

# COUNCIL POLICY



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<b>Policy Name</b>	Respectful Communication Policy
<b>Policy Number</b>	TBD
<b>Effective Date</b>	October 16, 2023
<b>Approved By</b>	Council

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## 1. POLICY

The City of North Vancouver is committed to promoting a safe, healthy, respectful, and positive environment for members of the public, employees, Council Members and volunteers, and has an obligation to provide a workplace free of bullying, discrimination, harassment and sexual harassment.

## 2. PURPOSE

- 2.1 The purpose of this policy is to ensure that all persons, including members of the public, behave and communicate with City Staff and Council Members in a respectful manner in person, or by electronic, telephonic, written or any other form of communication.
- 2.2 This policy identifies communications from the public that may constitute bullying, harassment and sexual harassment, or may otherwise be threatening, discriminatory, or defamatory, and provides a process for responding to such communication to City Staff, which includes employees, Council Members, persons appointed to City committees, commissions and boards and other volunteers, in association with any service, program, or event provided by the City.

## 3. APPLICATION AND SCOPE

- 3.1 This policy applies to all persons, including members of the public, when they are communicating with City Staff and Council Members in City Spaces, all as defined in this policy, and applies to communications between City Staff and members of the public.
- 3.2 This policy does not apply to conduct or communications among Council Members, which would be covered under the Council Procedure Bylaw and future Council Code of Conduct. This policy also does not apply to communications among City Staff, which is covered under the Respectful Workplace Policy. Communications and conduct by staff to members of the public, which are required to be respectful, will continue to be covered under the City's Complaint Handling Policy.
- 3.3 This policy does not replace, supersede, or impact the City's Human Resources Policy Manual, including the City's Respectful Workplace Policy, and is intended to be read in conjunction with the Human Resources Policy Manual. This policy also does not replace, supersede, amend or impact the City's Council Procedure Bylaw and is intended to complement the provisions in that bylaw governing behaviour in Council meetings.
- 3.4 Nothing in this policy limits the City's right to pursue other remedies available by law, including injunctions.

3.5 A reference to the CAO, a Manager or the Director, People and Culture, includes a reference to the person appointed as deputy or appointed to act in the place of that person from time to time.

3.6 This policy will be administered in accordance with applicable legislation, including the *Canadian Charter of Rights and Freedoms*, the *British Columbia Workers Compensation Act* and the *British Columbia Human Rights Code*.

#### 4. DEFINITIONS

4.1 The following terms have the following defined meanings in this policy:

- (a) “**CAO**” means the municipal officer appointed by Council to serve as the Chief Administrative Officer of the City pursuant to Section 147 of the *Community Charter*;
- (b) “**City**” means The Corporation of the City of North Vancouver;
- (c) “**City Space**” means any location from which City Staff is engaged in a work-related activity, including but not limited to: work sites owned, operated, or controlled by the City (such as City Hall, operations centres, fire halls, parks locations and buildings, construction or maintenance sites, business-related social functions); work locations away from the foregoing venues, including information sessions, public consultation venues and construction sites being inspected by City Staff; work-related conferences and training sessions; work-related travel, telephone conversations, voicemail or electronic messaging, electronic meetings, and video conferencing and social media sites operated by the City or by Council Members. For the purposes of this policy, City Space also includes any location at which a Council Member for the City is carrying out their powers, duties, or functions for the City;
- (d) “**City Staff**” means a person employed or retained by the City to do business of the City, and includes volunteers authorized to act on behalf of the City and persons appointed to City committees, commissions and boards;
- (e) “**Community Charter**” means the *Community Charter*, S.B.C. 23, c. 26, as many be amended;
- (f) “**Corporate Officer**” means the municipal officer appointed by Council to serve as the Corporate Officer for the City pursuant to Section 148 of the *Community Charter*;
- (g) “**Council**” means the duly elected officials of the City, those being the Mayor and Councillors;
- (h) “**Council Member**” means the Mayor or a Councillor;
- (i) “**Director, People and Culture**” means the municipal officer appointed by the CAO to serve as the Director, People and Culture for the City, or any successor in function in that role;
- (j) “**Discriminatory**” means comment or conduct related to a person’s race, colour, ancestry, place of origin, Indigenous identity, political belief, religion, marital status, family status, physical or mental disability, gender identity or expression, sex, sexual orientation, or age that a person knew or reasonably ought to have known would be

offensive or would cause another person to be humiliated or intimidated or exposed to hate or contempt;

- (k) **“Inappropriate Behaviour”** means comment or conduct, whether made in-person or by electronic, telephonic, written or any other form of communication, that a person would know or reasonably ought to have known:
  - (i) to be offensive;
  - (ii) would cause the subject of the communication or conduct, the person receiving the communication or conduct, or both, to feel harassed, bullied, humiliated or intimidated;
  - (iii) is Discriminatory, threatening, violent, or defamatory; or
  - (iv) is part of a pattern of communications or conduct that is frivolous, vexatious, or made with malicious intent;
- (l) **“Incident”** means any occurrence involving one or more individuals engaging in Inappropriate Behaviour at or in a City Space;
- (m) **“Incident Report”** means a written record, created by City Staff, containing relevant details of an alleged Incident, in a form to be created and administered by the People and Culture Department and found on CityBizz;
- (n) **“Manager”** means a person employed by the City as a Manager of the relevant department of the involved division or department of the City;
- (o) **“Policy Committee”** means a committee comprised of between one and three members of City Staff appointed by the CAO from time to time to carry out the functions set out in Section 7.1(a)(vi) to (viii).

