



EC30

RESPECTFUL WORKPLACE

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POLICY

- 1. The Delta Police Board (Board) is committed to providing a respectful workplace environment, i.e., a workplace that is free from discrimination, bullying and harassment, and sexual harassment, where every Delta Police Department (Department) employee is treated with civility, dignity, and respect.
2. Discrimination, bullying and harassment, and sexual harassment will not be tolerated, and employees are responsible for maintaining a respectful workplace environment.
3. The Chief Constable shall provide Procedures, pursuant to this Policy, to seek to ensure a respectful workplace environment and identify and address unacceptable conduct.



## REASON FOR POLICY

4. To seek to ensure a respectful workplace environment.

## RELATED POLICIES

- DC10 – Complaints (Conduct, Service or Policy)
- DC11 – Internal Discipline Matters
- EC31 – Personal Relationships
- EM10 – Employee Records
- EM73 – Restoring Performance Standards

## PROCEDURES

### PART 1: UNACCEPTABLE CONDUCT

#### Definitions & Examples

5. For the purposes of this Policy, the following definitions will apply:

**Workplace:** includes the following:

- any location where Department business is conducted, including buildings, grounds, vehicles, and non-Department spaces where Department employees are gathered for work-related purposes;
- any work-related activities, social functions, travel, courses/training, and any other gatherings where there is a potential for impact on the workplace; and
- any work-related verbal, written and electronic communications, including email, social media, chat groups, texts, and other communications for which there is a potential for impact on the workplace.

**Discrimination:** includes negative treatment that is based on a personal characteristic protected under the BC *Human Rights Code* (except in relation to *bona fide* occupational requirements) (Government of BC):

- Indigenous identity;
- race;
- colour;
- ancestry;



- religion;
- place of origin;
- political belief;
- marital status;
- family status;
- sex;
- physical or mental disability;
- sexual orientation;
- gender identity or expression;
- age; or
- criminal or summary conviction offence that is unrelated to the employment of that person.

**Bullying and Harassment:** includes any conduct in the workplace by a person who knew or reasonably ought to have known would adversely affect another person's psychological or physical well-being or cause another person to be humiliated or intimidated (excludes any reasonable action taken by a supervisor relating to the management and direction of employees, e.g., performance evaluations, disciplinary measures) (WorkSafeBC).

Examples of conduct that may constitute bullying and harassment and/or discrimination include, but are not limited to:

- spreading harmful or false rumours;
- rude, belittling or insulting comments;
- derogatory name-calling, slurs, or jokes;
- conduct or comments regarding a protected ground;
- patronizing conduct or comments that reinforce stereotypes, undermine self-respect, or adversely impact working conditions or performance;
- harmful hazing or initiation practices;
- display of insulting materials;
- aggressive or frightening behaviour, such as swearing, shouting or intimidation;
- ostracization or unreasonable exclusion from group activities or work;
- vandalizing a person's belongings or work equipment; and
- retaliatory conduct or comments toward an individual involved in a workplace investigation.

**Sexual Harassment:** includes conduct of a sexual nature, i.e., related to sex, sexuality, sexual desire, or sexual activities, in the workplace by a



person who knew or reasonably ought to have known was unwelcome (Government of Canada).

Examples of conduct that may constitute sexual harassment include, but are not limited to:

- comments or conduct of a sexual nature that create an intimidating or hostile workplace environment;
- demanding sexual favours;
- expressed or implied deals or promises for complying with a request of a sexual nature;
- reprisal or denial of opportunity, or implied threat of such, for refusal to comply with a request of a sexual nature;
- remarks of a sexual nature;
- questions or sharing of personal information of a sexual nature;
- persistent invitations or requests of a personal or sexual nature;
- display or circulation of sexually graphic or inappropriate materials;
- leering or sexually suggestive gestures or conduct;
- insulting or degrading jokes or comments of a sexual nature;
- touching;
- stalking; or
- sexual assault.

### Responsibilities

6. Actions may constitute a breach of this Policy if they are reasonably perceived as unacceptable conduct, regardless of intent.
7. Employees must take reasonable steps to maintain a respectful workplace environment, including but not limited to:
  - a) understanding the definitions, examples, and various forms of discrimination, bullying and harassment, and sexual harassment;
  - b) not engaging in discrimination, bullying and harassment, or sexual harassment;
  - c) assuming accountability for their own conduct and its potential impact on others;
  - d) intervening in or reporting unacceptable conduct to a supervisor, either experienced or observed; and



- e) participating in education and training opportunities provided by the Department regarding discrimination, bullying and harassment, and sexual harassment.
- 8. In addition to the above, supervisors and managers are expected to model acceptable conduct and take appropriate and timely action if they observe or are made aware of an allegation of unacceptable conduct in the workplace, whether or not a complaint has been made, and shall notify the Superintendent i/c Administration Bureau or delegate (Superintendent).
- 9. The Superintendent is responsible for ensuring employees' understanding of this Policy and providing associated education and training.
- 10. The Superintendent must initiate or continue an investigation into an allegation of discrimination, bullying and harassment, and sexual harassment in the workplace, whether or not a complaint has been made.
- 11. The Superintendent shall oversee investigations in relation to this Policy, including advising on appropriate response and notifying the involved parties of the final disposition of the complaint.
- 12. The Superintendent shall inform the Chief Constable of all formal complaint investigations.

