



**THE CORPORATION OF THE CITY OF VERNON**

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**Corporate Policy Manual**

Section:	<del>Community Safety, Lands and Administration</del> Corporate Administration	
Sub-Section:	Legislative Services	
Title:	Council Code of Responsible Conduct	

**RELATED POLICIES**

Number	Title

**APPROVALS**

POLICY APPROVED BY:	AMENDMENT APPROVAL:	SECTION AMENDED
Approved by:  Mayor: Victor I. Cumming Date: April 11, 2023		
	Amendment Approved by:  Mayor: Victor I. Cumming Date: May 23, 2023	Updates to language throughout
	Amendment Approved by:  Mayor: Victor I. Cumming Date: January 22, 2024	Addition of “and will respect the decision.” last line under Public Communication

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## **POLICY**

This Policy establishes shared standards and expectations with respect to the conduct, decorum and behaviour of Council Members. As local elected representative ('Members'), we recognize that responsible conduct is essential to providing good governance for the City of Vernon.

We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being active participants in ensuring that these foundational principles, and the standards of conduct set out below, are followed in all of our dealings with every person, including those with other Members, Administration and the public.

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## **STATUTORY PROVISIONS**

This Council Code of Responsible Conduct (CCoRC) applies to Members of the City of Vernon Council. While it does not cover every possible situation, each Member is individually responsible for upholding both the intent and the spirit of this policy in their dealings with other Members, Administration and the public.

Elected officials must conduct themselves in accordance with the law. This Policy is intended to be developed, interpreted and applied by Members in a manner that is consistent with all applicable Federal and Provincial Laws, as well as the bylaws and policies of the local government, the common law and any other legal obligations that apply to Members individually or as a collective Council. The CCoRC is supplementary to the following statutes, laws and policies (as amended from time to time) governing the conduct of local elected officials:

- *The British Columbia Human Rights Code;*
  - *The British Columbia Community Charter;*
  - *The British Columbia Local Government Act;*
  - *The British Columbia Local Elections Campaign Financing Act;*
  - *The Workers Compensation Act of British Columbia;*
  - *The Freedom of Information and Protection of Privacy Act;*
  - *The City of Vernon's Bullying and Harassment Policy; and*
  - *The Criminal Code of Canada.*
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## FOUNDATIONAL PRINCIPLES OF RESPONSIBLE CONDUCT

**Integrity** – means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, is truthful and honourable.

**Respect** – means having due regard for others’ perspectives, wishes and rights; it also means displaying deference to the offices of local government and the role of local government in community decision making. Conduct under this principle is demonstrated when a Member fosters an environment of trust by demonstrating due regard for the perspectives, wishes and rights of others and an understanding of the role of the local government.

**Accountability**- means an obligation and willingness to accept responsibility or to account for ones’ actions. Conduct under this principle is demonstrated when Members, individually and collectively, accept responsibility for their actions and decisions.

**Leadership and Collaboration**- means an ability to lead, listen to and positively influence others; it also means coming together to create or meet a common goal through collective efforts. Conduct under this principle is demonstrated when a Member encourages individuals to work together in pursuit of collective objectives by leading, listening to and positively influencing others.

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## STANDARDS OF CONDUCT

### Integrity:

Integrity is demonstrated by the following conduct:

- Members will be truthful, honest and open in all dealings, including those with other Members, staff and the public, aligning with the Council Strategic Plan.
- Members will ensure that their actions are consistent with the shared principles and values collectively agreed to by council, ensuring public interests over personal interests.
- Members will follow through on their commitments, correct errors in a timely and transparent manner, and engage in respectful communication with the community.
- Members will direct their minds to the merits of the decisions before them, ensuring that they act on the basis of relevant information and principles and in consideration of the consequence of those decisions.

- Members will behave in a manner that promotes public confidence in all of their dealings.

**Respect:**

Respect is demonstrated through the following conduct:

- Members will treat every person with dignity, understanding and respect.
- Members will show consideration for every person's values, beliefs, experiences and contributions to discussion.
- Members will demonstrate awareness of their own conduct and consider how their words or actions may be, or may be perceived as, offensive or demeaning.
- Members will not engage in behavior that is indecent, insulting or abusive. This behavior includes verbal slurs such as racist remarks, unwanted physical contact or other aggressive actions that are harmful or threatening.

**Accountability:**

Accountability is demonstrated through the following conduct:

- Members will be responsible for the decisions that they make and be accountable for their own actions and the actions of the collective council.
- Members will listen to and consider the opinions and needs of the community in all decision-making and allow for appropriate opportunities for discourse and feedback.
- Members will carry out their duties in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions.

