



## TRANSIT POLICE

# RESPECTFUL WORKPLACE

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Office of Primary Responsibility: Manager Human Resources

## POLICY

The Transit Police (“TPS”) is committed to providing a work environment that is supportive of the dignity and self-respect of all Employees. Discrimination, Bullying and Harassment in the workplace, or arising from any business related interaction, violates this commitment, is oppressive, and will not be condoned or permitted.

This policy applies to all Employees, Volunteers, Practicum Students and persons contracted to work with or for the TPS.

Each Employee, Volunteer, Practicum Student and Contractor has a responsibility to create and maintain a workplace that is free from Discrimination, Bullying and Harassment by treating others with dignity and respect. This includes all business related interactions with third parties who deal with TPS, such as contractors, suppliers, visitors to the workplace and customers. Managers and Supervisors have the added responsibility to respond, with assistance from the Workplace Advisor, when required, to any incidents contrary to the provisions of this policy, whether or not a complaint is made.

The ultimate goal of the Respectful Workplace Policy is to promote a workplace free from Discrimination, Bullying and Harassment; correct inappropriate behavior at the earliest stage; and maintain a positive, productive and respectful work environment.

All Employees, Volunteers, Practicum Students and Contractors must comply with this Policy. Any conduct that violates this Policy is unacceptable and may result in discipline up to and including immediate termination of employment or contract for service.

## **DEFINITIONS**

Bullying and Harassment – According to WorkSafeBC policies, Bullying and Harassment:

- a. Includes any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but
- b. Excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

Examples of behaviour that might constitute Bullying and Harassment include, but are not limited to:

- verbal aggression or insults;
- derogatory name-calling;

- harmful hazing or initiation practices;
- vandalizing a person's belongings or work equipment;
- spreading malicious rumours;
- targeting a person for social isolation;
- cyber bullying.

Discrimination – This is differential behaviour, directed against another person, that involves comments or actions based on any characteristics, real or perceived, protected by the B.C. Human Rights Code, including a person's race, colour, ancestry, place of origin, political belief, religion, marital or family status, physical or mental disability, age, sex, sexual orientation, gender identity or conviction of a criminal or summary conviction offence unrelated to a person's employment.

Examples of behaviour that might constitute Discrimination include, but are not limited to:

- racial or ethnic slurs including racially derogatory nicknames;
- unwelcome remarks, jokes, innuendos or taunting about a person's body, age, marital status, gender, ethnic/racial origin, religion, accent or disabilities;
- patronizing behaviour, language or terminology that reinforces stereotypes and undermines self-respect or adversely impacts working conditions or performance;
- communication via electronic media (e.g. email, social media) of any type that includes any conduct as described above or that is prohibited by provincial law or TPS policy.

Sexual Harassment – is a type of Discrimination involving 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 and which negatively interferes with the individual's work.

Examples of behaviour that might constitute Sexual Harassment include, but are not limited to:

- sexist jokes causing embarrassment or offence;
- leering;
- the display of offensive material of a sexual nature;
- derogatory or degrading remarks directed towards members of one sex or one sexual orientation;
- unwanted touching;
- sexual assault.

Intent does not determine whether behaviour amounts to Bullying and Harassment or Discrimination. A person cannot excuse behaviour by saying he/she did not intend it to contravene this policy.

Behaviour that does not constitute Bullying and Harassment or Discrimination under this policy includes:

- normal and acceptable social contact between employees;
- relations between employees based upon mutual consent;
- appropriate supervision and performance management which includes performance evaluations and disciplinary measures.

Complainant – An Employee, Volunteer, Practicum Student or Contractor who has brought forward or filed a complaint under this policy alleging that Discrimination and/or Bullying and Harassment has occurred in the Workplace.

Contractor – A person engaged by the TPS to provide services to the TPS on a contractual basis.

Employee(s) – All sworn police officers and civilian staff (whether unionized or exempt) who are employed by TransLink Security Management Limited (“TSML”) to work at the TPS.

Employer – TSML.

Manager, Human Resources – The position designated by the Chief Officer to effectively address and resolve all matters that come under this policy and provide options for support services and preventative measures.

