

<b>Policy Name:</b>	<b>HUMAN RIGHTS AND RESPECTFUL WORKPLACE</b>		
<b>Policy #:</b>	AD 5.7	<b>Last Updated:</b>	2022-01-14
<b>Issued By:</b>	SUPPORT SERVICES BUREAU	<b>Approved By:</b>	SURREY POLICE BOARD
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**RELATED POLICIES**

*AD 2.2 Complaints and Professional Standards*

*AD 2.4 Internal Discipline*

*AD 5.3.1 Employee and Family Assistance Program (EFAP)*

**1. PURPOSE**

- 1.1. To ensure the Surrey Police Service (SPS) provides a Respectful Workplace that is free from Discrimination, Disrespectful Behaviour (including bullying), and Harassment.
- 1.2. To define the rights, responsibilities, and expectations of individuals within the scope of this policy.
- 1.3. To outline the process for concerns to be raised and investigated.
- 1.4. To address inappropriate behaviour at the earliest stage.
- 1.5. To hold individuals accountable for failing to comply with this policy.
- 1.6. To maintain a safe, healthy, and inclusive work environment that is supportive and fosters the well-being of positive workplace relationships.

## 2. SCOPE

- 2.1. This policy applies to all SPS Employees, Applicants, Volunteers, Contractors, Practicum Students and Seconded Employees.
- 2.2. There are three categories of inappropriate behaviour addressed in this policy: Discrimination based on prohibited grounds under the *Human Rights Code*; Harassment based on prohibited grounds under *Human Rights Code* (including Sexual Harassment); and Disrespectful Behaviour (including bullying and intimidation) under this policy and the *Workers Compensation Act* and the *BC Occupational Health and Safety Regulations*.
- 2.3. Intent does not determine whether behaviour amounts to Discrimination, Harassment, or Disrespectful Behaviour. An individual cannot excuse their behaviour by saying they did not intend to contravene the policy.

## 3. POLICY

- 3.1. Individuals within the scope of this policy:
  - i. have a responsibility to create and maintain a workplace that is free from Discrimination, Disrespectful Behaviour (including bullying), and Harassment by ensuring their behaviour is respectful and by treating others with dignity and respect;
  - ii. have the right to be treated fairly and respectfully in the workplace;
  - iii. have the right to seek the assistance of a Supervisor, a union representative, or the Employee Services Section (ESS) in the resolution process, if they face behaviour inconsistent with the policy, and they believe that it is not possible or appropriate to resolve an issue on an individual basis; and
  - iv. are expected to address behaviour that is inconsistent with this policy by taking appropriate and timely action, including reporting any violation in accordance with this policy.

### **Supervisor Responsibility**

- 3.2. Supervisors are expected to foster a respectful and inclusive workplace by:
  - i. being a role model;
  - ii. facilitating a work environment that promotes inclusive and respectful workplace behaviour;
  - iii. ensuring awareness of and compliance with this policy in the workplace;
  - iv. taking action to avert the development, escalation, or recurrence of Discrimination, Disrespectful Behaviour, and Harassment in the workplace;
  - v. taking action when respectful workplace behaviours are not demonstrated by addressing and documenting the issue;
  - vi. seeking advice and assistance from ESS where appropriate; and

vii. reporting all incidents and actions taken to ESS in a timely manner.

### **Violating Policy**

3.3. An Employee who violates this policy is subject to corrective and/or disciplinary action, including termination of employment.

3.4. A Volunteer, Applicant, Contractor, or Practicum Student who violates this policy may have their services with SPS terminated.

3.5. A person seconded to SPS or working a Joint Forces Operation from another agency who violates this policy will be referred to their agency. The Chief Constable may decide that such a person must be returned to their agency.

3.6. No individual within the scope of this policy should be the target of retaliation, or face threats of retaliation, as the result of making a complaint or participating in the investigation of a complaint as a witness under this policy. Retaliation is a serious disciplinary offence. Retaliatory behaviour includes unjustified or unwarranted:

- Criticism of a person's job performance
- Threats and intimidation
- Refusal to extend to a person an opportunity available to others
- Refusal to work with a person, and
- Reassignment of a person to different duties or a different position.

3.7. Complaints of Discrimination, Disrespectful Behaviour, and Harassment are serious matters. If a complaint is made in bad faith or for frivolous and vexatious motives, disciplinary action may be taken against the Complainant up to and including termination of employment or contract for service. A good faith complaint brought forward for proper reasons, which is found to not have merit, is not a false and malicious complaint.