**Leadership and Collaboration:**

Leadership and collaboration are demonstrated through the following conduct:

- Members will behave in a manner that builds public trust and confidence in the local government, including considering the different interests of the people who make up the community.
- Members will consider the issues before them and make decisions as a collective body. As such, Members will actively participate in debate about the merits of a

decision, but after a decision has been made, all Members will recognize the democratic majority, ideally acknowledging its rationale when articulating their opinions on a decision.

- Members will recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other Members and Administration to provide perspectives on relevant issues.
- As leaders of their communities, Members will calmly face challenges and provide considered direction on issues they face as part of their roles and responsibilities while empowering their colleagues and Administration to do the same.
- Members will recognize, respect and value the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with other Members, Administration and the public.
- Members will recognize the importance of the role of the chair of meetings and treat that person with respect at all times.

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## **ROLES AND RESPONSIBILITIES**

Council is the governing body of the City of Vernon and is responsible for governing the City in accordance with the *Community Charter* and *Local Government Act* (in addition to other applicable legislation).

The Mayor is the head of Council and is statutorily responsible for providing leadership to Council and direction to the Chief Administrative Officer (CAO).

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## **INTERACTIONS WITH STAFF**

Members are to follow the procedures authorized by Council and the CAO regarding how to contact staff.

Inquiries should be directed to the CAO unless otherwise agreed upon. Members should not use their position to influence staff or hinder or obstruct staff in the exercise of performance of their roles, responsibilities, powers, duties or functions.

Any advice provided by staff to Council will be reviewed by the CAO.

Members are not to issue instructions to any of the City's contractors, tenderers, consultants or service providers unless expressly authorized to do so.

Members must respect the professional capacities of City staff and the recommendations and advice they provide, which are based on political neutrality and objectivity. Members must not make statements that may be considered abusive, intimidating or derogatory toward staff. Any concerns or complaints regarding staff conduct should be addressed with the CAO.

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## COLLECTION AND HANDLING OF INFORMATION

Members agree to:

- a) Collect, use and disclose personal information in accordance with the *Freedom and Information and Protection of Privacy Act* and the policies and guidelines established by the City. If a Member is uncertain about interpreting the Act, the City's Freedom of Information and Protection of Privacy Head will provide assistance;
- b) Not publicly disclose any confidential information;
- c) Not disclose or discuss confidential information with family, friends or staff that are not privy to this information in the course of their work;
- d) Take care to protect confidential information that is in the Member's custody from being accessed;
- e) Not use confidential information to damage Council, another Member, staff or the public;
- f) Only attempt to access information that is required in the discharge of duties;
- g) Not disclose details from a closed meeting, including information about deliberations or how Members voted. Once a corporate decision has been made to release the information to the public, resolutions may be shared;
- h) Not alter City records unless expressly authorized to do so; and
- i) Continue to adhere to the requirement of this section even after they cease to be a Member.

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## CONFLICT OF INTEREST

The *Community Charter* addresses Conflict of Interest in sections 100, 101 and 104. The interpretation of these sections is a matter for the Courts, however, this document provides additional guidance.

A Member shall not participate in a discussion of a matter, or vote on a question in respect of that matter, in which the Member has a Conflict of Interest.

In respect of each matter before Council, a Council Member shall:

- a) assess whether they have a Conflict of Interest; and

- b) determine whether it is necessary to seek independent legal advice, at their own cost except where the CAO approves the cost, with respect to any situation which may result in a Conflict of Interest.

If a Member believes they have a Conflict of Interest in respect of a matter in a Council or Committee meeting, the Member shall:

- a) notify the Mayor or Chair of the meeting that the Member has a Conflict of Interest prior to the matter being considered, and restate the Conflict of Interest each time the matter arises before Council; and
- b) refrain from discussing the matter with any other Member publicly or privately; and
- c) leave any meeting if the matter is discussed and not return until the discussion has ended or voting on the matter has been concluded.

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## **PUBLIC COMMUNICATION**

*Public communication* includes formal statements made in an official capacity, interactions with public and media, and personal and professional use of social media.

The Mayor is the official spokesperson on matters related to *policy* of the Corporation of the City of Vernon and decisions made by *resolution of Council*. Members must refrain from speaking on behalf of the City or Council unless expressly authorized to do so.

If a Member is asked by a news reporter to speak on behalf of the City or Council, the Member is to direct the reporter to the Manager, Communications and Grants to follow the appropriate media relations protocols as set out in the City of Vernon Corporate Communication Strategy.

Members should qualify any subjective content shared in a public forum (whether in person or online) with statements such as 'in my opinion' to ensure there is no confusion that they are speaking on their own behalf, and not on behalf of the City or Council.

