

April 26, 2023

FOI No. 2023-023

Redacted S. 22

White Rock, BC

VIA EMAIL – Redacted S. 22

Dear Redacted S. 22

Re: Request for Information  
Freedom of Information and Protection of Privacy Act

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The City of White Rock has reviewed your request for access to the following information pursuant to the Freedom of Information and Protection of Privacy Act (the “Act”):

- *information on the scope of work of the Human Resources Director. I would like information on the code of conduct of management staff and directors, with specific reference to the Human Resources Director, including any guidelines and policies and/or instructions governing the professional behaviour and conduct and obligations of management staff, and directors, again with specific reference to the position of Human Resources Director*

It has been confirmed that the City does not have a scope of work document for positions. I have included the public advertisement that the City placed in regard to the Director of Human Resources position last year as this is the only record I could provide to this request. The Director positions within the City are overseen by the Chief Administrative Officer.

Employment with the City of White Rock requires a corporate culture governed by policy (see below) that outlines the expectations of staff action as they perform their duties. Policy sets the corporate culture in which we all view each other’s actions.

All staff are provided a copy of the policies and they sign off on them when they are onboarded. The following policies are adopted by Council and are available on the City website at [Council | White Rock, BC \(whiterockcity.ca\)](#) and [Human Resources | White Rock, BC \(whiterockcity.ca\)](#):


- Policy 101 Corporate Vision, Mission and Values
- Policy 404 Employee Code of Conduct
- Policy 405 Respectful Workplace
- Policy 406 Anti Racial Discrimination and Anti Racism

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Please contact our office if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Arthur." with a period at the end. The signature is written in a cursive style.

Tracey Arthur  
Director of Corporate Administration

If you believe that the City of White Rock has been unreasonable in its handling of your request, you may ask the Information and Privacy Commissioner to review our response. You have 30 days from receipt of this notice to request a review by writing to:

Office of the Information and Privacy Commissioner  
3rd Floor, 756 Fort Street  
Victoria BC V8W 1H2

Should you decide to request a review, please provide the Commissioner's office with:

1. your name, address and telephone number;
2. a copy of this letter;
3. a copy of your original request sent to the City of White Rock; and
4. the reasons or grounds upon which you are requesting the review.



## Director, Human Resources

# CITY OF WHITE ROCK

### White Rock, BC

Reporting to the City Manager, the Director, Human Resources is an integral member of the Senior Leadership Team and provides strategic leadership and direction to the City's Human Resources and RCMP Administrative departments in alignment with the City's mission, vision, values, and strategic plan. In addition to delivering strategic counsel and guidance across the City's people practices, this role is responsible for actively participating in union and employee relations; contract negotiations and administration; policy development; exempt recruitment; as well as compensation and succession planning while advancing people practices and employee engagement at the City.

The ideal candidate is an experienced HR leader with a proven track record of expertise across all facets of human resources, including complex labour relations. A true HR professional, the Director, Human Resources brings proven success in facilitating and supporting culture transformation through their ability to connect and build credibility at all levels of the organization. They are a seasoned leader who is confident in their knowledge of all aspects of HR practices and can provide expertise and support in all areas. The Director is a confident negotiator and mediator, adept at conflict resolution, who can influence others through their exemplary written, verbal, and presentation skills. They are a strong leader who works collaboratively with their peers and are known for being both a caring coach and mentor to their teams.

The successful candidate will possess a degree or have done post graduate studies in Human Resources, Labour Relations, Business Administration, Law, Public Administration, or a related field, supplemented by senior level HR management experience within a unionized environment, or an equivalent combination of education, training and experience. A CPHR designation and municipal experience is considered an asset, as is focused Labour Relations experience.

If you are a qualified applicant and you feel you can help White Rock continuously push for excellence and are committed to working in a manner that supports a respectful, healthy, and safe environment then we invite you to apply. Please visit our website and submit your application to **Shaun Carpenter** and **Matthew Bell** at [www.pfmsearch.com](http://www.pfmsearch.com).

*Located in the southwest corner of the Lower Mainland, 45 kilometres from Vancouver and only 5 minutes to the US/Canada border, the City of White Rock is a boutique, ocean-side community of 20,000 citizens clustered around an 8-kilometre sandy beach and warm, shallow waters of Semiahmoo Bay. White Rock is known for its sunny weather, expansive beach, historic pier, delightful restaurants, and strong sense of community. The City is proud to be an equal opportunity workplace and is committed to promoting and preserving a culture of diversity, equity, and inclusion.*



#### PFM Executive Search

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Vancouver, BC V6C 2W2

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THE CORPORATION OF THE  
**CITY OF WHITE ROCK**  
15322 BUENA VISTA AVENUE, WHITE ROCK, B.C. V4B 1Y6



**POLICY TITLE: CORPORATE VISION, MISSION AND VALUES**

**POLICY NUMBER: COUNCIL - 101**

<i>Date of Council Adoption:</i> October 5, 2009	<i>Date of Last Amendment:</i> June 15, 2015
<i>Council Resolution Number:</i> 2009-477, 2013-082, 2015-214	
<i>Originating Department:</i> Administration	<i>Date last reviewed by the Governance and Legislation Committee:</i> May 25, 2015

**Policy:**

**VISION**

**White Rock will provide for all its citizens a high quality of life where:**

- Our environment is protected and nurtured
- The community feels safe, secure and friendly
- Opportunities exist for our businesses to prosper
- Arts and culture flourish and our heritage is celebrated
- Municipal boundaries are less important than a strong sense of pride in and connection to our community
- We all can live, work and play in an enjoyable atmosphere

**MISSION**

- Building community excellence through effective stewardship of all community resources

**CORPORATE VALUES**

- **Excellence** – always striving for improvement
- **Respect** – building trust and respect
- **Integrity** – strive for equity and fairness in all that we do
- **Responsibility** – mindful of our responsibility to current and future generations and our environment
- **Accountability** – respectful of the stewardship role our electors have bestowed on us, and through communication ensure the decision making process is transparent

- **Value** – adopting innovative approaches to service delivery that assure the most value for the least cost to taxpayers
- **Community participation in government** – maximize inclusiveness and involvement in public decision making

**Rationale:**

Clearly states the corporate vision, mission statement and values to Council, staff and the public.

