

## **NEW WESTMINSTER DESIGN PANEL**

### **Terms of Reference**

#### **Mandate:**

The role of the New Westminster Design Panel (NWDP) is to review and comment on the design aspect of development projects in New Westminster. The NWDP may also be asked to comment on policy or regulatory matters related to building form, design and construction by the Development Services Department. The comments of the NWDP are used to advise staff and New Westminster City Council. The NWDP shall review and comment on the following, as well as other items noted in the Architectural Institute of British Columbia's Bulletin 65 and the British Columbia Society of Landscape Architects' BCSLA Advisory Design Panel Guidelines:

1) Neighbourhood Context 2) Site context / site planning 3) Building form and massing 3) Architectural style and details 5) Landscaping 6) Crime Prevention through Environmental Design (CPTED) 7) The streetscape 8) Sustainability. The NWDP shall comment on development projects as they relate to guidelines in the New Westminster Official Community Plan and/or specific development plan areas.

#### **Members:**

The Committee shall consist of 9 voting members as follows (membership to revert back to seven concluding January 31, 2015):

- Four members of the AIBC, consisting of members with a variety of areas of specialization, including areas such as sustainability, heritage, urban design and accessibility. *(To revert back to four following January 31, 2015)*
- One member of the Development Industry – Urban Development Institute (UDI).
- Two members of the BCSLA.

#### **Staff Advisors**

The Development Services Department shall provide a brief written outline of the project and introduction at each meeting. The staff comments shall note any variances being proposed and relevant development guidelines from the New Westminster Official Community Plan and / or any specific development plan area to be considered. Staff will also note any issues to be reviewed by the committee. Representatives from the Engineering, Parks and Recreation and Police Departments will attend as needed to address specialized aspects of certain applications.

**Term:**

Members will be appointed (in accordance with the procedures of their pertinent professional organization) by Council for a two year period from February of the first year to January of the second year.

**Chair:**

At the beginning of each year, members of the Committee shall select one of the voting members to act as Chair for the year. The Chair will act as the official representative of the Panel and chair the meetings.

**Attendance:**

Members shall advise the Recording Secretary of their intent to attend or to be absent from a meeting. Any member who is absent from three consecutive meetings of the Committee, or in excess of one-third of all meetings over any six month period, without leave of absence from the Committee, or a reason satisfactory to the Committee, may by resolution of the Committee, cease to be a member of the Committee. The City Council shall have the power to remove any member of the Committee from office at any time and appoint a new member at any time.

**Quorum:**

A quorum shall consist of four voting members.

**Rules of Procedure:**

Committee procedures shall be governed by:

1. The Council Procedure Bylaw; and
2. The Rules of Conduct: Standing Committees and Advisory Bodies, provided, and as revised from time to time by the Legislative Services Department.

Adopted: May 12, 2008

Amended: Closed Meeting, November 30, 2009

Amended: Closed Meeting, October 4, 2010



## **ADVISORY COMMITTEE POLICY**

### **1. PURPOSE OF THIS POLICY**

This policy guides the creation and management of all Advisory Committees created by the City of New Westminster under Section 142 of the Community Charter (Select Committees of Council).

### **2. PURPOSE OF ADVISORY COMMITTEES**

Advisory Committees exist in the City of New Westminster to provide Council access to external expertise and lived experience on issues of strategic importance.

Advisory Committees should normally exist only where they:

- Are directly relevant to the City's strategic priorities, as defined by Council
- Have clear mandates, objectives and outcomes that add value to City governance
- Are the most appropriate process to achieve the desired outcomes compared to alternate forms of stakeholder and resident engagement

Benefits to the City achieved through Advisory Committees may include:

- Providing access to lived experience or technical expertise missing from Council and/or staff
- Achieving the City's strategic priorities more quickly by working in partnership with community champions and organizations to achieve shared goals
- Improving the City's ability to hear from and respond to issues raised by equity-seeking populations
- Increasing the effectiveness of the City's stakeholder and resident engagement through leveraging the networks and advice of Committee Members.

Advisory Committees are not appropriate mechanisms to seek community input on matters related to City management (rather than governance) or on issues that are not strategically important to the City. In such cases, City staff may choose to engage residents and stakeholders using other processes, or to convene staff-led advisory groups that are not subject to this policy.

### **3. CREATION AND RENEWAL**

When establishing a new Advisory Committee, Council must approve a Terms of Reference that includes:

- Mandate, with reference to the City's strategic priorities
- Member composition and quorum
- Length of appointment terms for Members and Chairs (if different than default term length)
- Start and end dates for Advisory Committee annual terms (if different than default start/end dates)

## **4. GOVERNANCE AND EVALUATION**

### **Annual Work Plans:**

Unless otherwise stated in an Advisory Committee's Terms of Reference, the Annual Term for all Advisory Committees will begin on February 1 and end on January 31.

