

EXHIBIT		
2		
DAY	ENTERED BY	DATE
1	OPCC McConnell	April 9/25

PH: 2024-01
OPCC Files: 2022-21398
2023-25106
2023-25107

IN THE MATTER OF THE PUBLIC HEARING INTO THE CONDUCT OF SERGEANT KEIRON MCCONNELL OF THE VANCOUVER POLICE DEPARTMENT IN ACCORDANCE WITH THE
POLICE ACT, RSBC 1996, C. 367 AS AMENDED

Note: There is a Section 150 Order in place that includes a publication ban on the names and other identifying information of the complainants and certain witnesses.

AGREED STATEMENT OF FACTS

Member history and training

1. Sergeant Keiron McConnell (the "Member") is 56 years old. He became a Vancouver Police Department ("VPD") Reserve Constable in 1988, and a regular member in 1990. He attained the rank of sergeant in 2004. In 2009 the Member joined the VPD's Gang Crime Unit ("GCU"). He led a team at the GCU from 2012 to 2019. In 2019, the Member was assigned to Patrol, where he remained until he was suspended as a result of these allegations.
2. In addition to being an actively serving police officer, the Member has taught courses for almost two decades at colleges and universities on the topics of policing, criminology, and gangs.
3. In 2013, the Member undertook training courses entitled "Respectful Workplace Workshops – Supervisors & Managers" and "Respectful Workplace Training (VPD Version)". He attended an additional workshop on respectful workplaces in 2019.
4. In January 2022, a female member of the VPD assigned to the Youth Services Section became concerned about information that had come to her attention about the Member. To her credit, she conveyed her concerns to VPD's Professional Standards Section.

5. On April 13, 2022 after reviewing the information provided by the VPD, the Police Complaint Commissioner issued an order for Investigation into the conduct of the Member pursuant to section 93(1) of the *Police Act*. The investigation was assigned to the VPD and VPD's Professional Standards Section investigated the matter. These investigations identified allegations involving the subject officer, former students and female members of the VPD.

VPD Policy and Training

6. The VPD does not have a standalone policy regarding sexual harassment. It is currently addressed as part of the VPD Regulations & Procedures Manual, Chapter 4.3 "Respectful Workplace." That chapter consists of a "Respectful Workplace Policy" (ch. 4.3.1), "Informal Resolution Processes" (ch. 4.3.1(i)), and "Formal Investigation Process" (ch. 4.3.1), enacted on December 27, 2023. Copies of these documents are attached as **Appendix 1**.

7. Copies of prior versions of the VPD's "Respectful Workplace Policy" effective September 18, 2013, and August 31, 2016, are attached as **Appendices 2** and **3**, respectively.

8. During his career, the VPD has not provided the Member with a training course focused specifically on sexual harassment.

Member 1

9. In September, 2016 Member 1 joined the GCU of the VPD, as a member of Team 2. In April, 2017 Member 1 was transferred to Team 1, which was led by the Member.

10. After Member 1 joined the GCU, the Member sent her electronic messages, some of which were sexual in nature. These messages of a sexual nature were unsolicited and unwelcome. Screenshots of the messages and some of Member 1's replies are attached as **Appendix 4**.

11. The Member's conduct caused Member 1 to feel degraded, and she suffered anxiety as a result. She was concerned about raising the issue with the Member because of his position in the VPD and the GCU. Eventually, Member 1 confronted the Member about his behaviour, and he apologized. Member 1 was satisfied at the time that they had dealt with the matter informally.

12. The Member acknowledges that at the relevant time he was senior to Member 1 in rank, and that he was in a position of authority at the VPD and in the GCU, generally. He understands that his behaviour was unwanted and inappropriate in the circumstances, and it amounts to discreditable conduct.

Member 2

13. In 2017, Member 2 was assigned to a mentorship with the Member's GCU team. In March 2019, after the mentorship, she was successful in securing a spot with Team 2 of the GCU.

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14. Between 2017 and ~~March~~, 2019, the Member sent Member 2 electronic messages that included sexual content. The content included sexual remarks about her underwear, her sexual preferences, and his sexual fantasies. These messages were unsolicited and unwelcome. Screenshots of some but not all of the messages between Member 2 and the Member are attached as **Appendix 5**.

15. The Member's comments caused Member 2 to feel degraded, and she suffered anxiety as a result. She was concerned about raising the issue with him because of his position in the VPD.

16. The Member acknowledges that he was senior to Member 2 in rank, and that he was in a position of authority at the department and in the unit generally. He understands that because of this Member 2 felt that she could not raise the issue with him because of his

position in the GCU and her desire to advance in the GCU. The Member acknowledges that his behaviour was unwanted and inappropriate in the circumstances, and it amounts to discreditable conduct.

Student 1

17. In the autumn of 2015 or the spring of 2016, Student 1 took two classes which were taught by the Member at a British Columbia university.

18. The following autumn, the Member invited some former students, including Student 1 to a social gathering at a pub. The social gathering occurred on November 8, 2016. Student 1 was 25 years old at the time.

19. On November 8, 2016 Student 1 attended the event at the pub. Several other students also attended. Student 1 joined the group and sat next to the Member. After the other students had left the pub, Student 1 remained, as did the Member, to watch the televised U.S. election coverage.

20. Later that evening, while one of the two was in the washroom and the other in the pub, Student 1 received a text message from the Member in which he inquired what colour underwear she was wearing. A follow-up message from him suggested different colours, such as white, pink and Irish green.

21. The Member and Student 1 then left the pub. Student 1 flagged a taxi. When the taxi arrived, they both got in. Once the taxi reached Student 1's destination, the Member leaned toward Student 1 and attempted to kiss her. She deflected him and got out of the taxi.

22. The Member contacted Student 1 the next day to apologize for his conduct. Student 1 did not respond.

23. Student 1 did not report this incident at the time to anyone at the university as she was afraid of the impact that reporting the Member could have on her career prospects.

24. Later in 2017, Student 1, along with Student 2, reported the Member's conduct to an official in the administration at the university.

25. As Student 1's former instructor, and a senior member in the policing world, the Member accepts that she viewed him as in a position of authority. He now understands Student 1's perspective about his ability to affect her career. He understands that his actions were unwanted and inappropriate in the circumstances. They amount to discreditable conduct.

Student 2

26. Student 2 took a course taught by the member at a British Columbia university. In February, 2017, when the Member was no longer Student 2's instructor, she received a series of unsolicited Facebook messages from the Member. Student 2 was 23 years old in February 2017.

27. The messages from the Member to Student 2 included sexual content and innuendo. Student 2 told the Member that his communications made her uncomfortable, and asked that their relationship remain professional. The Member then sent her additional messages containing sexual content and innuendo. Screenshots of the electronic messages between the two are attached as **Appendix 6**.

28. At the time of the messages, Student 2 wanted to be a police officer. She was concerned that if she did not respond it would impact her future career options if the Member were to speak negatively about her to VPD personnel. Student 2 did not report this incident at the time to anyone at the university as she was afraid of the impact that reporting the Member would have on her career prospects.

29. Later in 2017, Student 2, along with Student 1, reported the Member's conduct to an official in the administration at the university.

30. As Student 2's former instructor, and a senior member in the policing world, the Member accepts that she viewed him as being in a position of authority. The Member acknowledges and understands Student 2's perspective about his ability to impact her future career and now recognizes his error. His actions were unwanted and inappropriate in the circumstances. They amount to discreditable conduct.

Student 3

31. Between 2011 and 2018, Student 3 was a student at a British Columbia university and took courses taught by the Member.

32. Student 3 asked the Member whether he would be her honours supervisor. The Member agreed.

33. Student 3 and the Member communicated regularly outside of business hours due to the nature of her educational program. They met virtually over videoconferencing platforms and exchanged messages through Facebook messenger, text message, and WhatsApp.

34. During the time he was supervising her honours project, the Member sent messages to Student 3 that commented on her physical attractiveness. The messages were unsolicited and unwelcome. Student 3 was in her mid twenties at the time. Screenshots of the electronic messages are attached as **Appendix 7**.

35. At the time of the exchanges, Student 3 aspired to become a police officer. Student 3's experience with the Member was one factor in her decision not to pursue a career in policing.

36. As Student 3's instructor and supervisor, and a senior member in the policing world, the Member accepts that she viewed him as being in a position of authority. The Member now acknowledges that the messages he sent to Student 3 about her physical appearance were entirely inappropriate, and not consensual. They amount to discreditable conduct.


The Member's Acknowledgment

37. In 2021, the Member started counselling with a psychologist about matters including workplace interactions with women, and social media communications, cues, and boundaries. He has come to understand and accept that by virtue of his rank and professional stature, some women who found his comments unwelcome were unable to express their discomfort to him about the content of those comments.

Date: April 9, 2025



Marilyn Sandford K.C.
Public Hearing Counsel



Brian Smith
Commission Counsel



Anila Srivastava and Cait Fleck
Counsel for Sgt. McConnell



Appendix 1



4.3 Respectful Workplace

4.3.1 Respectful Workplace Policy

(Enacted: 2000.03.22)
(Updated: 2023.12.27)

POLICY

The Vancouver Police Department (VPD) provides a respectful workplace that is safe, healthy and inclusive, and fosters positive workplace relationships free from harassment and bullying. The Respectful Workplace Policy (Policy) provides information regarding the rights, responsibilities and expectations of every individual who falls within the scope of the Policy.

The Policy outlines the different processes available to employees for addressing inappropriate behaviour both in, and connected to, the workplace.

IMPLEMENTATION

The Policy will be disseminated to all employees for review and sign-off and prominently posted in VPD buildings. On an annual basis, the VPD will review and report back to the Board on this policy along with associated policies 4.3.1(i) Informal Resolution Processes and 4.3.1(ii) Formal Investigation Process.

APPLICATION OF THE POLICE ACT

Notwithstanding anything in the Policy, the conduct of members is at all times governed by Part 11 of the *Police Act* (*Misconduct, Complaints, Investigations, Discipline and Proceedings*) and any guidelines established by the Office of the Police Complaint Commissioner (OPCC) pursuant to section 177. The VPD may refer incidents of potential misconduct, as that term is defined in section 77 of the *Police Act*, to the OPCC, at any time, whether or not a complaint has been made in respect of the conduct at issue under the Policy without notice to the complainant, respondent, or witnesses.

All procedures outlined in the Policy, including RPM Section 4.3.1(i) Informal Resolution Processes and RPM Section 4.3.1(ii) Formal Investigation Process may be subject to the oversight and direction of the OPCC and the provisions of the *Police Act* for sworn members.

