

RESPECTFUL WORKPLACE CONDUCT POLICY

Employees of Greater Victoria Harbour Authority (GVHA) and the public with whom we do business are entitled to be treated with dignity and free from discrimination and harassment. In exercising its responsibility as an employer, GVHA will endeavour at all times to provide a work environment that is supportive of productivity, personal goals, and self-esteem of every employee. Mutual respect, cooperation and understanding of all employees are necessary to reach this objective. To safeguard our employees and foster a positive work environment, GVHA has instituted this Respectful Workplace Conduct Policy (Policy).

This Policy applies to all employees of GVHA, the Board of Directors and members of the public, and applies to interactions in offices and facilities where GVHA's business is conducted. Members of the public include clients, suppliers, contractors and individuals on or off GVHA property.

Definitions

GVHA subscribes to the principles of the *Canadian Human Rights Act* which prevents discrimination and harassment.

A. Respectful Workplace Conduct

In this Policy, Respectful Workplace Conduct may include but is not limited to:

- being courteous, polite, respectful and considerate towards others;
- the inclusion of all people, including those with different strengths, characteristics and opinions;
- managing workplace conflict using productive conflict resolution processes.

B. Personal Harassment

Personal harassment is any behaviour by a person directed against another person that a reasonable person would know or ought to know would cause offence, humiliation or intimidation, where the conduct serves no legitimate purpose. Such behaviour includes but is not limited to: making derogatory comments to or about another person, swearing, yelling, or inappropriately interfering with another person, derogatory gestures, embarrassing practical jokes, ridicule, gossip, heedless disregard or denial of another's rights, improper use of power or authority or physical assault.

Personal harassment does not include acceptable social banter at GVHA. Nor does it include actions occasioned through the exercise in good faith of management's rights for bona fide operational requirements, including but not limited to performance/attendance management and/or progressive corrective discipline.

C. Discriminatory Harassment

Discriminatory harassment is a form of discrimination and is also contrary to the *Canadian Human Rights Act*. Discriminatory harassment is abusive, unfair, offensive, or demeaning treatment of a person or group of persons related to their race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age or unrelated criminal conviction that a reasonable person would know or ought to know would:

- have the effect of interfering with an individual's work or participation in GVHA-related activities; or
- create an intimidating, hostile or offensive environment for work or participation in a work or GVHA-related activity.

D. Sexual Harassment

Sexual harassment includes:

- conduct or comment of a sexual nature made by a person who knows or ought to know that such conduct or comment is unwanted or unwelcome; or
- expressed or implied promise of a reward for complying with a request of a sexual nature; or
- actual reprisal or an expressed or implied threat of reprisal for refusal to comply with such a request; or
- conduct or comment of a sexual nature which is intended to, or has the effect of, creating an intimidating, hostile or offensive environment.

Confidentiality

Complainants, Respondents, witnesses and any other individuals with knowledge of or regarding a Complaint shall maintain strict confidentiality throughout the process. A breach of confidentiality shall be treated as a breach of this Policy and shall be addressed in the same manner as a finding of harassment.

Information that must be shared by GVHA in the course of investigating and resolving a Complaint will be disclosed on a “need to know” basis.

Resolution Process

a) Informal Resolution

If possible, individuals should attempt to resolve differences by directly addressing the person with whom they are having difficulty, as early and as informally as possible. If an individual does not feel comfortable in addressing another person directly or has been unsuccessful in doing so, s/he may approach their direct supervisor or another member of management.

The supervisor or his or her designate will attempt to resolve the matter informally, including facilitating a discussion between the individuals or contacting the other person to explore ways of resolving the Complaint.

b) Formal Process

(i) Time Limits

The time limit for making a formal Complaint is one year from the last incident. This is consistent with the time limits followed by the *Canadian Human Rights Commission*.

(ii) Making a formal Complaint

If the individual’s decision is to proceed with a formal Complaint under this Policy, the Complainant is required to submit a written statement (“Complaint Form”) providing detailed particulars of the Complaint, including the name of the Respondent, a summary of the incidents including a time-line and a description of any steps taken by the Complainant up to the filing of the Complaint in an effort to resolve the issue. The Complainant must sign, date and submit the Complaint Form to the Executive Assistant to the Chief Executive Officer (CEO). An internal or external investigator will be assigned by the CEO or delegate to investigate the Complaint within 5 working days of receipt of the Complaint Form.

