



CITY OF CORNER BROOK

Policy Statement

Index	Human Resources		Section	Employee Conduct		
Title	Respectful Workplace Policy		Policy Number (Index-Sector-No.)	10-05-14	Authority	Council
Approval Date:	01 Feb 2016	Effective Date	01 Feb 2016	Last revision date		

Purpose:

The City of Corner Brook is dedicated to ensuring that employees are treated with dignity and respect that allows all employees and Council members to complete their duties in a healthy, safe and respectful environment, without fear of bullying, harassment or violence.

Policy Statement:

The City of Corner Brook will not tolerate, and is dedicated to preventing any instance of bullying, offensive comments/gestures, harassment or violence in the workplace. All employees of the City share in the responsibility to ensure that our workplace is a safe and welcoming place to work. Employees are responsible for reporting any instances of bullying, harassment or violence, whether they were the target or they were witness to the incident. In all cases, where a complaint of bullying, harassment or violence is made in good faith, the reporting employee will not be disciplined or retaliated against in any way.

The City of Corner Brook Respectful Workplace Policy is not meant to stop free speech or to interfere with everyday interactions. However, what one person finds offensive, others may not. Usually, bullying or harassment can be distinguished from normal, mutually acceptable socializing. It is important to remember it is the perception of the receiver of the potentially offensive message be it spoken, a gesture, a picture or some other form of communication which may be deemed objectionable or unwelcome that determines whether something is acceptable or not.

This policy applies to all members of Council and employees of the City of Corner Brook. This policy will also apply to any contractors that are hired by the City of Corner Brook while they are performing the contracted work.

For the purposes of this policy, bullying, harassment and violence can occur:

- At the workplace;
- At employment-related social functions;
- In the course of work assignments outside the workplace;
- During work-related travel;

- Over the telephone, if the conversation is work-related; or
- Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship.

Definitions:

According to the Canadian Human Rights Commission harassment can be defined as behavior that; "involves any unwanted physical or verbal behavior that offends or humiliates you. Generally, harassment is a behavior that persists over time. Serious one-time incidents can also sometimes be considered harassment. Harassment occurs when someone;

- Makes unwelcome remarks or jokes about your race, religion, sex, age, disability or any other of the 11 grounds of discrimination.
- Threatens or intimidates you.
- Makes unwelcome physical contact with you, such as touching, patting, pinching, or punching, which can also be considered assault.

Employees and service providers are responsible for providing an environment or service that is free of harassment. It is your employer's or service provider's responsibility to take action when harassment occurs."

Bullying and Harassment: Any inappropriate conduct or comment by an individual towards an employee that caused, or has the potential to cause, that employee to be humiliated or intimidated.

Bullying and harassing behaviors include but are not limited to:

- Verbal aggression or yelling
- Humiliating actions or practices
- Hazing
- Spreading malicious rumors
- Using derogatory names towards someone

Bullying and harassing behaviours do not include:

- Expressing differences of opinions
- Offering constructive feedback, guidance, or work-related advice about behaviour
- Reasonable action taken by or a supervisor relating to management and direction of employees or the place of employment (e.g. counselling, managing a worker's performance, taking reasonable disciplinary actions, assigning work, implementation of disciplinary actions).

Cyber Bullying: Bullying that occurs through the use of electronic communication (email, text messaging, social networking etc.). Incidents of cyber bullying should be reported and will be investigated in accordance to the procedures outlined within this Policy.

In general, if you are not sure whether certain actions are considered bullying, ask yourself whether or not a reasonable person would consider the actions taken to be acceptable or unacceptable.

Workplace Violence: Can be defined as "the attempted or actual exercise by a person of any physical force so as to cause injury to a worker, and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that he or she is at risk of injury".

Violence could include, but is not limited to:

- Physical acts (e.g., hitting, shoving, pushing, kicking, sexual assault).
- Any threat, behaviour or action which is interpreted to carry the potential to harm or endanger the safety of others, result in an act of aggression, or destroy or damage property.
- Disruptive behaviour that is not appropriate to the work environment (e.g., yelling, swearing).