DEFINITIONS

The following definitions are for the purpose of this Policy:

Bad Faith: intentional misuse of the Policy having regard to the circumstances of the complaint (including its timing and context). Bad Faith includes, but is not limited to, complaints made to:

- a. intimidate, threaten or beleaguer the respondent;
- b. create a hostile or intimidating workplace for others; or
- c. create a potential personal benefit or entitlement to the complainant unrelated to a purpose of the Policy.

Complainant: is an employee, volunteer, contractor, practicum student or external employee who has submitted a complaint in writing to the VPD Human Resources (HR) Section in which they allege they have been subjected to harassment in the workplace as defined in the Policy.

Contractor: is an individual who has access to VPD premises, as defined in the Policy, for the purpose of providing services or supplies to the VPD on a contractual basis.



Employee: all civilian professionals and members who are employed by the Vancouver Police Board (VPB) for the VPD.

External employee: is an employee of another agency or body who is assigned under the leadership of the Chief Constable of the VPD for a period or time and who is not an employee of the VPB.

Good Faith: an honest and sincere intent that shall not be subject to discipline or reprisal.

Harassment: is behaviour or communication, including interaction over email, communication devices, social media, social networks or chat groups, of such a nature that is, or it would be reasonable to assume it is, unwelcome and detrimentally affects the work environment for any individual, or leads to adverse job related consequences for that individual. Harassment is prohibited conduct, and includes discriminatory harassment, sexual harassment, personal harassment/bullying and retaliation as defined below.

- a. Discriminatory Harassment is conduct that involves a series of incidents or a single serious incident that:
 - i. is based on, or related to, a prohibited ground of discrimination as set out in section 13 of the British Columbia Human Rights Code, including Indigenous identity, sex, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sexual orientation, gender identity or gender expression, or age of that individual or because that individual has been convicted of a criminal or summary conviction offence that is unrelated to the intended employment of that individual;
 - ii. is unwelcome or is of such a nature that it would be reasonable to assume that it is unwelcome; and
 - iii. is offensive, demeaning, humiliating, or undermining for the individual who is the target of the conduct such that it detrimentally affects the work environment or leads to adverse job related consequences for the target(s) of the harassment or contributes to a poisoned work environment for any individual.

Examples of unacceptable behaviours, conducted in person, via a communication device or on-line, and include videos, images and/or memes that may constitute discriminatory harassment include but are not limited to:

- i. racial or ethnic slurs or slang including stereotypical comments;
- ii. unwelcome remarks, jokes, innuendos or taunting about an individual's body, attire, marital status, ethnic/racial origin, religion, accent, gender, gender identity or expression or disabilities;
- iii. practical jokes that cause awkwardness or embarrassment, endanger an individual's safety or negatively affect work performance;
- iv. physical assault (including sexual assault);
- v. unwelcome questioning about someone's social or sexual life, gender identity or gender expression;
- vi. misuse of authority towards an individual that is based on a prohibited ground of discrimination;
- vii. displaying of materials that are sexually explicit or degrading on the basis of a prohibited ground of discrimination;
- viii. patronizing behaviour, language or terminology that reinforces stereotypes and undermines self-respect or adversely affects work performance or working conditions;
- ix. methods of coercion such as manipulation, including ignoring and/or isolating an individual.
- b. Sexual Harassment is a form of discriminatory harassment that denies equality on the basis of sex and involves conduct, comment, gesture or contact of a sexual nature.

Examples of unacceptable behaviours, conducted in person, via a communication device or on-line, and include videos, images and/or memes, which may constitute sexual harassment include but are not limited to:

- i. sexist jokes causing embarrassment or offence, told or carried out after the individual telling the joke has been advised that they are embarrassing or offensive, or that they are by their nature embarrassing or offensive;



- ii. suggestive staring, leering or other offensive gestures;
- iii. the display of pornographic or other offensive material of a sexual nature;
- iv. sexually degrading words used to describe an individual;
- v. derogatory or degrading remarks regarding an individual's sex, sexual orientation, gender identity or in respect of gender expression;
- vi. sexually suggestive or obscene comments or gestures;
- vii. unwelcome sexual flirtations, advances, requests for sexual favours, or propositions;
- viii. unwelcome inquiries or comments about an individual's sex life;
- ix. persistent unwanted contact or attention after the end of a consensual relationship;
- x. unwanted touching of an individual's hair, clothing or body;
- xi. verbal abuse or threats; and
- xii. sexual assault.
- c. Personal Harassment and Bullying relates to rights and obligations under the British Columbia *Workers Compensation Act* and is defined as conduct that:
 - i. includes inappropriate conduct or comments by an individual towards another, made either in person or on-line, in which the individual knew or reasonably ought to have known would cause the other to be humiliated or intimidated, but;
 - ii. excludes any reasonable action taken by an employer or supervisor relating to management and direction of employees or the place of employment.

Examples of unacceptable behaviours, conducted in person, via a communication device or on-line, and include the creation of videos, images and/or memes, which may constitute personal harassment include but are not limited to:

- i. insulting or derogatory remarks, gestures or actions;
- ii. bullying and intimidation, including cyberbullying through email, communication devices, social media, social networks and chat groups;
- iii. malicious rumours, or gossip;
- iv. negative innuendos, or practical jokes that cause awkwardness or embarrassment, endanger an individual's safety or negatively affect work performance;
- v. creation of videos, stickers and/or memes meant, or likely, to embarrass or humiliate an individual;
- vi. misuse of authority;
- vii. verbal abuse such as shouting, yelling or swearing at others;
- viii. isolation and/or exclusion from work related activities;
- ix. name calling;
- x. threats;
- xi. targeting an individual through persistent, unwarranted criticism or public ridicule;
- xii. harmful hazing or initiation processes;
- xiii. vandalizing and theft of personal belongings;
- xiv. demand of monetary or material payment as a form of punishment; or
- xv. delegation of tasks not related to the workplace.

For clarity, "Personal Harassment" in the Policy has the same meaning as Bullying & Harassment in the British Columbia *Workers Compensation Act*.

- d. Retaliation is a form of harassment and is defined as any action taken against an individual for:
 - i. having invoked this Policy on behalf of oneself or another;
 - ii. having participated or cooperated in any process under the Policy; or
 - iii. having been associated with an individual who has invoked the Policy or participated in any process under the Policy.
- e. Not Considered Harassment:
 - i. relationships between individuals within the scope of this Policy based on mutual consent;



- ii. normal social contact between individuals within the scope of the Policy;
- iii. reasonable action taken by the VPB or a supervisor relating to the management and direction of employees or the workplace, including but not limited to:
 - a. reasonable and appropriate performance development and management through evaluations, mentoring and feedback;
 - b. supervision of individuals within the scope of this Policy;
 - c. job duties to be performed;
 - d. imposition of appropriate discipline, suspension, or termination;
- iv. initiation of or conducting a workplace investigation; or
- v. lack of friendliness.

Malicious rumours/gossip: a person spreads malicious rumours/gossip when they knowingly or recklessly spread false information, inaccurate information, or innuendo with the intent to harm another individual's reputation, safety or negatively affect work performance.

Member: a VPD police officer or special municipal constable as those terms are defined in the *Police Act*.

Practicum Student: is a student of a program at a recognized education institution who is engaged by the VPD for study, research or work experience.

Respondent: an employee, volunteer, contractor or practicum student against whom a complaint is made, or an employee, volunteer, contractor or practicum student who has been designated as a respondent by the HR Section.

Supervisor: is an individual who instructs, directs, and controls employees in the performance of their duties. A supervisor can be any employee who meets this definition, whether or not they have the supervisor title.

Vexatious: means, on the balance probabilities, a report made without sufficient grounds and serving only to cause annoyance, disruption or harm.

Volunteer: an individual serving the VPD who is not an employee, practicum student or contractor, as defined in this Policy, and includes those individuals serving on any board(s) (not including members appointed to the Vancouver Police Board), commission(s) or committee(s) established by the VPB or VPD.

VPD Premises: includes, but is not limited to, any property permanently or temporarily under the jurisdiction of the VPD, including land, building, job sites, facilities, parking lots, equipment, vehicles, whether owned, leased or used by the VPD and wherever located. For the purpose of the Policy, VPD Premises includes mobile equipment, electronic software and online platforms used by employees for carrying their duties and/or performing their work (i.e., email and direct message platforms).

Witness: is a third party (i.e., bystander) determined to have pertinent information, or who has witnessed conduct that in their view, may constitute a violation of the Policy.

Work-related: indicates a direct nexus to an individual's job duties, tasks, or responsibilities within the workplace, or relates to circumstances in which the employee is representing the VPD in an official capacity.

Workplace: is any location, vessel, vehicle or online environment where an employee, volunteer, practicum student, contractor or external employee carries out their duties and/or performs their work; any work-related event or work-related gathering, whether sponsored by the employer or not; or any location travelled to and from for a work-related reason. For greater clarity, online environments include, but are not limited to email, social media, social networks and chat groups, all of which may be considered an extension of the workplace.



SCOPE & APPLICATION

1. The Policy applies to all VPD employees, volunteers, contractors and practicum students. An external employee may be considered a complainant under the Policy.
2. Complaints against an external employee may be referred to the external employee's agency for processing.
3. The Policy covers all work related activities, at any workplace at which VPD business is conducted including, but not limited to, all written, verbal and electronic communications taking place in such venues including email, social media, social networks and chat groups.

RIGHTS & RESPONSIBILITIES

Individual Rights and Responsibilities

4. Individuals within the scope of the Policy have the right:
 - a. to a safe workplace;
 - b. to be treated fairly and respectfully in the workplace; and
 - c. to seek the assistance of a supervisor, union representative, the HR Section Inspector, or designate, and/or the Professional Standards Section (PSS) Inspector, or designate, if they face behaviour inconsistent with the Policy, and they believe that it is not possible or appropriate to resolve the issue on an individual basis.
5. Individuals within the scope of the Policy are expected:
 - a. to create and maintain a workplace that is free from harassment by ensuring that their behaviour is respectful and by treating others with dignity and respect; and
 - b. to address behaviour that is inconsistent with the Policy by taking appropriate action.