Respondent – An Employee (or group of Employees), Volunteer, Practicum Student or Contractor who is alleged to have discriminated against or harassed the Complainant.

Volunteer – A person who provides services to the TPS on a voluntary basis.

Witness – An Employee, Volunteer, Practicum Student or Contractor who believes he/she has observed Discrimination and/or Bullying and Harassment in the workplace, or may have information that may be relevant.

Workplace – For the purpose of this policy, the workplace includes: any location where carrying out the duties of performing the job; any social gathering where there is the potential for impact on the workplace; and any location travelled to for a work related reason.

Workplace Advisor – The person(s) designated by the Manager Human Resources, who are trained and experienced in dealing with all matters that come under this policy and provide options for support services.

## **CONFIDENTIALITY**

1. Every reasonable 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: (a) the purpose of investigation or disciplinary action; (b) by TPS policy or procedures; (c) by law (i.e. *BC Freedom of Information and Protection of Privacy Act, Police Act, Workers Compensation Act*, or rules governing administrative proceedings and court orders).
2. The Office of the Police Complaint Commissioner may be informed of a complaint under this policy when appropriate.
3. Complainants, Respondents and Witnesses must maintain confidentiality concerning Workplace Discrimination, Bullying and Harassment complaints or incidents, and breaches of confidentiality may be subject to disciplinary action.

**RIGHTS, RESPONSIBILITIES & EXPECTATIONS**

4. Every TPS Employee, Volunteer, Practicum Student and Contractor:
  - has a responsibility to create and maintain a workplace that is free from Discrimination, Bullying and Harassment by treating others with dignity and respect;
  - has the right to be treated fairly and respectfully in the Workplace;
  - is expected to address behavior that is inconsistent with this policy by taking appropriate action, including reporting any violation in accordance with this policy; and
  - is expected to address and report any conduct inconsistent with this policy.
5. Supervisors and Managers are expected to foster a respectful workplace by:
  - facilitating a work environment that promotes respectful workplace behavior;
  - taking preventative action to avert development, escalation, or recurrence of Discrimination, Bullying and Harassment in the workplace;
  - taking immediate action when respectful workplace behaviors are not demonstrated by addressing and documenting the issue;
  - seeking advice and assistance from the Manager Human Resources where appropriate; and
  - reporting all incidents and actions taken to the Manager Human Resources.

**VIOLATION OF POLICY**

6. Any Employee who violates this policy is subject to disciplinary and/or corrective action.
7. Any Volunteer, Practicum Student or Contractor who violates this policy may have their services terminated.

**RETALIATION**

8. Retaliation is a serious disciplinary offence and will not be tolerated. No Employee, Volunteer, Practicum Student or Contractor should be subject to retaliation, or the threat of retaliation, as the result of making a formal or informal complaint in good faith. Retaliatory behavior may include, but is not limited to, unjustified or unwarranted:
  - criticism of a person's job performance;
  - refusal to extend to a person an opportunity available to others;
  - refusal to work with a person; or

- reassignment of a person to different duties or different position.
9. Retaliatory behavior does not include good faith job performance assessments, normal work related comments and instruction or discipline for just cause.
  10. Where it is established that an Employee, Volunteer, Practicum Student or Contractor has engaged in retaliatory behavior, discipline up to and including dismissal, or termination of the practicum or contract or volunteer appointment, may be imposed.

### **COMPLAINTS INVOLVING SWORN POLICE OFFICERS**

11. The Manager Human Resources will inform the Inspector Professional Standards of complaints made against sworn police officers under this policy so that reporting to the Office of the Police Complaint Commissioner may occur as applicable. [Refer to: [AC130 – Internal Discipline Rules](#)].