Discrimination: Discrimination occurs when someone is treated differently and/or poorly because of one of the following:

- Race;
- Colour;
- Ancestry;
- Place of Origin;
- Political Belief;
- Religion;
- Family or Marital Status;
- Physical or Mental Disability;
- Sex;
- Sexual Orientation;
- Age;
- Conviction of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.

The City of Corner Brook believes that employees have the right to work without fear of bullying, harassment or violence. These incidents can possibly cause some, or all, of the following detrimental effects:

- Increased absenteeism due to disturbed sleep patterns, or a fear of going to work;
- A lack of productivity due to reduced concentration, confidence or morale;
- An increase in turnover as employees no longer want to work in the same place as the person who is bullying or harassing them;
- An increased likelihood of illness or injury due to stress;
- Harmful eating (e.g. a loss of appetite, or overeating/bingeing);
- Psychological effects that turn into physical symptoms (e.g. psychosomatic stomach pains or headaches);
- Substance dependency issues (increased use of alcohol or drugs);
- Feelings of shock, anger, frustration, vulnerability, etc.;
- Panic or anxiety;
- Clinical depression (and possible suicidal thoughts).

Detailed Action Required:

Risk Assessment

The Company, specifically the Human Resources Department, will conduct a risk assessment of the work environment to identify any issues related to potential violence, bullying or harassment that may impact the operation and will institute measures to control any identified risks to employee safety. This information will be provided to the Health & Safety Committee or Safety Representative.

The risk assessment may include review of records and reports (i.e. employee incident reports, staff perception surveys, health and safety inspection reports, first aid records or other related records).

In an effort to provide support to all of our employees, the City recognizes that domestic violence is a serious issue that our employees may face. If domestic violence were to occur outside the workplace, the City would have a requirement to disclose information to the authorities where an employee or another individual's life is being threatened.

The City of Corner Brook will only disclose personal information that is deemed reasonably necessary to protect its worker's and or members of the public from physical harm.

Seeking Immediate Assistance

Canada's Criminal Code deals with matters such as violent acts threats and behaviours such as stalking. The police should be contacted immediately when an act of violence has occurred in the workplace or when someone in the workplace is threatened with violence. If an employee feels threatened by a co-worker, volunteer, contractor or member of the public, it should be immediately reported to the RNC.

Responsibilities

The City of Corner Brook shall:

- Set a tone of mutual respect and well-being
- Not condone any form of bullying, harassment or violence in the workplace;
- Take steps to prevent and minimize bullying, harassment and violence;
- Develop, implement and maintain procedures for reporting incidents and complaints;
- Develop, implement and maintain procedures for investigating incidents of complaints;
- Ensure supervisors and employees are aware of steps to prevent bullying, harassment and violence in the workplace;
- Ensure employees and supervisors are properly trained in recognizing the potential for bullying, harassment and violence, how to respond to incidents, and procedures for reporting;
- Review this Policy and procedures annually.

Supervisors shall:

- Set a tone of mutual respect and well-being;
- Not engage in bullying, harassment or violence of any kind;
- Comply with the policies and procedures in place for regarding bullying, harassment and violence;
- Promote a respectful and safe working environment;
- Ensure employee adherence to the Respectful Workplace Policy;
- Investigate complaints of bullying, harassment or violence promptly and impartially;
- Maintain a confidential file for complaints of harassment, bullying and violence, investigations completed, and actions taken;
- Report the incident to police where appropriate;
- Apply appropriate disciplinary action where appropriate.

Employees, Councillors and Contractor's shall:

- Not engage in bullying, harassment or violence of any kind;
- Treat others with respect, and contribute to a respectful and safe work environment;
- Report all acts of bullying, harassment and violence to management;
- Ensure and comply with the City's policies and procedures regarding workplace bullying, harassment and violence.
- Participate fully and honestly in the investigative process.