Prior to the start of each new Annual Term, Council must approve an Annual Work Plan for each Advisory Committee that identifies:

- The name of the Council Member who will serve as Committee Chair
- The name of the Staff liaison(s)
- Desired outcomes/outputs for the work year in relation to Council's strategic priorities

### **Reporting and Evaluation:**

On an annual basis, the Staff Liaison for each Advisory Committee should submit an Annual Report to Council that summarizes the Advisory Committee's activities over the past year, describes how these activities contributed to Council's strategic priorities and provides a breakdown of all expenses incurred. The Annual Report should also include the results of a formal evaluation completed by Committee Members to support ongoing improvement and provide suggestions for the next year's work plan.

### **Reporting to Council:**

When responding on an issue referred by Council, Advisory Committees, with the assistance of the Staff Liaison(s) and the Committee Clerk, will submit reports to Council in accordance with the Advisory Committee Policy and Council Procedure Bylaw.

## **5. MEMBER SELECTION/RENEWAL**

Advisory Committees Members must be appointed by Council and may include Committee Members who are residents or property owners in the City, or representatives from organizations that Council has invited to participate (Organizational Representatives).

### **Application and Appointment:**

1. Appointments to committees should be made in advance of each annual term, or as vacancies arise.
2. Opportunities to serve as a Committee Member must be widely advertised so that all interested residents can apply.
3. Staff will submit recommendations for Advisory Committee membership to Council for amendment or approval, including Committee Members and Organization Members.
4. Where Organizations are invited to nominate an Organizational Representative to an Advisory Committee but fail to do so, Council may fill the vacancy with a community Committee Member instead.
5. Committee members will serve without pay, unless otherwise specified.
6. Committee Members must be New Westminster residents and may not be employees of the City, except by special waiver from the Mayor.

In developing their recommendations for Advisory Committee Membership to Council, staff should consider such criteria as: the skills and expertise of potential members, including lived experience; the resources and networks provided by potential members to help achieve City objectives; the degree to which Advisory Committees reflect the diversity of the City; and the City's commitment to ensure representation from equity-seeking and under-served communities.

### **Term Length and Renewal:**

1. The term of appointment for Advisory Committee Members is two years unless otherwise stated in the Advisory Committee Terms of Reference.
2. Appointment terms should generally be staggered so that half the members for each Advisory Committee will be replaced or renewed each year.
3. A Committee Member can serve a maximum of two consecutive 2-year terms on any one committee, except by special waiver from the Mayor.
4. Advisory Committee Members cannot simultaneously serve on more than one committee, except by special waiver from the Mayor, unless the Committee Member sits on a second committee as the representative of the first committee (e.g. an Arts Commission representative sits on the Public Art Advisory Committee).

### **Equity, Diversity and Inclusion:**

Committee Members should reflect the diversity of their community and include representation by under-heard voices and equity-seeking communities. The City will collect data to measure and evaluate its progress on equity, diversity and inclusion, and will provide appropriate supports to reduce barriers for equity-seeking communities.

<b>Policy Title:</b>	<b>RESPECTFUL WORKPLACE AND HUMAN RIGHTS POLICY</b>
<b>Issue Date:</b>	<b>2010 June</b>
<b>Revised Date:</b>	<b>2018 October</b>
<b>Prepared by:</b>	<b>Human Resources</b>
<b>Document #:</b>	<b>133506</b>

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## **1. PURPOSE**

The City of New Westminster values all of its Employees and is committed to providing a Workplace where people are treated, and treat each other, professionally and respectfully in their interactions. Through this Policy, the City supports the maintenance of a respectful workplace by providing education about human rights, harassment, bullying, and appropriate behaviour in the workplace and by setting out processes for resolution of respectful workplace complaints.

Principles:

- A Respectful Workplace enhances job satisfaction, teamwork and productivity and thus is in the best interests of the City, its Employees, Council, Boards and those providing services to the City and the citizens of New Westminster.
- This Policy responds to the City of New Westminster's responsibility under the BC Human Rights Code to prevent discrimination and harassment, to provide procedures to handle complaints, to resolve problems and to remedy situations when a breach of this Policy occurs. This Policy is also intended to comply with WorkSafeBC's policies on workplace bullying and harassment.
- The City of New Westminster will not tolerate disrespectful behaviour. All persons associated with and employed by the City of New Westminster are accountable for their own conduct and are required to conduct themselves in a respectful and appropriate manner at the workplace and at work-related gatherings. They are also responsible for reporting any breaches of this Policy to Human Resources and for participating in the City's initiatives to improve respect and conflict management within their work units.

- The City of New Westminster will provide training designed to support the administration of this Policy and to ensure that all persons governed by this Policy are aware of their responsibilities under this Policy.

## 2. SCOPE

- 2.1 This Policy applies to all Persons associated with and employed by the City of New Westminster, elected officials, and Boards, and to all aspects of the employment relationship. It governs conduct at the workplace and at work-related gatherings.
- 2.2 This Policy does not limit the rights or responsibilities of the City of New Westminster to manage work performance appropriately and in good faith. Actions by City Managers that are part of their responsibilities and performed for legitimate business purposes, such as changing work assignments or performance management, do not constitute a breach of this Policy.
- 2.3 The City may investigate an incident(s) on its own initiative where there are concerns about alleged breaches of this Policy, and the potential impact of inappropriate conduct on a respectful workplace.
- 2.4 This Policy supersedes previous City operating guidelines and/or policy on this matter.