3.8. Legitimate job-related actions performed in a reasonable manner by Supervisors, including but not limited to performance assessments, work-related comments and instruction or discipline for just cause, are not Discrimination, Disrespectful Behaviour, or Harassment and are not a breach of this policy.

### **Human Rights Code**

3.9. An individual within the scope of this policy who believes they have been subjected to Harassment or Discrimination based on prohibited grounds has the right to file a complaint under the *Human Rights Code*. Nothing in this policy precludes the individual from also pursuing such a complaint.

### **Confidentiality**

3.10. Every effort will be made to ensure confidentiality throughout the Informal Resolution and Formal Investigation processes. Information will only be disclosed to the extent required for the purposes of an investigation (including the Respondent's right to know the allegations against them) or required by law (examples: *Freedom of Information and Protection of Privacy Act*, *Police Act*, *Workers Compensation Act*, or rules governing administrative proceedings and court orders).

3.11. Complaints under this policy are maintained in a separate and secure filing system.

3.12. Complainants, Respondents, Witnesses, Supervisors, and Investigators must maintain confidentiality concerning workplace Discrimination, Harassment, and Disrespectful Behaviour complaints and investigations.

3.13. If the Respondent is a Member, the Office of the Police Complaint Commissioner (OPCC) will be informed of the complaint (see s. 4.2 below).

## **4. PROCEDURE**

4.1. If an individual within the scope of this policy believes they have been subject to Discrimination, Harassment or Disrespectful Behaviour they may:

- i. make known their concern to the Respondent directly;
- ii. ask for the assistance of another person, or union if applicable, to make their concern known to the Respondent; and/or
- iii. report the occurrence to their Supervisor or the Inspector, ESS either in writing or through an interview, with details of the conduct including:
  - (a) date(s) and time(s) of the conduct;
  - (b) any witnesses to the conduct; and
  - (c) any response made at the time of the conduct.

### **Complaints Against SPS Members**

4.2. If a complaint is against a Member, the Deputy Chief Constable, Support Services Bureau, or designate, will notify the Inspector, Professional Standards of the complaint under this policy so that reporting to the OPCC may occur as applicable.

4.3. The OPCC will determine whether the complaint will be investigated under Part 11, Division 6 (Internal Discipline) or Division 3 (Public Trust) of the *Police Act*. If under Internal Discipline, the Deputy Chief Constable, Support Services Bureau, or designate, will determine how to proceed based on the circumstances of the allegation (see AD 2.4 *Internal Discipline*).

4.4. Where a complaint may constitute misconduct under the *Police Act*, the complaint must be handled in accordance with Part 11 of the *Police Act*.

4.5. In the event of inconsistency between this policy and the *Police Act*, the *Police Act* will govern.

#### **Informal Resolution Processes**

4.6. Early and informal resolution of Discrimination, Harassment or Disrespectful Behaviour is the desirable outcome in most circumstances. In informal resolution processes, the Complainant and Respondent move to address the situation and find a mutually agreeable resolution.

4.7. Though it is encouraged that Complainants first attempt to resolve any workplace Discrimination, Harassment or Disrespectful Behaviour concerns through the Informal Resolution Process, Complainants may proceed directly with the Formal Investigation Process. Factors to consider include the seriousness of the allegations and any mitigating circumstances. The Informal Resolution Process includes, but is not limited to, the following:

- i. General Approach – A Supervisor, who becomes aware of workplace Discrimination, Disrespectful Behaviour, or Harassment, either by way of a complaint or by personal observation, must implement steps to address the alleged or admitted behaviour. These steps may include discussions at routine staff meetings or a briefing wherein it is emphasized that certain behaviours are unacceptable. If there is an indication of Discrimination, Harassment or Disrespectful Behaviour, a resolution plan may be developed and implemented with the assistance of the union and/or ESS.

Direct Approach – With this strategy, the interaction is person to person. The direct approach may be between a Complainant and a Respondent, or a bystander to a Respondent. It is best done in person, either one on one or with a colleague or third party assistance (e.g., ESS). If a Complainant is not comfortable approaching the other Employee, or if the issue is not resolved, the Supervisor should be informed about the conflict. A co-worker who sees other behaving in a way that is inappropriate or disrespectful should encourage them to stop the behaviour. If the behaviour continues, the co-worker must report the behaviour to a Supervisor.