Public commentary, statements or online posts should not be used for purposes that include the distribution of:

- disparaging statements about staff or commentary that questions the capabilities or professionalism of staff;
- discriminatory material that promotes or perpetuates mistreatment of persons on ~~any of the prohibited grounds the basis of their race, religion or belief, age, gender, marital status, national origin, physical or mental ability, or sexual orientation;~~
- opinions that suggest a closed mind in relation to a matter that is to be the subject of a statutory or other public hearing; or
- disclosure of confidential information.

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Members are responsible for the integrity of their public comments. Regardless of whether Members agree with a decision of Council, they will act respectfully and communicate accurately when discussing the decision with the public and / or media, regardless of how they personally voted and will respect the decision.

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### **GIFTS OF PERSONAL BENEFITS**

Section 105 and 106 of the *Community Charter* address the receipt and reporting of gifts and personal benefits for Members and the consequences for contravention.

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### **BREACHES, COMPLAINT HANDLING AND DISCIPLINARY ACTION**

Members agree to abide by the CCoRC and endeavor to resolve disputes in good faith before they require intervention. A healthy workplace supports sound decision-making.

Members are encouraged to pursue the informal complaint procedure as the first mean of remedying conduct that they believe violates the CCoRC; however, a Member is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

#### **Informal Complaint Handling**

Any Member who has identified or witnessed conduct by another Member that they reasonably believe, in good faith, is in contravention of this Policy may address the prohibited conduct by:

- a) advising the other Member the conduct violate this Policy and encouraging the other Member to stop;
- b) requesting the Mayor, in informal discussion of the alleged complaint with the other Member, mediate in an attempt to resolve the issue. In the event the Mayor is the subject of, or is implicated in a complaint, the Member may request the assistance of the Acting Mayor\*, as assigned annually by Council resolution.

*\*Acting Mayor at the time of the complaint will continue with the investigation until completion.*

#### **Formal Complaint Handling**

If attempts to resolve the issue are not successful, potential breaches under the CCoRC may be submitted, in writing, by a Member of Council to both the Mayor and the CAO. Complaints shall be submitted in writing to the Mayor and the CAO within six (6) months



of the last alleged breach. The Mayor and the CAO are authorized to extend this six (6) month deadline if circumstances warrant an extension.

In the event that the Mayor is the subject of an allegation or is implicated in the complaint, the complaint will be address to the current Acting Mayor and the CAO. If the CAO is implicated, then the complaint will be addressed to the **Director, Corporate Administration** ~~Deputy CAO~~.

Within 30 days of receipt of a complaint, the Mayor (or Acting Mayor) and CAO (or **Director, Corporate Administration** ~~Deputy CAO~~) will attempt to resolve the matter informally. If the matter has not been resolved after 30 days then an independent third party, as determined by the Human Resources Department, shall be appointed. The third party will possess the necessary professional skills, knowledge and experience to investigate the complaint and be acceptable to both the claimant(s) and respondent(s).

If the parties are unable to agree to an investigator the City's legal council will select a suitable candidate.

The investigator will conduct a preliminary assessment of the complaint and determine whether to continue investigating or make written recommendation regarding the dismissal of the complaint on the ground that is either unfounded, beyond the jurisdiction of the CCoRC, or unlikely to succeed under provincial legislation, statutory obligations or this Policy.

If the investigation continues, the following will apply:

- A fair, timely, confidential, independent and impartial investigation will be completed in accordance with the principles of due process and natural justice;
- Investigation updates will be provided to all involved parties every 30 days, at minimum;
- A written report of the findings will be provided to all involved parties, as well as the Director, Human Resources, who will retain a copy. The Mayor or Acting Mayor will provide a summary to Council, in-camera;
- Any recommendations arising from the report and any actions taken in response will remain confidential unless it is determined to be a public matter. Members will not comment in open meetings regarding any allegations.

Recommendations may include:

- a) dismissal of the complaint;
- b) censure;
- c) removal from committee Membership;
- d) prohibition from representing the City at events and/or attending conferences or seminars;
- e) reduction in compensation in accordance with the Council Remuneration Policy;

- f) a recommendation that an apology be given;
- g) counselling and/or coaching;
- h) such other recommendations as are deemed appropriate in the judgement of the Third Party Investigator.

Council will decide whether the recommendations in the Report, in whole or part, will be imposed.