## 3. DEFINITIONS

**A Respectful Workplace:** is characterized by courteous and considerate behaviour towards others; inclusion of all persons of different backgrounds, cultures or opinions; safety from inappropriate behaviour; and includes constructive resolution of disputes.

**Disrespectful Behaviour:** means any conduct in breach of this Policy and includes Workplace bullying and harassment which are defined as including any inappropriate conduct or comment that a person knows or reasonably ought to know would cause another person to be humiliated or intimidated but excludes any reasonable action taken by the City relating to the management and direction of its Employees or the workplace. Examples include verbal aggression or insults, calling a person derogatory names, reprimanding in the presence of others, harmful hazing or initiation practices, vandalizing personal belongings or the City's equipment, and spreading malicious gossip or rumours.

For the purposes of this Policy, disrespectful behaviour also includes discrimination and harassment as defined below.

**Allegation:** is an unproven assertion or statement.

**Complainant:** is the person bringing forward a complaint or allegation of disrespectful behaviour. There may be more than one Complainant in a complaint.

**Discrimination:** is unfair differential treatment of an individual or group, whether intended or not, on the basis of race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age, or unrelated criminal conviction. Discrimination of this nature imposes burdens or obligations on an individual or group that serve no work-related function. Such conduct is not only a breach of this Policy; it may also be a breach of the BC Human Rights Code.

The City of New Westminster is under a legal duty to accommodate individuals, or groups protected from discrimination under the BC Human Rights Code, unless it would create undue hardship for the City.

**Employee:** includes all employees (exempt, unionized, full-time, part-time, auxiliary, temporary, and probationary), applicants, apprentices, students, volunteers, members of Council and City Boards, contractors and consultants working for the City of New Westminster.

**Harassment:** any behaviour that satisfies one or more of the following definitions of harassment:

- (a) **Harassment based on a prohibited ground of discrimination:** Behaviour directed towards another person or persons that:
- is abusive, unfair, offensive, or demeaning; and
  - is related to a prohibited ground of discrimination under the BC Human Rights Code; and
  - a reasonable person would know or ought to know would have the effect of interfering with an individual's work or participation in work-related activities or would create an intimidating, hostile or offensive environment for work or participation in a work-related activity.
- (b) **Sexual harassment:**
- conduct or comment of a sexual nature made by a person who knows or ought reasonably to know that the behaviour is unwanted or unwelcome; or
  - the expressed or implied promise of a reward for complying with a request of a sexual nature; or
  - the actual reprisal or an expressed or implied threat of reprisal for refusal to comply with such a request; or
  - conduct or comment of a sexual nature which is intended to, or has the effect of, creating an intimidating, hostile or offensive environment.



Examples of sexual harassment include unwelcome advances or flirtations, comments or physical contact, propositions or invitations for sexual favours; unwelcome suggestive jokes, the display or circulation of sexually suggestive or pornographic materials.

(c) **Personal harassment:** Behaviour directed towards a specific person or persons that:

- serves no legitimate work-related purpose; and
- a reasonable person would know or ought to know would create an intimidating, humiliating, or hostile work environment.

Examples of personal harassment include making derogatory comments, swearing, yelling, inappropriately interfering with another's work, embarrassing practical jokes, ridicule, gossip, abuse of authority, physical assault.

**Mediation:** is a voluntary process where the Complainant and the Respondent consent to meet with a Human Resources representative to determine whether the dispute can be informally resolved in a mutually satisfactory manner. In some instances the City may determine that an external mediator should be called upon to assist in achieving resolution. Mediation discussions between the parties are treated as private and confidential.

**Person(s):** includes all Employees, suppliers delivering material to the City, and members of the public who are accessing City services or City operated facilities.

**Workplace(s):** includes City buildings, facilities, sites, offices or work environment, locations visited by Employees while traveling on City related business including conferences, meetings, vendor/supplier or customer sites and locations of work-based social gatherings.

**Reasonable Person Standard:** refers to whether or not a reasonable person in roughly the same position as the Complainant would determine disrespectful behaviour to have occurred.

**Respondent:** is a person or persons against whom an allegation of disrespectful behaviour has been made pursuant to this Policy.

**Retaliation:** is taking adverse action against another person for making a complaint in good faith or providing information in connection with an investigation or as a result of the resolution of a complaint. Examples of retaliation may include withholding information, sabotaging a person's work, denial of a transfer or promotion, unjust negative evaluations or references.