## **PART 2: INVESTIGATION & RESOLUTION PROCESSES**

### **Complaints Involving Members**

- 13. If a complaint may constitute misconduct under Part 11 [Misconduct, Complaints, Investigations, Discipline and Proceedings] of the *Police Act*:
  - a) the Superintendent must notify the Inspector i/c Professional Standards Section (PSS); and
  - b) the Inspector i/c PSS must report the matter to the OPCC for direction.
- 14. If the OPCC determines that a complaint:
  - a) requires investigation under Part 11 of the *Police Act*, Parts 2 and 3 of this Policy do not apply, and the complaint shall be handled as directed in accordance with *Police Act* Division 3 or Division 6; or



- b) does not require investigation under Part 11 of the *Police Act*, it shall be addressed in accordance with this Policy.

### **Informal Resolution Process**

- 15. If an employee experiences or observes unacceptable conduct and wishes to resolve the matter informally, they may:
  - a) address the matter directly with the employee they consider to be engaging in such conduct, if comfortable doing so; or
  - b) report the matter to a supervisor.
- 16. If both parties agree, the Superintendent may facilitate discussion to resolve the matter.
- 17. An employee may proceed with the formal investigation process at any time or if they are not satisfied with the informal resolution.
- 18. The Chief Constable or delegate has the discretion to proceed with the formal investigation process at any time.

### **Formal Investigation Process**

#### ***Filing a Complaint***

- 19. An employee who has experienced or observed unacceptable conduct may file a formal complaint (the 'Complainant'), in writing, to the Superintendent, which shall include the following:
  - a) their name and position, and the name and position of the subject of the complaint, i.e., the person alleged to have engaged in unacceptable conduct (the 'Respondent');
  - b) a brief description of the key incident(s) that constitutes the substance of the complaint (e.g., date(s), time(s), circumstances, witnesses); and
  - c) the outcome sought.
- 20. If the Respondent is the Chief Constable or Deputy Chief, the Complainant shall report the matter, directly or through the Superintendent, to the Chair of the Board.



21. Upon receipt of a formal complaint, the Superintendent shall assign an appropriate investigator, either an employee or third party, to conduct an investigation into the matter.

***Employee Rights & Responsibilities***

22. Employees involved in an investigation have the right to:
- a) receive fair and impartial treatment throughout the investigation and have the complaint dealt with in a timely manner;
  - b) participate in an investigation without retaliation;
  - a) be accompanied by a person of their choice for support during any proceedings relating to the complaint, provided that no costs are incurred by the Department; and
  - b) be represented throughout the investigation by a Union representative, if applicable.
23. Employees are expected to participate in and cooperate with an investigation in which they are identified as having potentially relevant information.

***Investigation***

24. The investigator assigned to investigate a formal complaint shall:
- a) as soon as practicable, provide the Respondent with written notice of the complaint and allow them an opportunity to respond to the allegations;
  - b) conduct interviews with the Complainant, Respondent, and witnesses; and
  - c) review any relevant evidence and documents.
25. Upon conclusion of their investigation, the investigator shall complete a written report with conclusions and forward it to the Superintendent.
26. The Superintendent shall, based on the investigator's report:
- a) determine whether disciplinary or corrective measures are to be imposed, and impose any measures in a timely manner; and



- b) notify the Complainant and Respondent, in writing, of the findings of the investigation.
- 27. Following an investigation, the Superintendent shall review and revise, as required, workplace policies and procedures to promote a respectful workplace and seek to prevent future discrimination, bullying and harassment, and sexual harassment.
- 28. If it is determined that the complaint is malicious, i.e., the Complainant reasonably ought to have known the allegation was false, disciplinary or corrective measures may be imposed on the Complainant (excludes complaints made based on a mistake, misunderstanding, or misinterpretation).
- 29. Violation of this Policy may result in disciplinary or corrective measures, up to and including termination of employment.
- 30. This Policy does not preclude any person from making a complaint through the grievance procedure of a collective agreement, or under the *Police Act* or *Human Rights Code*, but if doing so, the Chief Constable has the discretion to suspend the Department's investigation conducted under this Policy.

### **PART 3: CONFIDENTIALITY & DOCUMENTATION**

#### **Confidentiality**

- 31. Every reasonable effort must be made by all parties to ensure confidentiality throughout informal resolution and formal investigation processes, including supervisors and investigators who are privy to the process.
- 32. Information related to informal resolution and formal investigation processes may only be disclosed to the extent required for the purpose of the investigation or disciplinary action, or as otherwise required by law.

#### **Documentation & Filing**

- 33. All matters related to informal resolution and formal investigation processes shall be documented and maintained in a secure and separate filing system by the Superintendent.
- 34. If disciplinary or corrective measures are imposed, a record of the decision shall be added to the Respondent's employee record.



35. If an investigation is discontinued or the complaint is determined to be unfounded, no record is to be added to the employee record of the Complainant or Respondent.

\*Revised Dates:  
26 May 2008  
16 March 2012  
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