#### ~~APPENDIX A — Resources~~

- ~~*The British Columbia Human Rights Code;*~~
- ~~*The British Columbia Community Charter;*~~
- ~~*The British Columbia Local Government Act;*~~
- ~~*The British Columbia Local Elections Campaign Financing Act;*~~
- ~~*The Workers Compensation Act of British Columbia;*~~
- ~~*The Freedom of Information and Protection of Privacy Act;*~~
- ~~*The City of Vernon's Bullying and Harassment Policy; and*~~
- ~~*The Criminal Code of Canada.*~~

#### APPENDIX A B - Attestation



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**Corporate Policy**

Section:	Human Resources	
Sub-Section:		
Title:	Bullying and Harassment	

**RELATED POLICIES**

Number	Title
	Replaced Harassment Policy

**APPROVALS**

POLICY APPROVAL:	AMENDMENT APPROVAL:	SECTION AMENDED
Approved by:	Amendment Approved by:	Amended due to compliance Workers Compensation Bill 14
Mayor:	Mayor:	
<i>"Akbal Mund"</i>	<i>"Akbal Mund"</i>	
Date:	Date:	
December 14, 2015	December 18, 2015	

## **POLICY**

The policy of the City of Vernon is to provide and maintain a workplace that is free from discrimination, bullying and harassment, not only in relation to the specific conduct prohibited by the British Columbia (BC) Human Rights Code, but regarding any form of personal bullying harassment which may reasonably cause embarrassment, insecurity, discomfort, offence or humiliation to another person or group.

The City of Vernon is committed to a professional working environment where employees, contractors, elected officials, committee volunteers, and students working on behalf of the City or present within the City's facilities and programs, are treated with respect and dignity.

This Policy will apply to the resolution of all internal informal or formal complaints brought forward or filed pursuant to this Policy.

The procedures set out within this Policy will also apply to any and all City of Vernon investigations conducted in response to external discrimination/harassment/bullying complaints filed with WorkSafe BC, the Human Rights Tribunal or otherwise.

## **DEFINITIONS**

### **Parties**

Parties are the Complainant(s) and Respondent(s) directly involved in a Complaint and may include: employees (unionized and excluded), contractors, elected officials, committee volunteers, and students.

### **Complainant(s)**

Complainant(s) are those individuals making a Complaint and seeking recourse in relation to this Policy.

### **Respondent(s)**

Respondent(s) are those individuals alleged to have violated this Policy.

### **Bystanders**

Bystanders are third parties who have witnessed behaviour that, in their view, potentially constitutes a violation of this Policy. Bystanders should report their concerns in accordance with Step 2 of the informal processes set out below.

Bystanders are not Parties to a Complaint. However, they may be interviewed as witnesses in the event there is a formal investigation into their concerns.

## **Witnesses**

Witnesses are individuals who have direct knowledge of or involvement in any matter or incident that potentially relates to a Complaint brought forward or filed pursuant to this Policy.

## **Complaint**

A concern or Complaint regarding any of the potential behaviour as defined below that requires a solution that is brought forward for the purposes of obtaining a resolution.

## **Prohibited Grounds**

Conduct or commentary that is based, in whole or part, on any of the following 13 grounds: 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.

## **Respectful Conduct**

Respectful workplace conduct incorporates courtesy, civility, consideration, and compassion. It is an approach which actively respects individuals by avoiding unnecessary behaviours which would reasonably be considered to have a negative impact on others. It involves taking responsibility for one's behaviour/conduct in the workplace.

A workplace disagreement or difference of opinion is not by definition disrespectful. The manner in which a disagreement is described, discussed or resolved will determine whether or not the conduct is respectful.

### *Examples of Respectful vs. Disrespectful Behavior*

Violations of this Policy will be determined on an objective and case-by-case basis, having regard to the overall circumstances of each Complaint, including the particular timing and context of the event(s) in question. This commonly will be determined after receiving information from the Parties and Witnesses. However, for illustrative purposes only, some examples of respectful versus disrespectful behaviour could include the following:

- Quiet and calm communication which focuses on the issues rather than personal characteristics of the individuals involved vs. loud, profane, name-calling, and abusive language that may also focus on personal characteristics.
- Expressing and resolving disagreement in a calm and professional manner vs. insulting or belittling others through personal attacks, sarcasm or through non-verbal behaviour that may include repetitive eye-rolling, loud sighing, disrespectful facial expressions, shunning, stone walling discussions, walking out of discussions prematurely, or making physical or psychological threats.

