

File No.: 04-1000-20-2017-068

March 21, 2017

s.22(1)

Dear s.22(1)

Re: **Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")**

I am responding to your request of February 10, 2017 for:

**Rules and policies that apply specifically to the following activity at Britannia Community Centre: Salsa Cubana & Rueda De Casino - Advanced - 86099.**

All responsive records are attached.

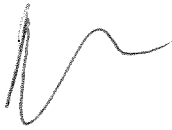
Please note that the Park Board confirms that there are no specific policies that apply specifically to the activity in your request, except the understanding that people advance from one level to the next and any exceptions to this would be at the discretion of the instructor as they must evaluate skill level. According to the course description, from instructor's website, "Advanced Salsa Cubana & Rueda De Casino...Pre-requisite: Previous experience, successfully completed Intermediate Salsa Cubana Rueda class, and consultation with the instructor before beginning the course."

Under section 52 of the Act you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your request. The Act allows you 30 business days from the date you receive this notice to request a review by writing to: Office of the Information & Privacy Commissioner, [info@oipc.bc.ca](mailto:info@oipc.bc.ca) or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number assigned to your request (#04-1000-20-2017-068); 2) a copy of this letter; 3) a copy of your original request for information sent to the City of Vancouver; and 4) detailed reasons or grounds on which you are seeking the review.

Please do not hesitate to contact the Freedom of Information Office at [foi@vancouver.ca](mailto:foi@vancouver.ca) if you have any questions.

Yours truly,



**Barbara J. Van Fraassen, BA**  
**Director, Access to Information**

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Encl.

:jb/cf

# CODE OF CONDUCT POLICY

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## PURPOSE

To set minimum expectations for the behaviour of Staff, Board and Committee members in carrying out their functions.

## SCOPE

All City Staff/ Britannia Staff, including Board members staff, Council officials and Committee members.

## DEFINITIONS

Board or Committee Member: a person sitting on a board, or Board established body.

Confidential Information: Confidential Information is information that could reasonably harm the interests of individuals or organizations, including the City of Vancouver, Britannia Community Services Centre if disclosed to persons who are not authorized to access the information.

Board official: the Britannia Board of Management members

Staff: an employee or contract employee of the City of Vancouver

Employee Britannia: means a person employed directly or under contract by:

- the Society
- The Park Board of Parks and Recreation
- The Vancouver Public Library
- Any other city agency on Britannia site
- Where the employee is located at Britannia or in a program administered by Britannia – primarily the Childcare, CFEC, Community Education, Britannia supervised grant.

## POLICY STATEMENTS

### 1 Key Principles

1.1 Integrity: Staff, Board and Committee members are keepers of the public trust and must uphold the highest standards of ethical behaviour. Staff, Board and Committee members are expected to:

- make decisions that benefit the community;
- act lawfully and within the authorities of the Vancouver Charter; and Britannia Constitution and Bylaws
- be free from undue influence and not act, or appear to act, in order to gain financial or other benefits for themselves, family, friends or business interests

## Britannia Code of Conduct

- 1.2 **Accountability:** Staff, Board and Committee members are obligated to answer for a responsibility that has been entrusted to them. They are responsible for the decisions that they make. This responsibility includes acts of commission and acts of omission. In turn, decision-making processes must be transparent and subject to public scrutiny; and proper records are kept and audit trails are in place
- 1.3 **Responsibility:** Staff, Board and Committee members must act responsibly, within the law and within the authorities of the Vancouver Charter, Britannia Constitution and Bylaws. They are to observe the Code of Conduct. This means disclosing actual or potential conflict of interest relating to their public duties and taking steps to resolve the conflict for the protection of the public interest; following the letter and spirit of policies and procedures; and exercising all conferred power strictly for the purpose for which the powers have been conferred.
- 1.4 **Leadership:** Staff, Board and Committee members must demonstrate and promote the key principles of the Code of Conduct through their decisions, actions and behaviour. Their behaviour must build and inspire the public's trust and confidence in local government.
- 1.5 **Respect:** Staff, Board and Committee members must conduct public business efficiently, with decorum and with proper attention to the City's diversity. They must treat each other and others with respect at all times. This means not using derogatory language towards others, respecting the rights of other people, treating people with courtesy and recognizing the different roles others play in local government decision making.
- 1.6 **Openness:** Staff, Board and Committee members have a duty to be as open as possible about their decisions and actions. This means communicating appropriate information openly to the public about decision-making processes and issues being considered; encouraging appropriate public participation; communicating clearly; and providing appropriate means for recourse and feedback.

## 2 General Conduct

- 2.1 Staff, Board and Committee members must adhere to the key principles and provisions of the Code of Conduct.
- 2.2 Staff, Board and Committee members must act lawfully and within the authorities of the Vancouver Charter, Britannia Constitution and Bylaws and exercise a reasonable degree of care and diligence in carrying out their functions
- 2.3 Staff, Board and Committee members have an obligation to consider issues consistently and fairly.
- 2.4 Staff, Board and Committee members must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, Staff, Board and Committee members must avoid conduct that:
  - Contravenes the law, including the BC Human Rights Code, the Vancouver Charter, City By-laws, associated regulations, City policy, and Britannia Constitution and Bylaws;
  - Is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others;
  - Prejudices the provision of a service or services to the community.

## Britannia Code of Conduct

- 2.5 When making decisions, Staff, Board and Committee members must consider all relevant facts, opinions and analyses of which they should be reasonably aware.
- 2.6 Staff, Board and Committee members are obliged to question any request to act or make a decision that they think may be unethical or unlawful. \*
- 2.7 Staff must carry out duties in a manner that allows City Council and Britannia Board members and the public to remain informed about local government and Britannia activities and practices.
- 2.8 Should there be uncertainty about the ethical issues around a conduct or decision, Staff, Board and Committee members should consider the following:
  - Is the conduct or decision lawful?
  - Is the conduct or decision consistent with City policy, Council's objectives, Britannia Policy, Constitution and Bylaws and the Code of Conduct?
  - Will the outcome of the decision or conduct provide a private benefit for the individual, family, friends or business interests?
  - Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

### 3 Handling of Information

- 3.1 Staff, Board and Committee members must:
  - Protect information that is specifically marked confidential and other material understood to be confidential in nature;
  - Refrain from discussing/disclosing any Confidential Information with/to other staff, or with persons outside the organization except as authorized;
  - Take reasonable care to prevent the examination of confidential material by unauthorized individuals;
  - Not use Confidential Information with the intention to cause harm or detriment to Council or any other person or body;
  - Only access information needed for City business;
  - Only use Confidential Information for the purpose it is intended to be used;
  - Only release information in accordance with established City and Britannia policies and procedures and in compliance with the Freedom of Information and Protection of Privacy Act;
  - Not disclose decisions, resolutions or report contents from an in-camera meeting of Council or Britannia Board until a corporate decision has been made for the information to become public; and
  - Not disclose detail on Council's or Britannia Board's in-camera deliberations or specific detail on whether individual Board members voted for or against an issue.