- ii. Third Party Facilitation – Upon approval of the Inspector, ESS, an informal intervention by a third party to find a mutually agreeable resolution may be initiated. This may be accomplished with the assistance of the following, but not limited to:
  - (a) the Inspector or Manager of the section;
  - (b) a union representative;
  - (c) a third party facilitator; and/or
  - (d) the Inspector, ESS;

- iii. Mediation – Upon approval of the Deputy Chief Constable, Support Services Bureau, or delegate, an impartial third party (Mediator) may be appointed to assist the Complainant and Respondent in a structured process to find a mutually agreeable resolution. Mediation involves keeping the channels of communication open, helping the parties express their needs, identifying the issues, and if requested, offering remedies to resolve the dispute. The Mediator can make recommendations for resolution.

### **Formal Investigation Process**

#### 4.8. A Complainant has the right to:

- i. receive fair treatment;
- ii. have their complaint dealt with in a timely fashion;
- iii. have their complaint without fear of reprisal;
- iv. be informed of the progress of the complaint;
- v. be represented throughout the investigation process by:
  - (a) a union representative if they are a union member, or
  - (b) be accompanied by a person of their choice for support during any proceedings relating to the complaint, providing no costs are incurred by SPS;
- vi. be provided, in writing, with a report outlining the findings at the conclusion of the Formal Investigation; and
- vii. at any time, but subject to 4.13, withdraw their formal complaint, allowing the complaint to be informally resolved.

#### 4.9. A Respondent has the right to:

- i. receive fair treatment;
- ii. be informed as soon as is practicable that a complaint has been filed;
- iii. be provided with a summary of the allegations and be afforded an opportunity to respond to them;
- iv. be represented throughout the investigation process by:
  - (a) a union representative if they are a union member; or
  - (b) be accompanied by a person of their choice for support during any proceedings relating to the investigation of the complaint, providing no costs are incurred by SPS; and
- v. be provided, in writing, with a report outlining the findings at the conclusion of the Formal Investigation.

4.10. If a Complainant believes that they are being Discriminated against, Disrespected, or Harassed, a Witness believes they have witnessed same, they may file a formal complaint in writing against the Respondent with the Deputy Chief Constable, Support Services Bureau or designate.

- 4.11. Where the Respondent is the Chief Constable or a Deputy Chief Constable, the formal complaint is to be filed directly with the Surrey Police Board Chair.
- 4.12. Subject to 4.13, a Complainant may, at any time, withdraw their formal complaint, allowing the complaint to be informally resolved.
- 4.13. Despite anything in this policy, SPS retains the right to initiate or continue any investigation of workplace Discrimination, Disrespectful Behaviour, or Harassment allegation where SPS believes it is in the best interests of SPS and/or the parties to further the investigation.
- 4.14. Prior to engaging in a workplace Discrimination, Disrespectful Behaviour, or Harassment investigation, Supervisors must consult ESS to develop an approach tailored to the circumstances of the allegations and a process that is fair and transparent to those involved. The appropriate union may be consulted in this process.
- 4.15. If the Respondent is a civilian Employee, the Inspector, ESS or delegate must appoint an investigator to investigate the complaint.
- 4.16. If the Respondent is a sworn Member, the Deputy Chief Constable, Support Services, or delegate, shall appoint a suitable investigator to investigate the complaint in accordance with the *Police Act*.
- 4.17. All complaints and investigations related to Discrimination, Disrespectful Behaviour, or Harassment, shall be treated in a sensitive manner that strives to protect the privacy of the people involved while complying with the law.
- 4.18. All formal written complaints must:
- i. identify the name and position of the Complainant;
  - ii. identify the name and position of the Respondent(s);
  - iii. list the areas of alleged violation under this policy, if any; and
  - iv. contain a detailed description of the key conduct that constitute the substance of the complaint.
- 4.19. The Investigator will interview the Complainant and will include:
- i. a review of the Complainant's evidence;
  - ii. a review of all relevant documents;
  - iii. the identification of Witness(es); and
  - iv. the outcome sought by the Complainant.

4.20. If the Respondent is a Member, prior to interviewing the Respondent Member, the Investigator must:

- i. provide the Respondent with a summary of the allegations;
- ii. provide the Respondent Member with a summary of any other relevant incidents or information identified that are not included in the complaint; and
- iii. advise the Respondent Member that they are entitled to have a union representative with them.

4.21. The Investigator shall conduct an interview with the Respondent(s) and include:

- i. a review of the complaint;
- ii. a review of relevant documents;
- iii. a review of the Respondent's evidence; and
- iv. the identification of Witness(es).

4.22. The Investigator will conduct interviews with relevant Witnesses. If information is obtained from a Witness, the Complainant, or the Respondent(s) that is substantially different or conflicting, the Investigator shall provide the Complainant and the Respondent with an opportunity to respond to the new information.