Supervisor and Manager Responsibilities

6. Supervisors and managers shall foster a respectful workplace by:
 - a. facilitating a work environment that promotes inclusive and respectful workplace behaviour;
 - b. ensuring awareness of and compliance with the Policy in the workplace;
 - c. modeling appropriate respectful behaviour;
 - d. taking appropriate action to avert the development, escalation, or recurrence of harassment in the workplace, including but not limited to:
 - i. intervening promptly to stop behaviour that is inconsistent with the Policy;
 - ii. documenting all behaviour that is inconsistent with the Policy;
 - iii. reporting all behaviour that, assessed objectively, may constitute harassment under the Policy, and any action taken in respect of the behaviour, to the HR Section Inspector, or designate, as soon as practicable; and
 - e. working co-operatively with the HR Section to resolve and remedy instances when behaviour is inconsistent with the Policy.
7. Supervisors and managers shall consult with the HR Section Inspector, or designate, as soon as practicable, if there is any uncertainty as to whether reported or observed behaviour, assessed objectively, may constitute harassment under the Policy.

Vancouver Police Department Responsibilities

8. The VPD will promote a respectful workplace by:
 - a. making reasonable effort to prevent where possible, or otherwise minimize, harassment from occurring in the workplace;
 - b. providing procedures for reporting incidents or complaints of harassment in the workplace;



- c. providing procedures for informally or formally resolving incidents or complaints of harassment in the workplace;
- d. taking corrective/disciplinary action as appropriate or required in order to prevent harassment from reoccurring; and
- e. educating individuals within the scope of the Policy on:
 - i. recognizing the potential for harassment in the workplace;
 - ii. responding to harassment in the workplace; and
 - iii. finding ways to promote and maintain a workplace environment free of harassment.

COLLECTIVE AGREEMENT GRIEVANCE OR COMPLAINT UNDER THE HUMAN RIGHTS CODE

- 9. An individual who believes they have been subjected to harassment based on prohibited grounds has the right to file a complaint under the British Columbia Human Rights Code, or under Part 11, Division 3 of the *Police Act*, or by way of a grievance under the applicable collective agreement. Nothing in the Policy precludes an individual from pursuing such a complaint or grievance.
- 10. If an investigation may be, or has been, ordered under Division 3 of Part 11 of the *Police Act*, any related investigations, processes or proceedings, may be suspended until the conclusion of the *Police Act* investigation.

CONFIDENTIALITY

- 11. While every reasonable effort will be made to ensure confidentiality throughout the processes, confidentiality cannot be guaranteed by the VPD. Information will only be disclosed to the extent required:
 - a. for the purpose of investigation or disciplinary action;
 - b. by VPD policy or procedures; or
 - c. by law (i.e., *BC Freedom of Information and Protection of Privacy Act*, *Workers Compensation Act*, *Police Act* or rules governing human rights complaints, administrative proceedings, and court orders).
- 12. The OPCC will be informed of a complaint under the Policy in accordance with Part 11 of the *Police Act* and in accordance with guidelines and/or directions issued by the OPCC. Where the OPCC is involved, section 51.01 of the *Police Act* directs that all employees of the OPCC must maintain confidentiality in respect of information relating to OPCC investigations. However, section 95(1) of the *Police Act* allows the Police Complaint Commissioner to disclose, if they consider it in the public interest:
 - a. that an investigation has been initiated; or
 - b. any information relating to an investigation under the *Police Act*.
- 13. Complainants, respondents and witnesses must maintain confidentiality concerning workplace harassment complaints. Breaches of confidentiality will be considered for disciplinary action under the Policy and/or pursuant to Part 11 of the *Police Act*.

RETALIATION

- 14. No individual within the scope of the Policy should be the target of retaliation, or face threats of retaliation, as a result of making a complaint or participating in the complaint process of a complaint as a witness under the Policy. Retaliation is a serious offence and disciplinary action considered could be up to and including termination of employment. Retaliatory behaviour includes unjustified and unwarranted:
 - a. criticism of an individual's job performance;
 - b. threats and intimidation;
 - c. refusal to extend to an individual an opportunity available to others;
 - d. refusal to work with an individual; and
 - e. reassignment of an individual to different duties or a different position.



PROCEDURE

Individual

15. If an individual within the scope of the Policy believes that they have been subject to harassment in the workplace they may:
 - a. make known their concern directly to the individual they believe to be harassing them; or
 - b. ask for the assistance of another individual, or union representative if applicable, to make their concern known to the respondent; and/or
 - c. report the occurrence to any supervisor, or manager or the HR Section Inspector, or designate, in writing or through an interview, with details of the conduct including:
 - i. date(s) and time(s) of the conduct;
 - ii. any witness(es) to the conduct; and
 - iii. any response made at the time of the conduct; or,
 - d. submit a confidential report to the HR Section through a Respectful Workplace - Confidential Report. (Confidential reports, including anonymous reports, may be investigated and the determination of whether to do so will consider all the circumstances, including the seriousness of the allegation, and the likelihood of confirming the occurrence from other sources. Investigations may not be possible where the source of the information is not identifiable).

Supervisor and Manager

16. Upon receiving a report of harassment in the workplace from an individual within the scope of this Policy, a supervisor or manager shall:
 - a. make all necessary inquiries about, and document, the details of the reported harassment; and
 - b. as soon as practicable, provide the HR Section Inspector, or designate, with the details of the reported harassment.
17. Upon receiving a report of harassment in the workplace from a supervisor or manager, the HR Section Inspector, or designate, shall develop and implement an appropriate response to the conduct at issue, which may include requiring the supervisor or manager to initiate one or more of the processes identified in the Policy.
18. At all times, the HR Section Inspector, or designate, and the supervisor or manager, must consider whether the chosen approach or process is fair and transparent to all those involved including but not limited to the complainant(s), the respondent(s) and/or any witnesses. The appropriate union representative may be consulted in this process.

ASSESSMENT AND DETERMINATION OF PROCESS

Complaints Involving Members

19. If the complaint involves a member or there is information to suggest potential misconduct by a member, the HR Section Inspector, or designate, will notify, when appropriate, the PSS Inspector, or designate.
20. The PSS Inspector, or designate, will assess the information and, when appropriate, notify the OPCC.
21. If the OPCC is notified, the OPCC will determine whether the complaint will be investigated under Part 11, Division 6 (Internal Discipline) or Division 3 (Public Trust) of the *Police Act*. If the complaint is investigated under Division 3 of the *Police Act*, the outcome of the investigation, including a decision to discontinue an investigation, will be final and conclusive for all purposes under the Policy.



22. If the investigation proceeds under Division 6 of the *Police Act*, the HR Section Inspector, or designate, will determine how to proceed based on the circumstances of the allegation and the application of the VPD Internal Discipline Rules. Under a Division 6 investigation, RPM Section 4.3.1(i) Informal Resolution Processes may not apply.
23. The OPCC may retain oversight over Division 6 investigations. If at any time during a Division 6 investigation, the OPCC determines the complaint should be investigated under Division 3, neither RPM Section 4.3.1(i) Informal Resolution Processes nor RPM Section 4.3.1(ii) Formal Investigation Process will apply.
24. In the event of a conflict between the Policy and the *Police Act* or any guidelines established under the *Police Act*, the *Police Act* and its guidelines will govern.

Complaints by Civilian Professionals

25. A Civilian Professional who believes they have been subject to harassment by an individual covered under the scope of the Policy, should contact the supervisor of their section, or designate, or the HR Section Inspector, or designate, to access the process for the complaint resolution.

Complaints by Contractors, Volunteers and/or Practicum Students

26. A contractor, volunteer, and/or practicum student who believes they have been subject to harassment by an individual covered under the scope of the Policy, should contact the HR Section Inspector, or designate, to access the process for complaint resolution.

Complaints by External Employees

27. An external employee who believes they have been subject to harassment by an individual covered under the scope of the Policy, should contact the supervisor of their section, or designate, to access the process for the complaint resolution.

Respectful Workplace Processes: Informal Resolution and/or Formal Investigation

28. Early and informal resolution of harassment is the desirable outcome in many circumstances. In the informal resolution processes, the complainant and respondent may decide to address the situation and find a mutually agreeable resolution. See RPM Section 4.3.1(i) Informal Resolution Processes.
29. Though it is encouraged that complainants first attempt to resolve any workplace harassment concerns through the informal resolution process, complainants may proceed directly with the formal investigation process. Factors to consider include the seriousness of the allegations and any mitigating circumstances. See RPM Section 4.3.1(ii) Formal Investigation Process.

VIOLATION OF THE POLICY

30. An employee, volunteer, contractor or practicum student violates the Policy if they engage in conduct that constitutes harassment in the workplace as defined in the Policy.
31. An employee, volunteer, contractor or practicum student violates the Policy if they engage in retaliation or threaten to retaliate against a person who has made a complaint or who is a witness in the complaint process under the Policy.
32. A supervisor or manager violates the Policy if they fail to take appropriate steps to address reported or observed behaviour that, assessed objectively, may constitute harassment under the Policy. What constitutes appropriate steps will be determined having regard to the specific circumstances of the situation.
33. An employee who violates the Policy may be subject to corrective and/or disciplinary action, up to and including termination of employment.
34. Any volunteer, contractor or practicum student who violates the Policy may have their services or contract with the VPD terminated.



35. An external employee who is alleged to have violated the Policy may be referred to their agency so the complaint can be processed by the agency. The VPD Chief Constable, or designate, may decide that such an individual must be returned to their agency.
36. Complaints of harassment in the workplace are serious matters. If it is found that a complaint was made in bad faith or for vexatious motives, disciplinary action may be taken against the complainant, up to and including termination of employment or contract for service.
37. In the course of its investigation, the VPD may determine that a good faith complaint, which is found to not have merit, was not made in bad faith or made for false, malicious or vexatious motives.
38. A Complainant under this policy may request to transfer positions. Any such request shall be directed to the HR Section Inspector, or designate. HR will make an assessment and facilitate a transfer where the behaviour complained of, when assessed objectively, may constitute harassment under the Policy.
39. Legitimate job-related actions performed in a reasonable manner by supervisors and managers, including, but not limited to performance assessments; performance management; discipline, suspension, or termination; transfers or re-assignment of duties; initiating or conducting job related investigations; work-related instruction, evaluation, supervision, comments or feedback; instruction and direction or corrective action or discipline for just cause, are not a breach of the Policy.



4.3 Respectful Workplace

4.3.1(i) Informal Resolution Processes

(Enacted: 2023.12.27)
(Updated: 2023.12.27)

POLICY

Early and informal resolution of workplace harassment is the desirable outcome in many circumstances. Resolution options can reduce barriers to resolving a complaint for the complainant, respondent and the Vancouver Police Department (VPD). It is encouraged, where appropriate, that complainants attempt to resolve any workplace harassment concerns through informal resolution processes. If a complaint cannot be resolved informally or if a complainant prefers, they may proceed directly with the formal investigation process. See RPM Section 4.3.1(ii) Formal Investigation Process.