## Britannia Code of Conduct

- 3.2 Except in the normal course of duties, Staff, Board and Committee members must not in any way change or alter City records or documents.
- 3.3 When dealing with personal information, Staff, Board and Committee members must comply fully with the provisions of the Freedom of Information and Protection of Privacy Act. All reasonable and necessary measures must be taken to ensure that the personal or private business information of individuals is protected. Personal information is information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion.

### 4 Conflict of Interest

- 4.1 Staff, Board and Committee members are expected to make decisions that benefit the community. They are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends, or business interests.
- 4.2 A conflict exists when an individual is, or could be, influenced, or appear to be influenced, by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgment, close mindedness or undue influence.
- 4.3 Staff, Board and Committee members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their public or professional duties in accordance with statutory requirements. When considering whether or not a conflict of interest exists, it is important to consider whether there are any grounds for a reasonable person to think that a conflict exists.
- 4.4 Section 145.2 ff of the Vancouver Charter set out requirements with respect to conflict of interest, including procedures mandated for disclosure of such interests and matters relating to the acceptance of gifts, the use of insider information and disclosure of contracts. These requirements apply to Council Officials and Park Board Commissioners. The common law interprets and applies the law in respect of conflict of interest.

Council Officials (and Britannia Board members) must fully inform themselves of the statutory requirements in respect of conflicts, and of the related common law, and must comply with all requirements. In the event of a conflict or perceived conflict, Council Officials (and Britannia Board members) must seek legal advice.

- 4.5 Staff must fully disclose to their supervisor or the Executive Director/ any direct or indirect pecuniary interest or any bias or undue influence with respect to any matter they are dealing with as soon as practicable.

Britannia Board members must fully disclose to the Executive Director/Britannia Board of Management any direct or indirect pecuniary interest, any bias or undue influence with respect to any matter they are dealing with immediately.

- 4.7 When staff or board members are uncertain whether a conflict exists, the situation must be immediately presented to the Britannia Board/Executive Director for guidance.
- 4.8 Staff and board members must not use Confidential Information gained through their official position for the purpose of securing a private benefit for themselves or for any other person.
- 4.9 Examples of conflicts that may be encountered by staff or board members include but are not limited to:

## Britannia Code of Conduct

- 4.9.1 Obligation to others: Staff and board members must not place themselves in a situation where they may be under obligation to someone who has business
- 4.9.2 dealings with the City or Britannia Centre, and who would benefit from special consideration or treatment.
- 4.9.2 Special advantage/disadvantage: When staff or advisory body members can gain special advantage because of their position or when the City or Britannia is disadvantaged as a result of the other interests of Council officials, staff or advisory body members.
- 4.9.3 Provision of special consideration/ treatment: In the performance of their duties, staff and board members may only grant special consideration/treatment as specifically authorized by City Council/Britannia Board or the Executive Director.
- 4.9.4 Representation to City Council, Britannia Board or its Committees,: Staff and advisory body members must not represent any private interest(s) except on their own behalf;
- 4.9.5 Litigation involving the City or Britannia: Staff and Board members must not be party to any litigation against or involving the City or Britannia Centre.
- 4.9.6 Use of City-owned or Britannia-owned equipment: Staff must use City owned or Britannia owned equipment, material, staff time or property in accordance with City or Britannia policy, or as specifically authorized by City Council or the General Manager/ Britannia Board or the Executive Director.
- 4.9.7 Discounts/Rebates: Staff may not take advantage of discounts/rebates on personal purchases from suppliers having an existing business relationship with the City or Britannia, unless those suppliers offer the same discounts/rebates to the general public or those discounts/rebates are offered to staff of other large employers (public and private) on a no-strings-attached basis to the employer.
- 4.10 Staff, Board and Committee members must not expect or request preferential treatment for themselves or their family because of their position. They must also avoid any action that could lead members of the public to believe that they are seeking preferential treatment.
- 4.11 Staff who are considering outside employment, contract work or any business or undertaking that relates in any way to the business of the City or Britannia that might conflict or appear to conflict with their duties to the City or Britannia must notify and seek the approval of their General Manager / Executive Director or the City Manager in writing.
- 4.11.1 In dealing with such requests General Managers/Executive Director and the City Manager must not unreasonably withhold approval except where such employment is deemed to be inappropriate or present a high probability of the existence of a conflict.
- 4.11.2 Before staff engage in outside employment or business they must ensure that it will not:
- Conflict or appear to conflict with official duties;
  - Interfere with City or Britannia work;

## Britannia Code of Conduct

- Involve the use of Confidential Information or Council/Board resources obtained through their work for the City or Britannia;
- Require work during City or Britannia work hours;
- Discredit or disadvantage the City, Britannia or City Council/Britannia Board; or
- Result in their holding any property or interest which may be in conflict with the employee's duties to the City or Britannia.

### 5 Political Activity

5.1 Staff members enjoy broad political freedoms and should be able to engage in democratic politics with few restrictions. However, such broad freedoms must be exercised so as not to call into question their ability to perform their employment duties in a professional and impartial manner.

5.2 "Political Activity" is applicable to the civic, regional, provincial, and national elections and includes:

- carrying on any activity in support of, within, or in opposition to a political party;
- carrying on any activity in support of or in opposition to a candidate before or during an election period; or
- seeking nomination as or being a candidate in an election before or during the election period.

5.3 The Vancouver Charter, section 39 allows staff of the City of Vancouver/ (Britannia) to seek nomination as candidates for City Council and for the Park Board, provided they meet certain requirements.