#### 4. **POLICY**

4.1 Disrespectful behaviour is not tolerated by the City. All persons associated with and employed by the City of New Westminster are responsible for conducting themselves in

- a respectful manner in the Workplace and at work-related gatherings. Any person found to be in breach of this Policy will be subject to discipline up to and including termination from employment, cancellation of contract or denial of services.
- 4.2 All persons associated with and employed by the City of New Westminster will be treated equitably under this Policy. All matters arising under this Policy will be dealt with in a fair, unbiased and timely manner.
- 4.3 All persons associated with and employed by the City of New Westminster have a responsibility for ensuring that the City's working environment is free from disrespectful behaviour. Council, Boards, management and union representatives bear the primary responsibility for maintaining a working environment free from disrespectful behaviour. They are expected to act on this responsibility whenever necessary, whether or not they are in receipt of a complaint. The expertise of the Human Resources department is available to all persons associated with and employed by the City to assist with the interpretation and implementation of this Policy.
- 4.4 Efforts at informal resolution will be encouraged as a first avenue to resolution of a complaint.
- 4.5 This Policy will be interpreted, administered and applied in accordance with the principles of procedural fairness and natural justice. In particular:
- (a) All persons will be advised of the provisions of this Policy and of the procedures available to them under the terms of this Policy.
  - (b) Any Complainant who wishes the City to assist in the resolution of a complaint through mediation or investigation must be prepared to be identified to the Respondent.
  - (c) Complainants and Respondents must be given the opportunity to present evidence in support of their positions and to defend themselves against allegations of disrespectful behaviour.
  - (d) Complainants and Respondents may be accompanied by a support person, or a representative of their union, or legal counsel (for exempt Employees) throughout the process established by this Policy.
  - (e) All complaints that proceed beyond the informal resolution phase must be submitted in writing. All submissions, responses, comments and decisions pursuant to the Policy will be made in writing if the complaint proceeds beyond the informal resolution phase.
- 4.6 Those responsible for interpreting, administering and applying this Policy will use a Reasonable Person Standard.

- 4.7 This Policy will not be applied in such a way as to limit the rights and responsibilities of those in supervisory roles to manage and discipline Employees in accordance with collective agreements or applicable City policies and procedures.
- 4.8 Persons associated with and employed by the City of New Westminster have an obligation to participate in the procedures established under this Policy and to cooperate in a forthright manner by providing honest, accurate and timely information.
- 4.9 If, following an investigation, the City determines that a complaint has been made in bad faith or is frivolous, vexatious or malicious the City may take disciplinary action up to and including the termination of employment, cancellation of contract or denial of services. A misunderstanding, a misinterpretation or an unfounded complaint do not constitute a complaint made in bad faith.
- 4.10 A Complainant or a Respondent may object to the participation of a person in the administration of this Policy on grounds of conflict of interest or reasonable apprehension of bias. Such objection should be submitted in writing to the Director of Human Resources whose decision will be final. Where the objection relates to the participation of the Director of Human Resources, the Chief Administrative Officer will make the determination.

## **5. RESPONSIBILITIES**

### **Employees:**

- 5.1 Employees must participate in appropriate training, familiarize themselves with this Policy and know their rights and obligations arising from it. They must not engage in disrespectful behaviour as defined in this Policy.
- 5.2 Employees must treat every person with dignity and respect; attempt to resolve differences with other Employees in a respectful way as soon as possible; raise concerns in a timely manner; cooperate in interventions and investigations to resolve complaints of disrespectful behaviour; and maintain confidentiality related to such complaints.

### **Council, Management and Union Representatives:**

- 5.3 Management has primary responsibility for the administration of this Policy and must have a thorough knowledge of this Policy. Management will set and enforce standards of appropriate workplace conduct and will intervene as soon as practicable when they witness or receive a report of any disrespectful behaviour.
- 5.4 Council, Boards, management and union representatives will lead by example in treating all Employees with dignity and respect and exercising authority and, or leadership in a respectful manner.
- 5.5 All complaints of disrespectful behaviour will be taken seriously.

- 5.6 Management will assist a Complainant to resolve a concern, including by facilitating a discussion between the Complainant and the Respondent. Where possible they will coach the Complainant and the Respondent to change their behaviour.
- 5.7 Management will take all reasonable steps to deal with alleged disrespectful behaviour that they are aware of, or reasonably should have been aware of (even if a direct complaint has not been made), in a timely fashion while maintaining as much confidentiality as possible. Reasonable steps may include referring the matter to the City of New Westminster Police Department for further investigation.
- 5.8 Management will consult with Human Resources for guidance to address complaints of disrespectful behaviour.

**Human Resources:**

- 5.9 The Human Resources department will take a leadership role in providing training for management and employees on respectful workplace behaviour. They will also give advice on this Policy, addressing and providing assistance to resolve issues of disrespectful behaviour.
- 5.10 The Human Resources department will provide mediation where the Complainant and the Respondent consent to meet to determine whether the dispute can be resolved in an informal and mutually satisfactory manner. In some instances, the Human Resources department may determine that a third party mediator should be called upon to assist in achieving resolution.
- 5.11 The Human Resources department will determine how and when investigations will occur and will oversee the investigation process.

**6. CONFIDENTIALITY**

- 6.1 Allegations of disrespectful behaviour may involve the collection, use and disclosure of sensitive personal information. Confidentiality is required so that those who may have experienced disrespectful behaviour will feel free to come forward. Confidentiality is required at all stages of the investigation process including following the conclusion of the investigation so that the reputations and interests of those accused of disrespectful behaviour are protected. However, either the Complainant or the Respondent may discuss the case in confidence with their supervisor, a support person, union representative or Human Resources
- 6.2 Subject to any limits or disclosure requirements imposed by law or required by this Policy, any and all information, oral and written, created, gathered, received or compiled through the course of a complaint is to be treated as confidential by the Complainant or the Respondent, their representatives, witnesses, and any other

persons designated by this Policy. Information will be disclosed only to the extent necessary to investigate and resolve the complaint.