- ~~Addressing issues and concerns regarding work performance or misconduct in a confidential, discreet manner through responsible managers vs. engaging in gossip, rumours, speculation or criticism of an individual to others or discussing issues in front of individuals who do not need to be a part of the discussion.~~
- ~~Sharing information required to deliver services effectively vs. repeatedly ignoring questions or requests for information or deliberately failing to provide necessary/helpful information.~~
- ~~Responding to on-call pages in a timely fashion vs. not being accessible or responding to pages when on-call.~~
- ~~Written communication made in a respectful professional manner vs. unprofessional comments made about colleagues or co-workers.~~

## **Discrimination**

~~Discrimination is adverse differential treatment of an individual or group, whether intended or not, the basis of 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. Discrimination of this nature imposes burdens or obligations on an individual or group that serves no work-related function. It is important to note that such conduct is not only a breach of this Policy; it may also be a breach of the BC Human Rights Code.~~

## **Discriminatory Harassment**

~~Discriminatory harassment is a form of discrimination and is also contrary to the BC Human Rights Code. Discriminatory harassment is abusive, unfair, offensive, or demeaning treatment of or disrespectful/disruptive conduct towards a person or group of persons on any of the prohibited grounds 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 or would:~~

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

### *Examples of Discriminatory Harassment:*

- ~~Teasing, joking, taunting, insulting or criticizing a person, directly or indirectly, verbally or in writing, based on his or her prohibited grounds (e.g. race, gender,~~

age). This may include commentary regarding their ability to communicate clearly, physical appearance, work style, and level of intelligence.

## **Sexual Harassment**

Sexual harassment is disrespectful/disruptive conduct of a sexual nature made by a person who knows or ought to reasonably know that such conduct or comment is unwanted or unwelcome; or an expressed or implied promise of a reward for complying with a request of a sexual nature; or an expressed or implied threat of reprisal for refusal to comply with such a request; or disrespectful/disruptive conduct of a sexual nature which is intended or reasonably would be known to create an intimidating, hostile or offensive environment.

*Examples of Sexual Harassment include:*

- verbal abuse or threats of a sexual nature;
- unwelcome remarks, jokes, innuendoes or taunting of a sexual nature;
- displaying of pornographic or other offensive pictures;
- unwelcome and/or repeated sexual invitations or requests;
- leering or other inappropriate sexually oriented gestures;
- unnecessary physical contact such as: touching, patting or pinching;
- sexual assault (this may also be a criminal matter);
- negative comments that are gender-based, and
- repeated behavior that a person has objections to and is known or should reasonably be known to the offender as being unwelcome.

## **Personal Harassment**

Personal harassment is any behavior, including disrespectful/disruptive conduct 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 is not carried out in good faith and serves no legitimate work-related purpose.

*Examples of Personal Harassment:*

- swearing, yelling, or making derogatory gestures or comments to or about another individual;
- engaging in embarrassing practical jokes, ridicule, or malicious gossip;
- verbal or physical threats or physical assault.

## **Bullying**

Bullying is any repeated or systematic physical, verbal or psychological behaviour including disrespectful/disruptive behavior, which would be seen by a reasonable person as intending to belittle, intimidate, coerce or isolate another person.

~~Note: Personal harassment and/or bullying does not include social banter in the workplace that is objectively viewed as acceptable in tone and content. Nor does it include actions occasioned through the good faith management of the employment relationship, including decisions related to hiring, selection, performance evaluations, and progressive corrective discipline, provided that such decisions are made and implemented in a manner that is respectful of those involved.~~  
~~<http://www2.worksafebc.com/Topics/BullyingAndHarassment/RegulationAndGuidelines.asp?ReportID=37223>.~~

## **~~Methods of Communication~~**

~~Inappropriate communication that may violate this Policy may be transmitted in person, on the phone, and in writing, through email, texts, Facebook, Twitter and other social media messaging, and otherwise. Potential violations may consist of inappropriate communication made to a person and/or communication made about a person to others.~~

## **~~Fairness~~**

~~Parties, Bystanders, and Witnesses have a right to fair treatment in the consideration and adjudication of complaints and concerns under this policy. Fair treatment includes the right to:~~

- ~~• bring forward their concerns pursuant to processes within the Policy within a timely manner;~~
- ~~• being informed in a timely manner of Complaints made against them;~~
- ~~• an impartial and objective consideration and evaluation of the circumstances, through informal or formal intervention;~~
- ~~• confidentiality to the extent possible in the circumstances, including the avoidance of gossip, rumours and speculation by Party(ies), Witness(es) or others within the City;~~
- ~~• protection to any Party(ies) or Witness(es) from retaliation for participation in processes under this Policy~~
- ~~• being effectively informed of the outcome of any formal intervention;~~
- ~~• union representation for unionized staff; and~~
- ~~• other representation, for excluded staff.~~

## **~~Confidentiality~~**

~~All Bystanders, Witnesses, and Parties involved in a Complaint or in the informal/formal resolution of a Complaint, are expected to keep matters related to a Complaint confidential. This includes managers and supervisors who are privy to the Complaint or Complaint resolution process.~~

