

TO: CITY MANAGER  
FROM: HUMAN RESOURCES DIRECTOR  
SUBJECT: WORKPLACE HARASSMENT POLICY

ITEM 5  
MANAGER'S REPORT NO. 63  
COUNCIL MEETING 93/10/18

Purpose: To seek the endorsement of Council for the implementation of the Workplace Harassment Policy.

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**RECOMMENDATION:**

THAT Council endorse the Workplace Harassment Policy as outlined in this report.

**REPORT**

The City of Burnaby has had a Sexual Harassment Policy in place since 1987. The Workplace Harassment Policy replaces this policy and provides a broader approach to issues of harassment including race, colour, place of origin, political belief, religion, family or marital status, physical or mental disability, sex or sexual orientation, or age, or criminal or summary conviction offence that is unrelated to the employment. This approach is consistent with Human Rights legislation.

A key component of the Policy is the training and education of employees. Workshops have been conducted during the Spring of 1993 for approximately 400 employees. Further sessions are planned for the fall and will also be included on a regular basis as part of our Corporate Training program.

The Workplace Harassment Policy has been forwarded to our Unions and their feedback incorporated.

A copy of the Workplace Harassment Policy is attached for the information of Council.

Respectfully submitted,

*George V. Harvie*

G. V. Harvie  
HUMAN RESOURCES DIRECTOR

cc: Director Administrative and Community Services  
President, Local 23  
President, Local 323  
British Columbia Nurses' Union

# WORKPLACE HARASSMENT POLICY

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## **COMMITMENT**

The City of BURNABY and its Unions believe that the working environment of all employees should at all times be supportive of the dignity and self-esteem of individuals. Achieving this desired environment depends upon mutual respect, cooperation and understanding among fellow workers.

We are committed in this policy and the negotiated terms of the Collective Agreement to the maintenance of a work environment that is free from harassment based on race, colour, ancestry, place of origin, political belief, religion, family or marital status, physical or mental disability, sex or sexual orientation, or age, or criminal or summary conviction offence that is unrelated to the employment.

The City will communicate this policy to all employees, provide employee education, train supervisors and managers, and establish procedures for complaint investigation and discipline.

## **DEFINITION**

Harassment means any conduct, comment, gesture or contact based on any of the prohibited grounds of discrimination that is likely to cause offense or humiliation to any person, or that might, on reasonable grounds, be perceived as placing a condition on employment.

The victim of harassment may be male or female. The harasser may be of the same or the opposite sex of the victim. The harasser may be a manager, supervisor, co-worker, or subordinate, or a member of the public.

Examples of harassment may include but are not restricted to the following:

- |          |  |
|----------|--|
| Verbal   | <ul style="list-style-type: none"><li>• racial or ethnic slurs including racially derogatory nicknames</li><li>• unwelcome remarks</li><li>• jokes about a person's body, conduct, sex or sexual orientation, ethnic/racial origin, religion, accent or disability</li><li>• innuendoes or taunting</li><li>• gender-based insults</li><li>• racist or sexist remarks</li><li>• telephone calls with sexual overtones</li><li>• proposals of physical intimacy</li><li>• repeated unwelcome requests for dates</li><li>• requesting sexual favours</li></ul> |
| Physical | <ul style="list-style-type: none"><li>• pinching, grabbing, hugging, patting, leering, brushing against, touching, kissing</li><li>• displaying of pornographic, racist or other offensive or derogatory pictures or cartoons or sayings</li></ul>   |

### **PREVENTION**

The City of Burnaby and its Unions are committed to preventing harassment from occurring by ensuring proper awareness and training of employees.

- 1) A policy statement in pamphlet form will be distributed to all employees.
- 2) Workshops for all supervisors and managers and interested employees will be conducted and will include recognition of potential problems and liability, enforcing the City policy, keeping employees informed, and working cooperatively with unions.
- 3) Employee Orientation and Supervisory training workshops will include a module on harassment.
- 4) Supervisors and managers have an important role to ensure that harassment is not occurring in the workplace. If a supervisor or manager suspects that harassment is occurring he or she should take steps to deal with the issue and to ensure a work environment free from harassment.

