

<b>Title:</b> Anti-Racism Policy	<b>Policy No.:</b> 30.21  <b>Supersedes:</b> NEW
<b>Authority:</b> Legislative <input type="checkbox"/> Operational <input checked="" type="checkbox"/>	<b>Effective Date:</b> April 16, 2021
<b>Approval:</b> Council <input type="checkbox"/> CMT <input checked="" type="checkbox"/> General Manager <input type="checkbox"/>	<b>Review Date:</b> 2024
<p><b>POLICY STATEMENT</b></p> <p>The City of Maple Ridge recognizes the diversity of our community and belief that all members of our community including, but not limited to, residents, employees, volunteers and all ethnicities have the right to live, work, and do business in an environment that asserts and supports their fundamental rights, personal worth and human dignity.</p> <p>This Policy is intended to demonstrate the City of Maple Ridge’s commitment to conducting its day-to-day operations and governance free of racism and racial discrimination. Racism and racial discrimination are not acceptable and will not be tolerated or condoned.</p>	
<p><b>PURPOSE</b></p> <p>The fundamental objectives of this Policy are to prevent racism and racial discrimination on the grounds protected by the B.C. <i>Human Rights Code</i>, and to provide procedures for handling complaints, remedying situations, and imposing discipline when such discrimination does occur.</p> <p>Concerns regarding discrimination that do not involve any of the grounds prohibited by the B.C. <i>Human Rights Code</i> are not covered by this Policy. Such concerns may be addressed by other City of Maple Ridge policies or procedures such as the Respectful Workplace Policy, Code of Conduct Policy, Collective Agreements, and employee handbooks.</p>	
<p><b>GENERAL PRINCIPLES</b></p> <ol style="list-style-type: none"> <li>1.    The City of Maple Ridge acknowledges and recognizes the existence in our community of racism in all its forms, including Cultural, Environmental, Institutional, Systemic and Individual.</li> <li>2.    The City of Maple Ridge is committed to breaking down unintended barriers, deconstructing biases; as well as fostering and promoting an inclusive, respectful and welcoming environment for all; one that is free from racism and racial discrimination.</li> <li>3.    The City of Maple Ridge acknowledges its role and responsibility in protecting every person’s right to be free from racism and racial discrimination.</li> </ol>	

4. The City of Maple Ridge is committed to respecting and upholding the vision and principles of the B.C. *Human Rights Code*.
5. The City of Maple Ridge will identify and seek to eliminate existing or emerging institutional racism embedded within the organization. The City will increase awareness of ethnic diversity within the workplace.
6. The City of Maple Ridge will make every reasonable effort to ensure that all concerned are familiar with this Policy and are aware that any complaint in violation of this Policy will be investigated and resolved appropriately.
7. The City of Maple Ridge regards racism as a serious offense that is subject to a wide range of remedial or disciplinary measures, including termination of employment.
8. This Policy is intended to supplement and support the B.C. *Human Rights Code* and related City of Maple Ridge policies such as Respectful Workplace Policy and Anti-Discrimination Policy.

## SCOPE

This Policy applies to all employees, contractors, volunteers, and students working for the City of Maple Ridge or providing professional services that share responsibility for ensuring and maintaining an environment that is free from discrimination.

This Policy applies to any location where the business of the City is being conducted or any employment-related activities, including:

- the workplace itself (e.g. lunch rooms, meeting rooms, offices);
- other locations and situations such as off-site meetings, business travel or social events related to employment;
- incidents that occur at or away from the workplace during or outside working hours if a connection exists to the employment relationship; and
- all forms of workplace communication including social channels, interpersonal and electronic communications such as email, group chats, video-conferencing or through any other collaborative communication tool used to conduct City business.

This Policy is intended to supplement and support the B.C. *Human Rights Code* and related City of Maple Ridge policies such as Respectful Workplace Policy and Anti-Discrimination Policy.

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Our Elected Officials are governed by the Council Code of Conduct located at <https://www.mapleridge.ca/DocumentCenter/View/21370/Council-Code-of-Conduct---Signed?bidId=>

## ROLES AND RESPONSIBILITIES

All persons to whom this Policy is applicable are responsible for conducting themselves at all times in accordance with the provisions of this Policy.