## 5. INTERPRETATION

### 5.1 Determining What Constitutes Inappropriate Behaviour

- (a) In evaluating whether conduct or comments fall under the definition of Inappropriate Behaviour under this policy, the conduct or comment must be more than trivial or inconsequential and will typically be a pattern of repeated behaviour although, a single incident, if sufficiently serious or egregious, can constitute Inappropriate Behaviour.
- (b) For guidance, examples of Inappropriate Behaviour include, without limitation, the following, which may be made in-person or by electronic, telephonic, written or any other form of communication:
  - (i) insulting, derogatory, abusive or Discriminatory comments, jokes or gestures;
  - (ii) shouting, yelling, glaring or staring;
  - (iii) outbursts or displays of anger directed at others;
  - (iv) threats or attempts to intimidate, including physically aggressive or threatening behaviour;

- (v) any unwanted physical contact;
- (vi) throwing objects in a deliberate or aggressive manner;
- (vii) attempts to goad or incite violence;
- (viii) targeting an individual through persistent, unwarranted criticism;
- (ix) persistent rudeness, taunting, belittling and patronizing;
- (x) repeated requests for a decision or action where City Staff have previously responded to the same request in full and there has been no change in the inputs into the decision or action or the decision has already been dealt with under the Complaint Handling Policy;
- (xi) refusal to follow reasonable direction or requests to leave a City Space when asked; and
- (xii) conduct or comment of a sexual nature such as sexually suggestive, obscene or degrading comments or gestures, unwelcome sexual advances or propositions or unwelcome comments about a person's sex life, gender, appearance or sexual orientation.

## **6. RESPECTFUL BEHAVIOUR**

### **6.1 Requirement to Behave Respectfully**

- (a) All persons have a duty to behave respectfully and not to engage in Inappropriate Behaviour when using or accessing a City Space and must:
  - (i) treat others with respect, courtesy, fairness and equality and not engage in Inappropriate Behaviour towards others;
  - (ii) use City Spaces and equipment in a safe and respectful manner and not engage in theft of property, possession of weapons or vandalism; and
  - (iii) comply with all posted policies and rules, including Codes of Conduct, regarding the use of City Spaces including, without limitation, City electronic communication systems and social media accounts.

## **7. INCIDENT PROCEDURES**

### **7.1 Inappropriate Behaviour Directed at or Observed by City Staff**

- (a) When City Staff observe or experience an Incident or receive a report that an Incident has occurred, City Staff will, subject to Section 7.1(b), carry out the following procedures:
  - (i) where possible, City Staff will attempt to explain to the person or persons engaging in the Inappropriate Behaviour that it is unacceptable and ask that the behaviour cease. If at any time City Staff feels that the safety of any person is at risk, they will request security assistance;

- (ii) prepare an Incident Report, and, if the Inappropriate Behaviour was carried out by written or electronic communication, attach a copy of all such communication;
- (iii) submit the Incident Report to the Manager of the department in which the City Space is situated, copying the Director, People & Culture and for persons appointed to City committees, commissions and boards, submit the Incident Report to the Corporate Officer;
- (iv) if the Manager or Corporate Officer, in consultation with the Director, People and Culture, believes the Incident did not violate this policy, they will notify the City Staff member who submitted the Incident Report, and provide reasons to explain their decision;
- (v) if, upon receipt and review of an Incident Report, the Manager or Corporate Officer, in consultation with the Director, People and Culture, believes the Incident may have violated this policy, they will notify the CAO and provide the Policy Committee with the Incident Report;
- (vi) when the Policy Committee receives an Incident Report, they will take appropriate steps to determine whether the alleged Inappropriate Behaviour is substantiated or not. This includes providing the responding party with information about the allegations and providing them with a fair opportunity to respond which the Policy Committee may require to be made solely in writing;
- (vii) if the Policy Committee determines that Inappropriate Behaviour has occurred, they will take such action as they consider appropriate in the circumstances, considering the following guidelines:
  - (A) whether the Inappropriate Behaviour concerned a matter for which the author of the communication had a statutory right to be heard;
  - (B) the role of the individual to whom the Inappropriate Behaviour was directed;
  - (C) whether the Inappropriate Behaviour relates to comments and feedback regarding a program, service, or initiative of the City;
  - (D) whether the Inappropriate Behaviour is violent, threatening, defamatory of an individual, in breach of existing laws or Discriminatory;
  - (E) whether the Inappropriate Behaviour was a single or repeated act;
  - (F) whether the person has acknowledged wrongdoing or apologized for the Inappropriate Behaviour;
  - (G) whether the person had received previous warnings or actions from the City regarding Inappropriate Behaviour; and
  - (H) any other relevant consideration.