THE CORPORATION OF THE  
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**POLICY TITLE: EMPLOYEE CODE OF CONDUCT**

**POLICY NUMBER: HUMAN RESOURCES - 404**

<i>Date of Council Adoption:</i> November 15, 2010	<i>Last Amendment:</i> December 10, 2018
<i>Council Resolution Number:</i> 2010-501, 2013-134, 2015-309, 2018-437	
<i>Originating Department:</i> Human Resources	<i>Date last reviewed by the Governance and Legislation Committee:</i> November 19, 2018

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**Policy:**

**1.0 Purpose**

The purpose of this policy is to outline the requirements for appropriate employee conduct with the City of White Rock. Every action we take in the course of a business day should preserve and enhance the highest standards of honesty, fair dealing, faithful performance of contracts, and integrity. City employees are expected to conduct themselves at all times in accordance with the spirit and the letter of all applicable laws. If you are doubt about any aspect of this policy, you are directed to seek further information from your Department Head or the Chief Administrative Officer.

This policy applies to employees and officers of the City.

**2.0 Principles**

The City is committed to creating and maintaining a work environment where high standards of business and personal ethics are observed and practiced.

Employees who have concerns regarding administrative practices, misuse of public funds, or believe a situation results in danger to public health or safety will bring the matter to the attention of the Department Head or the Chief Administrative Officer.

This policy prohibits retaliation or reprisals against anyone who, in good faith, reports a violation of this policy, acts as a witness, or participates in a complaint investigation process. If any employee is found to have retaliated against another employee in such circumstance, disciplinary action will result up to and including immediate termination of employment.

Employees who believe they have been retaliated against may report this in writing to the Chief Administrative Officer. If the employee believes the retaliation involves the Chief Administrative Officer, they may report to the Mayor.

### **3.0 Conflict of Interest**

3.1 Employees will maintain their role as private citizens separate and distinct from their responsibilities as employees of the City and avoid *conflict of interest* or *potential or perceived conflict of interest* situations.

Employees owe a duty of loyalty to the City. As part of this duty, employees are required to avoid situations and activities where their personal interests or activities (financial or otherwise) conflict, appear to conflict, or have the potential to conflict with their duties to the City.

A conflict of interest can arise, for example, whenever:

- (a) an employee receives a benefit of a financial or other nature additional to that normally conferred by terms and conditions of employment, for the performance of the employee's duties, responsibilities or obligations as a City employee to the City or the public;
- (b) an employee acts in his or her own personal interest in the performance of the employee's duties contrary to the City's interests, thereby compromising the trust that the public and internal customers place in the City and/or the employee;
- (c) an employee takes advantage of his or her position to obtain or to provide inappropriate benefits to or for themselves, relatives, business associates, or friends;
- (d) an employee uses or authorizes the use of City facilities or property for any purpose other than for the legitimate business of the City;
- (e) an employee attempts to influence the City's dealings with relatives, business associates, or friends; and
- (f) an employee approves his or her own license or permit application, or such application of relatives, business associates, or friends.

This is not an exhaustive list of conflicts of interest.

A potential or perceived conflict of interest arises when a well-informed person acting reasonably would conclude that the employee, in the discharge of his duties, has acted or will act in his or her interest to the detriment of the interests of the City.

Employees will disclose in writing to a City Department Head or the Chief Administrative Officer any conflict of interest, or potential or perceived conflict of interest, before it happens. Employees will not engage in any activity that may constitute a conflict of interest without prior management approval in writing.

An employee who is in a conflict of interest situation and who has not obtained written approval from a City Department Head or Chief Administrative Officer will immediately:



- cease such activity; and
- report such activity to a member of senior management of the City.

### 3.2 *Gifts, Favours and Services*

Employees will not either directly or indirectly, demand or accept money, goods, discounts, favours, benefits, services, property, or anything else, whether to be received in the present or the future, from any individual, corporation or organization in the course of their employment duties other than the normal exchange of hospitality between persons doing business together.

Employees will not use their position with the City to obtain such gifts, favours, or services for their personal use, or for the use of relatives, business associates, or friends.

While the City recognizes the conferral of gifts and services to staff members or relatives of staff members by coworkers on the occasion of birthdays, illnesses, and/or other major

life events, the cost of such gifts or services will be borne by those coworkers who wish to participate in giving gifts unless specifically approved by their Department Head or the Chief Administrative Officer.

### 3.3 *Allocation of Work and Ordering of Supplies*

During the course of their employment with the City, employees will not, without the written permission from their Department Head or the Chief Administrative Officer, be directly or indirectly involved in or influence the awarding of an assignment of work to, the inspection of work of, and will not order any supplies from:

- (a) a relative, including a spouse, parent, ward, guardian, child, brother, sister, cousin, uncle, aunt, in-law, grandparent, or any person with whom an employee shares his or her household, business associate, or friend, other than an arm's length tenant who occupies separate quarters with the household;
- (b) a firm, company, partnership, or other legal entity in which the employee or a relative, business associate, or friend, alone or with others, holds an interest; and
- (c) a firm, company, partnership, or other legal entity in which another employee of the City, alone or with others, holds an interest.