- 6.3 All investigatory and evidentiary documents as gathered and/or prepared by Human Resources or their designate(s) including summary investigation reports will be deemed the property of the City and will be held in the strictest confidence. Such documents will not be copied or distributed, subject to disclosure requirements imposed by legal proceedings or required by this Policy or by agreement between the parties.
- 6.4 All recorded personal information will be treated as "supplied in confidence" for the purposes of compliance with the *Freedom of Information and Protection of Privacy Act* of BC and responding to access requests under that legislation.
- 6.5 The Director of Human Resources may provide information concerning a complaint, to appropriate City officials on a need-to-know basis.
- 6.6 Any person breaching confidentiality may be subject to discipline or other appropriate action.

## **7. PROCEDURES FOR RESOLVING DISRESPECTFUL BEHAVIOUR IN THE WORKPLACE**

- 7.1 The City of New Westminster recognizes that conflicts and disagreements can occur within the workplace and expects such issues to be resolved in a manner that contributes to a healthy and productive workplace. Employees are encouraged to resolve disputes at an early stage through respectful and open dialogue between themselves, or by calling upon the assistance of their supervisors and, or, an HR representative.
- 7.2 The following procedures have been established so that complaints can first be addressed informally; and only if that is not possible, then formally. The goal of this Policy and its procedures is to prevent, correct and remedy situations of disrespectful behaviour and not to be punitive; although, depending on circumstances, discipline may result.
- 7.3 Complaints against, or by members of City Council or Boards should be directed to the Chief Administrative Officer.

### **The Informal Process**

#### **Step 1: The Informal Conversation**

- Persons who experience disrespectful behaviour are strongly encouraged to engage in a conversation with the Respondent to clarify and resolve the concerns.
- Where a Complainant is unable to have the conversation directly with the Respondent, he/she should contact his/her Manager or Supervisor as soon as possible. If needed, the

Manager/Supervisor will offer assistance such as scheduling the conversation between both parties or attending the meeting as an observer.

- Union participation and support is welcome.

### **Step 2: Mediation with the Direct Assistance of a Manager/Supervisor or Human Resources Representative**

If there is no resolution under Step 1 and the Complainant continues to seek resolution, then he/she should approach his/her Manager or Supervisor with the concern(s). The goal is to understand and mutually resolve the issue so that persons conduct themselves in a civil, respectful and cooperative manner.

Steps taken by the Manager/ Supervisor/ or Human Resources representative could include:

- Meeting separately with the Complainant and the Respondent to review the concerns;
- Meeting together with the Complainant and the Respondent to facilitate a conversation aimed at understanding and resolving the issue;
- Reviewing applicable policies with the Complainant and the Respondent and reinforcing expectations of respectful conduct;
- Seeking commitments from the Complainant and the Respondent that they will conduct themselves in a respectful manner;
- Following-up where appropriate with the Complainant and the Respondent after the resolution process to ask whether commitments to respect are being adhered to; and, or
- Recording steps taken in the resolution process.

In the event Employees cannot resolve their differences by informal conversation between themselves, or with the help of management or a Human Resources representative, the Human Resources department may provide the assistance of an external mediator to support the Employees informally, and to find a mutually acceptable way to resolve the conflict. This external mediator will report to Human Resources on the conclusion of the mediation.

### **Interim Measures**

It may be necessary that interim measures be taken while a complaint is being resolved, investigated or decided. Such measures will be precautionary, not disciplinary and may include separating the Complainant from the Respondent by transfer or by assignment of different hours, etc.

## **The Formal Process**

### **Step 3: Formal complaint**

If there is no resolution under Steps 1 and 2, and the Complainant continues to seek resolution, then he/she must file a written complaint to his/her Manager or to the Director of Human Resources.

A complaint must be filed within three (3) months of the alleged incident, or of the last incident if there is more than one incident. The Director of Human Resources may extend that time limit in exceptional circumstances.

If a Complainant requires assistance in filing a written complaint, they may request assistance from their Supervisor or Human Resources, who will ensure there is support for the filing of the written complaint.

Information required for a written complaint

- The specific incident(s) that have led to the filing of the complaint — if there is more than one, number them;
- The date the incident(s) occurred;
- The identity of the Respondent;
- What the Respondent(s) said or did that was in breach of this Policy;
- The names and department(s) of any potential witnesses;
- How the incident(s) affected the Complainant; and any impact the incident(s) had on the Complainant's work.
- Any attempts made to resolve the complaint under Steps 1 or 2; what those were, and who assisted.

### **The Investigation**

Once a written complaint is received, the Director of Human Resources or HR representative will undertake an investigation immediately.

