permanent part-time employees and dependent and independent contractors.

“Executive Officer” means a Member who has been appointed to the rank of Inspector or above.

“FOIPPA” means the Freedom of Information and Protection of Privacy Act, RSBC 1996, Chapter 165, as amended from time to time.

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“HR Director” means the Director of the Human Resources Division of the Department.

“Member” means a sworn peace officer employed at the Department.

“Party(ies)” means the Complainant(s) and Respondent(s) directly involved in the complaint.

“Respondent” means the person alleged to have violated this policy.

“Supervisor” means a Member promoted to, or acting in, the rank of Corporal or above or a civilian manager or supervisor.

“WCA” means the Worker’s Compensation Act [RSBC 1996], Chapter 492, as amended from time to time.

“Witness(es)” means individuals who have direct knowledge of, or involvement in any matter or incident that potentially relates to a complaint brought forward under this policy.

“Worker” includes all Department staff regardless of rank, position or responsibility.

“Workplace” means but is not limited to:

- a) any location where an Employee, volunteer or contractor carries out the duties of their employment;
- b) any event or gathering that is related to the performance of work-related duties, including conferences and other public events; and
- c) any location to which individuals travel for a work-related purpose.

3.0 POLICY

- 3.1 The Department is committed to providing a work environment in which all individuals are treated with respect and dignity. Workplace bullying and harassment is not acceptable and will not be tolerated.
- 3.2 Respectful Workplace conduct incorporates courtesy, civility, consideration and compassion. It is an approach which actively respects individuals by avoiding unnecessary behaviors which would have a negative impact on them. It involves taking responsibility for one’s communication, behavior, or conduct in the Workplace.

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- 3.3 This policy applies to all Department staff, and to contractors, volunteers, visitors and other individuals who attend the Department or interact with staff during the course of their employment.

4.0 PROCEDURES

Workplace Bullying and Harassment

- 4.1 Workplace bullying and harassment includes any inappropriate behaviour (conduct or comment) by a person towards a Worker, which the person knew or ought reasonably to have known would cause the Worker to be humiliated or intimidated. Harassment may take different forms, including discriminatory harassment, sexual harassment, and personal harassment. Bullying and harassment can include:
- a) verbal aggression, physical threats, physical assault or violence;
 - b) outbursts of anger or yelling;
 - c) humiliating or harmful initiation practices or hazing;
 - d) spreading malicious or derogatory rumours or gossip;
 - e) calling someone derogatory names;
 - f) vandalizing personal belongings;
 - g) sabotaging someone's work;
 - h) making personal attacks based on someone's private life or personal traits;
 - i) profane, disrespectful, intimidating, insulting, or demeaning written or verbal communication or conduct;
 - j) repeatedly unwelcome remarks, inappropriate humour, innuendoes, taunting, teasing or insulting conduct;
 - k) application of negative stereotypes or generalizations;
 - l) shunning, purposeful isolation and other repeatedly "exclusive" conduct, verbal or non-verbal in nature;
 - m) critical comments made to or about staff that are made outside the usual and confidential processes for review/feedback;

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- n) arguments with or between staff that take place in a “public”, non-confidential area;
 - o) engaging in unwanted practical jokes or ridicule;
 - p) teasing, joking, taunting, insulting or criticizing a person, directly or indirectly, verbally or in writing, based on a protected ground as defined in the [BCHRC](#). This may include commentary regarding a person’s cultural practices, ability to communicate clearly, accent, physical appearance, work style, and level of intelligence; and
 - q) unnecessary, unwelcome physical contact such as touching, patting, or pinching.
- 4.2 Intent does not determine whether the behaviour is bullying or harassment. A person cannot excuse their behaviour by claiming they did not intend it to be bullying or harassing.
- 4.3 Workplace bullying and harassment can be directed towards a colleague, subordinate, manager or Supervisor, between a Worker and a non-Worker (such as a contractor, volunteer or visitor), between staff from different organizations, such as those at a worksite where employees from multiple organizations are working together, or by a group of people towards another person or group, or by one individual towards another person or group.
- 4.4 This policy is not intended to limit or constrain the reasonable exercise of management functions in the Workplace. As such, bullying and harassment does not include any reasonable action taken by the employer or a Supervisor relating to the management and direction of Workers or the place of employment, such as managing a Worker’s performance or making decisions related to job duties, the work to be performed, deadlines, work instruction, supervision, feedback, work evaluation, or taking reasonable disciplinary actions. These actions, however, must not be undertaken in a manner that would constitute bullying or harassment.