~~An established breach of confidentiality regarding a Complaint or Complaint resolution process shall be considered an independent violation of the Policy (regardless of the merits or conclusions regarding the Complaint) and may result in discipline.~~



~~Any allegation or Complaint under this Policy will be considered personal information supplied in confidence for the purpose of Section 22(2) (f) of the *Freedom of Information and Protection Privacy Act*. The names of those involved in the Complaint shall not be disclosed to any person except where necessary for the purpose of fairly investigating and determining the outcome of the complaint.~~

~~The substance of investigative reports and the substance of meetings held by those in authority to make decisions in relation to a Complaint, regardless of whether it is substantiated, will be protected from disclosure to third parties in accordance with Section 19 of the *Freedom of Information and Protection Privacy Act*.~~

## **Complaint Resolution**

~~Complainants are encouraged to resolve Complaints/concerns with others as soon as they arise using the informal process set out below, unless it is clearly inappropriate in all of the circumstances.~~

~~Without limiting its application, the informal resolution process is commonly used in circumstances where the alleged concern/conduct appears to be: (a) non-repetitive (a 'one-off' discussion/interaction); and (b) relatively minor in severity or seriousness, considering its content, potential impact on the individual and/or the safety/health of the overall organization.~~

~~Although the Complainant(s) may indicate that he/she prefers the informal process, the City of Vernon may at any time exercise its discretion to initiate a formal process based upon its overall review of the circumstances.~~

## **PROCEDURES**

### **Informal Processes**

#### **Step 1 – Resolution (Informal Conversation)**

~~Wherever reasonable, the Complainant(s) should address the person with whom he/she is having difficulty (the Respondent(s)) in a direct and discreet (confidential) manner as soon as possible following the incident.~~

~~If the Complainant(s) is not comfortable taking this step, or if the Complainant(s) has done so without success, then the Complainant(s) should proceed to the next step.~~

#### **Step 2 – Resolution (Manager/Designate Involvement)**

~~The Complainant(s) or Bystander(s) should approach his/her manager or director with his/her concerns including particular examples of inappropriate statements or verbal or non-verbal behaviours by the Respondent(s), dates, times, witnesses, and as much detail~~

~~as possible. This should be done as soon as reasonably possible following the incident/behaviours. The manager or director should contact Human Resources.~~

~~If the Complainant(s) or Bystander(s) is uncomfortable approaching any of these individuals, or if the individuals are the Respondent(s) or if the individuals are perceived by the Complainant(s) to be part of the problem, then the Complainant(s) or Bystander(s) can speak to Human Resources.~~

~~Human Resources will review the concern and where appropriate should directly or indirectly facilitate a resolution in a manner that it considers most effective and reasonable considering all of the circumstances.~~

~~Interventions by managers or directors, Human Resources in Step 2 may include one or more of the following possibilities (or other similar interventions):~~

- ~~• meeting separately with each person involved in the concern to discuss and investigate the situation;~~
- ~~• meeting together with the persons involved to facilitate a discussion aimed at understanding and resolving the issue in a practical, non-punitive manner or mediating a solution that works for all Parties;~~
- ~~• coaching one or more of the Parties (verbally or in writing) on workplace expectations regarding appropriate workplace behavior or performance;~~
- ~~• recommending or applying progressive discipline when warranted i.e. based on the findings and severity of the misconduct found;~~
- ~~• engaging the support of Human Resources to assist with Step 2 processes, or~~
- ~~• engaging an external third party facilitator or mediator to work with the Parties and others involved to achieve a confidential, practical and mutually agreeable resolution to outstanding concerns without making findings against any Parties (Mediation).~~

~~The above noted intervention/preliminary investigation should be completed on or before 30 days after the final interview. The time-lines will be reasonably extended at the request of the lead investigator based on a number of factors, including extenuating circumstances or complexities surrounding a particular investigation/intervention.~~

~~If, at the outset of or at any time during the Step 2 process, the individual who receives the reported Complaint/concern concludes that, given the severity of the behaviours alleged in the Complaint, including their potential physical or psychological impact on the Complainant(s) or other employees at the City of Vernon, a formal investigation is warranted, then the matter should be immediately referred to Step 3 of the Policy for investigation and resolution.~~

## Formal Processes

### **Step 3 – Investigation**

The formal process involves an objective investigation of a written Complaint/concern that has been brought forward to Human Resources, the Complaint.