Witnessing Actions in contravention of the Respectful Workplace Policy

It is the responsibility of all employees of to promote a workplace that is respectful and productive. Where employees do not speak up about the presence of bullying, harassment or violence they may become the next target and they are also condoning the actions.

Any employee who witnesses bullying, harassment or violence is directed to:

1. Offer the person support and inform them that you witnessed the incident.
2. Encourage the person to come forward and let them know that you will be a witness and will provide a statement in the event of an investigation.
3. In some cases, where the person decides to confront the individual informally, you may be asked to be a witness to the conversation (or as support).
4. Where the person does not wish to make a complaint, it is still important that management is aware of the bullying, harassment or violent act taking place in the workplace. Tell your manager or a member of Human Resources what you witnessed so that this type of behaviour can be eliminated at as soon as possible.

Reporting Bullying, Harassment or Violence

Informal:

If you are being bullied, harassed or have been a victim of violence (Complainant):

- Immediately inform the person perpetuating the actions that their actions are not acceptable to you as soon as they start to occur.
- Describe the specific actions that they took that caused you to feel uncomfortable. When confronted, in many instances, the person will stop. Sometimes a person is not aware that they are acting in an unacceptable manner. This may also prevent the act from escalating and possibly becoming dangerous.
- It is important to keep a record of dates and times where you have spoken to the person who has committed the act of bullying, harassment or violence and inform your manager/supervisor or Human Resources what occurred. Where the actions continue, Complainants are directed to use the formal reporting process. The Complainant may skip the Informal process and proceed directly to the Formal process at any time.

Formal:

Where bullying, harassment or violence has either continued to occur after a conversation with the individual or was extreme or dangerous in nature, Complainant are required to report it immediately.

Process:

- Speak with your supervisor / manager, or with Human Resources about your concern. Where your immediate supervisor/manager is the cause of concern, report the incident to the Director of your department. Any concern involving a member of Council will be directed to the City Manager.
- Write out a statement detailing the incidents including:
 - o The names of the parties involved
 - o Any witnesses to the incident(s)
 - o The location, date, and time of the incident(s)
 - o Details about the incident (behaviour and/or words used)
 - o Any additional details that would help with an investigation
- A fact finding investigation will be instigated.
- Where it is determined that the person has contravened the law, the appropriate authorities will be contacted.
- All complaints shall be taken seriously and investigated fairly.
- Employees that submit a report or complaint of bullying, harassment or violence shall not be subject to any form of reprisal or retaliation as a result of the complaint.

Employees should be aware that does not support any retaliatory actions where the complainant has not utilized any of the reporting mechanisms.

Investigating Reports Conduct in contravention of the Respectful Workplace Policy

Once a written complaint has been received, the city of Corner Brook will complete a thorough investigation. The investigation will begin immediately after receiving the complaint. Bullying, harassment and violence will not be ignored. Silence can, and often is, interpreted as acceptance. The investigation will be conducted in a timely manner.

For the purposes of this section the following definitions apply:

Complainant – The person who has made a complaint about another individual who they believe has bullied, harassed or committed an act of violence against them.

Respondent – The person whom another individual has accused of committing an act of bullying, harassment or violence.

The investigation will include:

- Informing the respondent of the complaint;
- Interviewing the complainant, any person involved in the incident, and any identified witnesses.
- Interviewing any other person who may have knowledge of the incidents related to the complaint, or any other similar incidents.
- The respondent is invited to reply in writing to the complainant's allegations and the reply will be made known to the complainant before the case proceeds further.

The City will do its best to protect from unnecessary disclosure the details of the incident being investigated and the identities of the complaining party and that of the alleged respondent.

During the investigation, the complainant and the respondent will be interviewed (separately) along with any possible witnesses. Statements from all parties involved will be taken and a decision will be made.

Where it is determined that harassment has occurred, a written report of the remedial action will be given to the individual(s) concerned.

All documents related to the formal investigation will be maintained in a sealed envelope within a locked cabinet. The documentation will be kept by for a period of no less than two (2) years* after the respondent terminates their employment.