An employee will not directly or indirectly promote any goods or services from which the employee, the employee's relatives, business associates, or friends may receive a personal gain or benefit.

### 3.4 *Employment*

Employees will familiarize themselves and comply with the City's Human Resources Staff Directive #19, "Employment of Relatives".

### 4.0 **Confidentiality**

Except as required by law or in the ordinary course of the employee's duties, an employee will not divulge or disclose any City information identified as or understood to be confidential, to other employees or to persons or organizations outside the City. This confidentiality requirement survives employment with the City and employees who are no longer employed with the City will not divulge or disclose any confidential information that the employee has received or become aware of in the course of employment. Upon request by the City, employees will cooperate in a request made under the *Freedom of Information and Protection of Privacy Act*.

### 5.0 **City Property and Information**

Except as otherwise provided in a written employment contract or City policy, City property, including vehicles, equipment, material, and City information, whether electronic or other, will be used solely in the performance of an employee's duties and will not be used for unauthorized or illegal purposes, personal convenience or benefit (including commercial endeavor), including unauthorized non-City uses and events. Notwithstanding the preceding, the Chief Administrative Officer may provide preauthorization of City property for non-City events in appropriate circumstances.

Communication tools are to be used for business purposes only. It is acknowledged that from time to time, communication tools may be used for limited personal use. An employee will not incur additional cost to the City for the personal use of any City equipment, unless such costs are reimbursed in a timely manner.

### 6.0 **Outside Employment**

If an employee is employed with another organization or involved in a business endeavor:

- (a) such employment or involvement will not, or will not have the potential to, interfere with or supersede any duties as a City employee or damage the City's reputation;
- (b) there will be no personal benefit or advantage because of employment with the City;
- (c) such employment or involvement will not involve any use of City premises, services, equipment, information, or supplies, and such activities will not occur during the employee's scheduled hours of work.

## **7.0 Disclosure of Property Ownership**

- 7.1 All persons required to submit disclosures of business, real estate or other holdings under the *Financial Disclosure Act* will do so in the manner prescribed by the *Act*.
- 7.2 Where an employee is involved, directly or indirectly, in any property development with the City, except for property that is the employee's primary residence, the following will apply:
- (a) the employee will immediately provide details of his or her involvement with the property, in writing, to his or her Department Head;
  - (b) the Department Head will communicate this information to the Chief Administrative Officer;

## **8.0 Political Activity**

- 8.1 Where an employee runs for and is elected to a public office at the Municipal (other than White Rock), Provincial, or Federal level, or for a School Board, the time spent running for office, and time in office during their normal hours of work, may be approved as leave without pay by the Chief Administrative Officer for one term of office, at the discretion of the City.
- 8.2 Consistent with the *Local Government Act*, an employee who runs for Mayor or Councilor at the City of White Rock will take a leave of absence without pay from the time of filing of nomination papers. If elected, the employee, before taking the oath of office, will resign from employment with the City.

## **9.0 Public Statements**

- 9.1 Except in the ordinary course of their employment, employees will not enter into public political debate or advocacy, as a representative of the City, regarding City policies or by-laws.

## **10.0 Criminal Implications**

Employees should be aware of the following offences under the *Criminal Code*, which restrictions are incorporated by reference into this policy:

- (a) influencing or attempting to influence the voting and official activities of a municipal or other government official by means of bribery, fraud, threats or by the suppression of truth when one has a duty to disclose the truth; and
- (b) selling, purchasing or influencing public appointments or offices and the corrupt offering or acceptance of secret commissions in relation to the affairs or business of one's employer or principal.

## **11.0 Employee Behaviour**

Employees will ensure that at all times during the course of their employment:

- (a) Their conduct and language meet acceptable social standards;
- (b) They treat employees, Council members and the public with courtesy, respect and dignity.

## **12.0 Penalties and Appeals**

12.1 Breach of this policy may result in discipline up to and including termination of employment.

12.2 Exempt employees may appeal any disciplinary action to the Chief Administrative Officer. Union employees may follow the procedures as prescribed in the applicable Collective Agreement.

### **Rationale:**

The City acknowledges that its function is the delivery of public services and expects that all employees involved in the delivery of public services will consistently meet the highest standard of ethical behaviour in order to preserve, maintain and enhance the confidence of the public in the manner in which the role of the City is discharged. Although it is not possible to describe every situation that may be encountered during a career with the City, this policy is intended to define the basic standards of conduct expected of the City's employees. If you face a situation in which you have any doubt about the legitimacy of your actions, it is your responsibility to raise it with your Department Head or Chief Administrative Officer for further discussion.

THE CORPORATION OF THE  
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**POLICY TITLE:        RESPECTFUL WORKPLACE**  
**POLICY NUMBER:    HUMAN RESOURCES - 405**

<i>Date of Council Adoption: April 2, 2012</i>	<i>Date of Last Amendment: November 23, 2020</i>
<i>Council Resolution Number: 2012-090, 2013-134; 2014-014, 2015-309, 2019-407; 2020-575</i>	
<i>Originating Department: Human Resources</i>	<i>Date last reviewed by the Governance and Legislation Committee: November 9, 2020</i>

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**Policy:**

**1.0 Purpose**

The purpose of this policy is to assist the City of White Rock, Council, and its Employees in fostering and maintaining a respectful working environment that is free from discrimination, bullying and harassment. The policy outlines the roles and responsibilities of the City, Council and its Employees in promoting and maintaining a respectful workplace where Employees are treated with dignity and respect. As well, it provides the procedures to be taken in resolving a complaint of bullying, harassment or discrimination.

**2.0 Principles**

Every Employee has the right to work in a respectful atmosphere that promotes equal opportunities and is free from harassment, bullying and discrimination.