Once the Complaint has been received by the immediate supervisor, manager, or Human Resources representative; the Complainant(s) will be asked to complete a formal Complaint form. This form seeks the following details:

- Complainant(s) name and position;
- name and position(s) of the Respondent(s);
- address or location where the incident occurred;
- detailed summary of all of the specific incidents or examples of behavior that have led to the filing of the Complaint;
- date(s) and time of each incident;
- names of the individual(s) alleged to have engaged in the unacceptable conduct;
- details of the Complaint(s) — that is, the specifics of what was said or done to the Complainant(s) to have triggered the Complaint;
- identity of any potential witnesses;
- impact of the behaviour on the Complainant(s); and
- steps taken, though Steps 1 or 2 of the Policy, to address the Complaint and the outcome of those processes.

The Complainant(s) must sign and date the Complaint and send to the designated individuals set out above by either:

- envelope marked **Confidential**; or
- scanning the signed complaint and sending it via email indicating **Confidential**.

The filing of a formal Complaint does not mean that a formal investigation will automatically be conducted. The manner in which a Complaint is resolved will be determined by the City, following consultation with the Parties, and will depend on a number of factors, including the nature, extent and severity of allegations brought forward by the Complainant(s) and the history of circumstances leading up to the filing of the formal Complaint.

Following this review, the individual(s) who receives the Complaint may take one of the following steps:

- refer the matter back to Step 2 to resolve the matter through informal processes; or
- assign an internal or external Investigator to conduct a formal investigation of the Complaint.

## **Appointment of Investigator**

~~Factors that the City will consider in determining whether to retain an internal or external investigator may include: the overall complexity of the facts/law related to the Complaint; the Parties to the Complaint, the anticipated length of time necessary to conduct the investigation; the potential severity of the outcome(s) of the investigation in relation to the Respondent(s) should the Complaint be substantiated; and any other relevant circumstances.~~

~~Internal investigators shall have sufficient prior experience and/or training in conducting workplace investigations and shall have no previous involvement in the facts/circumstances giving rise to the Complaint.~~

~~External investigators shall be appointed by the Director, Human Resources, in consultation with the Chief Administrative Officer (CAO) and at his/her discretion.~~

## **Time Limits**

~~The time limit for making a formal complaint is within six (6) months from the date of the last incident. This is consistent with the time limits noted in the BC Human Rights Code.~~

## **Interim Measures**

~~It may be necessary to take interim measures, such as transfers/leaves/restrictions on contact or communication while a Complaint is being investigated. Such measures will be precautionary, not disciplinary.~~

## **Mediation during the Formal Process**

~~Where appropriate, mediation is available to Parties to try to resolve the Complaint at any point during the process. Any ongoing investigation will be suspended during mediation and will resume if mediation is unsuccessful.~~

~~Unless explicitly agreed to by the Parties in writing, the investigator shall not act as the mediator and shall have no communication with the mediator regarding the Complaint at any time.~~

## **Withdrawal of a Formal Complaint**

~~At any time during the course of an investigation of a formal Complaint, the Complainant(s) may choose to withdraw his or her Complaint without penalty so long as the Complaint was filed in good faith. In such circumstances, there should be no indication of the complaint in the personnel files of the Complainant(s) or Respondent(s).~~

## **The Investigation Process and Role of the Investigator**

The investigator will take a reasonable amount of time to conduct the investigation to interview the Parties and relevant Witnesses and obtain and review any potentially relevant documents.

The investigator will prepare a report of investigation outlining his/her findings and conclusions and submit the report to the relevant Human Resources Representative.

The findings and conclusions may relate to both the conduct at issue and the medical/emotional/financial impact of the conduct on those involved.

The investigator may include recommendations in the report of investigation, where applicable and if requested by the City.

The City will advise both the Complainant(s) and Respondent(s) of the findings and conclusions of the investigation and any recommendations related to their conduct, through a written summary of the report. Other Parties involved in the complaint (Witnesses and others) will be advised that the investigation has been concluded (without being provided any further information).

## **Appeals**

Within 15 days of receiving a summary of the report of investigation, either Party(ies) may file an appeal with the City.

The appeal shall be based upon and restricted to, specific concerns related to the investigative process. The appeal shall not constitute an avenue in which to re-investigate the Complaint.

The CAO shall review the report of investigation to evaluate the fairness of the process and has sole discretion to take further action based upon his/her review.

The decision of the CAO is final.

## **Complaints involving City's Chief Administrative Officer, the Mayor or Members of City Council**

### **External Investigator**

Complaints brought under this policy against the Chief Administrative Officer, the Mayor or Members of City Council shall be presented to an external investigator with expertise regarding matters covered under this policy.