SCOPE & APPLICATION

1. The Respectful Workplace Policy (Policy) applies to all VPD employees, volunteers, contractors and practicum students. An external employee may be considered a complainant under the Policy.
2. Complaints against an external employee may be referred to the external employee's agency for processing.
3. The Policy covers all work related activities, at any workplace at which VPD business is conducted including, but not limited to, all written, verbal and electronic communications taking place in such venues including email, social media, social networks and chat groups.

Complaints Involving Members

4. If the complaint involves a member or there is information to suggest potential misconduct by a member, the Human Resources (HR) Section Inspector, or designate, will, when appropriate, notify the Professional Standards Section (PSS) Inspector, or designate.
5. The PSS Inspector, or designate, will assess the information and, when appropriate, notify the Office of the Police Complaint Commissioner (OPCC).
6. If the OPCC is notified, the OPCC will determine whether the complaint will be investigated under Part 11, Division 6 (Internal Discipline) or Division 3 (Public Trust) of the *Police Act*.
7. If an investigation may be, or has been, ordered under Division 3 of Part 11 of the *Police Act*, any related investigations, processes, or proceedings, including investigations, processes, and proceedings available under the Policy, may be suspended until the conclusion of the *Police Act* investigation.
8. If an investigation is ordered under Division 3 of Part 11 of the *Police Act*, the outcome of the investigation and/or proceedings, including an order to discontinue an investigation, will be considered final and conclusive and no further action will be taken under the Policy in respect of the conduct at issue.
9. Investigations, processes, and proceedings commenced under the Policy in respect of matters subsequently ordered to be investigated under Division 3 of Part 11 of the *Police Act* will be discontinued at the exclusive discretion of the HR Section Inspector or designate.
10. If the investigation proceeds under Division 6 of the *Police Act*, the HR Section Inspector, or designate, will determine how to proceed based on the circumstances of the allegation and the application of the VPD Internal Discipline Rules. Under a Division 6 investigation, RPM Section 4.3.1(i) Informal Resolution Processes may not apply.
11. The OPCC may retain oversight over Division 6 investigations. If at any time during a Division 6 investigation, the OPCC determines the complaint should be investigated under Division 3, neither RPM Section 4.3.1(i) Informal Resolution Processes nor RPM Section 4.3.1(ii) Formal Investigation Process will apply.



12. In the event of a conflict between the Policy and the *Police Act* or any guidelines established under the *Police Act*, the *Police Act* and the guidelines will govern.

DEFINITIONS

The definitions contained within RPM Section 4.3.1 Respectful Workplace Policy apply to the Policy.

PROCEDURE

13. The Informal Resolution Processes include, but are not limited to, the following:
- a. General Approach: A supervisor, who becomes aware of workplace harassment, either by way of a complaint or by personal observation, must implement steps to address the alleged or admitted behaviour. These steps may include discussions at routine meetings or a briefing wherein it is emphasized that certain behaviours are unacceptable. If there is an indication of workplace harassment, a resolution plan may be developed and implemented with the assistance of the appropriate union and the HR Section.
 - b. Direct Approach: With this strategy, the interaction is person to person. The direct approach may be between a complainant and a respondent, or a witness to a respondent. It is best conducted in person, either one on one, or with a colleague or third party assistance (e.g., HR Section). If a complainant is not comfortable approaching a respondent, or if the issue is not resolved, a supervisor should be informed about the situation. Employees who see others behaving in a way that is inappropriate or disrespectful should encourage the individual to stop the behaviour. If the behaviour continues, employees must report the behaviour to a supervisor.
 - c. Third Party Facilitation: Upon the approval of the HR Section Inspector, or designate, an informal intervention by a third party to find a mutually agreeable resolution may be initiated. This may be accomplished with the assistance of the following, but not limited to:
 - i. the Inspector or manager of the section where the complainant is assigned;
 - ii. a union representative;
 - iii. a third party facilitator; and/or
 - iv. the HR Section Inspector, or designate.
 - d. Mediation: Involves keeping the channels of communication open, helping the complainant and the respondent express their needs, identifying the issues and, if requested, offering remedies to resolve the situation. Upon the approval of the HR Section Inspector, or designate, a mediator may be appointed to assist the complainant and respondent in a structured process to find a mutually agreeable resolution.
 - e. Restoration Processes: Restoration processes are focused on the needs of the complainant and respondent, their understanding of their own and others' intentions and impacts, and an exploration of root causes of harm, with the goal of repairing relationships and preventing harm from reoccurring in the future.
14. If at any time during the informal resolution processes the VPD determines that a formal investigation is required or warranted, the informal process will conclude. In circumstances where new allegations of potential misconduct surface, the OPCC will be notified, when appropriate, with or without notice to the complainant or the respondent. The OPCC may order a Division 3 Police Act investigation or a formal investigation will be initiated by the HR Section Inspector or designate. See RPM Section 4.3.1(ii) Formal Investigation Process.



4.3 Respectful Workplace

4.3.1(ii) Formal Investigation Process

(Enacted: 2023.12.27)
(Updated: 2023.12.27)

POLICY

The Vancouver Police Department (VPD) provides a respectful workplace that is safe, healthy and inclusive and fosters positive workplace relationships free from harassment and bullying. The Respectful Workplace Policy (Policy) provides information with regard to the formal investigation process that is initiated as a result of filing a formal complaint with the Human Resources (HR) Section Inspector by a complainant who believes that they have been subject to harassment, or by a witness who believes that they have observed harassment in the workplace.

APPLICATION OF THE POLICE ACT

Notwithstanding anything in the Policy, the conduct of members is at all times governed by Part 11 of the *Police Act* (*Misconduct, Complaints Investigations, Discipline and Proceedings*) and any guidelines established by the Office of the Police Complaint Commissioner (OPCC), pursuant to section 177. The VPD may refer incidents of potential misconduct, as that term is defined in section 77 of the *Police Act*, to the OPCC, at any time, whether or not a complaint has been made in respect of the conduct at issue under the Policy without notice to the complainant, respondent, or witnesses.

SCOPE & APPLICATION

1. The Policy applies to all VPD employees, volunteers, contractors and practicum students. An external employee may be considered a complainant under the Policy.
2. Complaints against an external employee may be referred to the external employee's agency for processing.
3. The Policy covers all work related activities, at any workplace at which VPD business is conducted including, but not limited to, all written, verbal and electronic communications taking place in such venues including email, social media, social networks and chat groups.

Complaints Involving Members

4. If the complaint involves a member or information suggests potential misconduct by a member, the HR Section Inspector, or designate, will, when appropriate, notify the Professional Standards Section (PSS) Inspector, or designate.
5. The PSS Inspector, or designate, will assess the information and, when appropriate, notify the OPCC.
6. If the OPCC is notified, the OPCC will determine whether the complaint will be investigated under Part 11, Division 6 (Internal Discipline) or Division 3 (Public Trust) of the *Police Act*.
7. If the investigation proceeds under Division 6 of the *Police Act*, the HR Section Inspector, or designate, will determine how to proceed based on the circumstances of the allegation and the application of the VPD Internal Discipline Rules. Under a Division 6 investigation, RPM Section 4.3.1(i) Informal Resolution Processes may not apply.
8. The OPCC may retain oversight over Division 6 investigations. If at any time during a Division 6 investigation, the OPCC determines the complaint should be investigated under Division 3, neither RPM Section 4.3.1(i) Informal Resolution Processes or RPM Section 4.3.1(ii) Formal Investigation Process will apply.
9. If an investigation may be, or has been, ordered under Division 3 of Part 11 of the *Police Act*, any related investigations, processes, or proceedings, including investigations, processes, and



proceedings available under the Policy, may be suspended until the conclusion of the *Police Act* investigation.

10. If an investigation is ordered under Division 3 of Part 11 of the *Police Act*, the outcome of the investigation and/or proceedings, including an order to discontinue an investigation, will be considered final and conclusive and no further action will be taken under the Policy in respect of the conduct at issue.
11. Investigations, processes, and proceedings commenced under the Policy in respect of matters subsequently ordered to be investigated under Division 3 of Part 11 of the *Police Act* will be discontinued at the exclusive discretion of the HR Section Inspector, or designate.
12. In the event of a conflict between the Policy and the *Police Act* or any guidelines established under the *Police Act*, the *Police Act* and its guidelines will govern.
13. Where the respondent is the Chief Constable and/or a Deputy Chief Constable, the formal complaint shall be filed directly with the Vancouver Police Board Chair, or designate.

DEFINITIONS

The definitions contained within RPM Section 4.3.1 Respectful Workplace Policy apply to this Policy.

Investigator: an individual assigned to investigate a complaint under RPM Section 4.3.1 Respectful Workplace Policy.

COMPLAINANT AND RESPONDENT RIGHTS

14. Notwithstanding the rights and procedures set out below, the investigator, in collaboration with the HR Section Inspector, or designate, retains full discretion to govern the investigation process and may tailor the investigation to the specific circumstances of each case.
15. A complainant has the right to:
 - a. receive fair treatment;
 - b. have their complaint dealt with in a timely manner;
 - c. obtain a review of their complaint without fear of reprisal;
 - d. be informed of the progress of the complaint;
 - e. be represented through the investigation process by:
 - i. a union representative, if they are a union member; or
 - ii. be accompanied by an individual of their choice for support during any proceedings relating to the complaint, providing no costs are incurred by the VPD; and
 - f. be provided, in writing, with a report outlining the findings at the conclusion of the formal investigation.
16. A respondent has the right to:
 - a. receive fair treatment;
 - b. be informed that a complaint has been filed, unless such notice will hinder the investigation;
 - c. be provided with a summary of the allegations and be afforded an opportunity to respond to them;
 - d. be represented through the investigation process by:
 - i. a union representative, if they are a union member; or
 - ii. be accompanied by an individual of their choice for support during any proceedings relating to the investigation of the complaint, provided no costs are incurred by the VPD; and
 - e. be provided, in writing, with a report outlining the findings at the conclusion of the formal investigation.

