



# Stl'atl'imx Tribal Police Service

## Administrative Policy: AB100 Workplace Harassment

Effective Date: 2010-01-08 Revision Date:

### 1.0 Policy

- 1.1. The Stl'atl'imx Tribal Police Service (STPS) will not condone nor permit workplace harassment
- 1.2. The Stl'atl'imx Tribal Police Service (STPS) will promote a work environment in which all individuals are treated with respect and dignity
- 1.3. The Stl'atl'imx Tribal Police Service (STPS) will institute procedures for reporting, investigating and resolving complaints of harassment

### 2.0 Reason for Policy

- 2.1. To maintain a healthy work environment
- 2.2. To comply with Human Rights Legislation
- 2.3. The Stl'atl'imx Tribal Police Service, is committed to providing a safe and respectful work environment for all personnel.

No one, whether it is the STPS Chief Officer, the STPS Constables, the STPS civilian personnel, contractors, or a member of the public, has to put up with harassment at the Stl'atl'imx Tribal Police Service, for any reason, at any time.

#### **What is harassment?**

Harassment is any behaviour that demeans, humiliates, or embarrasses a person, and that a reasonable person should have known would be unwelcome. It includes actions, comments, or displays. It may be a single incident or continue over time.

#### **Some examples of harassment include:**

- Unwelcome remarks, slurs, jokes, taunts, or suggestions about a person's body, clothing, race, national or ethnic origin, colour, religion, age, sex, marital status, family status, physical or mental disability, sexual orientation, pardoned conviction, or other personal characteristics;



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- Unwelcome sexual remarks, invitations, or requests (including persistent, unwanted contact after the end of a sexual relationship);
- Displays of sexually explicit, sexist, racist, or other offensive or derogatory material;
- Written or verbal abuse or threats;
- Practical jokes that embarrass or insult someone;
- Leering (suggestive staring) or other offensive gestures;
- Unwelcome physical contact, such as patting, touching, pinching, hitting;
- Patronizing or condescending behaviour;
- Humiliating an employee in front of co-workers;
- Abuse of authority that undermines someone's performance or threatens her or his career;
- Vandalism of personal property; and/or
- Physical or sexual assault

### **Personal harassment**

Disrespectful behaviour, known as "personal" harassment, is covered in this policy.

While it also involves unwelcome behaviour that demeans or embarrasses an employee, the behaviour is not based on one of the protected grounds named in the BC Human Rights Code, RSBC 1996 c. 210, or the Canadian Human Rights Act.

The BC Human Rights Code, RSBC 1996 c. 210, and the Canadian Human Rights Act protect employees and clients from harassment that is related to their race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability, pardoned conviction, or sexual orientation.

### **What isn't harassment?**

- Consensual banter
- Romantic relationships, where the people involved agree with what's happening
- Appropriate performance reviews
- Counselling
- Discipline by a supervisor or manager



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### Where harassment happens

- Work-related harassment can take place in the workplace itself, or outside of the workplace in a situation that is in some way connected to work.
- Harassment can take place between co-workers, between a manager and employee, between people of the opposite sex or of the same sex, between an employee and a client, or between an employee and a job applicant.

No one has the right to harass anyone else, at work or in any situation related to employment.

You have a right to live and work without being harassed, and if you are harassed, you can do something about it.



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### 3.0 Procedures

#### 3.1. Employees' Responsibilities

- 3.1.1. All STPS personnel have the responsibility to treat each other with respect, and to speak up if they or someone else is being harassed.
- 3.1.2. All STPS personnel have a responsibility to report harassment to the appropriate person, STPS Departmental Sergeants, STPS Chief Officer, BC Human Rights Tribunal or the Canadian Human Rights Commission.
- 3.1.3. All STPS personnel are responsible for respecting the confidentiality of anyone involved in a harassment complaint.

#### 3.2. Stl'at'imx Tribal Police Service Responsibilities

- 3.2.1. The Stl'at'imx Tribal Police Service is responsible for fostering a safe working environment, free of harassment.
- 3.2.2. The STPS Chief Officer and supervisory personnel must set an example for appropriate workplace behaviour, and must deal with situations of harassment immediately on becoming aware of them, whether or not there has been a complaint.
  - Courts may impose penalties on the STPS and supervisory staff, even if neither of them was actually involved in or aware of the harassment but should have known about it.
  - A Supervisor that did nothing to prevent harassment or to mitigate its effects may find her or himself facing financial and legal consequences.
- 3.2.3. The STPS will treat all incidents of harassment seriously.
- 3.2.4. The STPS will act on all complaints to ensure that they are resolved quickly, confidentially, and fairly.



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### 3.3. Complaint Procedures

#### 3.3.1. Speak up

- 3.3.1.1. If you believe you are being harassed, speak up right away.
- 3.3.1.2. If possible, tell the person that you are not comfortable with their behaviour, and want it to stop.
  - You can speak to them directly, or
  - Write them a letter (date it and keep a copy)
- 3.3.1.3. Tell someone you trust what is going on.

#### 3.3.2. Keep Notes

- 3.3.2.1. Record all unwelcome or harassing behaviour.
- 3.3.2.2. Write down what has happened, when, where, how often, who else was present, and how you felt about it.
- 3.3.2.3. Write down every instance of harassment.