It requires the employee to:

- Notify the employer in writing, of the employee's intention to consent to nomination, before being nominated.
- After advising the employer in writing, the employee is entitled to and must take a leave of absence, as follows:
  - i) Commencing on the first day of the nomination period or the date of notification, whichever is later, and;
  - ii) Ending:
    - if not nominated: on the day after the end of the nomination period;
    - if employee withdraws as a candidate: on the day after the withdrawal;
    - if elected: on the day the employee resigns from the position;
    - if not elected and no application for judicial recount has been made: on the last day on which an application for a judicial recount may be made; and
    - if not elected and an application for a judicial recount has been made: on the date when the results of the judicial recount are determined.
- If elected, resign from the position before swearing the oath of office.

5.4 Staff may seek nomination and hold office on the Vancouver School Board provided they do not violate the standards outlined in this Code of Conduct.



## Britannia Code of Conduct

- 5.5 The purpose of this section of the Code of Conduct is to recognize the right of employees to engage in Political Activity while maintaining the principle of political impartiality in the public service.
- 5.6 An employee may engage in any Political Activity so long as it does not impair, or is not perceived as impairing, the employee's ability to perform his or her duties in a politically impartial manner. This precludes employees from displaying slogans or symbols supporting a particular party or candidate while at work where their duties may reasonably require them to interact in person with the public or where their duties require them to supervise, schedule or assign work to others.
- 5.7 An employee may only seek candidacy as set out in Sections 5.2 and 5.3 above.
- 5.8 The City Manager, General Managers (Executive Director or Manager of Administration) and their equivalents shall not engage in any public Political Activity other than voting in an election.

## 6 Gifts and Personal Benefits

### 6.1 What are gifts and personal benefits?

- 6.1.1 Gifts and personal benefits are items or services of value that are received by Council members, staff, or board members for their personal use. Gifts and personal benefits include, but are not limited to, cash, gift cards, tickets to events, items of clothing, jewelry, pens, food or beverages, discounts/rebates on personal purchases, free or subsidized drinks or meals, entertainment, and invitations to social functions organized by groups or community organizations.
- 6.1.2 The following are not considered to be gifts or personal benefits for the purposes of this policy:
- compensation authorized by law,
  - reimbursement for out-of-pocket costs incurred for authorized travel, living and accommodation expenses associated with attendance at an event, and
  - a lawful contribution made to a Council member who is a candidate for election conducted under Part I or II of the Vancouver Charter.

### 6.2 What gifts and personal benefits may and may not be accepted?

- 6.2.1 Council members, staff, or board members must not, directly or indirectly, accept a gift or personal benefit that is intended to influence the member's performance of their respective official duties related to the City of Vancouver or Britannia Centre.
- 6.2.2 Council members, Board members may accept gifts and personal benefits received as an incident of the protocol or social obligations that normally accompany the responsibilities of elected office.
- 6.2.3 Staff or board members may accept a gift or personal benefit that meets both of the following criteria:
- it has a value of \$50 or less, AND
  - is received as an incident of protocol or as a City/Britannia representative on activities such as speaking engagements, technical presentations, business meetings and social obligations reasonably related to their role with the City of Vancouver or Britannia Centre.

## Britannia Code of Conduct

- 6.2.4 Notwithstanding section 6.22 and 6.23, Council members, staff, or board members must never accept a gift of cash (for the purpose of this policy, gift cards constitute cash).
- 6.2.5 Notwithstanding section 6.2.2 and 6.2.3, Council members, staff, or advisory body members must never accept a gift or personal benefit that could reasonably be expected to result in a real or perceived conflict of interest as set out in sections 4.1 and 6.2.1 of this Code.
- 6.2.6 Staff may not take advantage of discounts/rebates on personal purchases from suppliers having an existing business relationship with the City/Britannia, unless those suppliers offer the same discounts/rebates to the general public or those discounts/rebates are offered to staff of other large employers (public and private) on a no-strings-attached basis to the employer.
- 6.2.7 Council members, staff, or board members must take all reasonable steps to ensure that their immediate family members do not receive gifts or personal benefits that could appear to an impartial observer to be an attempt to subvert this policy or to influence or secure a favour from the Council or Board member, staff member. Immediate family members include parents, spouses, children and siblings.
- 6.3 How must gifts and personal benefits be reported?
- 6.3.1 Council or Board members must disclose any gift or personal benefit they have accepted that is valued at more than \$50.
- 6.3.2 If a Council member, staff, or board member receives multiple gifts or personal benefits valued under \$50 from a single individual or source in one calendar year, the gifts must be disclosed if the combined value of these gifts for the year is more than \$50.
- 6.3.3 Council members, staff, or board members in receipt of gifts or personal benefits that they do not wish to accept have the option of immediately relinquishing the gift or personal benefit to the City Clerk without filing a disclosure form. If not relinquished immediately, a disclosure form will be required.
- 6.3.4 Where a disclosure is required, it must be filed with the City Clerk/Manager of Administration as soon as practicable, using the forms designated for this purpose. The disclosure must include:
- the name of the individual in receipt of the gift or personal benefit
  - a description of the gift or personal benefit, estimated value, and date that it was received
  - the source of the gift or personal benefit (if from a corporation, the full names and addresses of the CEO/Executive Director and at least 2 individuals who are directors)
  - the circumstances under which the gift or personal benefit was given and accepted
  - the final disposition of the gift or personal benefit

## Britannia Code of Conduct

6.3.5 Responsibility for relinquishing of gifts and personal benefits in accordance with 6.33, and filing of the disclosure form in accordance with 6.3.4 lies solely with the recipient of the gift.

### 6.4 How are gifts and personal benefits valued?

6.4.1 For the purposes of this Code, the value of each gift or personal benefit shall be determined by its replacement cost, i.e. how much it would cost to replace the item.

6.4.2 Where the value for a gift or personal benefit is unclear, the City Clerk/Manager of Administration shall determine this value.

### 6.5 How are relinquished gifts managed and disposed of?

6.5.1 The City Clerk/Manager of Administration will maintain records of all gifts and personal benefits received, including disposition.

6.5.2 Any gifts or personal benefits that have been received in contravention of section 6.2 of this policy must be turned over to the City Clerk/Manager of Administration immediately for safekeeping or disposition, and are the property of the City/Britannia Centre.