Once a formal Complaint Form has been received, the Respondent(s) named in the Complaint must be advised that a Complaint has been filed against them and must be provided with the details of the Complaint.

(iii) The Investigation Process and Role of the Investigator

The investigator will review all relevant documents and conduct in-person interviews with the Complainant, the Respondent and all necessary witnesses. The investigation will normally commence within two weeks of the filing of the Complaint and be completed within 30 working days of commencement. Completion time may be reasonably extended beyond these timelines in order to ensure a thorough investigation has been conducted.

The investigator will meet with the Respondent and provide him or her with the relevant particulars obtained in the course of the investigation. The Respondent will be given a reasonable chance to respond to the allegations. The investigator will then follow up on any explanations provided by the Respondent regarding the allegations.

Based on the results of the investigation, the investigator will submit a Report to the CEO with conclusions and recommendations for a remedy, if applicable. The CEO will make an assessment of the Report and the conclusions and recommendations contained therein, and determine a resolution (remedy). The Complainant and the Respondent will be advised of the resolution in writing, to the extent that it does not breach confidentiality.

In the case of a Complaint involving a director, the investigator will submit the Report to the Board of Director's Human Resources Committee (Committee). The Committee will assume the responsibilities of assessing the Report, determining a resolution and advising the Complainant and Respondent in writing of a resolution. The Chair of the Committee will advise the Board of Directors of the Report and resolution.

Remedies and Outcomes

The range of remedies for the Complainant, if the Complaint is upheld, may include, but are not limited to, the following:

- oral/and or/written apology from the Respondent and/or GVHA;
- any administrative changes that is appropriate.

Outcomes for the Respondent, if the Complaint is upheld, may include but are not limited to the following:

a) Employees & Directors

In the event the Respondent is an employee, GVHA may impose one or more of the following remedies:

- coaching;
- counseling;
- education;
- re-orientation to this Policy and its purposes;
- transfer;
- discipline up to and including termination of employment for cause.

In the case of a director, the Human Resources Committee will determine a remedy. The Committee is not authorized to terminate a director.

b) Clients, Suppliers and Contractors

In the event that the Respondent is a client/supplier/contractor, GVHA will determine the appropriate remedy which could include permanent or temporary withdrawal of GVHA services and/or suspension or cancellation of agreement(s) with GVHA.

c) Visitors and Members of the Public

In the event that the Respondent is a visitor or member of the public, GVHA will determine the appropriate remedy which could include temporary or permanent restriction of access to GVHA facilities and/or services.

Employee Obligations

All employees have an obligation to engage in Respectful Workplace Conduct. If an employee witnesses someone being subjected to Personal Harassment, Discriminatory Harassment or Sexual Harassment, the employee should not assume it is none of their business. The employee should offer support to the person and make a record of the incident. The employee should advise a member of the management team with whom they feel comfortable.

Retaliation

Any direct or indirect retaliation against any party or witness involved in a Complaint or Complaint Resolution Process will not be tolerated and may result in disciplinary action by GVHA.

Unsubstantiated Complaints

If the investigator finds insufficient evidence to support the Complainant's allegations, the investigator will submit a finding of no evidence. There will be no record of the Complaint on the Complainant or Respondent's file and no penalty to anyone concerning the incident. A finding of no evidence is a simple reflection of an absence of evidence to support the claim – nothing more. It is important to differentiate between a finding of no evidence and a "bad faith, vexatious or frivolous Complaint."

Bad Faith

In circumstances where the Complaint was found by the investigator to have been made in bad faith or to be vexatious or frivolous, appropriate action will be taken which could include discipline for the Complainant, up to and including dismissal. Remedies for Respondent found to be falsely accused may include steps to restore any lost reputation and any other remedies that GVHA may consider appropriate.

Appeals

Where the Complainant or Respondent is dissatisfied with the outcome or process, an appeal may be filed with the Chair of GVHA's Board of Director's Human Resources Committee in writing within 30 days of receipt of the letter of decision.

The Committee shall review the Report and any submissions filed by the Complainant and/or Respondent to determine whether the process was fair and reasonable, not to second-guess the findings of the investigator. The Committee shall not conduct a new investigation but may refer the matter to the same or a different investigator in order to address any outstanding concerns.

In the case of a director, the Respondent may appeal the outcome or process to the Board of Directors. The Board shall assume the same Appeal responsibilities as set out above.

The results of the Appeal are final.