PROCEDURE



17. If a complainant believes that they are being harassed or a witness believes that they have observed the same, they may file a formal complaint, in writing, with the HR Section Inspector, or designate.
18. A complainant may, at any time, withdraw their formal complaint and request that the complaint be informally resolved. See RPM Section 4.3.1(i) Informal Resolution Processes. The VPD retains the right to initiate or continue any investigation of workplace harassment where the VPD believes it is appropriate to do so in the circumstances.
19. The HR Section Inspector, or designate, shall appoint a suitable investigator to investigate.
20. All formal written complaints must:
 - a. identify the name and position of the complainant;
 - b. identify the name and position (if known) of the respondent(s);
 - c. list the alleged harassment violations under RPM Section 4.3.1 Respectful Workplace Policy, if any; and
 - d. contain a detailed description of the key conduct that constitutes the substance of the complaint.
21. All complaints and investigations related to workplace harassment shall be treated in a sensitive manner that strives to protect the privacy of all individuals involved while complying with the law. While every reasonable effort will be made to ensure confidentiality throughout the processes, confidentiality cannot be guaranteed by the VPD.
22. If, during the course of a Division 6 *Police Act* investigation, the investigator receives information regarding a VPD member who is not the subject of the investigation, and the conduct could constitute a misconduct, the OPCC may be notified and the OPCC may elect to order a separate Division 3 or Division 6 investigation against the member.

INTERVIEWS

Complainant

23. The investigator will advise the complainant that they may have a union representative or support person with them. The interview will include:
 - a. a review of the complainant's evidence;
 - b. a review of all relevant documents in the investigator's possession at the time of the interview;
 - c. a discussion about potential witness(es), including names and contact information (if known);
 - d. a discussion of the outcome sought by the complainant; and
 - e. a discussion of any other relevant matters as determined necessary by the investigator.

Respondent

24. Prior to interviewing the respondent, the investigator shall:
 - a. provide the respondent with a summary of the allegations set out in the complaint;
 - b. provide the respondent with a summary of all other potential allegations or information about potential misconduct not included in the complaint; and
 - c. advise the respondent that they are entitled to have a union representative or support person with them.
25. During the interview of the respondent(s), the investigator shall:
 - a. review the complaint;
 - b. review the relevant documents;
 - c. review the respondent's evidence;
 - d. identify any witness(es); and
 - e. discuss any other relevant matters as determined necessary by the investigator.

Witness



26. The investigator will conduct interviews with relevant witnesses. If information is obtained from a witness, the complainant or the respondent(s) that is substantially different or conflicting, the investigator shall provide the complainant and the respondent(s) with an opportunity to respond to the new information.
27. The investigator will advise the witness that they are entitled to have a union representative or support person with them.

INVESTIGATION REPORTING

28. The investigator shall prepare a report detailing:
 - a. the evidence of the complainant, the respondent(s) and any witness(es);
 - b. the investigator's assessment of credibility, if necessary;
 - c. the investigator's findings of fact with supporting analysis; and
 - d. the investigator's conclusion as to whether the findings of fact constitute a violation of RPM Section 4.3.1 Respectful Workplace Policy.
29. A copy of the report will be forwarded through the HR Section Inspector to the Chief Constable or designate who will review the investigator's report and relevant evidence. The Chief Constable or designate will:
 - a. determine whether disciplinary and/or corrective action should be taken; and
 - b. notify the OPCC, in accordance with the *Police Act* (i.e., in cases of a Division 6 *Police Act* investigation).
30. The investigator may, in consultation with the HR Section Inspector, vet the investigation report as necessary to protect the identity of confidential witnesses and/or for any other purpose determined appropriate by the investigator and/or the HR Section Inspector.
31. Investigations and disciplinary action under the Policy will be carried out in accordance with the *Police Act*, the *Human Rights Code*, RSBC 1996, c.210, labour and employment law principles, any applicable collective agreements and VPD Internal Discipline Rules and will be recorded in writing as required by the *Police Act* and the VPD Internal Discipline Rules.

Appendix 2



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[Regulations & Procedures Manual](#)

(Effective: 2013.09.18)

Part I Order - 2013-004

4.1.11 Respectful Workplace Policy

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POLICY

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It is the right of every employee, volunteer, or contractor of the Vancouver Police Department (VPD) to be treated fairly and respectfully in the workplace.

Every person within the VPD has the responsibility to maintain a respectful workplace that is supportive, equitable, productive, and fosters the well-being of professional workplace relationships of all persons who are employed, volunteer, or contracted with the VPD.

■ [PowerDMS](#)

On occasion, there will be disagreement or conflict in the workplace and every person within the VPD should strive to resolve these interpersonal issues and foster an understanding of individual opinions, views, and sensitivities.

When a disagreement or conflict is more significant, or a person feels that it is not possible or appropriate to resolve an issue on an individual basis, an immediate supervisor, manager, a union representative, or the Human Resources Section (HR) may be a resource to assist in the resolution process.

One of the roles of HR is to provide guidance and support for workplace related issues.

No person shall be penalized, reprimanded, or criticized, when acting in good faith, for bringing forward a complaint, providing information related to workplace issues, or for when attempting to establish or ensure a respectful workplace environment.

DEFINITIONS

For the purposes of this policy and these procedures the following definitions apply:

"Bullying" is any inappropriate conduct, comment, or communication, including interaction over email or social media/social networks, by a person, towards a "worker", which includes all employees, volunteers or contractors with the VPD, that the person knew, or reasonably ought to have known, may cause that worker to be offended, degraded, humiliated, intimidated, ostracized, or emotionally hurt in the workplace. <LINK to RPM S.2.9.6 (iii) Social Media>

"Complainant" is an employee, volunteer, or contractor with the VPD who has submitted a complaint alleging they have been subject to harassment or bullying, or is a witness to an incident of harassment or bullying and has submitted a complaint.

"Prohibited grounds" of discrimination as identified by the B.C. Human Rights Code are:

- a. race;
- b. colour;
- c. ancestry;
- d. country or place of origin;
- e. political belief;
- f. religion;
- g. marital status;
- h. family status;
- i. physical or mental disability;
- j. sex;
- k. sexual orientation or gender identity;
- l. age of person; or,
- m. the fact a person has been convicted of a criminal offence that is unrelated to the employment or to the intended employment of that person.

“Respondent” is the employee, volunteer or contractor with the VPD against whom a complaint is made.

“Workplace” is:

- a. any location where an employee, volunteer, or contractor carries out the duties of performing their job;
- b. any event or gathering related to work, whether sponsored by the employer or not; or
- c. any location travelled to for a work related reason.

“Workplace Harassment” is any conduct, comment, gesture or contact that can be interpreted as prohibited grounds found in the B.C. Human Rights Code. It is behaviour or communication, including interaction over email or social media/social networks, of such a nature that is, or it would be reasonable to assume it is unwelcome and detrimentally affects the work environment for any individual, or leads to adverse job related consequences for that person. <LINK to RPM S.2.9.6 (iii) Social Media>

Workplace Harassment may include, but is not limited to, the following:

- a. racial or ethnic slurs or slang;
- b. stereotypical comments about other groups;
- c. vulgar humour or language;
- d. unwelcome remarks or jokes about a person’s body, attire, age, marital status, ethnic origin, religion, sexual orientation etc.;
- e. ridiculing persons with disabilities;
- f. unwelcome questioning about someone’s social or sexual life;
- g. derogatory comments based upon sexual orientation;
- h. unwelcome sexual remarks, invitations or requests;
- i. suggestive staring, leering or other offensive gestures;
- j. displays of pornographic, sexist, racist or other offensive or derogatory

- material;
- k. unwanted touching of a person's hair, clothing or body; or
- l. methods of coercion such as manipulation, including ignoring and/or isolating a person.

Examples of behaviour that would **not** be considered Workplace Harassment or Bullying may include;

- a. relationships between employees based upon mutual consent;
- b. normal social contact between employees;
- c. reasonable and appropriate performance management development, and management through evaluations and mentoring;
- d. employee supervision;
- e. imposition of appropriate discipline; or
- f. lack of friendliness.

Resolution Models and Strategies to Maintain a Respectful Workplace

Early resolution of workplace harassment or bullying is the most desirable outcome to maintain a respectful workplace. If you believe you are the subject of workplace harassment or bullying, you are encouraged to advise the offending party in a reasonable and appropriate manner that the behaviour is unwelcome and should stop; however, if you are faced with circumstances where interpersonal resolution is not possible or appropriate, one of the following models should be employed.

This policy provides two models to resolve workplace harassment or bullying complaints: Informal Resolution and Formal Investigation. Some factors to consider when deciding to proceed informally or formally are the seriousness of the complaint, any aggravating or mitigating circumstances, and/or the Complainant's wishes regarding the complaint.

It is recommended that the appropriate union and/or HR be consulted as a resource, or for guidance, prior to attempting a resolution of serious, complex or sensitive issues.

Informal Resolution Model

In this model Complainant and Respondent move to address the situation and find a mutually agreeable resolution. The Informal Resolution model includes, but is not limited to, the following strategies:

- a. **Generic approach**- A Supervisor or Manager, who becomes aware of workplace harassment or bullying, either by way of a complaint or by personal observation, must implement steps to address the behaviour. These steps may include discussions at routine staff meetings or a briefing wherein it is emphasized that certain behaviours are unacceptable. If there is an indication of workplace harassment or bullying, a resolution plan may be developed and implemented with the assistance of the appropriate union and/or HR;
- b. **Direct approach** - With this strategy, the interaction is person to person. The direct approach may be between a Complainant to Respondent, or a bystander to Respondent, and can be done in person or by letter. If done in

person, a colleague may be present during the meeting;

c. **Third party facilitation** - This is an informal intervention by a third party to find a mutually agreeable resolution. This may be accomplished with the assistance of the following, but not limited to;

- i. the Inspector or Manager i/c a section;
- ii. a union representative;
- iii. the Manager of Employee Relations and Advisory Services in HR;
- iv. the Manager i/c Civilian Services in HR; or,
- v. the Inspector i/c HR

d. **Mediation** - An impartial third party is appointed to assist the Complainant and Respondent in a structured process to find a mutually agreeable resolution. Mediation involves keeping the channels of communication open, helping the parties express their needs, identifying the issues, and if requested, offering remedies to resolve the dispute. The Mediator can make recommendations for resolution;

e. **Alternate Dispute Resolution (ADR)** - A resolution process which may include negotiation, mediation and arbitration (optional). It is an alternative method to a formal or structured scheme to arrive at a private and confidential resolution to a dispute between parties.

The Superintendent i/c Personnel Services will oversee the selection of a mediator or arbitrator, if such resolution is requested by both the Complainant and Respondent. The appropriate union may be consulted during this process.

Formal Investigation Model

Any employee, volunteer, or contractor with the VPD, who believes that he or she is being harassed or bullied, may file a formal complaint in writing against the alleged harasser or bully with the Inspector i/c HR.

The Inspector i/c HR will appoint a suitable investigator to conduct an investigation into the complaint.

A Complainant may, at any time, withdraw their formal complaint, allowing the complaint to be informally resolved.

Notwithstanding anything in this policy, the employer retains the right to, or may have a legal obligation to, initiate or continue any investigation into an incident of harassment or bullying, where the employer believes it is in everyone's best interests to maintain a respectful workplace and to ensure the wellbeing of employees.