6.5.3 At the City Clerk's/ Manager of Administration's discretion disposed of as follows:

- returned to the donor,
- displayed in individual offices, general offices, or in the public areas of City Hall/Britannia,
- disposed of by donation, sale or auction, with any proceeds credited to the City's/Britannia's general revenues or to the direct or indirect support of a charitable organization.

6.5.4 The City Clerk/Manager of Administration may contact the donor, where appropriate, to report on the disposition of the gift.

### Quick reference guide on gift acceptance and disclosure policy:

	What can be accepted	What must be disclosed
Elected officials	May accept any gift or personal benefit related to protocol or social obligations related to elected official duties.  (No defined dollar limit, in accordance with Vancouver Charter)	Must disclose individual items worth more than \$50 Must disclose multiple items from one source where the total value exceeds \$50 in a calendar year.
Staff and advisory body members	May accept gift or personal benefit if related to a protocol event or such activities as speaking engagements and business meetings and valued at less than \$50.	Must disclose multiple items from one source where the total value exceeds \$50 in a calendar year.
<p>Gifts and personal benefits may never be accepted by elected members, staff or committee members when:</p> <ul style="list-style-type: none"> <li>• in the form of cash or gift card</li> <li>• acceptance of the item could reasonably be expected to result in a real or perceived conflict of interest</li> <li>• the gift or benefit is intended to influence the member's performance of their duties.</li> </ul> <p>Board members, staff and committee members have the option to not accept the gift or personal benefit and relinquish immediately to the Manager of Administration without disclosure.</p>		

**7 Interactions of Council, Staff and Board /Britannia Committee Members**

- 7.1 Council/Board is the governing body of the City of Vancouver/Britannia Centre. It has the responsibility to govern the City in accordance with the Vancouver Charter and other legislation.
- 7.2 Council officials/Board members/Committee members must act in accordance with Council's Procedure By-Laws/Britannia Policies, Constitution and Bylaws and the conduct guidelines outlined in this Code.
- 7.3 Council officials/Board members are to contact staff according to the procedures authorized by the City Manager /Executive Director regarding the interaction of Council/Board/Committee members and staff. As a general guide, inquiries are to be directed to General Managers/Executive Director/Manager of Administration or Administrative Coordinator. Direct access to staff within a department is at the General Manager's/Executive Director's discretion and Britannia Policy on Board Staff Relations. Committee members access to staff is to be directed to the staff member liaison to the committee or through the Community Recreation Coordinator/Executive Director.
- 7.4 Where a Council official/Board member inquiry may, in the opinion of the City Manager/Executive Director, result in more than a few hours work or may involve sensitive matters, the Council/Board official must obtain the approval of the City Manager/Executive Director or City Council/Britannia Board.
- 7.5 Council/Board officials must not direct or influence, or attempt to direct or influence, any staff or committee member in the exercise of their duties or functions.
- 7.6 Council officials/Board members are not to contact or issue instructions to any of the City's/Britannia's contractors, tenderers, consultants or other service providers.
- 7.7 Council officials/Board members must not make public statements attacking or reflecting negatively on City of Vancouver/Britannia staff or invoke staff matters for political purposes.
- 7.8 Council officials/Board members must not approach staff organizations about personal matters of individual staff members.
- 7.9 Council/Board officials are to direct requests for working papers or preliminary drafts of reports to the General Manager/Executive Director. The General Manager/Executive Director may point out controversial or confidential aspects of the document, and may stress that the document may not represent the final position of staff.
- 7.10 The City Manager/Executive Director is responsible for the efficient and effective operation of the City/Britannia organization and for ensuring the implementation of the decisions of the Council/Britannia Board.
- 7.11 Staff are expected to:

- Give their attention to the business of the City/Britannia while on duty;
- Ensure that their work is carried out efficiently, economically and effectively;

## Britannia Code of Conduct

- Provide Council officials/Board members with information sufficient to enable them to carry out their civic/Britannia functions;
  - Carry out lawful directions given by any person having authority to give such directions; and
  - Give effect to the lawful policies, decisions and practices of Council/Britannia Board, whether or not the staff member agrees with or approves of them.
- 7.12 Staff should seek the advice and approval of their General Manager/Executive Director prior to responding to a direct request from Council officials/Britannia Board, except where the request is minor or of a day-to-day operational nature.
- 7.13 Staff are to provide information and professional advice through regular City/Britannia processes and are not to lobby Council/Britannia Board members on any matter.
- 7.14 Staff must not make public statements unfairly attacking or reflecting negatively on the City of Vancouver, City Council, individual Council members, Britannia Board or staff.
- 7.15 General Managers/Executive Director/Manager of Administration/Manager of Child Care, Administrative Coordinator are to be equally helpful to all members of Council/Britannia Board, and should avoid close alliance, or the appearance of close alliance, with any particular member. Information and advice is to be provided as requested, within the limitations of this document.
- 7.16 Significant information provided to any member of Council/Board member which is likely to be used in Council/Britannia Board meeting or in political debate, should also be provided to all other Council Members/Board members, and to the City Manager/Executive Director.
- 7.17 Committee members must act in accordance with the relevant sections of the Procedure By-Law/Britannia Constitution and Bylaws and the conduct guidelines outlined in this document.
- 7.18 Committee members must not inappropriately direct or influence, or attempt to direct or influence, any staff in the exercise of their duties or functions except where such direction or influence is necessary to fulfill the specific mandate of the Committee.
- 7.19 Committee members must not make public statements unfairly attacking or reflecting negatively on the City of Vancouver City Council, individual Council members/ Board members or staff.

## 8 Breaches, Complaint Handling and Disciplinary

### Action General

- 8.1 Council officials, Board Members/Committee Members and Staff are to abide by the requirements of the Vancouver Charter and this Code of Conduct, and shall endeavour to resolve interpersonal disputes in good faith.

### Council Officials/Board Members

- 8.2 Alleged breaches of this Code of Conduct by Council Officials shall be submitted in a written complaint addressed to the Mayor/President and/or the City Manager/Executive

## Britannia Code of Conduct

Director within six (6) months of the last alleged breach. In the event that the Mayor/President is the subject of, or is implicated in a complaint, the complaint shall be addressed to the Deputy Mayor/Vice President.