Methods of Communication

- 4.5 Inappropriate communication that may violate this policy may be transmitted directly in person or indirectly through another person, on the phone, or in writing through documents, email, texts, Facebook, Twitter, other social media messaging, or otherwise. Potential violations may consist of inappropriate communication made to a person and/or communication made about a person to others.
- 4.6 Trust between co-workers is an essential element of a harmonious workplace. Clandestine recordings of communications between co-workers erodes that trust.

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Accordingly, clandestine or surreptitious recordings of communications with fellow employees of the Department is strictly prohibited.

Responsibilities

- 4.7 Every Worker must take reasonable steps to maintain a respectful Workplace. These include:
- a) not engaging in the bullying or harassment of others;
 - b) reporting any bullying and harassing behaviors they experience or observe in the Workplace; and
 - c) applying and complying with this policy.
- 4.8 In addition to Sec 4.6 above, every Supervisor must ensure their staff do not bully and harass others. The employer has overall responsibility to ensure there is a safe and respectful Workplace in compliance with this policy.

Fairness

- 4.9 Parties, Bystanders and Witnesses have a right to fair treatment in the consideration and adjudication of complaints and concerns under this policy. Fair treatment includes the right to:
- a) bring forward their concerns under this policy within a timely manner;
 - b) being informed in a timely manner of complaints made against them;
 - c) an impartial and objective consideration and evaluation of the circumstances, through informal or formal intervention;
 - d) confidentiality to the extent possible in the circumstances, including the avoidance of gossip, rumors and speculation by any Party, Witness or other individual;
 - e) protection to any Party or Witness from retaliation for participation in processes under this policy;
 - f) being effectively informed of the outcome of any formal intervention to the extent possible, having regard for others' rights to privacy;
 - g) union representation for unionized staff; and
 - h) other representation for exempt staff, such as a colleague or third Party representative who is not in any way involved in the matter being

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investigated. Any costs related to third Party representation will be borne by the exempt Employee being investigated.

Confidentiality

- 4.10 All Parties, Witnesses and Bystanders involved in a complaint, or in the informal or formal resolution of a complaint, are expected to keep matters related to a complaint confidential. This includes managers and Supervisors who are privy to the complaint or complaint resolution process.
- 4.11 Any allegation or complaint under this policy will be considered personal information supplied in confidence for the purpose of [FIPPA](#). The names of those involved in the complaint will not be disclosed to any person except where necessary for the purpose of fairly investigating and determining the outcome of the complaint.
- 4.12 The substance of Investigative Reports and the substance of meetings held by those in authority to make decisions in relation to a complaint, regardless of whether it is substantiated, will be protected from disclosure to third Parties in accordance with [FIPPA](#).
- 4.13 All files related to any complaints under this policy are to be kept in a Human Resources file, separate from the Employee personal and personnel files.

Retaliation

- 4.14 No Party, Witness, Bystander or other individual involved in matters under this policy should be subject to any retaliation or reprisal, indirect or direct. Retaliation includes but is not limited to any conduct/comment/decision/communication that reasonably appears to have been made in response to a filed complaint (or defense/response to a filed complaint), or in an attempt to dissuade, influence or otherwise coerce individuals into taking specific action, or refraining from taking action, in relation to this policy.
- 4.15 Any established retaliation against any Party, Bystander, Witness or other individual involved in an informal or formal resolution process will be considered an independent violation of this policy, regardless of the merits or outcome of the initial concern or complaint, and will result in discipline commensurate with the severity of the conduct.