Mediation Within the Formal Investigation Model

With the consent of the Complainant and Respondent, as well as the Inspector i/c HR, an assigned investigator may mediate the complaint. If the complaint is resolved, the investigator shall prepare a settlement agreement in writing describing the terms of the resolution. All parties involved in the dispute shall sign the resolution, a copy of which will be provided to the Complainant, the Respondent and the Inspector i/c HR. A copy will be placed in the personnel files of both the Complainant and the Respondent. The Inspector i/c HR shall monitor and oversee the implementation of the resolution.

PROCEDURE

The Rights and Responsibilities of Persons with the VPD.

1. Every employee, volunteer, and contractor with the VPD:
 - a. has the right to be treated fairly and respectfully in the workplace;
 - b. has the responsibility to ensure they treat others fairly and respectfully in the workplace; and,
 - c. is expected to address behaviour, where feasible, that is inconsistent with this policy by taking appropriate action.

The Rights and Responsibilities of a Complainant in a Workplace Harassment or Bullying Investigation.

2. A Complainant, depending on the circumstances, may choose to:
 - a. make known their disapproval to the alleged harasser or bully directly; or
 - b. ask for the assistance of another person to make their disapproval known to the alleged harasser or bully; or
 - c. choose another informal strategy to resolve the harassment or bullying; or
 - d. report the circumstances to a supervisor or manager and submit, in writing, details of the incident including:
 - date and time of the incident(s);
 - any Witness(es) to the incident(s); and
 - any response by a person(s) including the Complainant(s) or Witness(s) made at the time of the incident(s); or,
 - e. submit a confidential report to HR. <LINK to Respectful Workplace - Confidential Report >
3. A Complainant has the right to:
 - a. receive fair treatment;
 - b. have their complaint dealt with in a timely fashion;
 - c. obtain a review of their complaint without fear of embarrassment or reprisal;
 - d. be informed of the progress of the complaint;
 - e. request that no record of the complaint is placed on their personnel file if the complaint is made in good faith;
 - f. be represented throughout the investigation process by:

- i. a union representative if they are a union member, or
- ii. counsel, paid for by the party represented, if they are an exempt staff member;
- g. be accompanied by a person of their choice for support during any proceedings relating to the complaint, providing no costs are incurred by the VPD;
- h. be provided, in writing, with a report outlining the findings at the conclusion of the investigation; and,
- i. at any time, withdraw their formal complaint, allowing the complaint to be informally resolved.

The Rights of a Respondent in a Workplace Harassment or Bullying Investigation.

- 4. A Respondent has the right to:
 - a. receive fair treatment;
 - b. be informed as soon as practicable that a complaint has been filed;
 - c. be provided with a written statement of the allegations and be afforded an opportunity to respond to them;
 - d. be informed of the progress of the complaint;
 - e. be represented throughout the investigation process by:
 - i. a Union representative if they are a union member; or
 - ii. counsel, paid for by the party represented, if they are an exempt staff member; and
 - f. be accompanied by a person of their choice for support during any proceedings relating to the investigation of the complaint, providing no costs are incurred by the VPD;
 - g. be provided, in writing, with a report outlining the findings at the conclusion of the investigation.

Considerations for a Formal Workplace Harassment or Bullying Investigation

- 5. Prior to engaging in a workplace harassment or bullying investigation, supervisors or managers shall consult with HR to develop an approach tailored to the unique circumstances of the allegations and a process that ensures fairness and transparency to those involved. The appropriate union may be consulted in this process.
- 6. The Inspector i/c HR shall appoint a suitable investigator to conduct an investigation into the complaint.
- 7. Investigations of workplace harassment or bullying are different from criminal investigations. There may be incidents that also involve criminal acts and/or violations of the Police Act for peace officers; thus it is important to utilize an investigator who is familiar with the labour process, the Police Act, workplace harassment, bullying, and the issues and laws relative to the workplace.
- 8. All complaints and investigations related to harassment or bullying shall be treated in a sensitive manner that strives to protect the privacy of the persons involved while complying with the provisions of law.
- 9. All formal written complaints shall:

- a. identify the name and position of the Complainant;
 - b. identify the name and position of the Respondent;
 - c. provide a brief and clear description of the key incident(s) that may include one or all of the following, and which constitutes the substance of the complaint:
 - discrimination on prohibited grounds as defined by B.C. Human Rights Code;
 - harassment; or
 - bullying.
10. The Investigator shall interview the Complainant in a private setting and include:
 - a. the Complainant's evidence;
 - b. the review of all relevant documents;
 - c. the identification of witness(es); and
 - d. the outcome sought by the Complainant.
11. Prior to interviewing the Respondent, the Investigator shall:
 - a. provide the Respondent with a written statement of the allegations;
 - b. provide the Respondent with a summary of any other relevant incidents identified that are not included in the written complaint; and
 - c. advise the Respondent that they are entitled to have a union representative if they are a union member, or have counsel present at the interview, paid for by the Respondent, if they are an exempt staff member.
12. The Investigator shall conduct an interview with the Respondent in a private setting and include:
 - a. careful documentation of all the Respondent's evidence;
 - b. production and review of all relevant documents;
 - c. identification of witness(es); and
 - d. the outcome the Respondent believes would be fair.
13. If information is obtained from a witness that is substantially different or conflicting, the investigator shall provide the Complainant and the Respondent with an opportunity to respond to the new information.
14. The Investigator shall prepare a report detailing:
 - a. the evidence of the Complainant, the Respondent and any witness (es);
 - b. the Investigator's assessment of credibility if necessary;
 - c. the Investigator's findings of fact with supporting analysis; and
 - d. the Investigator's conclusion as to whether the findings of fact constitute a violation of the Respectful Workplace Policy.
15. The Chief Constable has the decision-making authority provided in this policy, but may delegate this authority to the Deputy Chief Constable Commanding Support Services or the Superintendent, Personnel Services.
16. A copy of the report shall be forwarded through the Inspector i/c HR to the Chief Constable, or Designate, who after review shall:

- a. conclude the matter ; or
 - b. recommend that disciplinary and/or corrective action be taken.
17. Any disciplinary action shall be carried out in accordance with labour process guidelines [<LINK to Workplace Harassment Issues - Legal Principles>](#) and shall be recorded in writing, with a copy placed in the personnel file of the employee being disciplined.

Violation of This Policy

18. Any employee who violates this policy is subject to disciplinary and/or corrective action.
19. Any volunteer or contractor who violates this policy may have their services or contract terminated.
20. In the event that it is found that a complaint was clearly made in bad faith or for vexatious motives, disciplinary action may be taken against the Complainant.

Retaliation as a Result of Filing a Complaint

21. Retaliation is considered a serious disciplinary breach. No person shall be subject to retaliation, threat of retaliation, harassment, bullying, or discipline as the result of filing a complaint made in good faith.

PREVIOUS POLICY

(Effective: 2000.11.10)

POLICY

The Vancouver Police Department (VPD) is committed to providing a work environment that is supportive of the dignity and self-esteem of all employees. Harassment in the workplace violates this commitment, is oppressive, and will not be condoned or permitted. This policy applies to all employees, volunteers, and persons contracted to work with or for the Vancouver Police Board. Harassment is a form of discrimination and is detrimental to the people and work groups affected. All employees, especially Supervisors and Managers, are responsible to ensure a safe and productive work environment.

The ultimate goal of the Workplace Harassment Prevention and

Intervention Policy (WHPIP) is to correct inappropriate behaviour at the earliest stage.

DEFINITIONS

1. For the purposes of this policy the workplace site includes:
 - a. any location where you carry out the duties of performing your job;
 - b. any social gathering where there is the potential for impact on the workplace; and
 - c. at any location travelled to for a work related reason.
2. Prohibited grounds of discrimination as identified by the *B.C. Human Rights Code* are:
 - race;
 - colour;
 - ancestry;
 - country or place of origin;
 - political belief;
 - religion;
 - marital status;
 - family status;
 - physical or mental disability;
 - sex;
 - sexual orientation or gender identity;
 - age of a person; or
 - the fact a person has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.
3. Workplace Harassment is any conduct, comment, gesture or contact that is based on the prohibited grounds found under the B.C. Human Rights Code, and that is of such a nature that is, or would be reasonable to assume is unwelcome, and detrimentally affects the work environment for any individual, or leads to adverse job related consequences for the victim of the harassment.
4. Workplace Harassment may include, but is not limited to, the following:
 - a. racial or ethnic slurs or slang;
 - b. stereotypical comments about other groups;
 - c. vulgar humour or language;
 - d. unwelcome remarks or jokes about a person's body, attire, age, marital status, ethnic origin, religion, sexual orientation

etc;

- e. ridiculing persons with disabilities;
- f. unwelcome questioning about someone's social or sexual life;
- g. derogatory comments based upon sexual orientation;
- h. unwelcome sexual remarks, invitations or requests;
- i. suggestive staring, leering or other offensive gestures;
- j. displays of pornographic, sexist, racist or other offensive or derogatory material; or
- k. unwanted touching of a person's hair, clothing or body.

Examples of behaviour that would not be considered Workplace Harassment may include:

- relationships between employees based upon mutual consent;
- normal social contact between employees;
- appropriate supervision;
- performance evaluations;
- imposition of appropriate discipline; or
- lack of friendliness.

PROCEDURE

Rights, Responsibilities and Expectations of Employees, Volunteers and Contractors

5. Every employee, volunteer and contractor:
 - a. has the right to be treated fairly and respectfully in the workplace;
 - b. has the responsibility to ensure they treat others fairly and respectfully in the workplace; and
 - c. is expected to address behaviour that is inconsistent with this policy by taking appropriate action.

Violation of This Policy

6. Any employee who violates this policy is subject to disciplinary and/or corrective action.
7. Any volunteer who violates this policy may have their services terminated.
8. Any violation of this policy by a contractor may lead to grounds for termination of their contract.
9. In the event that it is clearly found that a complaint was made in bad faith or for vexatious motives, disciplinary action may be taken against the Complainant.

Retaliation as a result of filing a complaint

10. Retaliation is considered a serious disciplinary breach. No employee shall be subject to retaliation, threat of retaliation, or discipline as

the result of filing a complaint made in good faith.

Rights and responsibilities of a Complainant and Respondent in a Workplace Harassment investigation.

11. A Complainant shall:

- a. make known their disapproval to the alleged harasser directly; or
- b. ask for the assistance of another person to make their disapproval known to the alleged harasser; or
- c. report the occurrence to a Supervisor or Manager and submit, either in writing or through an interview, details of the incident including:
 - date and time of the incident;
 - any witnesses to the incident; and
 - any response made at the time of the incident.