### **RIGHTS OF COMPLAINANT AND RESPONDENT**

12. A Complainant has the right to:
  - a. receive fair treatment;
  - b. have their complaint dealt with in a timely fashion;
  - c. obtain a review of their complaint without fear of embarrassment or reprisal;
  - d. be accompanied by a person of his/her choice for support during any proceedings relating to the complaint, providing no costs are incurred by the TPS;
  - e. be represented throughout the complaint process by a Union representative where applicable; and
  - f. a written summary of the findings of the investigation at the conclusion of the process (if the Complainant proceeds with the Formal Investigation Process).
13. A Respondent has the right to:
  - a. receive fair treatment;
  - b. be informed as soon as is practicable that a complaint has been made about him or her;
  - c. be provided with a summary of the allegations and be afforded an opportunity to respond to them;
  - d. be accompanied by a person of his/her choice for support during any proceedings relating to the investigation of the complaint, providing no costs are incurred by the TPS;
  - e. be represented throughout the investigation process by a Union representative where applicable; and

- f. a written summary of the findings of the investigation at the conclusion of the process (if the Complainant proceeds with the Formal Investigation Process).

## **PROCEDURES**

14. If a Complainant believes he or she is discriminated against or bullied and harassed, a Complainant may:
  - a. if comfortable to do so, make known his/her disapproval to the alleged Respondent directly; or
  - b. ask for the assistance of another person, or Union if applicable to the Employee, to make his/her disapproval known to the alleged Respondent; or
  - c. report the occurrence to a Supervisor, Manager, the Workplace Advisor, or the confidential Respectful Workplace phone line and submit, either in writing or through an interview, details of the incident including:
    - date and time of the incident;
    - any witnesses to the incident; and
    - any response made at the time of the incident.

## **RESOLUTION OF A REPORT OF WORKPLACE DISCRIMINATION, AND/OR BULLYING AND HARASSMENT**

15. Early resolution of respectful workplace issues is the most desirable outcome in the majority of circumstances. While it is suggested that Complainants first attempt to resolve any respectful workplace issues 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.

### **Informal Resolution Process**

16. **Informal Conflict Resolution** – An informal process where no record is retained of the workplace conflict complaint. The Complainant and Respondent attempt to resolve the situation by finding a mutually agreeable solution. The Informal Conflict Resolution process includes but is not limited to the following:
  - a. **Generic approach** – A Supervisor or Manager, who becomes aware of a situation, either by way of a complaint or by personal observation, may implement general steps to address behavior. These steps may include discussions at routine staff meetings or briefings wherein it is emphasized that certain behavior is unacceptable.
  - b. **Direct approach** – Person to person interaction. The direct approach may be from Complainant to Respondent, bystander to Respondent, in person, by letter, alone or with a colleague and/or third party assistance. The Workplace Advisor may assist with the selection of a facilitator if requested by both the Complainant and Respondent. A party from outside the TPS may be used.

17. If the Complainant is not comfortable with the Informal Resolution Process, he/ she may proceed directly to the Formal Investigation Process.

### **Formal Investigation Process**

18. Any Employee, Volunteer, Practicum Student or Contractor who believes that he or she is being discriminated against, bullied or harassed (or witnessed same), may file a formal complaint in writing against the alleged perpetrator with the office of the Manager Human Resources. Where the alleged perpetrator is the Chief Officer or a Deputy Chief Officer, the formal complaint is to be filed directly with the Police Board Chair.
19. A Complainant may, at any time, withdraw his/her formal complaint, allowing the complaint to be informally resolved.
20. Notwithstanding anything in this policy, the Employer retains the right to initiate or continue any investigation of a Workplace Discrimination and/or Bullying and Harassment allegation where the Employer believes it is in the best interests of the Employer and/or the parties to further the investigation.
21. Investigations of Workplace Discrimination, Bullying and Harassment complaints differ from criminal investigations. While there are Workplace Discrimination, Bullying and Harassment incidents that may also involve criminal acts, it is important that, where a Complainant proceeds with the Formal Investigation Process, the TPS utilize an Investigator who is familiar with labour law, Workplace Discrimination, Bullying and Harassment matters and related statutes, including the *Police Act* and *Workers Compensation Act*.
22. The TPS will appoint a suitable Investigator, who may be from outside of the TPS, to conduct an investigation into the complaint. Appointment of the Investigator must be in compliance with provisions of policy AC130 – Internal Discipline Rules.
23. All formal written complaints will:
  - a. identify the name and position of the Complainant;
  - b. identify the name and the position of the Respondent;
  - c. list the prohibited ground(s) of discrimination, if any; and
  - d. contain a brief description of the key incidents that constitute the substance of the complaint.
24. The Investigator will conduct an interview with the Complainant that will include:
  - a. a review of the Complainant's evidence;
  - b. a review of relevant documents;
  - c. the identification of witnesses; and