- 8.3 Upon receipt of a complaint under Section 8.2, the Mayor or Deputy Mayor/President or Vice President shall, within thirty (30) days, appoint an independent third party identified and agreed between the Complainant(s) and Respondent(s) as having the necessary professional skills, knowledge and experience to investigate the complaint (the "Third Party Investigator"). The Third Party Investigator:

- 8.3.1 May conduct a preliminary assessment of the complaint, at the conclusion of which the Investigator may determine to continue the investigation or make a written recommendation that the complaint be dismissed as unfounded, beyond jurisdiction or unlikely to succeed;

**If the Third Party Investigator determines to continue the complaint, the Third Party Investigator shall:**

- 8.3.2 Conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential and otherwise accords with the principles of due process and natural justice;
- 8.3.3 Provide an investigation update within ninety (90) days of his or her appointment to the Mayor or Deputy Mayor/President or Vice President, as applicable, and to the Complainant and the Respondent;
- 8.3.4 Provide a written, confidential report (the "Report") of the findings of the investigation, including findings as to whether there has been a breach of this Code of Conduct, to the Mayor or Deputy Mayor/President or Vice President, as applicable, and to the Complainant and the Respondent; and
- 8.3.5 Provide recommendations in the Report as to the appropriate resolution of the complaint, which recommendations may include:
- a) dismissal of the complaint; or
  - b) public censure of a Council Official or Officials/ Board member or Committee member for misbehaviour or a breach of this Code of Conduct;
  - c) a requirement that a Council Official or Officials/Board member or Committee member apologize to any person adversely affected by a breach of this Code of Conduct;
  - d) counselling of a Council Official or Officials/Board member or Committee member, and/or
  - e) such other recommendations as are deemed appropriate in the professional judgment of the Third Party Investigator.

- 8.4 The City Clerk/Executive Director will receive and retain all Reports prepared under Section 8.3.3 and 8.3.4.

## Britannia Code of Conduct

- 8.5 Where a Council Official/Board member alleges a breach of this Code of Conduct by a fellow Council Official/Board member, all Council Officials/Board members shall refrain from commenting on such allegations at meetings of Council.

### **Committee Members**

- 8.6 Alleged breaches of this Code of Conduct by Committee members shall be submitted in a written complaint addressed to the Mayor/President within six (6) months of the last alleged breach.
- 8.7 The Mayor/President shall consider alleged breaches of this Code of Conduct by Committee Members, direct that any enquiries he or she considers appropriate or desirable be undertaken, and recommend appropriate disciplinary action to Council/Britannia Board.
- 8.8 The Mayor/President may recommend that Council take any actions provided for in the Code of Conduct that the Mayor/President considers reasonable in the circumstances.
- 8.9 Where Council finds that an Committee Member has breached this Code of Conduct, Council/Britannia Board may decide by resolution to:
- 8.9.1 censure the Committee Member for misbehaviour;
  - 8.9.2 require the Committee Member to apologize to any person adversely affected by the breach;
  - 8.9.3 counsel the Committee Member;
  - 8.9.4 terminate the Committee Member's appointment; or
  - 8.9.5 implement such other measures as Council/Britannia deems appropriate.

### **City/Britannia Staff and Contract Employees**

- 8.10 Alleged breaches of this Code of Conduct by Staff or Contract Employees shall be reported in writing to a General Manager/Executive Director or the equivalent.
- 8.11 Breaches of this Code of Conduct by staff party to collective agreements will be handled through existing collective agreements including identified grievance and arbitration processes. These mechanisms include the ability for the City/Britannia to take appropriate disciplinary action up to and including dismissal.
- 8.12 Breaches of this Code of Conduct by exempt staff will be handled through existing processes and in accordance with current employment law. The General Manager of Human Resource Services, departmental General Managers or equivalents and/or the City Manager review alleged breaches make any necessary inquiries and determine appropriate disciplinary action. Breaches of this Code of Conduct by the Executive Director will be submitted in a written complaint addressed to the President to be handled through existing processes with the Board of management and in accordance with current employment law. The President (personnel committee) will review alleged breaches, make any necessary inquiries and determine appropriate disciplinary action.
- 8.13 Consequences associated with breaches of this Code of Conduct by contract employees are incorporated in the contracts under which they are retained, and will be dealt with in accordance with the conditions outlined therein.

## Britannia Code of Conduct

### RELATED POLICIES

AE – 028 – 02 Whistleblowing – Reporting, Investigation and Protection  
AE – 002 – 05 Human Rights and Harassment Policy  
Respectful Workplace Policy

### APPROVAL HISTORY

Approval in Principle Britannia Board – March 2011.

ISSUED BY:	APPROVED BY:	DATE :
City Clerk	Council	2008/05/15
City Clerk	Council	2011/03/01



# Human Rights and Harassment Policy

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**SUBJECT: Human Rights and Harassment Policy**

## **PURPOSE**

Britannia Community Centre is committed to providing a work environment in which all individuals are treated with mutual respect and dignity.

Britannia also recognizes that employees have the right to work in an environment that is free from harassment as prohibited by the BC Human Rights Code.

This Policy sets out guidelines for the reporting, investigating and resolving of Complaints of harassment in an effort to ensure a respectful workplace for everyone.

## **SCOPE**

This policy applies to all Britannia Centre employees.

This Policy applies to the workplace itself, and to work-related events. It includes harassment involving Britannia employees that happens away from the workplace or after regular working hours, where the harassment has a negative impact on the workplace.

Harassment of employees by volunteers, members of the public, contractors, Council Officials, advisory body members, Board members and those doing business with Britannia is also prohibited, and is covered by related Britannia Centre policies and procedures.

## **DEFINITIONS**

Harassment is a form of discrimination, and is prohibited by the BC Human Rights Code. It is defined as behaviour that a reasonable person would find unwelcome, has a negative impact on the workplace, and is related to any of the characteristics which are listed as prohibited grounds of discrimination in the BC Human Rights Code, namely:

- Age
- Ancestry
- Colour
- Criminal or summary conviction offence that is unrelated to employment
- Family Status
- Marital Status
- Physical or Mental Disability
- Place of Origin

- Political belief
- Race
- Religion
- Sex
- Sexual Orientation
- (the “Prohibited Grounds”).