Informal Process

- 4.16 Complainants are encouraged to resolve complaints/concerns with others as soon as they arise, using the informal process unless circumstances dictate it is clearly inappropriate to do so. Without limiting its application, the informal

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resolution process is commonly used in circumstances where the alleged concern/conduct appears to be:

- a) non-repetitive (a “one-off” discussion/interaction); and
 - b) relatively minor in severity or seriousness, considering its content, potential impact on the individual and/or the safety/health/reputation of the Department.
- 4.17 Although a Complainant may indicate that they prefer the informal process, the Department may at any time exercise its discretion to initiate a formal process based upon its overall review and consideration of the circumstances.

Step 1 – Resolution (Informal Conversation)

- 4.18 Where reasonable, a Complainant is encouraged to address the person with whom they are having difficulty (Respondent) in a direct and discreet manner as soon as possible following the incident. This may be done in person (with or without another individual present for support) or in writing, provided the communication itself is respectful in tone and content. If the Complainant is not comfortable taking this step, or if the Complainant has done so without success, then the Complainant should proceed to the next step.

Step 2 – Resolution (Supervisor/Designate Involvement)

- 4.19 The Complainant or a Bystander should approach their Supervisor with their concerns including particular examples of inappropriate statements or verbal or non-verbal behaviors by the Respondent(s), dates, times, Witnesses and provide as much detail as possible. This should be done as soon as reasonably possible following the incident(s)/behavior(s). The Supervisor in receipt of a complaint/concern must contact the HR Director immediately.
- 4.20 If the Complainant or Bystander is uncomfortable approaching their Supervisor, or if the Supervisor is a Respondent or is perceived by the Complainant to be part of the “problem”, the Complainant or Bystander should speak directly to the HR Director. If the HR Director is a Respondent or is perceived to be part of the “problem”, the Complainant or Bystander should speak directly to the DCC.
- 4.21 The HR Director will review the concern and where appropriate, directly or indirectly, facilitate a resolution of the concern in a manner that is considered most effective and reasonable considering all of the circumstances.
- 4.22 Interventions by Supervisors and/or the HR Director may include one or more of the following (or similar) interventions:

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- a) meeting separately with each person involved in the concern to discuss and objectively review the situation;
 - b) meeting together with the persons involved to facilitate a discussion aimed at understanding and resolving the issue in a practical, non-punitive manner or mediating a solution that works for all Parties;
 - c) coaching one or more of the Parties (verbally or in writing) on Workplace expectations and requirements regarding appropriate Workplace behavior or performance;
 - d) recommending or applying progressive discipline as warranted (i.e. based on the findings and severity of the misconduct found following the review);
 - e) engaging the support of the HR Director to assist with Step 2 processes; or
 - f) engaging an external third party facilitator or mediator to work with the Parties and others involved to achieve a confidential, practical and mutually agreeable resolution to outstanding concerns which do not result in findings against any person.
- 4.23 If, at the outset of, or at any time during the Step 2 process, the HR Director concludes that a formal investigation is warranted, given the Parties involved and/or severity of the behaviors alleged in the complaint, including any potential physical or psychological impact on the Complainant or other Employees, the matter will be immediately referred to Step 3 of the policy for formal investigation and resolution.
- 4.24 Step 2 processes should be completed within 60 days of the initial concern being brought forward to either the Supervisor/designate or to the HR Director. This time-line may be reasonably adjusted in extenuating circumstances and will not apply if the Department decides to elevate the concern/complaint to a Step 3 process.

Formal Process

Step 3 – Investigation

- 4.25 The formal process involves a formal, objective investigation of a written complaint that has been brought forward to the Department.
- 4.26 Once the complaint has been received by the Complainant's immediate Supervisor or by the HR Director, the Complainant will be asked to submit the complaint in writing, on a Department Respectful Workplace - Confidential Report form (available on the Intranet), and send the written complaint to the HR

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Director by either an envelope marked “Confidential” or by scanning the completed form and sending it via email indicating “Confidential”.