### **1. Corporate Management Team and Senior Management:**

- 1.1 Take leadership to model inclusive behaviour and language;
- 1.2 Support, promote and foster the principles of this Policy in all their work and interactions;
- 1.3 Take action and actively participate as needed in the resolution and investigation of a complaint and implement remedies as required;
- 1.4 Subject to procedures referred to in the Complaint Process, review the findings and recommendations and determine, in consultation with Human Resources, Management, or CAO, as applicable, the outcome and the appropriate action to be taken, which may include education, training or disciplinary action, dependent upon the results;
- 1.5 Maintain the confidentiality of all involved in a complaint under this Policy; and
- 1.6 Not engage in racism or racial discrimination.

### **2. Management and Supervisors:**

- 2.1 Ensure that the workplace and the business of the local government is free from racial discrimination and ensure the principles of this Policy are reflected in the execution of their duties, operational policies and practices within their area of responsibility;
- 2.2 Model inclusive behaviour and language and not participate in discriminatory behaviours;
- 2.3 Support, promote and foster the principles of this Policy in all their work and interactions;
- 2.4 Report incidents of racism experienced or witnessed, immediately to their manager, Human Resources, or the CAO (or designate);
- 2.5 Listen to any complaint, treating it sensitively, seriously and confidentially;
- 2.6 If necessary or appropriate, the Executive Director of Human Resources will appoint an independent third-party investigator to investigate allegations or complaints when required under the Complaint Process;
- 2.7 Maintain the confidentiality of all involved in a complaint under this Policy;
- 2.8 Cooperate and participate in good faith in any investigation under this Policy.

### **3. Employees, Volunteers and Contractors:**

- 3.1 Must not engage in racism or racial discrimination and conduct oneself in an inclusive manner;
- 3.2 Report incidents of racism experienced or witnessed, immediately to a supervisor, or Human Resources, or the CAO (or designate);
- 3.3 Maintain the confidentiality of all involved in a complaint under this Policy; and
- 3.4 Cooperate and participate in good faith in any investigation under this Policy.

#### **4. Union:**

- 4.1 Take an active role as partners in supporting, promoting and fostering the principles of this Policy in all their work and interactions with their members and Management.

### **COMPLAINT PROCESS**

All members of management, employees, volunteers and contractors of the City of Maple Ridge have a responsibility to treat all complaints under this Policy seriously and to investigate all complaints of discrimination pursuant to the complaint procedure set out below.

#### **Informal Complaint Process**

This is often the simplest and most effective way to put an end to the offending behaviour.

1) An individual who feels they are the subject of racism pursuant to the grounds prohibited under the B.C. *Human Rights Code* (the Complainant), is encouraged to communicate directly with the alleged offender (the Respondent) in a reasonable and appropriate manner that the offending behaviour is objectionable and unwelcome. The Complainant should:

- Ask the Respondent to stop.
- Remind the Respondent that the behaviour is contrary to this Policy.
- Keep a record of all relevant facts (e.g. dates, locations, times, witnesses, nature of offending behaviours, etc.)

However, a Complainant is not obliged to confront a Respondent and if a person experiencing racism or racial discrimination is unwilling or unable to do so, or if the offending behaviour continues after communication, the Complainant should report the offending behaviour as outlined below.

2) The Complainant can go to their supervisor, manager, Human Resources, Union representative to obtain assistance in trying to resolve the situation informally. The supervisor, manager or union representative will inform Human Resources of the situation.

#### **Informal Resolution Process**

An informal resolution of a complaint results in a confidential, forward-looking course of action that stops the offending behaviour without an investigation. Informal resolutions can include, but is not limited to:

- facilitation;
- mediation or similar conflict resolution process;
- drafting of behavioural guidelines;
- apology; or
- other resolution agreed to among the parties and the City to be appropriate for resolving the situation.

The parties will sign a letter stating that a mutually-agreeable resolution has been implemented and a copy will be placed in a confidential file kept by Human Resources.

## Formal Complaint Process

1) If the complaint cannot be resolved informally, or if informal resolution is not sought, the Complainant must report or be formally referred to the individual designated to manage formal complaints as set out below. Anonymous complaints will not be accepted.

- a. The Executive Director of Human Resources for all complaints.
- b. The Chief Administrative Officer or designate if the complainant or respondent is the Executive Director of Human Resources.
- c. The Executive Director of Human Resources for all complaints involving the Chief Administrative Officer.

In any circumstances where the process may give rise to a conflict of interest, the process will be adapted as appropriate to afford due process for the persons involved.