Bullying, harassment and discrimination as described in this policy is strictly prohibited and will not be tolerated by the City of White Rock. All complaints of bullying, harassment or discrimination will be addressed in a fair, unbiased and timely manner. If it is determined that an Employee engaged in harassment, bullying or discrimination then disciplinary action will result up to and including immediate termination of employment.

This policy prohibits retaliation or reprisals against anyone who, in good faith, reports a violation of this policy or participates in a complaint investigation process. If any Employee is found to have retaliated against another Employee in such circumstance, disciplinary action will result up to and including immediate termination of employment.

Complaints found to be false, frivolous or malicious are also considered a violation of this policy and will result in disciplinary action up to and including immediate termination of employment.

Failure to comply with any other responsibilities or obligations pursuant to this policy may result in disciplinary action, up to and including immediate termination of employment.

This policy is developed in accordance with Sections 115, 116 and 117 of the *Workers Compensation Act* which sets out the general duties of employers, workers and supervisors respectively, and Guideline G-D3-115(1)-3 Bullying and harassment, of the *Workers Compensation Act*.

### 3.0 Scope

The conduct prohibited by this policy applies to all persons associated with or employed by the City of White Rock, including Employees, contractors, students, volunteers, members of the public and elected officials. This policy applies to all aspects of the employment relationship including employment-related functions and to off-duty conduct that has the potential to negatively impact the work environment, whether or not the function or conduct occurs at City facilities or worksites. Bullying and harassment through electronic technology and cyberspace, including phones, email, text and chat messaging, the internet and social media, is prohibited.

This policy covers:

- Discrimination and harassment, including sexual harassment, based on the protected grounds of the *British Columbia Human Rights Code*
- Personal harassment including bullying

This policy does not limit the rights of the City to appropriately and in good faith manage the workforce as described in section 5.0 below. The City has the responsibility to investigate incidents, with or without the person's consent, where there are concerns of alleged discrimination, bullying or harassment, and the potential impact of such conduct on a respectful workplace.

The Complaint Resolution process as defined in section 8.0 below does not apply to persons who are not Employees.

### 4.0 Definitions

**A Respectful Workplace** - A place free from discrimination, harassment and bullying of any kind, and where all Employees are treated with dignity and respect and where diversity and inclusion are valued.

A respectful workplace:

- promotes positive communication
- embraces diversity and equality
- values dignity of the person
- encourages fair and respectful treatment
- encourages thinking about how other people want and deserve to be treated

- applauds polite, courteous and considerate conduct
- promotes collegiality and team work
- supports an inclusive atmosphere
- promotes active listening
- promotes the sharing of opinions and ideas in an open-minded environment
- encourages positive feedback for ideas, suggestions or work that is accomplished well
- encourages thinking before we act or speak or type
- encourages considering how our actions affect others

In short, a respectful workplace is about ‘raising the bar’ for the way we treat each other.

**Allegation** - An unproven assertion, claim or statement based on a person’s perception that someone has done something wrong.

**Bullying** - A type of harassment that is marked by the intentional, persistent attempt of one or more persons to intimidate, demean, torment, control, mentally or physically harm or isolate another person(s).

***Bullying Behaviour includes:***

- Persistent, excessive and unjustified criticism that intimidates or humiliates
- A deliberate attempt to sabotage a person’s ability to do their job properly
- Abusive, vindictive, malicious behaviour and misuse of power deliberately aimed at undermining a person’s dignity and self-esteem

***Cyberbullying:*** Using electronic technology, the internet or social media with the intent to harm or isolate another person.

***Examples of Bullying***

Other than the obvious forms of bullying, such as verbal, emotional and physical abuse, threats, and intimidation, other examples as part of a pattern of behaviour may include, but are not limited to:

- Excluding, shunning or ignoring
- Unwarranted persistent, excessive and unjustified criticizing of another person or their work
- Spreading malicious rumours and making false allegations about another person
- Undermining or hindering another person’s work by sabotaging their ability to do their job properly
- Assigning or making unreasonable work demands; setting impossible deadlines and goals
- Constantly changing goals, expectations and guidelines applicable to the targeted person
- Removing responsibilities from the target and making them feel useless
- Blocking the target’s application for leave, training or promotion for unjustified reasons
- Rumors spread by email or posted on websites such as social networking sites
- Embarrassing pictures or videos spread electronically such as by e-mail or posted on websites such as social networking sites
- Fake profiles created to disparage, intimidate or humiliate another person

**Complainant** - The person bringing the complaint forward and/or alleging that discrimination or harassment has occurred. There may be one or more Complainants.

**Discrimination** – Adverse or negative treatment of a person related to his/her employment based on a prohibited ground of discrimination under the *BC Human Rights Code*. Discrimination includes making adverse distinctions between persons based on a prohibited ground.

**Prohibited grounds** of discrimination include:

- Race
- Colour
- Ancestry
- Place of origin (birthplace)
- Age
- Religion
- Marital status
- Political belief
- Criminal convictions unrelated to employment
- Physical disability
- Mental disability
- Sex (including pregnancy)
- Gender identity or expression
- Sexual orientation
- Family status

**Employee(s)** - Includes all employees (full-time, part-time, temporary fulltime, casual, probationary), apprentices, and paid students.

**Harassment** – As defined in this policy, any of the three following types of behaviours:

**a. Harassment based on a prohibited ground of discrimination**

Unwelcome or objectionable conduct, comment or behaviour directed towards another person that:

- is directly or indirectly based on a prohibited ground of discrimination under the *BC Human Rights Code*,
- the individual knows or ought reasonably to know would be unwelcome or offensive to another, and
- has the effect of creating an intimidating, hostile or offensive work environment or leads to adverse job-related consequences.