- 4.27 The filing of a formal complaint does not mean that a formal investigation will be automatically conducted. The manner in which a complaint is resolved will be determined by the Department following consultation with the Parties, and will depend on a number of factors, including the nature, extent and severity of allegations brought forward by the Complainant and the history of circumstances leading up to the filing of the formal complaint.
- 4.28 Following this review, the individual(s) who receive(s) the complaint may take one of the following steps:
- a) refer the matter back to Step 2 to resolve the matter through informal processes; or
 - b) assign an internal or external Investigator to conduct a formal investigation of the complaint.

Appointing an Investigator

- 4.29 Factors to consider in determining whether to retain an internal or external investigator may include the overall complexity of the facts/law related to the complaint, the Parties to the complaint, the anticipated length of time necessary to conduct the investigation, the potential severity of the outcome(s) of the investigation in relation to the Respondent(s) should the complaint be substantiated, and any other relevant circumstances.
- 4.30 Internal investigators will have sufficient prior experience and/or training in conducting Workplace investigations and will have no previous involvement in the facts/circumstances giving rise to the complaint.
- 4.31 Formal investigations in response to complaints filed against the Chief Constable or a Deputy Chief Constable will be conducted by external investigators.

The Investigation Process

- 4.32 The investigator will take a reasonable amount of time to conduct the investigation by interviewing the Parties and relevant Witnesses, and obtaining and reviewing any potentially relevant documents.
- 4.33 The investigator will prepare an Investigative Report outlining findings and conclusions and will submit the report to the HR Director. The findings and conclusions may relate to both the conduct at issue and the medical, emotional, and/or financial impact of the conduct on those involved.

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- 4.34 The investigator may include recommendations in the Investigative Report in relation to remedies and outcomes where applicable, and if requested by the Department.
- 4.35 The HR Director will advise both the Complainant and Respondent of the findings and conclusions of the investigation and any recommendations related to their own conduct, through a written summary of the report. Other Parties involved in the complaint (Witnesses and others) will be advised that the investigation has been concluded, but will not be provided with any further information.

Interim Measures

- 4.36 It may be necessary to take interim measures, such as requiring transfers, leaves, or imposing restrictions regarding contact or communication between the Parties while a complaint is being investigated. Such measures will be considered precautionary, not disciplinary.

Mediation

- 4.37 Where appropriate, mediation is available to the Parties to try to resolve the complaint at any point during the process. Any ongoing investigation will be suspended during mediation and will resume if mediation is unsuccessful. Unless explicitly agreed to by the Parties in writing, the investigator will not act as the mediator and will have no communication with the mediator regarding the complaint at any time.

Withdrawal of a Formal Complaint

- 4.38 At any time during the course of an Investigation of a formal complaint, the Complainant may choose to withdraw the complaint without penalty so long as the Department determines that the complaint was filed in good faith. However, if the complaint is serious and appears to be founded, the HR Director may choose to continue the investigation. If the investigation is discontinued, there will be no indication of the complaint in the personnel files of either the Complainant or Respondent.

Time Limits

- 4.39 The time limit for making a formal complaint is six months from the date of the last incident. This is consistent with the time limits noted in the [BCHRC](#). This may be extended, to one year at the latest, if there is a reasonable basis for the delay.

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Appeals

- 4.40 Within 15 days of receiving a summary of the Investigative Report, either Party may file an appeal with the Chief Constable or designate. If the Chief Constable is the Respondent, then the appeal will be filed with Chair of the Board.
- 4.41 The appeal will be based upon, and restricted solely to, perceived, specific flaws or errors related to the investigative process. The appeal will not constitute an avenue in which to “re-investigate” the merits of the complaint.
- 4.42 The Chief Constable or designate will review the Investigative Report to evaluate the fairness of the process.
- 4.43 If the Chief Constable or designate has any concerns with the investigative process, they may at their sole discretion:
 - a) remit the matter back to the investigator, with specific questions/areas of clarification; or
 - b) refer the complaint to a new investigator, depending on the nature and extent of procedural concerns as determined by the Chief Constable or designate.
- 4.44 The decision of the Chief Constable, designate or Chair of the Board is final.