#### 3.3.3. Report It

- 3.3.3.1. If the harassing behaviour occurs again, or if you are unable to deal directly with the person harassing you, report it to your Departmental Sergeant or the STPS Chief Officer.
- 3.3.3.2. If for some reason you are unable to report harassment to someone at the STPS, you may go directly to the BC Human Rights Tribunal or the Canadian Human Rights Commission.
- 3.3.3.3. Once harassment has been reported, you will be asked questions such as what happened, when, where, how often and who else was present.



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### 3.3.4. Informal Procedures

3.3.4.1. You may want to proceed informally at first.

This means you can ask your Departmental Sergeant , other STPS personnel or the STPS Chief Officer to help you communicate with the other person, or to speak to them on your behalf, without going through actual mediation or a formal complaint.

The informal approach may not always be possible or successful, but when it is, you may be able to resolve the situation quickly.

### 3.3.5. Mediation

3.3.5.1. It may be appropriate to attempt to resolve the complaint through mediation before going to a formal investigation.

3.3.5.2. If a qualified person from outside the organization is available to act as a mediator, and the complainant and alleged harasser agree, that person will attempt to help the parties settle the complaint. If no one is available, the designated person may help settle the complaint, if the parties agree.

3.3.5.3. The mediator should not be involved in investigating the complaint, and should not be asked to represent the company at any stage of any proceedings related to the complaint.

3.3.5.4. Either party has the right to refuse mediation.

3.3.5.5. You are the only one who can decide if mediation is appropriate for you. Do not agree to it if you feel pressured into it, or feel that you are at a disadvantage or vulnerable because of your age, sex, race, colour, religion, sexual orientation, economic position, or for any other reason.

3.3.5.6. If someone suggests mediation but you are uncomfortable with it, you can say so, and it will not be part of the complaint process.



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3.3.5.7. If mediation does become part of the process, each person has the right to be accompanied and assisted during mediation sessions by someone they choose.

### **Formal Complaint**

#### **Investigation**

3.3.5.8. If you want to go ahead with a formal complaint, it will be investigated either by a specially trained person from within the STPS or another agency. This person will investigate the complaint thoroughly. He or she will interview the complainant, the alleged harasser, and any witnesses.

3.3.5.9. All STPS personnel have a responsibility to co-operate in the investigation.

3.3.5.10. Both you and the alleged harasser have the right to be accompanied by someone with whom you feel comfortable during any interviews or meetings.

3.3.5.11. An investigation will involve:

- Getting all pertinent information from the complainant
- Informing the alleged harasser of the details of the complaint, and getting her or his response
- Interviewing any witnesses
- Deciding whether, on a balance of probabilities, the harassment did take place
- Recommending appropriate remedies, penalties, or other action

### **Substantiated Complaints**

3.3.5.12. If the investigator decides the complaint is valid, he or she will report in writing to the STPS Chief Officer, ideally within a week of completing the investigation.

3.3.5.12.1. The investigator will recommend appropriate remedies and disciplinary action, and any other necessary action.



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3.3.5.12.2. The STPS Chief Officer will decide what action to take, and will inform both parties of the decision, in writing, within a week of the submitted report where possible.

### Remedies for the Victim

3.4. Remedies for a person who has been harassed will include any of the following, depending on the nature and severity of the harassment:

- An oral or written apology from the harasser and the STPS
- Lost wages
- A job or promotion that was denied
- Compensation for any lost employment benefits, such as sick leave
- Compensation for hurt feelings
- A commitment that he or she will not be transferred, or will have a transfer reversed, unless he or she chooses to move.

### Corrective action for harassers

3.5. Corrective action for harassers will include any of the following, depending on the nature and severity of the harassment:

- A written reprimand
- A fine
- A suspension with or without pay
- A transfer
- A demotion
- A dismissal
- Anti-harassment training

### Complaints made in bad faith

3.6. In the rare event that the complaint was made in bad faith, that is deliberately and maliciously filed knowing it had absolutely no basis, the complainant will be subject to the same penalties as a harasser.





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3.6.1. The person unjustly accused of harassment will have her or his reputation restored, and will be given the benefit of any necessary remedies that would be given in a case of harassment.

### Retaliation

3.7. Anyone who retaliates in any way against a person who has been involved in a harassment complaint will be subject to the same penalties as a harasser.

### Confidentiality

3.8. The STPS will not disclose any information about a complaint except as necessary to investigate the complaint or to take disciplinary action, or as required by law.

### Time Limits

3.9. The STPS has a responsibility to make sure harassment ends as soon as they become aware of it. Complaints will be addressed as quickly as possible.

3.10. Complainants should be aware that there are time limits for filing a complaint with the BC Human Rights Tribunal and the Canadian Human Rights Commission. Should you chose to contact either, your first call should be to the BC Human Rights Tribunal.

### Other Options

3.11. An employee of the STPS who is not satisfied with the result of a harassment complaint can consult the:

- BC Human Rights Tribunal 1-888-440-8844
  - They should be called prior to calling Canadian Human Rights Commission
- Canadian Human Rights Commission