**b. Sexual Harassment**

Unwanted, unwelcome, unsolicited, or unreciprocated conduct, that is sexual in nature. Including: sexual advances, requests for sexual favors or other verbal or physical behavior of a sexual nature that:

- Has the purpose or effect of creating an intimidating, hostile or offensive work environment,
- Has the purpose or effect of undermining work performance, work relationships or productivity, or



- Places conditions upon employment, promotion, work assignments, and compensation or is used as the basis for decisions generally affecting an individual's employment.

**c. Personal Harassment**

A type of harassment that is not related to one of the prohibited grounds of discrimination. Personal harassment is any inappropriate conduct, comment, display, action, or gesture by a person towards another person that the first person ought to have known would cause the other person to be humiliated or intimidated.

Personal harassment includes verbal or physical abuse, threats, violence, bullying, insults, belittling comments, or intimidation, and subtler forms of harassment such as unwelcome non-verbal gestures, manipulation, ignoring or isolating a person or treating a person adversely for no legitimate work purpose, when the person engaged in the conduct ought to have known it would cause the other person to be humiliated or intimidated.

Harassment of any kind may be intentional or unintentional. Generally it consists of repeated incidents or actions; however, a single serious incident that has a lasting harmful effect may constitute harassment. Examples of harassment include but are not limited to:

- Verbal or written insults, abuse or threats, physical assault (actual or threatened)
- Bullying, hazing
- Derogatory, demeaning, degrading or intimidating comments
- Racial or ethnic slurs, including racially derogatory nicknames
- Practical jokes which cause embarrassment, endanger safety, or negatively affect work performance
- Unwelcome or offensive jokes, innuendo, taunting or teasing based on a prohibited ground of discrimination
- Unwelcome remarks, questions, jokes, innuendo, gestures or taunting about a person's body, sex, sexual orientation, sexual attractiveness or unattractiveness, including: sexual invitations, requesting sexual favors or making sexual advances with actual or implied work-related consequences
- Unwanted physical contact such as touching, patting, pinching, grabbing, brushing up against, hugging, kissing and any touching with a sexual connotation, including intimidation, threats or actual physical assault of a sexual nature
- Display of sexual or pornographic materials, including emails and electronic materials, offensive or sexually explicit pictures, posters, pin-ups, graffiti, cartoons or sayings
- Patronizing or condescending behavior
- Excluding, shunning, ostracizing, misuse of authority
- Malicious gestures or actions
- Spreading of malicious rumours or lies
- Unwarranted and excessive supervision or criticism of an individual
- Bullying including cyberbullying

**Mediation** - A voluntary process where parties in dispute consent to meet with a Mediator to determine whether the dispute can be resolved in a mutually satisfactory manner. Mediation discussions between parties are private and confidential.

**Personal Information and Confidentiality** – any allegation or informal or formal complaint of inappropriate workplace behaviour under the policy will be considered personal information “supplied in confidence” as per Section 22(2)(f) of the *Freedom of Information and Protection of Privacy Act* (FOIPPA) and the substance of the investigative reports and meetings held by those in authority to make a decision on the disposition of the complaint will be protected from disclosure to third parties in accordance with section 22(2)(f) and Section 22(2)(h) of the Act and any other provisions and laws as applicable.

**Reasonable Person Standard** - A test to determine whether a reasonable person, in a similar situation as the Complainant, would be humiliated, offended or intimidated as a result of another person’s conduct or pattern of conduct.

**Respondent** - The person(s) who the allegations of harassment or discrimination have been made against in accordance with this policy.

**Retaliation** - Any intentional act or omission by a person, in response to a complaint, that adversely affects a Complainant, a person named in a complaint or person who gives evidence or assists in a complaint, including:

- Coercion or intimidation
- Suspension, lay-off or dismissal, demotion or loss of opportunity for promotion, discontinuation or elimination of the job
- Transfer of duties, change of location, reduction in wages or hours
- Imposition of any discipline, reprimand or other penalty

**Workplace** - Includes City facilities, worksites, offices, vehicles, parks, washrooms, locations visited by Employees or elected officials on City-related business; including conferences, meetings, client sites, locations of work-based social gatherings and all written, verbal and electronic communication taking place in such venues or for work-related purposes.

## 5.0 Workplace Harassment Is NOT:

### Management of the workforce:

- Supervision, direction or management of Employees undertaken in a good faith manner for a legitimate work purpose does not constitute harassment. For example, harassment does not include changes to working conditions, corrective action, discipline, termination of employment, decisions relating to workload and deadlines, performance evaluation, transfers, changes in job duties, lay-offs, demotions and reorganizations unless such

conduct is carried out in an abusive or threatening manner or is intended to cause emotional harm.

- It is not harassment for a manager or supervisor to informally or formally investigate behaviour or incidents of concern that occur at or arise from the workplace by interviewing Employees unless an interview is carried out in an abusive or threatening manner or intended to cause emotional harm.
- It is not harassment for a supervisor or manager during an investigation to warn an Employee of the disciplinary consequences that may result from failure to comply with this Policy including engaging in bullying & harassment, failing to cooperate with the company's investigation, failure to report bullying & harassment, breaching confidentiality or retaliation.

**Interpersonal conflict** between persons at the workplace is not harassment unless the conflict results in behavior that is considered threatening or abusive.

- Expressing differences of opinion is not harassment.
- Personal disputes over non work-related matters should not be engaged in at the workplace. Disputes over work-related matters should be resolved respectfully between the persons involved or with the assistance of a supervisor, manager or Human Resources.
- It is not harassment to respectfully and constructively attempt to resolve workplace issues with co-workers.