The names of the parties and the circumstances related to the complaint will not be disclosed except where necessary to investigate the complaint, or to take appropriate disciplinary measures, or as the law requires.

The Director of Human Resources may reject a complaint on the grounds that it is made in bad faith, is frivolous, vexatious or malicious, or that it lies outside the jurisdiction of this Policy, or

is beyond the time limits for making a complaint. This decision must include the reasons for the decision and will be communicated to the Complainant in writing.

If a complaint of disrespectful behaviour is made against the Director of Human Resources, the Chief Administrative Officer will receive the complaint and handle all matters related to the investigation and resolution of the complaint.

If a complaint proceeds, the Director of Human Resources may appoint an external investigator to investigate the allegations made in the complaint. The Complainant and the Respondent will be notified that an investigation will proceed and given the name and contact information of the investigator. The Director of Human Resources or HR representative, will oversee the investigation process.

Respondents will be provided with the opportunity to explain themselves and to have those explanations fully considered by whoever is carrying out the investigation.

The investigator's mandate will include interviewing the Complainant, Respondent and witnesses where appropriate; making findings of fact; determining whether the facts constitute disrespectful behaviour in breach of this Policy; and issuing a summary report consistent with the mandate. The investigation will be thorough, objective, expeditious and fair for all parties involved.

In reaching a decision on whether this Policy has been breached, the investigator will use a standard of proof corresponding to the civil burden of proof on a balance of probabilities.

The investigator's report will be delivered to the Director of Human Resources. All documentation related to the investigation is the property of the City. The Complainant and the Respondent will be advised of the outcome of the investigation, but will not be provided with a copy of the report. Witnesses who participate in the investigation will be advised that the investigation has concluded.

In the event of legal proceedings (e.g. grievance and arbitration); documentation required for the judicial process will be made available by the Director of Human Resources to the requesting legal counsel, or union representative, representing the parties.

The Director of Human Resources will consider the findings contained in the report and determine what steps or remedy to take. These may include education, counseling, discipline, or some other action. The Director of Human Resources will communicate this decision in writing to the Complainant, the Respondent, and their representatives, if applicable.

The Complainant or Respondent may request a review of this decision by the Director of Human Resources; this request must be made in writing within thirty (30) days of receipt of the Director's decision.



This Policy is meant to foster a respectful workplace environment through fair and equitable process and does not contemplate any form of financial remedy.

## **8. THE CONSEQUENCES OF NON-COMPLIANCE WITH THIS POLICY**

- 8.1 Any person who breaches this Policy will be subject to remedial measures and/or disciplinary action, up to and including termination of employment, cancellation of contract or denial of services.
- 8.2 Every person has the right to report, in good faith, incidents of disrespectful behaviour without fear of retaliation. The City prohibits any form of retaliatory action against any person who, in good faith, files a complaint. Retaliation by any person against anyone involved in an informal, internal or external formal complaint process will be subject to discipline, up to and including termination of employment, cancellation of contract or denial of services.

## **9. EMPLOYEE'S RIGHTS**

- 9.1 In the event an Employee makes a complaint under this Policy, the Employee retains the right to make a complaint to the BC Human Rights Tribunal or WorkSafeBC. If the Union has filed a grievance on behalf of the Employee, the Employee will not be entitled, later, to make a complaint under this Policy based on the same facts.

<b>Policy Title:</b>	<b>SOCIAL MEDIA</b>
<b>Issue Date:</b>	<b>January 2012</b>
<b>Revised Date:</b>	<b>October 2013</b>
<b>Prepared by:</b>	<b>JOAN BURGESS, Director of Human Resources</b>
<b>Document #:</b>	<b>179625</b>

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## **1. Purpose**

The purpose of this policy is to provide a framework for public communication using electronic social media tools. This policy provides appropriate and reasonable guidelines, direction and awareness for social media usage at the City of New Westminster and sets forth the City's expectations and requirements concerning such participation.

This policy is intended to:

- Ensure effective online communication while adhering to legal requirements, particularly Freedom of Information and Protection of Privacy Legislation.
- Ensure that you understand your responsibilities to the City and your co-workers.
- Protect the privacy, confidentiality, interest and reputation of employees and the City.
- Ensure a respectful workplace free from harassment and discrimination.
- Establish a standard for professional and respectful online communication.
- Protect the City's confidential business information.

## **2. Definitions**

- a) Social media is defined as freely accessible online tools used to produce, post and interact using text, images, video and/or audio to communicate, share, collaborate or network with others. Social media includes, but is not limited to, personal

websites, blogs, wikis, online forums, message boards, email groups, social networks (e.g. Facebook, Twitter, LinkedIn, YouTube, etc) and any other similar online tools.

The absence or lack of explicit reference to specific social media does not limit the extent of the application of this Policy.

- b) Personal information is defined as information about an identifiable individual, but does not include contact information. Personal information includes, among other things, an individual's name, email address or username if it includes the individual's name, a portion of their name, or is a pseudonym that is attributable to an identifiable individual by using other readily available information; home address or email; appearance and image; educational and employment history; and personal opinions.
- c) Contact information means information to enable an individual to contact an individual at a place of business, such as business name, business title, business address, business telephone number, business email, etc.