4.23. The Investigator shall prepare a report detailing:

- i. the evidence of the Complainant, the Respondent(s) and any Witness(es);
- ii. the Investigator's assessment of credibility, if necessary;
- iii. the Investigator's findings of fact with supporting analysis; and
- iv. the Investigator's conclusion as to whether the findings of fact constitute a violation of this policy.

4.24. A copy of the report will be forwarded through the Inspector, ESS to the Chief Constable or delegate (or to the Police Board where applicable) who will review the Investigator's report and:

- i. determine whether disciplinary and/or corrective action should be taken; and
- ii. notify the OPCC where applicable.

4.25. Any disciplinary action will be carried out in accordance with any collective agreement and/or Internal Discipline Rules and will be recorded in writing.

4.26. Although there are no firm deadlines (unless the investigation is being conducted in accordance with the *Police Act*), the Investigator is required to conduct the investigation as quickly as practicable.



4.27. The Complainant and the Respondent(s) will be notified if the complaint is deemed founded or unfounded. Witness(es) are not advised of the investigation findings.

**Contractor Complaints.**

4.28. A Contractor who believes they are subject of Discrimination, Harassment, or Disrespectful Behaviour by SPS or its Employees, should contact the Inspector, ESS or delegate, to access the process for complaint resolution. If the complaint is not received in written form, SPS will request the Contractor submit the Complaint in writing.

4.29. With the objective of effective resolution of complaints from Contractors, all such complaints will be initially processed through an informal investigation. An informal investigation will include a confidential meeting with an Investigator to discuss the complaint and appropriate fact-finding actions. The meeting may include a representative from the work area in question. In some circumstances, SPS may require the Complainant Contractor and Respondent to participate in mediation. If the Complainant Contractor declines to fully participate in a required mediation, SPS shall be under no obligation to progress to the Formal Investigation Process.

## APPENDIX A: DEFINITIONS

“Applicant” means a person who is not a current SPS employee, who is seeking a position serving SPS.

“Complainant” is an Employee, Volunteer, Contractor, Practicum Student, Applicant or Seconded Employee who has submitted a complaint alleging they have been subject to Discrimination, harassment or Disrespectful Behaviour in the workplace. The SPS will determine who will assume the role of the Complainant under this policy where the complaint has been filed by a Witness.

“Contractor” means a person or persons who has access to SPS premises, as defined in this policy, for the purpose of providing services or supplies to SPS on a contractual basis.

“Discrimination” means differentiated treatment of individuals or groups, that is related to a prohibited ground as identified by the *Human Rights Code*, including and as may be amended:

- a. race;
- b. colour;
- c. ancestry;
- d. country or place of origin;
- e. political belief;
- f. religion;
- g. marital status;
- h. family status;
- i. physical or mental disability;
- j. sex;
- k. sexual orientation, gender identity, or gender expression;
- l. age of person; or,
- m. the fact a person has been convicted of a criminal offence that is unrelated to the employment or to the intended employment of that person.

The differential treatment may have a negative effect on behaviours, practices, policies or systems. It may be intentional or unintentional.

“Disrespectful Behaviour” occurs when individuals do not honour the entitlement of everyone to be respected in the workplace. An individual engages in Disrespectful Behaviour when they take an action that they knew or reasonably should have known would cause another individual to feel offended, humiliated, excluded, or intimidated.

“Disrespectful Behaviour” means

- Vexatious: conduct, comments, actions, or gestures which are humiliating, offensive, hurtful, or belittling;
- Repeated: conduct, comments, actions, or gestures which when taken in isolation seem minor but when repeated can lead to a conclusion of harassment; and/or a single incident of sufficient seriousness to have a significant impact on the recipient or the work environment.

Examples of Disrespectful Behaviour include:

- a. written or verbal comments, actions, gestures, insults, or other behaviours or jokes which are humiliating, offensive, hurtful or belittling;
- b. bullying or intimidation;
- c. cyber bullying;
- d. harmful hazing or initiation practices;
- e. abusing authority;
- f. yelling or shouting (except where intended to alert another to danger);
- g. deliberately excluding an employee from relevant work activities or decision making (social isolation);
- h. decision-making which is influenced by factors which have no work-related purpose; and
- i. attempting to discredit an employee by spreading false information/rumours

“Employee” means an employee of SPS (including Members and civilian staff).

“Harassment” is a type of Discrimination and includes any conduct, comment, gesture or contact that are related to one of the prohibited grounds found in the *Human Rights Code*. It is behaviour or communication, including interaction over email or social media/social networks, of such a nature that is, or it would be reasonable to assume it is, unwelcome and detrimentally affects the work environment for any individual, or leads to adverse job-related consequences for that person.