Harassment can, depending on the seriousness of the behaviour, consist of a single incident or a number of incidents. It can be directed at one person, or it can involve a number of individuals.

Behaviour does not need to be intentional in order to be considered harassment, although intention may be relevant in assessing the severity of the behaviour. Some examples of harassment include, but are not limited to:

- Unwelcome, offensive remarks, jokes, slurs, or innuendo related to any of the Prohibited Grounds;
- Unwelcome, offensive behaviour related to gender identity, gender expression or perceptions of sexual orientation or gender;
- Displaying or distributing derogatory or offensive pictures, graffiti or other materials related to any of the Prohibited Grounds, including but not limited to racist, sexist, or homophobic materials;
- Refusing to interact or communicate with persons because of any of the Prohibited Grounds;
- Unwelcome, offensive communications related to a Prohibited Ground sent by any means, including email or other electronic transmission;
- Unwelcome, offensive behaviour related to a Prohibited Ground, where tolerance of the behaviour is explicitly or implicitly made a term of employment or a consideration in job-related decisions;
- Unwelcome, offensive behaviour related to a Prohibited Ground that creates an intimidating, hostile, offensive or poisoned workplace environment;
- Unwelcome, offensive comments that are sexual in nature;
- Unwelcome, physical contact, such as touching, patting or pinching.

Harassment under this Policy does not include conduct that a reasonable person would find welcome or neutral. This Policy is not intended to curtail welcome, appropriate workplace interaction. Some examples of conduct that is not harassment include, but are not limited to:

- Welcome, mutually consensual relationships or social invitations that do not involve inappropriate or offensive behaviours, intimidation, explicit or implicit threat of retaliation, or misuse of power;
- The exercise of the Britannia’s right to direct the workforce, including supervising, managing and giving appropriate and legitimate performance feedback, coaching, and discipline;
- Bona fide occupational requirements established by Britannia as contemplated in section 13 subsections 3 and 4 of the BC Human Rights Code.

## **POLICY STATEMENTS**

### **1. General**

Britannia employees shall not be subjected to, and shall not subject another individual to, harassment as it is defined in this policy.

### **2. Role and Responsibilities**

#### **2.1 Britannia Centre**

Britannia Centre has the primary responsibility to establish and maintain a work environment free of harassment as defined in this Policy.

#### **2.2 The Equal Employment Opportunity Program (“EEO”)**

EEO is mandated by City Council to oversee the City’s/Britannia Human Rights and Harassment Policy, and provides:

- Informal and formal processes to address concerns of harassment;
- An accessible, impartial resource for all staff;
- Education and support to all staff, including employees, supervisors, and managers, on preventing and addressing harassment.

#### **2.3 Supervisory Staff and Managers**

Supervisors, Managers and Department Heads have an essential role in preventing and resolving harassment issues. Their primary responsibilities with respect to harassment are to:

- ensure staff is provided with information about and access to policies and procedures related to harassment;
- model appropriate behaviour;
- monitor the workplace for incidents of harassment; and
- intervene promptly and appropriately when they know, or ought reasonably to know, that harassment is occurring.

#### **2.4 Employees**

All employees have a responsibility to refrain from harassment as defined in this Policy.

### **3. Harassment Complaint Procedures**

#### **3.1 General**

Britannia’s procedures for addressing harassment Complaints are designed to be flexible, timely and accessible. Britannia provides both an informal and formal process to resolve harassment Complaints.

An individual who believes he or she is being harassed (the “Complainant”) may consult an EEO Advisor, who can assess whether the Complaint falls under this Policy and discuss possible courses of action.

Concerns about harassment should be raised as soon as reasonably possible. The time limit for filing a Complaint under this Policy is 6 (six) months from the time of the last alleged incident of discrimination or harassment. Exceptions may be made in extenuating circumstances.

Some of the options available may include:

- The Complainant discussing her or his concerns directly with those involved;
- Having an appropriate party assist the Complainant in discussing concerns with those involved. An appropriate party could include a supervisor, manager, department head, human resources consultant, EEO advisor or union representative;
- Initiating an “informal” or “formal” resolution process through EEO as outlined below.

EEO may suggest interim measures to be taken during either the informal or formal process.

### **3.2 Informal Complaint Resolution**

Britannia strives to provide a wide range of options to resolve Complaints. Informal Complaint resolution may include, but is not limited to: mediation, behavioural guidelines or agreements, apologies or other measures agreed to between the parties and the Board/Executive Director or her/his delegate.

### **3.3 Formal Complaint Resolution**

If a Complaint is not resolved informally, or if an individual who believes he or she is experiencing harassment chooses, he or she may make a formal Complaint through EEO. Formal Complaints shall be made in writing to management or EEO. EEO will ensure that assistance in completing a written Complaint is provided, as required.

Formal Complaint investigations are conducted by EEO staff. A formal Complaint investigation is an impartial, fact-finding process. The investigators do not advocate on behalf of, or represent, any party involved in a Complaint.

Formal Complaint investigations cannot be carried out anonymously. The identity of the Complainant and the allegations contained in the Complaint shall be made known to the individual(s) alleged to have engaged in harassment (the “Respondent”). The Respondent shall be provided a full and fair opportunity to respond to the allegations contained in the Complaint. Likewise, the Complainant shall be provided with the response and shall have an opportunity to reply.

At any time during the course of the investigation, the matter may be resolved, so long as the resolution is agreed to by each of the parties and the Board/Executive Director or her/his delegate.

Once the formal Complaint investigation is complete, the Complainant, Respondent and the Board/Executive Director or her/his delegate shall be notified of the findings of the investigation.

### **3.4 Other Remedies**

None of the procedures described in this Policy prevent a person from pursuing other remedies, such as pursuing a grievance, where applicable, or filing a Complaint with the BC Human Rights Tribunal.

The investigation procedures outlined under this Policy may be suspended at the discretion of EEO until any other remedial processes have been concluded.

### **3.5 False or Malicious Complaints**

If a Complaint is found to be false or brought for malicious purposes, Britannia may take disciplinary measures against the Complainant, up to and including termination of employment. However, a Complaint that is found to be unsubstantiated or based on mistake may not be considered false or malicious.