The external investigator will be retained by and will report directly to the Mayor and Chief Administrative Officer in cases involving the Members of Council. In cases involving the Mayor, the external investigator will be retained by and will report directly

~~to the Chief Administrative Officer. In cases involving the Chief Administrative Officer, the external investigator will be retained by and will report directly to the Mayor.~~

## **Outcomes**

### **General Outcomes**

~~Once the appeal period has expired or the appeal has been concluded, the City will inform the Complainant(s) and Respondent(s) of its final implementation plan based upon the report of investigation.~~

~~Part of the implementation plan may include processes similar to those set out in Step 2, in order to help rebuild/repair the relationships.~~

~~Outcomes that may be included in the implementation plans include one or more of the following:~~

- ~~• oral and/or written apology from the parties;~~
- ~~• adjustments to the workplace environment;~~
- ~~• coaching of expectations — verbal or in writing;~~
- ~~• medical assessment referrals;~~
- ~~• training;~~
- ~~• transfers to a different department; and/or~~
- ~~• institution of formal discipline and disciplinary processes, up to and including suspension/removal from premises for contractors, visitors and volunteers; and~~
- ~~• mediation.~~

~~Discipline in accordance with Corporate Policy may arise if such action is warranted based on the severity of the findings/conclusions of the investigation.~~

~~The Complainant(s) and Respondent(s) will only receive information relevant to their role in the final implementation plan; they will not be privy to recommendations related to the other Party(ies).~~

## **Outcomes**

~~City management will determine and implement specific consequences and remedies that are reflective of and relevant to the investigative findings/conclusions within a reasonable period of time after receipt of the report of investigation.~~

~~Any Party(ies) who disagrees with the nature/extent of action or disciplinary action imposed by the City as a result of the investigation should access the usual grievance/appeal process set out in the relevant collective agreements and City of Vernon policies.~~

## **Other Important Points**

### **Malicious/Vexatious/Frivolous Complaints of Misuse of the Policy**

~~In circumstances where a Complaint is found to have been made in bad faith or determined to be vexatious, frivolous or a general misuse of the Policy, the Complainant(s) may face similar outcomes as a Respondent(s) as set out above (ie. Interventions ranging from coaching to formal disciplinary intervention).~~

~~This section of the Policy may apply to filed Complaints as well as any circumstances in which individuals repeatedly threaten to file Complaints against others in order to achieve similar ends.~~

~~A Complaint, or threatened Complaint, will be deemed to have been made in bad faith when, considering all of the circumstances surrounding the complaint including its timing and context, the Complaint was found to have been made solely in an attempt to:~~

- ~~• influence or overturn decisions related to the Complainant's employment;~~
- ~~• intimidate, threaten or cause trouble to the Respondent(s);~~
- ~~• create a hostile or intimidating workplace environment for others, including the Respondent(s); or~~
- ~~• create a potential personal benefit or entitlement to the Complainant(s).~~

~~Misuse of the Policy may include unreasonable, repetitive filing of Complaints or concerns that are consistently found to be unsubstantiated.~~

~~In circumstances where a Complaint has been found to be malicious, vexatious or a misuse of the Policy, the Respondent(s) may be awarded the same remedies as those available to Complainant(s) as set out above (interventions ranging from an apology to compensation for established losses).~~

### **Unsubstantiated Complaints**

~~If the investigator finds insufficient evidence to support the Complainant's allegations and finds that there has been no misuse of the Policy or bad faith in filing the Complaint, no action will be taken in relation to the complaint. There will be no record of the Complaint on the Respondent's file.~~

### **Consequences of Retaliation**

~~Any established retaliation against any Party(ies), Bystander(s) or Witness(es) involved in an informal or formal resolution process shall be considered an independent violation of the Policy (regardless of the merits or outcome of the initial concern or Complaint) and shall result in discipline commensurate with the severity of the conduct.~~

## **Multiple Proceedings**

~~This Policy is in addition to and not in substitution for any rights an individual may have to pursue action, whether under collective agreements, policies including any applicable legislation, including human rights legislation.~~

~~If at any time a staff member elects to initiate other legal proceedings or if the staff member takes any steps outside of those contemplated in this policy, the City may discontinue any procedures taken under this policy as a result of the Complaint (depending on a consideration of all of the circumstances).~~

~~Potentially criminal behaviour such as an assault, significant threats, or attempts at extortion shall be directly referred to the RCMP by the City upon receipt of a Complaint of this nature.~~





## THE CORPORATION OF THE CITY OF VERNON

### Council Code of Responsible Conduct Attestation

I acknowledge that I have read and understand the Corporation of the City of Vernon Council Code of Responsible Conduct Policy and I agree and abide by its provisions.

If I become aware of any situation that is contrary to the intent and spirit of the Council Code of Responsible Conduct Policy, I will report my concerns to the Mayor and / or Chief Administrative Officer.

By completing this attestation, I declare my commitment to uphold the principles and standards of responsible conducted outlined in this Council Code of Responsible Conduct Policy.

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\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Corporate Officer