### **ASSISTANCE, INVESTIGATION AND REMEDY**

Harassment is one of the most sensitive issues in the workplace and because of this, our complaint procedure is flexible to apply to all situations.

The procedure is accessible on several levels, immediately available, totally confidential initially and provides a mechanism for investigation. It is also separate and distinct from any other existing procedures. Retaliation against any individual for reporting harassment will not be tolerated and employees are encouraged to report all incidents of harassment without fear of reprisal.

The City's policy is not meant to be restrictive. A harassee may prefer to talk initially to his/her supervisor or Department Head, or to the City Manager, in effect to invent his or her own procedure.

The harassee may also wish to consult a union representative:

- Burnaby Civic Employees' Union, Local 23      524-4476
- Burnaby Firefighters' Association, Local 323      434-1717
- British Columbia Nurses' Union      433-2268

The procedure that follows does not prohibit that; but is presented as a recommended procedure which is likely to be effective in most instances.

Unless the complainant specifically requests otherwise, supervisors and managers will refer complaints to the Human Resources Director or designate. At the time a formal complaint is received, the Human Resources Director or designate will ensure that the appropriate Union is knowledgeable about the complaint, the process for investigation and that the findings of the investigation are made known to the appropriate Union as soon as possible.

- 1) A person who considers that he or she has been subjected to harassment may seek assistance from the Human Resources Department.

The assistance is confidential and fosters an atmosphere where people can feel comfortable taking a direct approach if they are harassed but are not ready to ask for an investigation. Information will be provided to the harassee regarding the policy and outlining the complaint procedure as well as explaining choices to assist the harassee in reaching a decision on proceeding with a formal complaint.

- 2) The representative of the Human Resources Department will discuss alternative courses of action with the harassee. The harassee may wish to discuss the issue directly with the harasser (with the option of support from the Human Resources representative) in order to arrive at a solution. Or the preference may be to begin an investigation. Alternatively, the harassee may wish to consider the matter further, consult the union, or stop the process.
- 3) At the request of the harassee, an investigation will be undertaken. At this point, it will be necessary to record the complaint in writing. When the investigation is begun, the complainant's identity will be made known to the alleged harasser.
- 4) The investigation will be conducted by the Human Resources Director or designate who will act as a Complaint Officer, and along with a management appointee of the City Manager who shall be selected from another department within the City, will form the investigation team.
- 5) Supervisors and managers may be required to participate in an investigation and where a violation of the policy has occurred management may be required to initiate disciplinary action.
- 6) Once the investigation has been completed, the Complaint Officer/Investigation Team will discuss the findings with the complainant and the alleged harasser.
- 7) The Complaint Officer/Investigation Team will make an effort to achieve a resolution of the complaint at this point or make a recommendation on the course of action to be taken.
- 8) If the matter remains unresolved the Complaint Officer/Investigation Team will submit a written report to the Human Resources Director outlining the facts, the issues and a recommended resolution. The Human Resources Director will reach a decision on the resolution of the complaint in consultation with the departmental Director.
- 9) The employee will have access to the grievance procedure (union employees) or to register an appeal to the City Manager.

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**GENERAL INFORMATION**

In keeping with the commitment of the City to providing a workplace free from harassment, it is understood and implied that remedial action is intended in all cases to be appropriate to the situation and remedies may range from warning to dismissal. Where changes in the workplace are made necessary by demonstrated harassment, the burden of those changes shall be borne by the harasser.

To intentionally accuse someone of harassment, knowing it to be false, is a serious matter. The rights of the person accused of harassment must also be protected.

This policy has been developed to deal with incidents as they may occur, with provision for discipline if an employee is in breach of this Policy. Provision is also made to change situations where harassment occurs, and to educate employees and supervisors/managers on all relevant aspects of harassment. In all these ways, the goal of the Policy is prevention.

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Date