## **6.0 Responsibilities**

### **Council, Management and Supervisors**

Have the responsibility to:

- Act in a manner that is consistent with a Respectful Workplace
- Not engage in behaviour that constitutes discrimination, bullying or harassment as defined in this policy
- Comply with, administer and promote awareness, understanding and compliance by everyone of this policy
- Participate in training and become familiar with this policy
- Model inclusive and respectful behaviour
- Lead by example in treating all Employees with dignity and respect
- Set and enforce standards of appropriate workplace conduct
- Promptly respond to reported or suspected breaches of this policy
- Deal with all incidents or allegations in a manner consistent with this policy and in consultation with Human Resources as required
- Maintain confidentiality related to complaints to the extent possible to comply with this policy, investigate complaints in a fair, unbiased and thorough manner and take corrective action
- Know and abide by Sections 115 and Policy Guidelines D3-115-2, Employer Duties, Workplace Bullying and Harassment and D3-117-2, Supervisor Duties, Workplace Bullying and Harassment, of the *Workers Compensation Act*.

- Know and comply with the rights and obligations arising from the *BC Human Rights Code*

## **Human Resources**

Has the responsibility to:

- Act in a manner that is consistent with a Respectful Workplace
- Not engage in behaviour that constitutes discrimination, bullying or harassment as defined in this policy
- Comply with, administer and promote awareness, understanding and compliance by everyone of this policy, the *BC Human Rights Code*, and related policies, guidelines and regulations under the *Workers Compensation Act*
- Ensure management, supervisors, elected officials and Employees are provided with training on respectful workplace behaviour including bullying and harassment training
- Advise management with regards to this policy and assist with addressing resolving issues of bullying, harassment and discrimination
- Promptly respond to reported or suspected breaches of this policy
- Investigate allegations of discrimination, bullying and harassment
- Provide mediation where appropriate and determine when a third party mediation is appropriate
- Maintain confidentiality to the extent possible to comply with this policy, investigate complaints in a fair, unbiased and thorough manner, and take corrective action
- Conduct any follow-up steps that are determined to be appropriate following an investigation
- Keep records of complaints, investigations, corrective action and follow-up measures in a secure manner
- Review the policies and procedures and steps taken by the City to address bullying and harassment on an annual basis
- Comply with this policy and any other policy implemented by the City related to preventing and addressing bullying & harassment

## **Employees including Union representatives**

Have the responsibility to:

- Act in a manner that is consistent with a Respectful Workplace
- Not engage in behaviour that constitutes discrimination, bullying or harassment as defined in this policy
- Participate in training and become familiar with this policy
- Know and comply with the rights and obligations arising from this policy and the *BC Human Rights Code*
- Attempt to resolve differences with other Employees in a respectful way as soon as possible and raise concerns in a timely manner

- Inform a person engaged in unwelcome conduct that it is not welcome as long as the Employee is comfortable doing so safely
- Promptly report breaches or potential breaches of this policy including bullying and harassment of any kind that is experienced or observed
- Fully cooperate with interventions, investigations and mediations to resolve complaints
- Maintain confidentiality related to complaints
- Know and abide by Policy Guideline D3-116-1, Worker Duties – Workplace Bullying and Harassment, of the *Workers Compensation Act*

## **7.0. Confidentiality**

Allegations of discrimination and harassment, especially sexual harassment, often involve the collection, use and disclosure of sensitive personal information. It is imperative that confidentiality is maintained, not only from a legal standpoint but it is essential in order to ensure people feel comfortable to come forward and confident that their personal information will not be shared. Confidentiality must also be maintained in order to protect the reputations and interests of those whom the allegations are made against.

The person(s) investigating a complaint or suspected breach of this policy will disclose personal information to persons as reasonably necessary to comply with this policy, investigate alleged or potential breaches of this policy, and take corrective, remedial and follow-up measures.

Subject to any limits or disclosure requirements imposed by law or required by this policy, all information, oral and written, created, gathered, received or compiled through the course of a complaint and investigation will be maintained in confidence by the Complainant, Respondent, their representatives, witnesses and any other parties that may be privy to the information. Any person breaching confidentiality may be subject to disciplinary action, up to and including immediate termination of employment.

The Director of Human Resources may provide information concerning a complaint to appropriate City officials on a need-to-know basis.

## **8.0 Complaint Resolution**

### **Informal Resolution**

An Employee who believes that he or she has experienced or observed conduct that is not consistent with a Respectful Workplace is encouraged to first resolve the issue through respectful and open dialogue in an informal process. For the purposes of the informal and formal resolution process, “Employee(s)” includes volunteers and practicum students of the City.

### ***Informal Conversation***

- If comfortable doing so safely, the Employee is strongly encouraged to approach and engage the person responsible for the conduct in conversation to clarify and resolve concerns.
  - Let them know that their behaviour/conduct is unwelcome
  - Ask them to stop the behaviour
- If the Employee is not comfortable with directly approaching the individual or there is no resolution to the issue, they should promptly contact their supervisor/manager or alternatively a member of Human Resources who will assist in the matter as soon as possible.

### ***Informal Conversation with assistance of Supervisor/Manager or Human Resources Personnel***

- The Supervisor, Manager or a member of Human Resources will meet with the Employee to discuss the situation, provide information about the policy, and discuss options for resolution, which may include an informal or formal resolution process.
- Manager/Supervisor/Human Resources may decide to:
  - Meet separately with each person involved in the complaint and review concerns
  - Meet together with all persons to facilitate a conversation to resolve the issue
  - Review policies and reinforce expectations of respectful conduct
  - Seek commitments from persons that they will conduct themselves in a respectful manner
  - Follow-up, where appropriate, with persons after the resolution process to ask whether commitments have been adhered to

An Employee that pursues an informal course of action is not prevented from filing a formal complaint in the future. However, the prompt reporting of all allegations of bullying, harassment or discrimination that are not resolved in an informal matter is required.