### **3. Scope**

This Policy applies to all persons associated with and employed by the City of New Westminster, elected officials and Boards, and to all aspects of the employment relationship (Regular Full-Time, Regular Part-Time, Temporary, Auxiliary, Seasonal, Volunteer, Contractor, etc).

This Policy applies to all social media using any type of Internet-enabled device, whether work issued or personal.

### **4. Related Policies and Procedure**

This policy is applied in conjunction with the following City Policies which include but are not limited to:

- Code of Conduct Policy
- Conflict of Interest Policy
- Respectful Workplace and Human Rights Policy
- Record Management Policy
- Email/Internet Policy

This policy is governed by the following legislation which includes but are not limited to:

- BC Human Rights Code
- BC Freedom of Information and Protection of Privacy legislation

## 5. **Social Media Usage**

### **Guidelines**

- All information placed on social media sites is considered public information similar to information published on City pages.
- All communications on behalf of the City should adhere to the highest professional standards of communication.
- Social media sites will not be the primary distribution method for City information.
- Information that the City posts on social media sites should be duplicates that can be retrieved on our Internet or traditional media sources and will not be considered a record of the City.
- The City will monitor its' social media sites and will remove any material that uses ethnic slurs, personal insults, obscenity, or engage in any objectionable or inflammatory conduct that are contrary to Canadian law.
- Consideration will be made to forwarding these types of postings to the City's Human Resources Department and/or the Police Service for possible investigation.
- The City will post a disclaimer on its' social media sites informing users that they are providing personal information to the site and the City and that the City does not have ownership or control of the information because this information resides with the social media service.
- The City will post a disclaimer if the social media site is hosted outside of Canada.

### **Social Media User Responsibilities**

- You are expected to use common sense, caution and good judgment when participating in social media and conduct ourselves in a way which reflects positively on the City.
- Social media usage, even when anonymous or conducted under a pseudonym, must be in compliance with the BC Human Rights Code, BC Criminal Code, BC Freedom of Information and Protection of Privacy legislation, copyright and patent laws as well as must be in accordance with the City's Code of Conduct Policy, Conflict of Interest Policy, Respectful Workplace and Human Rights Policy and Email/Internet Policy.
- When making work-related postings as a representative of the City, you must not post anonymously or use a pseudonym; you should use your work email address, identify yourself by name and your role at the City.

- When commenting online about work-related issues in a personal capacity, you should use a private email address, identify yourself by name, your role at the City and make every effort to make it clear that you are speaking for yourself, not as a representative of the City.
- You are personally responsible for the content of anything you send, receive, download or post on social media sites.
- You should be aware that communication made through social media is public, even if posted anonymously, or to a limited group of individuals, and can exist online in perpetuity or in individual computers even if the original posting is removed.
- You should ensure that any comment on City matters is appropriate to your position and does not conflict with your role at the City.
- You should not disclose any City information or content that you are not specifically authorized to disclose.
- You should not use the City's logo or trademarks when using social media unless specifically authorized.
- You should be aware that your connection to the City may be indirect or even implicit based upon the use of your name and your association with the City.
- Your participation in social media should in no way harm the City's reputation or the reputation of any persons associated with and employed by the City of New Westminster, elected officials and/or Boards.
- You will be held accountable for off-duty conduct on social media sites if it negatively impacts the City.

### **Access to Social Media**

- Only designated persons should access and use social media during work hours as part of your job duties.
- You are permitted to access social media sites using your work computer for personal use only outside of work hours (e.g. prior to the start of your shift, after the end of your shift, on coffee and/or lunch breaks).

### **Unacceptable Uses of Social Media**

- Social media activities should not interfere with work commitments and/or job performance.
- Persons who do not have social media job responsibilities are not permitted to access social media sites using their work computer for personal use during work hours.
- Work computers should not be used to view or transmit sexual and/or pornographic images, offensive or illegal material.
- Any behavior or conduct that would not be appropriate in the physical work environment is also not appropriate in the virtual online environment.

## **Duty of Fidelity**

- You must not breach your duty of fidelity (loyalty) to the City.
- The duty of fidelity states that you are under a duty to serve the City with good faith, loyalty and fidelity and not deliberately do something which may harm the City.
- You will have breached your duty of fidelity if you engage or even threaten to engage in conduct which is detrimental to the City's legitimate business interests or reputation, regardless whether the City is named directly or identifiable in any other manner.

## **Privacy**

- You should not share or disclose personal information such as comments, posts, photographs or video about co-workers without their express consent because this breaches the co-worker's privacy.
- The City may post images of you performing your work and/or participating in City events or functions as these images are City records.
- You should not post or report on conversations that are meant to be private or internal to the City.
- You should not cite or reference employees, members of City Council, contractors, suppliers, partners or customers without their approval, even if such persons are not directly identified.