Disciplinary Actions

If the findings of the investigation indicate that a violation of the Respectful Workplace Policy has occurred, immediate and appropriate disciplinary action, up to and including dismissal, shall be administered.

Contractors or their employees that have violated this policy will be dealt with in accordance with their contract; however, the violating contractor employee may be removed from the job site for the duration of the contract.

If the Respondent is a member of Council, Council will determine the appropriate disciplinary action in consultation with the City Manager.

As well, the City will monitor the situation between the employees to ensure that the action does not reoccur. Corrective actions shall be proportional to the seriousness or repetitiveness of the offense.

Appeal Process

If the complainant or respondent have worked with the process and feel that it has failed at some point, or that the corrective action is not consistent with the incident(s) that led to the original complaint, an appeal process is in place. The employee must complete a written complaint form and submit it to City Manager. The form should include all of the reasons why the employee did not feel that the process was equitable. Where necessary, further investigation will be instigated. The decision of the City Manager shall be final.

Fraudulent or Malicious Complaints

This Respectful Workplace Policy must never be used to bring fraudulent or malicious complaints against employees. It is important to realize that unfounded/frivolous allegations of bullying, harassment or violence may cause both the accused person and the City significant damage. If it is determined by the city that an employee has knowingly made false statements regarding an allegation of bullying, harassment, or violence, immediate disciplinary action will be taken. As with any case of dishonesty, disciplinary action may include immediate dismissal without further notice.

Confidentiality

The City of Corner Brook will attempt, in all cases, to maintain the confidentiality of the complainant and respondent. While it is not always possible to do so when soliciting witness statements, the City will not release any information to other employees which would jeopardize the confidentiality of the parties involved. Where it is determined that legislation/law was contravened, the city will supply any and all evidence to the authorities as necessary.

Providing Support

The City of Corner Brook is committed to the wellbeing of all of our employees, as such where there has been an incident of bullying, harassment or violence it will ensure that the necessary support is provided to employees. Employees who are feeling adverse symptoms as a result of an incident are encouraged to speak with Human Resources or another member of management so that the necessary support can be provided.

Training

The City of Corner Brook will provide training on the Respectful Workplace Policy ensuring that:

- a) Employees understand the contents of the policy;
- b) Employees and Supervisors/Managers recognize bullying and harassment in the workplace;
- c) Employees know how they can respond to and report incidents of bullying, harassment or violence;
- d) Employees understand how the City will respond to and investigate reports of bullying, harassment and violence;
- e) Supervisors/Managers are adequately trained on how to respond to and investigate reports of bullying, harassment and violence; and,
- f) Supervisors/Managers are adequately trained on how to provide support for employees who may suffer from adverse symptoms as a result of bullying, harassment or violence.

Employee Support

Employees are encouraged to make use of the City's Employee & Family Assistance Program (EFAP) for any personal or workplace issues that they need help dealing with or if you have been a victim of workplace violence, bullying or harassment.

Policy Review

The City of Corner Brook will review the contents of this policy annually, or sooner, in the event of any incident occurring or when there are legislative changes related to a respectful workplace and bullying, harassment or violence in the workplace.

Acknowledgment and Agreement

I acknowledge that I have read and understand the Respectful Workplace Policy of the City of Corner Brook. Further, I agree to adhere to this Policy and will ensure that employees working under my direction adhere to this policy. I understand that if I violate the rules/procedures outlined in this Policy, I may face disciplinary action, up to and including termination of employment.

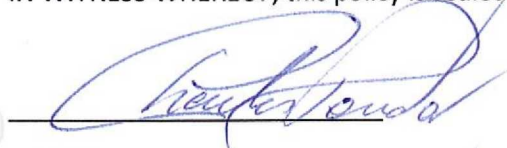
Name: _____

Signature: _____

Date: _____

Witness: _____

IN WITNESS WHEREOF, this policy is sealed with the Common Seal of the City of Corner Brook.



MAYOR



CITY CLERK