### **Formal Resolution of bullying, harassment and discrimination complaints**

If resolution cannot be attained by Informal Resolution and the conduct alleged may constitute bullying, harassment or discrimination of an Employee as defined in this Complaint Resolution section then the complaint by the Employee must go through Formal Resolution. A Formal Resolution process or investigation may be carried out even if the Complainant requests that it not occur because the City is committed to maintaining a workplace free from bullying, harassment and discrimination.

- A complaint of bullying, harassment or discrimination involving the CAO or a member of Council and involving a staff member(s) should be reported to the Director of Human Resources. Conduct of such an investigation, resulting action and any appeals will take place in accordance with the policy.

- Complaints involving Council that do not involve staff will be handled within Council.

Ensuring that we maintain a safe and respectful workplace is everyone's responsibility and deserves our immediate attention. Delays in reporting complaints can compromise the workplace and affect the City's ability to take corrective action when needed. Accordingly, the City expects that a complaint of bullying, harassment or discrimination be filed immediately after the alleged incident(s) have occurred or immediately after any attempts at informally resolving the incident(s) have been unsuccessful, and in any case must be reported no later than the time limits set out in the BC Human Rights Code or the Workers Compensation Act.

A formal complaint should be reported to the Employee's immediate supervisor/manager or directly to Human Resources. In the event the complaint involves the immediate supervisor/manager then it should be reported directly to Human Resources. If a member of Human Resources is involved in the complaint, then it should be reported to the Director of Human Resources and the Chief Administrative Officer.

In the event that the Director of Human Resources is involved in the investigation as a Complainant, Respondent or witness, the Chief Administrative Officer, or designate, will fulfill the role of the Director of Human Resources as it relates to this process.

Formal complaints must be in writing and signed by the Complainant. Information required for a written complaint includes:

- Description of the incident(s) that have led to the complaint being filed
- The date(s) and location(s) where the incident(s) occurred
- The name(s) of the Respondent(s)
- The name(s) of any witnesses
- The effect the incident(s) have had on the Complainant's work and well-being
- Any attempts made to resolve the complaint through an informal process

Employees are encouraged to consult the Director of Human Resources (or a designate) in formalizing their complaint.

The Director of Human Resources, or designate, will determine whether the Complaint involves allegations of bullying, harassment or discrimination that should proceed to the investigation process.

### **The Investigation**

The investigation of a formal complaint will be conducted as soon as possible and will be kept as confidential as possible. Any resolutions necessary as an outcome of the investigation will be implemented in a timely manner.

The Director of Human Resources, or designate, may decide not to proceed with an investigation when a determination is made that:

- The complaint has no reasonable basis, is frivolous, vexatious, malicious, lies outside the scope of conduct prohibited by this policy
- The alleged conduct could not constitute bullying, harassment or discrimination
- The issue is more appropriately dealt with under the Informal Resolution process or under another policy or procedure
- The complainant chooses a different forum for resolution  
(see *Other Proceedings* section)

If the allegations would not constitute proceeding with the investigation into the complaint, the Complainant will be informed of this decision and the reasons behind it.

If the complaint proceeds, the Director of Human Resources will conduct the investigation or may appoint a designate or an external investigator to investigate the allegations made by the Complainant. The Complainant and the Respondent will be notified of the investigation and who will be investigating.

The investigator will conduct a thorough and fair investigation of the complaint. The investigator will interview the Complainant, Respondent and any witnesses with relevant information, make findings of fact and determine whether the facts constitute a finding of a breach of this policy.

The investigation will be conducted in a manner that ensures both the Complainant and Respondent each have a fair opportunity to know what the other party is saying and a fair opportunity to be heard. The Respondent will be given the opportunity to respond to the allegations.

Employees have an obligation to participate in the investigative process. Refusing to do so may be grounds for disciplinary action.

At any time during the investigation, the Director of Human Resources may pursue the option to informally resolve the complaint, which may include mediation. The investigation may be suspended for an informal process to occur. If unsuccessful, the investigation will recommence.

In reaching a decision, the investigator will use the standard of proof corresponding to the civil burden of proof on a balance of probabilities.

Upon the conclusion of the investigation, a report will be written setting out the nature of the complaint and the investigation's findings. If the investigator is someone other than the Director of Human Resources, the investigator will provide a confidential report to the Director of Human Resources. The Director of Human Resources, in consultation with the appropriate City personnel, will determine the remedial action that must be taken.

The parties will be informed of the outcome of the investigation.



The above procedure and the investigation carried out are intended to be flexible in order to respond to the specific circumstances at issue. The City reserves the right to engage in a different procedure as deemed appropriate in any given circumstance.

The Complaint, notes, witness statements and all other documentation gathered as part of the investigation will be securely kept in a confidential investigation file.

If it is determined that harassment, bullying or discrimination occurred then disciplinary action will result up to and including immediate termination of employment.

If the investigation determines that the Complainant initiated a false allegation or an allegation with intent to harm the Respondent or others then disciplinary action will result up to and including immediate termination of employment.

## **9.0 Other Proceedings**

This policy does not preclude an Employee from accessing their rights through their Collective Agreement, the *BC Human Rights Code* or the *Workers Compensation Act* as applicable.

## **10.0 Appeals**

Exempt Employees may appeal any disciplinary action to the Chief Administrative Officer. Union Employees may follow the procedures as prescribed in the applicable Collective Agreement.

### **Rationale:**

The City values all of its Employees and is committed to providing a respectful working environment that is free from discrimination and harassment and where all Employees are treated with dignity and respect.