12. A Complainant has the right to:

- a. receive fair treatment;
- b. have their complaint dealt with in a timely fashion;
- c. obtain a review of their complaint without fear of embarrassment or reprisal;
- d. be informed of the progress of the complaint;
- e. request that no record of the complaint is placed on their personnel file if the complaint is made in good faith;
- f. be accompanied by a person of their choice for moral support during any proceedings relating to the complaint, providing no costs are incurred by the VPD;
- g. be represented throughout the investigation process by a Union representative and/or legal counsel, paid for by the party represented; and
- h. be provided, in writing, with a report of the findings of the investigation at the conclusion of the process.

13. A Respondent has the right to:

- a. receive fair treatment;
- b. be informed as soon as practicable that a complaint has been filed;
- c. be provided with a written statement of the allegations and be afforded an opportunity to respond to them;
- d. be informed of the progress of the complaint;
- e. be accompanied by a person of their choice for moral support during any proceedings relating to the investigation of the complaint, providing no costs are incurred by the VPD;
- f. be represented throughout the investigation process by a Union representative and/or legal counsel, paid for by the party represented; and
- g. be provided, in writing, with a report of the findings of the

investigation at the conclusion of the process.

Resolution of a report of harassment

Early resolution of Workplace Harassment is the most desirable outcome in the majority of circumstances. While it is suggested that the following sequence of dispute resolution be considered, the process can begin at any level of the proceedings. Factors to consider are the seriousness of the allegations and any mitigating circumstances.

Informal Resolution

14. **Initial Response** - If you believe you are the subject of harassment, you are encouraged to advise the offending party in a reasonable and appropriate manner that the behaviour is unwelcome and should stop.
15. **Informal Conflict Resolution** - An informal process where no record is retained of the workplace conflict complaint. The Complainant and Respondent move to resolve the situation and find a mutually agreeable solution. The conflict resolution processes include but are not limited to the following:
 - a. **Generic approach** - A Supervisor or Manager, who becomes aware of a situation, either by way of a complaint or by personal observation, may implement general steps to address behaviour. These steps may include discussions at routine staff meetings or briefings wherein it is emphasized that certain behaviour is unacceptable. Harassment/workplace resolution may be implemented and related literature distributed;
 - b. **Direct approach** - Person to person interaction. The direct approach may be from Complainant to Respondent, bystander to Respondent, in person, by letter, alone or with a colleague;
 - c. **Third party facilitation** - Informal intervention by a third party such as the Manager i/c of your work area, the Inspector i/c of the Human Resources Section (HRS), a Union representative, or the Equal Employment Opportunity Officer for the City of Vancouver;
 - d. **Mediation** - An impartial third party is appointed to assist the Complainant and Respondent in a structured process to find a mutually agreeable solution. It involves keeping the channels of communication open, helping the parties express their needs, identifying the issues and, if requested, offering remedies to resolve the dispute. The Mediator has no decision making power; and
 - e. **Alternate Dispute Resolution (ADR)** - A resolution process which may include negotiation, mediation and arbitration (optional). It is an alternative method to a formal or structured scheme to arrive at a private and confidential resolution to a dispute between parties.
16. The Inspector i/c HRS may assist with the selection of a Facilitator if requested by both the Complainant and Respondent. A party from outside the VPD may be used.

Formal Investigation Process

17. Any employee or volunteer, who believes that he or she is being harassed, may file a formal complaint in writing against the alleged harasser with the Inspector i/c HRS.
18. A Complainant may, at any time, withdraw their formal complaint, allowing the complaint to be informally resolved.
19. Notwithstanding anything in this policy, the employer retains the right to initiate or continue any investigation of a Workplace Harassment allegation where the employer believes it is in the best interests of the employer and/or any employee to further the investigation.

Mediation

20. With the consent of the parties involved, as well as the Inspector i/c HRS, the Investigator may mediate the complaint. If the complaint is resolved, the Investigator shall prepare a settlement agreement in writing describing the terms of the resolution. All parties involved in the dispute shall sign the resolution, a copy of which will be provided to the Complainant, the Respondent and the Inspector i/c HRS. A copy may be placed on the personnel files of both the Complainant and the Respondent. The Inspector i/c HRS shall monitor the implementation of the resolution, if appropriate.

Investigation

21. Investigations of Workplace Harassment issues are different from a criminal investigation. While there are Workplace Harassment incidents that also involve criminal acts, it is important to utilize an Investigator and who is familiar with the labour process, Workplace Harassment issues and laws.
22. The Inspector i/c HRS shall appoint a suitable Investigator, who may be from outside of the VPD, to conduct an investigation into the complaint.
23. All complaints of harassment under the WHPIP, and all investigatory processes shall be treated, in as much as the law provides, with the utmost privacy.
24. All formal written complaints shall:
 - a. identify the name and position of the Complainant;
 - b. the name and the position of the Respondent;
 - c. the prohibited ground of discrimination; and
 - d. a brief description of the key incidents that constitute the substance of the complaint.
25. The Investigator shall conduct an interview with the Complainant that shall be done with the utmost privacy and include:
 - a. the Complainant's evidence;
 - b. the review of all relevant documents;
 - c. the identification of witnesses; and
 - d. the outcome sought by the Complainant.

26. Prior to interviewing the Respondent, the Investigator shall:
 - a. provide the Respondent with a copy of the formal written complaint;
 - b. provide the Respondent with a summary of any other relevant incidents identified that are not included in the written complaint; and
 - c. advise the Respondent that they are entitled to have a union representative and/or legal counsel paid for by the Respondent, present at the interview.
27. The Investigator shall conduct an interview with the Respondent that shall be done with the utmost privacy and include:
 - a. careful documentation of all the Respondent's evidence;
 - b. production and review of all relevant documents;
 - c. identification of witnesses; and
 - d. the outcome the Respondent thinks would be fair.
28. If information is obtained from witnesses, the Complainant, or the Respondent, that is substantial and conflicting, the Investigator shall provide the Complainant and the Respondent an opportunity to respond to the information.
29. The Investigator shall prepare a report detailing:
 - a. the evidence of the Complainant, the Respondent and any witnesses;
 - b. the Investigator's assessment of credibility if necessary;
 - c. the Investigator's findings of fact; and
 - d. the Investigator's conclusion as to whether the findings of fact constitute a violation of the Workplace Harassment and Intervention Policy.
30. A copy of the report shall be forwarded through the Inspector i/c HRS to the Chief Constable or his Designate who shall:
 - a. conclude the matter forthwith; or
 - b. recommend that disciplinary and/or corrective action be taken.
31. Any disciplinary action shall be carried out in accordance with labour process guidelines and shall be recorded in writing, with a copy placed in the personnel file of the employee being disciplined.
32. The Chief Constable may delegate the decision-making authority provided in this policy to a lower ranking officer.

Appendix 3


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4.1 Professional Standards

4.1.11 Respectful Workplace Policy

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(Effective: 2016.08.31)

POLICY

It is the right of every employee, volunteer, or contractor of the Vancouver Police Department (VPD) to be treated fairly and respectfully in the workplace.

Every person within the VPD has the responsibility to maintain a respectful workplace that is supportive, equitable, productive, and fosters the well-being of professional workplace relationships of all persons who are employed, volunteer, or contracted with the VPD.

On occasion, there will be disagreement or conflict in the workplace and every person within the VPD should strive to resolve these interpersonal issues and foster an understanding of individual opinions, views, and sensitivities.

When a disagreement or conflict is more significant, or a person feels that it is not possible or appropriate to resolve an issue on an individual basis, an immediate supervisor, manager, a union representative, or the Human Resources Section (HR) may be a resource to assist in the resolution process.

One of the roles of HR is to provide guidance and support for workplace related issues.

No person shall be penalized, reprimanded, or criticized, when acting in good faith, for bringing forward a complaint, providing information related to workplace issues, or for when attempting to establish or ensure a respectful workplace environment.

DEFINITIONS

For the purposes of this policy and these procedures the following definitions apply:

“Bullying” is any inappropriate conduct, comment, or communication, including interaction over email or social media/social networks, by a person, towards a “worker”, which includes all employees, volunteers or contractors with the VPD, that the person knew, or reasonably ought to have known, may cause that worker to be offended, degraded, humiliated, intimidated, ostracized, or emotionally hurt in the workplace [RPM Section 2.9.6\(iii\): Social Media](#).

“Complainant” is an employee, volunteer, or contractor with the VPD who has submitted a complaint alleging they have been subject to harassment or bullying, or is a witness to an incident of harassment or bullying and has submitted a complaint.

“Prohibited grounds” of discrimination as identified by the *B.C. Human Rights Code* are:

- a. race;
- b. colour;
- c. ancestry;
- d. country or place of origin;
- e. political belief;
- f. religion;
- g. marital status;
- h. family status;
- i. physical or mental disability;
- j. sex;
- k. sexual orientation, gender identity, or gender expression;
- l. age of person; or,
- m. the fact a person has been convicted of a criminal offence that is unrelated to the employment or to the intended employment of that person.

“Respondent” is the employee, volunteer or contractor with the VPD against whom a complaint is made.

“Workplace” is:

- a. any location where an employee, volunteer, or contractor carries out the duties of performing their job;
- b. any event or gathering related to work, whether sponsored by the employer or not; or
- c. any location travelled to for a work related reason.

“Workplace Harassment” is any conduct, comment, gesture or contact that can be interpreted as being contrary to characteristics listed as prohibited grounds found in the *B.C. Human Rights Code*. It is behaviour or communication, including interaction over email or social media/social networks, of such a nature that is, or it would be reasonable to assume it is, unwelcome and detrimentally affects the work environment for any individual, or leads to adverse job related consequences for that person [RPM Section 2.9.6\(iii\): Social Media](#).

Workplace Harassment may include, but is not limited to, the following:

- a. racial or ethnic slurs or slang;
- b. stereotypical comments about other groups;
- c. vulgar humour or language;
- d. unwelcome remarks or jokes about a person’s body, attire, age, marital status, ethnic origin, religion, sexual orientation etc.;
- e. ridiculing persons with disabilities;
- f. unwelcome questioning about someone’s social or sexual life;

- g. derogatory comments based upon sexual orientation;
- h. unwelcome sexual remarks, invitations or requests;
- i. suggestive staring, leering or other offensive gestures;
- j. displays of pornographic, sexist, racist or other offensive or derogatory material;
- k. unwanted touching of a person's hair, clothing or body; or
- l. methods of coercion such as manipulation, including ignoring and/or isolating a person.