Outcomes

- 4.45 Once the appeal period has expired or the appeal has concluded, the Department will inform the Complainant and Respondent of its final implementation plan based upon the Investigative Report.
- 4.46 The Complainant and Respondent will only receive information relevant to their role in the final implementation plan; they will not be privy to recommendations related to the other Party/Parties.
- 4.47 A member of the Department Executive Team will determine and implement specific outcomes (consequences and remedies) that are reflective of and relevant to the investigative findings/conclusions within a reasonable period of time after receipt of the Investigative Report.
- 4.48 Part of the implementation plan may include processes similar to those set out in Step 2 (including mediation), in order to help rebuild/repair the relationships.

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4.49 Outcomes that may form part of the implementation plan include one or more of the following:

- a) verbal and/or written apology from the Respondent(s);
- b) operational or physical adjustments to the Workplace environment;
- c) Employee Assistance Plan referrals;
- d) coaching of expectations – verbal or in writing;
- e) medical assessment referrals;
- f) training;
- g) transfers to a different shift/section; and/or
- h) institution of formal discipline and disciplinary processes, up to and including suspension/termination for Employees and suspension/removal from premises for contractors/volunteers. Significant discipline (including termination of employment and/or removal from premises) may arise even after one incident if such action is warranted based on the severity of the findings/conclusions of the investigation. Otherwise, progressive discipline/action will be implemented. Disciplinary processes will be implemented in accordance with any relevant collective agreements or employment contracts.

4.50 In the event that the Respondent is a contractor, the Department will consult with the appropriate personnel within the external agency to determine the appropriate remedy.

4.51 Any Party who disagrees with the nature/extent of action or disciplinary action imposed as a result of the investigation should:

- a) in the case of a unionized Employee, access the usual grievance/appeal processes set out in the relevant collective agreement or contract; or
- b) in the case of an exempt Employee, appeal the action directly to the Chief Constable.

All employees are entitled to initiate a complaint with [WorkSafeBC](#) and/or the [BC Human Rights Tribunal](#).

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Malicious/Vexatious/Frivolous Complaints or Misuse of the Policy

- 4.52 In circumstances where a complaint is found to have been made in bad faith or determined to be vexatious, frivolous or a general misuse of the policy, the Complainant may face similar outcomes as a Respondent as set out above.
- 4.53 This section of the policy may apply to filed complaints as well as any circumstances in which individuals repeatedly threaten to file complaints against others in order to achieve similar ends.
- 4.54 A complaint or threatened complaint will be deemed to have been made in bad faith when, considering all of the circumstances surrounding the complaint, including its timing and context, the complaint was found to have been made primarily in an attempt to:
- a) influence, resist or overturn decisions related to the Complainant's employment;
 - b) intimidate, threaten or purposefully cause 'issues' for the Respondent;
 - c) create a hostile or intimidating Workplace environment for others, including the Respondent; or
 - d) create a potential personal benefit or entitlement to the Complainant unrelated to the purposes of this policy.
- 4.55 Misuse of the policy may include unreasonable, repetitive filing of complaints or concerns that are consistently found to be unsubstantiated. In circumstances where a complaint has been found to be malicious, vexatious or a misuse of the policy, the Respondent may be awarded the same remedies as those available to Complainants as set out above.

Unsubstantiated Complaints

- 4.56 If the investigator finds insufficient evidence to support the Complainant's allegations and finds that there has been no misuse of the policy or bad faith in filing the complaint, no action will be taken in relation to the complaint. There will be no record of the complaint on the Respondent's file.

Multiple Proceedings

- 4.57 This policy is in addition to and not in substitution for any rights an individual may have to pursue action, whether under collective agreements, policies or any applicable legislation, including the [BCHRC](#) and [WCA](#).

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- 4.58 If at any time a staff member elects to initiate other legal proceedings or if the staff member takes any steps outside of those contemplated under this policy, the Department may consider discontinuing or suspending any procedures taken under this policy as a result of the complaint depending on a consideration of all of the circumstances.
- 4.59 Potentially criminal behavior such as assault, sexual assault, criminal threats, criminal harassment or attempts at extortion will be dealt with through the criminal complaint and investigative process.

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