## **4. Retaliation**

### **4.1 General**

Retaliation also constitutes a form of discrimination under this Policy, and may form the basis of a separate Complaint.

### **4.2 Forms of Retaliation**

Any form of retaliation or discrimination against an employee because that person initiated a Complaint of harassment, or because that person acted as a witness or otherwise participated in an investigation, may be considered a violation of this Policy. Such action may result in discipline up to and including termination of employment.

### **4.3 Reporting Retaliation**

If an employee believes that he or she has been subjected to retaliation as set out above, that person may report it as outlined under Section 3 of this Policy.

## **5. Consequences of Harassment**

Engaging in harassment or retaliation is serious misconduct and may result in disciplinary action up to and including termination of employment.

It is understood that unionized employees may grieve any disciplinary action under the applicable collective agreement.

## **6. Confidentiality and Document Retention**

Information collected and retained by EEO during the course of an informal or formal harassment resolution process is treated as confidential. During the investigation process, EEO shall limit disclosure of Complaint-related information to that which is necessary to resolve the Complaint.

If, after investigation, a Complaint is not established, no documentation of the Complaint shall be placed on either of the parties' personnel files. However, documentation of the investigation shall be kept in a confidential file separate from the employee's personnel file and maintained by EEO in order to evidence the City's/Britannia's proper investigation of formal Complaints of harassment. Documentation which outlines disciplinary action arising from an investigation shall be placed on an employee's personnel file.

Confidentiality extends to all records relating to Complaints, including but not limited to meetings, interviews and investigation results. Individuals making a Complaint, witnesses and individuals against whom a Complaint has been made are expected to maintain confidentiality. Personal information, including the identities of the Complainant(s) and Respondent(s), shall be protected in accordance with the Freedom of Information and Protection of Privacy Act.

Information collected and retained by EEO may be required to be released by law including release required in court proceedings, arbitration or other legal proceedings.

## **7. Collective Agreements and Legislation**

In the event that any portion of this Policy is inconsistent with a binding Britannia collective agreement or federal or provincial legislation, that portion and only that portion of the Policy shall have no application to the extent of that inconsistency. All other portions of the Policy shall continue in full force and effect.

### RELATED POLICIES

AE – 028 – 01 Code of Conduct  
AE – 028 – 02 Whistleblower Policy  
AE – 002 - 06 Respectful Workplace Policy

### APPROVAL HISTORY

Issued by:  
City Manager's Office  
City Manager's Office  
Britannia Centre Society

Approved by:  
Council  
Council  
Britannia Board

Date:  
2009/11/03  
2011/03/01

# Respectful Workplace



**SUBJECT:** Respectful Workplace Policy

## **PURPOSE**

Britannia's greatest resource is its people. It is essential to our business that staff are provided with, and contribute towards, a respectful workplace where the values of trust, fairness, integrity, consideration and dignity guide our interactions with one another.

Britannia is committed to providing a work environment in which all individuals are treated with mutual respect and dignity. In our diverse and equitable workplace, the City endeavours to ensure all employees have the opportunity to contribute fully to the Britannia mission statement, and that each employee's unique contribution is respected.

While Britannia's "Human Rights and Harassment Policy" addresses harassment as prohibited by the BC Human Rights Code, this policy deals specifically with disrespectful workplace behaviour. Disrespectful behaviour, commonly referred to as "personal harassment," is not covered by human rights legislation.

The focus of this Policy is to ensure a respectful workplace, prevent disrespectful behaviour and outline guidelines to address disrespectful workplace behaviour should it occur.

## **SCOPE**

This policy applies to all Britannia employees.

This Policy applies to the workplace itself, and to work-related events. It includes disrespectful behaviour involving Britannia employees that happens away from the workplace or after regular working hours, where those behaviours have a negative impact on the workplace.

Disrespectful behaviour towards employees by volunteers, members of the public, contractors, Council Officials, advisory body members, Board members and those doing business with the Britannia is also discouraged, and is covered by related Britannia policies.

## **DEFINITIONS**

Respectful Workplace is a work environment where individuals treat each other with respect at all times which includes:

- inclusion of people with different backgrounds, strengths and opinions;
- safety from disrespectful, bullying or intimidating behaviours;
- individual accountability for effective workplace relationships involving the constructive resolution of differences.

**Complainant** means the individual making a complaint that disrespectful behaviour has occurred.

Disrespectful behaviour is behaviour that:

- ought reasonably to be known or expected to be offensive, humiliating or intimidating;
- has a clear and demonstrably negative effect on the complainant;
- includes either words or actions and can consist of a single incident or a number of incidents;

Some examples of disrespectful behaviour as defined under this Policy include, but are not limited to:

- public ridicule or humiliation;
- verbal or written abuse or threats;
- insulting, derogatory or degrading comments, jokes or gestures;
- directing profanity or violent language at another employee;
- unjustifiable or deliberate interference with another's work or work sabotage;
- interference with or vandalizing personal property;
- bullying, which can be defined as offensive, malicious, intimidating, ostracizing, insulting or humiliating behavior.

Some examples of conduct that are not considered disrespectful behaviour under this Policy include, but are not limited to:

- welcome, mutually consensual relationships or social invitations that do not involve inappropriate or offensive behaviours, intimidation, explicit or implicit threat of retaliation, or misuse of power;
- conduct that a reasonable person would find welcome or neutral;
- exercise of Britannia's right to direct the workforce, including all aspects of supervising and managing such as giving appropriate and legitimate performance feedback, managing employee attendance, coaching, and discipline;
- disagreements or misunderstandings;
- conflicts or quarrels between co-workers unless they include disrespectful behaviours as outlined above.

**Respondent** means the individual alleged to have engaged in disrespectful behaviour.

## **POLICY STATEMENTS**

### **1 General**

Britannia employees shall not be subjected to, and shall not subject another individual to, disrespectful behaviour as defined in this Policy.

### **2 Roles and Responsibilities**

#### **2.1 Britannia Centre**

Britannia Centre has the primary responsibility to establish and maintain a respectful workplace as defined in this Policy.