Examples of behaviour that would **not** be considered Workplace Harassment or Bullying may include;

- a. relationships between employees based upon mutual consent;
- b. normal social contact between employees;
- c. reasonable and appropriate performance management development, and management through evaluations and mentoring;
- d. employee supervision;
- e. imposition of appropriate discipline; or
- f. lack of friendliness.

Resolution Models and Strategies to Maintain a Respectful Workplace

Early resolution of workplace harassment or bullying is the most desirable outcome to maintain a respectful workplace. If you believe you are the subject of workplace harassment or bullying, you are encouraged to advise the offending party in a reasonable and appropriate manner that the behaviour is unwelcome and should stop; however, if you are faced with circumstances where interpersonal resolution is not possible or appropriate, one of the following models should be employed.

This policy provides two models to resolve workplace harassment or bullying complaints: Informal Resolution and Formal Investigation. Some factors to consider when deciding to proceed informally or formally are the seriousness of the complaint, any aggravating or mitigating circumstances, and/or the Complainant's wishes regarding the complaint.

It is recommended that the appropriate union and/or HR be consulted as a resource, or for guidance, prior to attempting a resolution of serious, complex or sensitive issues.

Informal Resolution Model

In this model Complainant and Respondent move to address the situation and find a mutually agreeable resolution. The Informal Resolution model includes, but is not limited to, the following strategies:

- a. **Generic approach** - A Supervisor or Manager, who becomes aware of workplace harassment or bullying, either by way of a complaint or by personal observation, must implement steps to address the behaviour. These steps may include discussions at routine staff meetings or a briefing wherein it is emphasized that certain behaviours are unacceptable. If there is an indication of workplace harassment or bullying, a resolution plan may be developed and implemented with the assistance of the appropriate union

and/or HR;

- b. **Direct approach** - With this strategy, the interaction is person to person. The direct approach may be between a Complainant to Respondent, or a bystander to Respondent, and can be done in person or by letter. If done in person, a colleague may be present during the meeting;
- c. **Third party facilitation** - This is an informal intervention by a third party to find a mutually agreeable resolution. This may be accomplished with the assistance of the following, but not limited to;
 - i. the Inspector or Manager i/c a section;
 - ii. a union representative;
 - iii. the Manager of Employee Relations and Advisory Services in HR;
 - iv. the Manager i/c Civilian Services in HR; or,
 - v. the Inspector i/c HR
- d. **Mediation** - An impartial third party is appointed to assist the Complainant and Respondent in a structured process to find a mutually agreeable resolution. Mediation involves keeping the channels of communication open, helping the parties express their needs, identifying the issues, and if requested, offering remedies to resolve the dispute. The Mediator can make recommendations for resolution;
- e. **Alternate Dispute Resolution (ADR)** - A resolution process which may include negotiation, mediation and arbitration (optional). It is an alternative method to a formal or structured scheme to arrive at a private and confidential resolution to a dispute between parties.

The Superintendent i/c Personnel Services will oversee the selection of a mediator or arbitrator, if such resolution is requested by both the Complainant and Respondent. The appropriate union may be consulted during this process.

Formal Investigation Model

Any employee, volunteer, or contractor with the VPD, who believes that they are being harassed or bullied, may file a formal complaint in writing against the alleged harasser or bully with the Inspector i/c HR.

The Inspector i/c HR will appoint a suitable investigator to conduct an investigation into the complaint.

A Complainant may, at any time, withdraw their formal complaint, allowing the complaint to be informally resolved.

Notwithstanding anything in this policy, the employer retains the right to, or may have a legal obligation to, initiate or continue any investigation into an incident of harassment or bullying, where the employer believes it is in everyone's best interests to maintain a respectful workplace and to ensure the wellbeing of employees.

Mediation within the Formal Investigation Model

With the consent of the Complainant and Respondent, as well as the Inspector i/c HR, an assigned investigator may mediate the complaint. If the complaint is resolved, the investigator shall prepare a settlement agreement in writing describing the terms of the resolution. All parties involved in the dispute shall sign the resolution, a copy of which will be provided to the Complainant, the

Respondent and the Inspector i/c HR. A copy will be placed in the personnel files of both the Complainant and the Respondent. The Inspector i/c HR shall monitor and oversee the implementation of the resolution.

PROCEDURE

The Rights and Responsibilities of Persons with the VPD.

1. Every employee, volunteer, and contractor with the VPD:
 - a. has the right to be treated fairly and respectfully in the workplace;
 - b. has the responsibility to ensure they treat others fairly and respectfully in the workplace; and,
 - c. is expected to address behaviour, where feasible, that is inconsistent with this policy by taking appropriate action.

The Rights and Responsibilities of a Complainant in a Workplace Harassment or Bullying Investigation..

2. A Complainant, depending on the circumstances, may choose to:
 - a. make known their disapproval to the alleged harasser or bully directly; or
 - b. ask for the assistance of another person to make their disapproval known to the alleged harasser or bully; or
 - c. choose another informal strategy to resolve the harassment or bullying; or
 - d. report the circumstances to a supervisor or manager and submit, in writing, details of the incident including:
 - date and time of the incident(s);
 - any Witness(es) to the incident(s); and
 - any response by a person(s) including the Complainant(s) or Witness(s) made at the time of the incident(s); or,
 - e. submit a confidential report to HR Respectful Workplace - Confidential Report.
3. A Complainant has the right to:
 - a. receive fair treatment;
 - b. have their complaint dealt with in a timely fashion;
 - c. obtain a review of their complaint without fear of embarrassment or reprisal;
 - d. be informed of the progress of the complaint;
 - e. request that no record of the complaint is placed on their personnel file if the complaint is made in good faith;
 - f. be represented throughout the investigation process by:
 - i. a union representative if they are a union member, or
 - ii. counsel, paid for by the party represented, if they are an exempt staff member;
 - g. be accompanied by a person of their choice for support during any proceedings relating to the complaint, providing no costs are

incurred by the VPD;

- h. be provided, in writing, with a report outlining the findings at the conclusion of the investigation; and,
- i. at any time, withdraw their formal complaint, allowing the complaint to be informally resolved.

The Rights of a Respondent in a Workplace Harassment or Bullying Investigation.

- 4. A Respondent has the right to:
 - a. receive fair treatment;
 - b. be informed as soon as practicable that a complaint has been filed;
 - c. be provided with a written statement of the allegations and be afforded an opportunity to respond to them;
 - d. be informed of the progress of the complaint;
 - e. be represented throughout the investigation process by:
 - i. a Union representative if they are a union member; or
 - ii. counsel, paid for by the party represented, if they are an exempt staff member; and
 - f. be accompanied by a person of their choice for support during any proceedings relating to the investigation of the complaint, providing no costs are incurred by the VPD;
 - g. be provided, in writing, with a report outlining the findings at the conclusion of the investigation.

Considerations for a Formal Workplace Harassment or Bullying Investigation

- 5. Prior to engaging in a workplace harassment or bullying investigation, supervisors or managers shall consult with HR to develop an approach tailored to the unique circumstances of the allegations and a process that ensures fairness and transparency to those involved. The appropriate union may be consulted in this process.
- 6. The Inspector i/c HR shall appoint a suitable investigator to conduct an investigation into the complaint.
- 7. Investigations of workplace harassment or bullying are different from criminal investigations. There may be incidents that also involve criminal acts and/or violations of the Police Act for peace officers; thus it is important to utilize an investigator who is familiar with the labour process, the Police Act, workplace harassment, bullying, and the issues and laws relative to the workplace.
- 8. All complaints and investigations related to harassment or bullying shall be treated in a sensitive manner that strives to protect the privacy of the persons involved while complying with the provisions of law.
- 9. All formal written complaints shall:
 - a. identify the name and position of the Complainant;
 - b. identify the name and position of the Respondent;
 - c. provide a brief and clear description of the key incident(s) that may include one or all of the following, and which constitutes the substance of the complaint:

- discrimination on prohibited grounds as defined by *B.C. Human Rights Code*;
 - harassment; or
 - bullying.
10. The Investigator shall interview the Complainant in a private setting and include:
 - a. the Complainant's evidence;
 - b. the review of all relevant documents;
 - c. the identification of witness(es); and
 - d. the outcome sought by the Complainant.
 11. Prior to interviewing the Respondent, the Investigator shall:
 - a. provide the Respondent with a written statement of the allegations;
 - b. provide the Respondent with a summary of any other relevant incidents identified that are not included in the written complaint; and
 - c. advise the Respondent that they are entitled to have a union representative if they are a union member, or have counsel present at the interview, paid for by the Respondent, if they are an exempt staff member.
 12. The Investigator shall conduct an interview with the Respondent in a private setting and include:
 - a. careful documentation of all the Respondent's evidence;
 - b. production and review of all relevant documents;
 - c. identification of witness(es); and
 - d. the outcome the Respondent believes would be fair.
 13. If information is obtained from a witness that is substantially different or conflicting, the investigator shall provide the Complainant and the Respondent with an opportunity to respond to the new information.
 14. The Investigator shall prepare a report detailing:
 - a. the evidence of the Complainant, the Respondent and any witness(es);
 - b. the Investigator's assessment of credibility if necessary;
 - c. the Investigator's findings of fact with supporting analysis; and
 - d. the Investigator's conclusion as to whether the findings of fact constitute a violation of the Respectful Workplace Policy.
 15. The Chief Constable has the decision-making authority provided in this policy, but may delegate this authority to the Deputy Chief Constable Commanding Support Services or the Superintendent, Personnel Services.
 16. A copy of the report shall be forwarded through the Inspector i/c HR to the Chief Constable, or Designate, who after review shall:
 - a. conclude the matter ; or
 - b. recommend that disciplinary and/or corrective action be taken.
 17. Any disciplinary action shall be carried out in accordance with labour process guidelines Workplace Harassment Issues - Legal Principles and shall

be recorded in writing, with a copy placed in the personnel file of the employee being disciplined.

Violation of This Policy

18. Any employee who violates this policy is subject to disciplinary and/or corrective action.
19. Any volunteer or contractor who violates this policy may have their services or contract terminated.
20. In the event that it is found that a complaint was clearly made in bad faith or for vexatious motives, disciplinary action may be taken against the Complainant.

Retaliation as a Result of Filing a Complaint

21. Retaliation is considered a serious disciplinary breach. No person shall be subject to retaliation, threat of retaliation, harassment, bullying, or discipline as the result of filing a complaint made in good faith.

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Questions or comments, you can send us e-mail: [VPD Intranet Administrator](#)
Last modified: August 27, 2020