2) The Complainant must file a formal statement of complaint including:

- Date(s);
- Time(s);
- Who was involved;
- Witnesses, if any;
- Specific conduct that is the source of the complaint;
- What you are seeking as a remedy; and,
- Any action the complainant has taken to stop the unwanted conduct, including any steps taken by the complainant under the Informal Resolution Process and the outcome.

In the event that the Complainant does not proceed with a formal complaint, the City may take steps to proceed with the formal complaint process on the basis of information that has come to the City's attention.

3) Once a formal written complaint is received, the designated individual will begin a formal investigation if appropriate and will appoint an internal or external investigator to conduct a confidential investigation of the complaint. The investigator will:

- Notify the Respondent of the allegations of the complaint;
- Interview the Complainant (for unionized employees, a Union representative may be present at the Complainant's option);
- Interview witnesses as determined by the investigator;
- Bystanders have a responsibility to meet with the investigator and to cooperate in good faith with all those responsible for the investigation of the complaint;
- Interview the Respondent (for unionized employees, a Union representative may be present).

4) At the conclusion of the investigation, a confidential report including the complaint investigation findings will be presented to the designated individual. The designated individual will determine any appropriate corrective or disciplinary action to be taken.

Any person who, as a result of an investigation, is found to have violated this policy may be subject to corrective action or discipline up to and including dismissal as deemed appropriate.

The Complainant and the Respondent will be advised of the outcome of the investigation having regard to the privacy interests of all parties.

## REMEDIES

Any individual covered by this Policy, who is found to have engaged in, or known about and took no action to report or stop racism or racial discrimination contrary to this Policy may be subject to appropriate action depending upon the severity of the misconduct.

Where a complaint is substantiated, an appropriate remedy will be implemented. The determination of an appropriate remedy will be assessed on a case by case basis. This may include:

- formal written apology;
- corrective action such as education and training;
- recommendation to seek assistance from employee and family assistance, or other medical or professional support;
- mediation or other conciliatory approaches;
- temporary or permanent changes to reporting structures or work assignments, (including withholding of promotion);
- demotion or other change of work assignment;
- written reprimand (placed in that employee's personnel file);
- paid or unpaid suspension; or,
- termination of employment (or contract for service).

If the Respondent is not covered by this Policy, the City of Maple Ridge will take any and all steps reasonable and necessary to remedy the substantiated complaint to protect the Complainant from future harm.

## TIME LIMITS

The City reserves the right to consider any matter that comes to its attention at any time; however, Complainants are encouraged to bring concerns forward in a timely manner. A formal complaint should be made to the individual designated to manage formal complaints within six (6) months of the date of the last alleged incident of racism.

As soon as possible after a complaint is made, the Executive Director of Human Resources or designate will make an appointment with the Complainant to discuss the incident in greater detail.

## APPEAL PROCEDURE

If a Complainant or Respondent is not satisfied with the final decision of the individual designated to manage the formal complaint in respect of the outcome of a complaint, the following avenues may be considered:

- Unionized employees may speak with their Union about filing a grievance under the Collective Agreement. The timelines for filing a grievance will be applied.
- All others to whom this policy applies may appeal to the Chief Administrative Officer or designate in writing within seven (7) days outlining their reasons for disagreement with the outcome of the complaint. The Chief Administrative Officer's review will be limited to reviewing the investigator's report and the outcome as determined by the individual designated to manage the formal complaint to determine whether this Policy was

reasonably and appropriately applied. The Chief Administrative Officer will then issue a decision in writing either confirming the decision of the individual designated to manage the formal complaint or outlining an alternative outcome which will then constitute the City's final decision.

In circumstances where the process may give rise to a conflict of interest, the process will be adapted as appropriate to afford due process for the persons involved.

### **UNSUBSTANTIATED COMPLAINTS**

If an investigator finds insufficient evidence to support the Complainant's allegations, the investigator will submit that finding. There will be no record of the complaint on the Complainant's or Respondent's file and there will be no sanction to anyone concerning the incident. A finding of no evidence is a simple reflection of an absence of evidence to support the claim and nothing more.

### **NO REPRISALS OR RETALIATION**

The City will not tolerate any reprisal or retaliatory action that is related, in any way, to the circumstances of the Complaint:

- Against a Complainant (or person closely related to or associated with the Complainant);
- Bystander;
- Respondent;
- Employee responsible for implementing this Policy and procedure.