- (viii) having consideration of the foregoing guidelines, after reviewing and considering the Incident Report, the Policy Committee may:
  - (A) determine that the Incident did not constitute a violation of this policy and take no further action, and communicate this to the Director, People & Culture who will advise the City Staff member who created the Incident Report;
  - (B) determine that the Incident constituted a violation of this policy but decide that no further action is required in the circumstances and communicate this to the Director, People & Culture who will advise the City Staff member who created the Incident Report;
  - (C) determine that the Incident constituted a violation of this policy and take one or more of the following steps:
    - (1) issue a written warning letter to the person who engaged in Inappropriate Behaviour;
    - (2) request that the person who engaged in Inappropriate Behaviour meet with a specified City Staff member to discuss the Incident;
    - (3) impose limits on the way a person may communicate with City Staff, including prohibiting the person from accessing or communicating in any City Spaces or limiting the person to communicating in a particular manner, at a particular time, for a particular duration of time and with a particular person;
    - (4) instruct City Staff not to acknowledge, respond to, and/or publish future communications from the person engaging in Inappropriate Behaviour; and
    - (5) take any other action the Policy Committee considers appropriate and reasonable in the circumstances.
- (b) If an Incident is also being investigated as a formal complaint pursuant to Policy 203 – Respectful Workplace policy sent out in the City’s Human Resources Policy Manual, then any determination made under this section 7.1 must not be issued until such investigation has concluded and results have been finalized.
- (c) A person may appeal a decision made by the Policy Committee under Section 7.1(a)(vii)(C) by sending a request for review of the decision to the CAO within ten business days of receiving the Policy Committee’s decision. Upon receipt of a review request, the CAO will:
  - (i) review the Incident Report and all of the materials considered by the Policy Committee;
  - (ii) consider the guidelines in 7.1(a)(vii);
  - (iii) at their discretion, schedule a discussion with the requestor; and

- (iv) within ten business days, render a decision or either uphold or rescind the decision of the Policy Committee or vary the decision and take any of the actions set out in Section 7.1(a)(vii)(C).

(d) All decisions of the CAO with regard to a review are final.

## 7.2 Inappropriate Behaviour Directed at or Observed by a Council Member

(a) If a Council Member observes or experiences an Incident, they may, at their discretion, bring the Incident to the attention of Council.

(b) If the Inappropriate Behaviour received or observed by a Council Member is also sent to and/or received by City Staff, then Council may refer the Incident to the CAO and direct that the procedures set out in Section 7 will apply;

(c) When Council receives notice of Inappropriate Behaviour towards a Council Member, a Council Member may place discussion of the matter on the agenda of Council and in discussing the matter, Council will have regard to the following guidelines:

(i) whether the Inappropriate Behaviour concerned a matter for which the author of the communication had a statutory right to be heard;

(ii) whether the Inappropriate Behaviour relates to comments and feedback regarding a program, service, or initiative of the City;

(iii) whether the Inappropriate Behaviour is violent, threatening, defamatory of an individual, in breach of existing laws or Discriminatory;

(iv) whether the Inappropriate Behaviour was a single or repeated act;

(v) whether the person has acknowledged wrongdoing or apologized for the Inappropriate Behaviour;

(vi) whether the person had received previous warnings or actions from the City regarding Inappropriate Behaviour;

(vii) any other relevant consideration.

(d) Council will take appropriate steps to determine whether the alleged Inappropriate Behaviour is substantiated or not. This includes providing the responding party with information about the allegations and providing them with a fair opportunity to respond, which Council may require to be made solely in writing;

(e) Having consideration of the foregoing guidelines and any submissions of the responding party, after reviewing and considering the matter, Council may, by resolution passed by a majority of Council Members:

(i) determine that the Incident did not constitute a violation of this policy and take no further action;

(ii) determine that the Incident constituted a violation of this policy but decide that no further action is required in the circumstances;

- (iii) determine that the Incident constituted a violation of this policy and instruct the Corporate Officer or the CAO take one or more of the following steps:
  - (A) issue a written warning letter to the person who engaged in Inappropriate Behaviour;
  - (B) request that the person who engaged in Inappropriate Behaviour meet with a specified City Staff member to discuss the Incident;
  - (C) impose limits on the way a person may communicate with Council, including prohibiting the person from accessing or communicating in any City Spaces or limiting the person to communicating in a particular manner, at a particular time, for a particular duration of time and with a particular person;
  - (D) instruct City Staff not to acknowledge, respond to, and/or publish future communications from the person engaging in Inappropriate Behaviour; and
  - (E) take any other action Council considers appropriate and reasonable in the circumstances.

(f) All decisions of Council pursuant to Section 7.2(e) are final.

**DOCUMENT HISTORY**

<b>Date</b>	<b>Action</b>	<b>By</b>
October 16, 2023	Approved	Council