Harassment may include, but is not limited to, the following:

- a. racial or ethnic slurs or slang;
- b. stereotypical comments about other groups;
- c. vulgar humour or language;
- d. unwelcome remarks or jokes about a person’s body, attire, age, marital status, ethnic origin, religion, sexual orientation;
- e. ridiculing persons with disabilities;
- f. unwelcome questioning about someone’s social or sexual life;
- g. derogatory comments based upon sexual orientation;
- h. harmful hazing or initiation practices;
- i. vandalizing a person’s belongings or work equipment;
- j. spreading malicious rumours;
- k. targeting a person for social isolation;
- l. cyber bullying;
- m. unwelcome sexual remarks, invitations or requests;
- n. suggestive staring, leering or other offensive gestures;
- o. displays of pornographic, sexist, racist or other offensive or derogatory material; or
- p. unwanted touching of a person’s hair, clothing or body.

Examples of behaviour that would **not** be considered Workplace Harassment include:

- a. relationships between employees based upon mutual consent;
- b. normal social contact between employees; or
- c. lack of friendliness.

“Investigator” means an internal or external individual who will investigate a complaint brought under this policy.

“Member” means a sworn Police Officer appointed by the Surrey Police Board.

“Practicum Students” mean students of a program at a recognized education institution who are engaged at SPS premises for study, research, work experience, etc.

“Respectful Workplace” honours the entitlement of everyone to have a respectful experience and honours the pride and dignity of each person. In a Respectful Workplace, the principles of promoting cooperative and collaborative behaviours, including healthy group dynamics and proactive problem solving are honoured. A Respectful Workplace is inclusive of others.

“Respondent” is the Employee, Volunteer, Contractor, Applicant, or Practicum Student against whom a complaint is made.

“Sexual Harassment” means type of Discrimination on the prohibited ground of sex, as defined in the *Human Rights Code*. It involves one or more incidents of unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature and/or where submission to that conduct is made either explicitly or implicitly a condition of employment or the basis for employment decisions affecting the individual.

Examples of Sexual Harassment include:

- a. Remarks, jokes, innuendos or other comments or gestures regarding someone’s body, appearance, marital status, physical or sexual characteristics, or clothing;
- b. The display, distribution or storage of offensive or derogatory pictures, cartoons, or other material (including material on computers, social media or e mail);
- c. Unwelcome questions or sharing of information regarding a person’s sexuality or sexual activity;
- d. Suggestive staring, leering, or other offensive gestures;
- e. Sexual solicitation or advance that is unwelcome;
- f. Unwanted physical touching;
- g. Sexual assault; and
- h. Favouring, or appearing to others to be favouring, another in exchange for sexual favours.

“Seconded Employee” means an employee of another body who is assigned under the leadership of the Chief Constable for a period of time and who is not an Employee of SPS.

“SPS Premises” includes, but is not limited to, any property permanently or temporarily under the jurisdiction of SPS, including land, building, job sites, facilities, parking lots, equipment, vehicles, whether

owned, leased or used by SPS and wherever located. The work site of a Seconded Employee is considered an extension of the SPS workplace, and therefore SPS premises.

“Supervisor” means a Team Leader, Manager, Sergeant, Staff Sergeant, Inspector, Superintendent, Deputy Chief Constable, Chief Constable, and any other person acting in a supervisory capacity who is accountable for a particular area or shift on behalf of the SPS.

“Volunteer” means a person serving SPS who is not an Employee, Practicum Student, or Contractor, as defined in this policy, and includes those individuals serving on any board(s), commission(s) or committee(s) established by SPS.

“Witness(es)” means any individual(s) determined to have pertinent information with relation to a complaint filed under this policy, or an individual (s) who witnesses and reports to a Supervisor an incident of discrimination, bullying or harassment.

“Workplace” means any location where an Employee, Volunteer, Practicum Student, Contractor, or Seconded Employee carries out the duties of performing their work; any work-related event or work-related gathering, whether sponsored by the employer or not; or any location travelled to for a work-related reason.

## **APPENDIX B: REFERENCES**

*BC Provincial Policing Standards*

*BC Workers Compensation Act*, R.S.B.C. 2019, c. 1

*Human Rights Code*, R.S.B.C. 1996, c. 210

*Police Act*, R.S.B.C. 1996, c. 367

*WorkSafeBC Occupational Health and Safety Policies D3-115-2, D3-116-1, D3-117-2*

*WorkSafeBC, Towards a respectful workplace: A handbook on preventing and addressing workplace bullying and harassment, 2013*