The City will not tolerate any reprisal or retaliatory action that is related, in any way, to the circumstances of the Complaint, who in good faith:

- Makes a complaint alleging racial discrimination or racism;
- Identifies or opposes a practice that they reasonably believe to constitute racism;
- Implements or participates in an investigation, proceeding or hearing under this Policy or pursuant to any applicable statutory complain process;
- Bystanders have the right to not be subject to retaliation because they have participated as a witness.

Any officer, employee, volunteer, appointee or contractor covered by this Policy who is found to have engaged in any reprisal or retaliation in violation of this Policy will be subject to appropriate disciplinary action, which action may include the termination of employment for just cause, termination of a contract for services or of a volunteer opportunity or legal action.

### **VEXATIOUS ALLEGATIONS AND COMPLAINTS**

Any individual covered by this Policy who makes an allegation or complaint under this Policy that is subsequently found to have been made in a deliberately vexatious or malicious manner, or otherwise to have been made in bad faith, will be subject to appropriate disciplinary action, which action may include the termination of employment for just cause, termination of a contract for services or of a volunteer opportunity or legal action or the consideration of appropriate sanctions, which may include removal from appointments, referral to police or legal action.

## LIMITATIONS

This Policy articulates the position of the City of Maple Ridge and demonstrates its support and commitment to an environment that is free of racial discrimination and racism. It is not intended to supersede or supplant the other processes available to individuals or groups wishing to pursue avenues of formal complaint or redress under other City of Maple Ridge policies.

## TRAINING

Train all new employees, volunteers and contractors on this Policy at the commencement of their employment or services and provide refresher training and other resources to educate staff annually thereafter.

## REVIEW

This Policy will be reviewed every three years or as otherwise required by applicable laws.

## DEFINITIONS

**Barrier** – An overt or covert obstacle which must be overcome for equality and progress to be possible.

**Bias** – A subjective opinion, preference, prejudice, or inclination, often formed without reasonable justification, which influences the ability of an individual or group to evaluate a particular situation objectively or accurately.

**Cultural Racism** – The full adoption by an individual or group of the culture, values and patterns of a different social, religious, linguistic or national ethos, resulting in the diminution or elimination of attitudinal and behavioural characteristics of the original individual or group. Can be voluntary or forced.

**Diversity** – A term used to encompass the acceptance and respect of various dimensions including race, gender, sexual orientation, ethnicity, socio-economic status, religious beliefs, age, physical abilities, political beliefs, or other ideologies.

**Environmental Racism** – A systemic form of racism in which toxic wastes and dangerous and toxic facilities are located into or near marginalized communities, such as People of Colour, Indigenous Peoples, working class, and poor communities, often causing chronic illness and change in their lifestyle due to pollution of lands, air and waterways.

**Inclusive Language/Inclusion** – The deliberate selection of vocabulary that avoids explicit or implicit exclusion of particular groups and that avoids the use of false generic terms, usually with reference to gender. Making diverse members of society or an organization feel valued and respected.

**Indigenous Peoples** – Means the communities, peoples, and nations that have a historical continuity with pre-invasion, pre-settler, or pre-colonial societies that developed on their territories, as distinct from the other societies now prevailing on those territories (or parts of them). The original inhabitants of Canada who lived here for millennia before explorers arrived from Europe.

**Individual Racism** – Racist assumptions, beliefs and behaviours that stem from conscious and unconscious personal prejudice.

**Institutional Racism (Systemic Discrimination)** – The institutionalization of discrimination through policies and practices which may appear neutral on the surface but which have an exclusionary impact on particular groups. This occurs in institutions and organizations, including government, where the policies, practices and procedures (e.g. employment systems – job requirements, hiring practices, promotion procedures, etc.) exclude and/or act as barriers to racialized groups.

**People of Colour** – Non-White racial or ethnic groups; generally used by racialized peoples as an alternative to the term “visible minority”. The word is not used to refer to Indigenous peoples, as they are considered distinct societies under the Canadian Constitution. When including Indigenous peoples, it is correct to say “people of colour and Indigenous peoples”.

**Prohibited Grounds of Discrimination** – Race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity, gender expression, age of a person, criminal conviction (not related to employment).

**Racial Discrimination** – Means any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin, which nullifies or impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

**Racism** – A belief that one group is superior to others performed through any individual action, or institutional practice which treats people differently because of their colour or ethnicity. This distinction is often used to justify discrimination. There are many types of racism: Institutional, Systemic, and Individual.