THE CORPORATION OF THE  
**CITY OF WHITE ROCK**  
15322 BUENA VISTA AVENUE, WHITE ROCK, B.C. V4B 1Y6



**POLICY TITLE: ANTI-RACIAL DISCRIMINATION & ANTI-RACISM**  
**POLICY NUMBER: HUMAN RESOURCES - 406**

<i>Date of Council Adoption:</i> November 23, 2020	<i>Last Amendment:</i>
<i>Council Resolution Number:</i> 2020-574	
<i>Originating Department:</i> Human Resources	<i>Date last reviewed by the Governance and Legislation Committee:</i> November 9, 2020

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**Policy:**

**1.0 Purpose**

The purpose of this policy is to publicly acknowledge the existence of racism in all its forms; recognize the racial diversity in our community; commit to respecting the fundamental rights, personal worth and human dignity of People of Colour and Indigenous Peoples; commit to conducting the day to day operations and governance of local government in a manner free of racism and racial discrimination; and commit to breaking down barriers, deconstructing biases and fostering and promoting an inclusive, respectful and welcoming environment for all who work, volunteer, do business and interact with the local government.

This policy is not intended to supersede or supplant Council Policy 405 – Respectful Workplace or other processes available to individuals or groups wishing to pursue avenues of formal complaint or redress under other City policies.

**2.0 Principles**

The City of White Rock recognizes the diversity of our community and believes that all members of our community including, but not limited to, residents, elected officials, employees, volunteers and visitors of colour and Indigenous Peoples have the right to live, work, do business and play in an environment that asserts and supports their fundamental rights, personal worth and human dignity.

The City acknowledges and recognizes the existence in our community of racism in all its forms, including Cultural, Environmental, Institutional, Systemic and Individual.

The City is committed to breaking down barriers, deconstructing biases and fostering and promoting an inclusive, respectful and welcoming environment for all, one that is free from racial discrimination and racism.

The City of White Rock acknowledges its role and responsibility in protecting every person's right to be free from racial discrimination and racism.

The City is further committed to respecting and upholding the vision and principles of British Columbia's Human Rights Code and the implementation of the Calls to Action of the Truth and Reconciliation Commission.

This policy is intended to demonstrate the City of White Rock's commitment to conducting the day to day operations and governance in an anti-discriminatory and anti-racist manner and environment. The implementation of this policy is a public commitment that the City will continue to make best efforts to ensure that all who work and interact with the City are able to do so in an environment and manner free of racism and racial discrimination.

### **3.0 Scope**

This policy applies to all employees, elected officials, contractors, volunteers, and students working or volunteering for the City of White Rock or providing professional services to it.

This policy applies to the interpretation and application of current and new bylaws, regulations, policies, procedures, contracts, procurements and activities carried out by the City, all of which will be required to be compliant with the principles and particular requirements specified within this policy.

The scope of this policy includes all aspects of the City activities, including its working environment, procurement, services, meetings and various public events. In addition, this scope will include ongoing relationships with individuals, businesses, community groups and contractors as well as with other local governments and public and private bodies.

This policy is intended to supplement and support British Columbia's Human Rights Code and related White Rock Council policies such as the Respectful Workplace policy.

### **4.0 Responsibilities**

#### **Council**

Have the responsibility to:

- Take leadership to model inclusive behaviour and language and not participate in racist or racially discriminatory conduct;

- Support, promote and foster the principles of this policy in all their work and interactions;
- Participate in training at the beginning of their term and become familiar with this policy;
- Ensure that Management is trained on this policy and is implementing it;
- Immediately report incidents of racial discrimination or racism experienced or witnessed in accordance with Council Policy 405 – Respectful Workplace

### **Management**

Have the responsibility to:

- Ensure that the workplace and the business of the local government is free from racial discrimination and racism in accordance with Council Policy 405 – Respectful Workplace and ensure the principles of this policy are reflected in the execution of their duties, operational policies and practices within their area of responsibility;
- Model inclusive behaviour and language and not participate in racist or racially discriminatory conduct;
- Support, promote and foster the principles of this policy in all their work and interactions and participate in training on this policy;
- Ensure Council members are provided training on this policy at the beginning of each term of office and provided additional refresher training during their term, if necessary;
- Train all new employees and students on this policy in their first year of employment and provide refresher training periodically thereafter;
- Inform any new contractors and volunteers of the policy;
- Promptly respond to or investigate all incidents or allegations in a manner consistent with Council Policy 405 – Respectful Workplace.

### **Employees, Students, Volunteers and Contractors**

Have the responsibility to:

- Not engage in racial discrimination or racism and conduct oneself and speak in an inclusive manner;
- Immediately report incidents of racial discrimination or racism experienced or witnessed in accordance with Council Policy 405 – Respectful Workplace;
- Participate in training and become familiar with this policy.

## **Unions**

The City will work proactively with the unions representing city employees to play an active role as partners in supporting, promoting and fostering the principles of this policy in all their work and interactions with their members, management and Council.

### **5.0 Confidentiality**

Allegations of racial discrimination and racism often involve the disclosure of sensitive personal information. It is imperative that confidentiality is maintained, not only from a legal standpoint but it is essential in order to ensure people feel comfortable to come forward and confident that their personal information will not be shared.

Subject to any limits or disclosure requirements imposed by law or required by Council Policy 405 – Respectful Workplace, all information, oral and written, created, gathered, received or compiled through the course of a complaint will be maintained in confidence by any party that may be privy to the information.

### **6.0 Rationale**

This policy articulates the position of the City of White Rock and demonstrates its support and commitment to an environment that is free of racial discrimination and racism. It is not intended to supersede or supplant other processes.