#### **2.2 Human Resources (*this needs to be defined for Britannia*)**

The responsibilities of Human Resources include to:

- ensure a fair, prompt and equitable process is followed;
- champion respectful workplace behaviours and practices;
- protect the privacy and confidentiality of all individuals involved;
- work with Managers to determine corrective action;
- where appropriate, facilitate joint involvement of management, union representatives and other staff to resolve issues.



## **2.3 Supervisory Staff and Managers**

Supervisors, Managers and Department Heads have an essential role in preventing and resolving disrespectful behaviour issues. Managers are responsible not only for their own actions, but also for dealing with the actions of staff under their supervision.

Their primary responsibilities with respect to disrespectful behaviour are to:

- ensure staff is provided with information about and access to policies and procedures related to behaviour expectations;
- model appropriate respectful behaviour;
- monitor the workplace for incidents of disrespectful behaviour;
- intervene promptly and appropriately when they know, or ought reasonably to know, that disrespectful behaviour is occurring;
- work cooperatively with Human Resources to resolve and remedy instances of disrespectful behaviour;
- take steps to restore positive working relationships.

## **2.4 Employees**

All employees are a part of creating a respectful workplace and have a responsibility to refrain from disrespectful behaviours as defined in this Policy, and to:

- act in a professional manner consistent with the standards that support this Policy;
- take personal responsibility to maintain respectful working relationships and constructively resolve conflicts;
- seek out support and assistance if required from their Supervisor, Manager, Human Resources Consultant, Union representative or other resource to effectively resolve workplace conflicts;
- co-operate with, and participate in, any related investigation process as required.

## **3 Complaint Resolution Procedures**

### **3.1 Informal Resolution**

Britannia strives to provide a wide range of options to resolve complaints informally. Informal resolution may include, but is not limited to behavioural guidelines or agreements, apologies or other measures acceptable to both the Complainant and Respondent.

Informal resolution approaches may include:

- Discussing concerns directly with those involved if it is reasonable and safe to do so. Often the easiest way to stop disrespectful behaviour is to let those involved know that certain behaviours are disrespectful, unwelcome and inconsistent with Britannia policy.
- Requesting assistance from an appropriate party to assist in discussing concerns with those involved. An appropriate party could include a Supervisor, Manager, Department Head, Human Resource Consultant or Union representative;

A Human Resources Consultant or Manager may suggest interim measures to be taken during either the informal or formal processes.

### **3.2 Formal Resolution**

If a complaint cannot be resolved informally, a formal complaint may be made in writing by the Complainant to either the Human Resources Consultant supporting the Complainant's department or another Human Resources Consultant not directly involved in supporting the Complainant's department. Employees may seek the assistance of a Human Resources Consultant, Union representative or other colleague they feel comfortable in assisting them in writing a formal complaint.

As all staff have a responsibility in creating a respectful workplace, occurrences of disrespectful behaviour may be reported to Human Resources by another party such as a colleague or Manager.

The formal resolution process is initiated once a written complaint is received. Once a formal written complaint of disrespectful behaviour is made, Human Resources will commence an

investigation if appropriate and may recommend the engagement of an external party in the investigation process.

An investigation may be carried out by the Human Resources Consultant directly, assigned to management in the area affected, assigned to an investigative team, assigned to an independent third-party or re-directed to a more appropriate existing process dependent upon the specific circumstances and seriousness of the allegation.

Formal resolution investigations cannot be carried out anonymously. The identity of the complainant and the allegations contained in the complaint will be made known to the individual(s) alleged to have engaged in disrespectful behaviour and he/she shall be provided an opportunity to respond to the allegations.

At the conclusion of the investigation, the investigator will document his/her findings and any recommendations for the resolution of the disrespectful behaviour. Human Resources will work with management to determine the appropriate action to be taken, communicate the decision to the Complainant and Respondent, identify follow-up actions to ensure the issue has been resolved and provide any additional support deemed necessary for the parties involved.

Should it be found that the disrespectful behaviour constitutes harassment as defined by the BC Human Rights Code, the investigation may involve the Equal Employment Office (EEO) as per the "Human Rights and Harassment Policy."

Concerns about disrespectful behaviour should be raised as soon as reasonably possible to ensure disrespectful behaviour does not go unaddressed. It is recommended that staff bring forward concerns no longer than 6 (six) months from the time of the last alleged incident of disrespectful behaviour, although this does not preclude a complaint being raised at a later date.

### **3.3 False or Malicious Complaints**

If a Complaint is found to be false or brought for malicious purposes, Britannia may take disciplinary measures against the Complainant, up to and including termination of employment. However, a Complaint that is found to be unsubstantiated or based on mistake may not be considered false or malicious.

## **4 Retaliation**

Any form of retaliation or discrimination against an employee because that person initiated a complaint, or because that person acted as a witness or participated in a complaint resolution process will be considered a violation of this Policy. Retaliation may result in discipline up to and including termination of employment.

If an employee believes that they have been subjected to retaliation as set out above, that person may submit a written complaint to their departmental General Manager who will review the complaint with the General Manager, Human Resources, to ensure the allegation is appropriately addressed.

## **5 Consequences of Disrespectful Behaviour**

Engaging in disrespectful behaviours or retaliation may result in disciplinary action up to and including termination of employment. Repeated instances of disrespectful behaviour will be considered as one of the factors in determining the appropriate level of disciplinary action.

Disrespectful behaviour does not need to be intentional although intention may be relevant in assessing the severity of the behaviour.

It is understood that unionized employees may grieve any disciplinary action under the applicable collective agreement.

## **6 Confidentiality**

Information collected and retained by Human Resources during the course of an investigation process is treated as confidential. During the investigation process, Human Resources will limit disclosure of investigation-related information to that which is necessary to resolve the complaint.

Information collected and retained by Human Resources may be required to be released by law including release required in court proceedings, arbitration or other legal proceedings.

## **7 Collective Agreements and Legislation**

In the event that any portion of this Policy is inconsistent with a binding City collective agreement or federal or provincial legislation, that portion and only that portion of the Policy shall have no application to the extent of that inconsistency. All other portions of the Policy shall continue in full force and effect.

### RELATED POLICIES

AE – 028 – 01 Code of Conduct

AE – 028 - 02 Whistleblower Policy

AE – 002 - 05 Human Rights & Harassment Policy

### APPROVAL HISTORY

Issued by:  
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Approved by:  
Council

Date:  
2011/03/01