- d. the outcome sought by the Complainant.
25. The Investigator will conduct an interview with the Respondent that will include:
    - a. a review of the Respondent's evidence;
    - b. a review of relevant documents; and
    - c. identification of witnesses.
  26. The Investigator will conduct an interview with any relevant witnesses.
  27. If information is obtained from witnesses, the Complainant, or the Respondent, that is material and conflicting, the Investigator will provide the Complainant and the Respondent an opportunity to respond to the information.
  28. The Investigator will prepare a report detailing:
    - a. the evidence of the Complainant, the Respondent and any witnesses;
    - b. the Investigator's assessment of credibility if necessary;
    - c. the Investigator's findings of fact; and
    - d. the Investigator's conclusion as to whether the findings of fact constitute a violation of the Respectful Workplace Policy.
  29. A copy of the report will be forwarded through the Manager Human Resources to the Chief Officer or designate (or to the Police Board where applicable) who will review the Investigator's report and:
    - a. determine whether disciplinary and/or corrective action should be taken; and
    - b. notify the Office of the Police Complaint Commissioner where applicable.
  30. Any disciplinary action will be carried out in accordance with the Collective Agreement and/or Internal Discipline Rules, and will be recorded in writing.

### **Vexatious Complaint**

31. Complaints of bullying, harassment, and discrimination are serious matters. If a complaint is made in bad faith or for vexatious motives, disciplinary action may be taken against the Complainant up to and including termination of employment or contract for service.
32. Examples of vexatious motives include but are not limited to, causing trouble, annoyance or embarrassment to another person, or for some personal benefit.



## Mediation

33. With the consent of the Complainant, Respondent and the Manager Human Resources, the Investigator may mediate the complaint. If the complaint is resolved the Investigator will prepare a settlement agreement in writing describing the terms of the resolution. All parties involved in the dispute will sign the resolution, a copy of which will be provided to the Complainant, the Respondent and the Manager Human Resources. A copy may be placed on the personnel files of both the Complainant and the Respondent. The Manager Human Resources will monitor the implementation of the resolution, if appropriate.

## Employee Assistance Plan

34. TPS provides an Employee and Family Assistance Plan (“EAP”) for all TPS Employees. The EAP offers services to Employees and their eligible dependents. Employees are encouraged to use the EAP whenever they feel the need for guidance or counselling in coping with any issue, including workplace bullying and harassment. The EAP is a confidential service to be used when Employees need help and TPS does not receive information regarding any individual contacts with the EAP provider.

## Complaint under the *BC Human Rights Code*

35. A TPS Employee, Volunteer, Practicum Student or Contractor who believes they have been subjected to Discrimination or Bullying and Harassment based on prohibited grounds has the right to file a complaint under the *BC Human Rights Code*. Nothing in this policy precludes the individual from also pursuing such a complaint.

## Police Act

36. Where a complaint may constitute misconduct under the *Police Act*, the complaint must be handled in accordance with Part 11 of the *Police Act*.
37. In the event of inconsistency between this policy and the *Police Act*, the *Police Act* will govern.

## Records

38. A secure and separate filing system will be maintained by the Manager Human Resources (or such other person or location as so designated by the Chief Officer or by policy) for complaints made pursuant to this Respectful Workplace Policy.

[Refer to: [AC110 – Service Record of Discipline](#), [AC130 – Internal Discipline Rules](#) and [AC140 – Complaints](#)]

## Key References

*BC Human Rights Code* [RSBC 1996, Chapter 210]

*BC Police Act* [RSBC 1996, Chapter 367]

BC Provincial Policing Standards [1994]

*BC Workers Compensation Act* [RSBC 2019, Chapter 1]

British Columbia Human Rights Tribunal v. Schrenk, 2017 SCC 62

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