## **Respectful Communications**

- You have the right to a respectful and harassment free workplace. If you encounter harassment on a social media site from the general public or a City employee, you should report this to your supervisor immediately for appropriate action under the City's Respectful Workplace and Human Rights Policy and/or Criminal Law.
- The City's Respectful Workplace and Human Rights Policy prohibits unlawful harassment and discrimination and applies to all social media communications whether such communications are posted during work hours, personal time at work, or at home where you are identified as a City employee.
- Social media sites are not appropriate forums to engage in differences of opinion with respect to work-related issues, engage in criticism of management or co-workers (constructive or not), or address concerns regarding the performance or competence of employees.
- You are prohibited from posting threatening comments and from the harassment and bullying of co-workers, customers and others when using social media.
- You are prohibited from posting insubordinate, derogatory, defamatory, discriminatory, or otherwise offensive comments in social media sites about the City and any persons associated with and employed by the City of New Westminster, elected officials and/or Boards, even if such persons are not directly identified.

- Comments that would otherwise be inappropriate because they are considered insubordinate, constitute harassment, result in a poisoned work place, or have potentially negative consequences for the City should not be posted on social media sites.
- You must respect your audience and should not use ethnic slurs, personal insults, obscenity, or engage in any objectionable or inflammatory conduct that would not be acceptable in the workplace.

### **Confidential Business Information**

- You must not breach your duty of confidentiality to the City.
- Social media discussions, comments and posts, including textual or visual material (both during work time and personal time) should not disclose confidential business information belonging to the City and any persons associated with and employed by the City of New Westminster, elected officials and/or Boards.
- Confidential information includes any non-public financial or operational information, and anything else that is of value to the City that is not already public.
- You must not use City identifiers, such as logos or trademarks without the express consent of the City.

## **6. Monitoring**

- The City reserves the right to monitor Internet use and the use of social media to ensure Policy compliance.
- The City retains ownership of all computer systems and data.
- Social media usage on the City's network, computers or electronic devices is neither private nor confidential and may be monitored or recorded without any further notice by the City as per the City's Email/Internet Policy.
- The City reserves the right to investigate social media sites if any matter comes to its attention which it considers may constitute a potential breach of this Policy.
- The City reserves the right, at any time and without any further notice, to revoke, limit or alter your rights to access any Internet use, including the use of social media, on your work computer or electronic devices.

## **7. Consequences of Non-Compliance**

- Any breach or violation of this policy or the components contained herein, or any breach of law, will be treated as misconduct regardless if it occurred during work hours or otherwise and whether committed on City equipment or communication systems or otherwise.

- Any person suspected of breaching this Policy shall be required to cooperate with any investigation.
- Misconduct will be reviewed and investigated without any further notice and may result in disciplinary action being taken up to and including dismissal from employment, legal action, and/or seeking restitution.
- The City reserves the right to require the removal of certain posts or content which is deemed by the City to constitute a breach of this Policy or if it is necessary to ensure compliance with applicable laws.
- Failure to comply with any such request may result in further disciplinary action being taken.

## **8. Responsibilities**

- Overall management of this Policy is the responsibility of the Director of Human Resources.
- This Policy will be reviewed periodically by the Director of Human Resource and will be amended or updated to ensure that it is current and relevant.





## PERMISSION FORM

From time to time, the City is asked to forward to committee, board, commission, panel, or task force members, information regarding City business not necessarily related to your appointment. This could include invitations to workshops, forums, discussions, projects or other City and non-City events. In order to deliver this type of information to you we need permission to use your personal information as listed below.

\_\_\_\_\_  
I, \_\_\_\_\_ (please print) as a member of the \_\_\_\_\_  
committee, board, commission, panel, or task force, agree that the City of New Westminster:

**May use** my personal contact information to deliver to me information regarding, but not limited to; invitations, workshops, forums, discussions or other projects or functions not necessarily related to my appointment on the above-noted committee, board, commission, panel, or task force.

Email address: \_\_\_\_\_

**May not use** my personal contact information to deliver to me information regarding, but not limited to; invitations, workshops, forums, discussions or other projects or functions not necessarily related to my appointment on the above-noted committee, board, commission, panel, or task force.

This permission may be changed at any time by contacting your committee secretary. The consent given here will cease when you are no longer a member of the above-noted committee, board, commission, panel or task force.

Signature of Member: \_\_\_\_\_ Date: \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

## 2024 COMMITTEE APPOINTEE AFFIRMATION

**ADVISORY BODY NAME:** \_\_\_\_\_ (the “COMMITTEE”)

I solemnly affirm that, as a Committee member and thereby a representative of the City, I will honestly and to the best of my knowledge and ability:

- participate in Committee meeting discussions with an open mind and respect for all other members of the Committee and the variety of perspectives one can expect from a group of community members brought together to provide Council with information and advice on matters within the Committee’s mandate;
- be mindful of not allowing personal, financial or outside interests to conflict with the best interests of the community and to declare when such conflicts may exist;
- maintain any confidential information provided to me in my position;
- not use the authority or influence of my position on behalf of any political party or candidate;
- refrain from or exercise restraint and caution in publicly expressing personal opinions on matters of political controversy;
- abide by the City’s:
  - Social Media Policy, and
  - Respectful Workplace and Human Rights Policy,both of which I have read.

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Print Name

Signature

Affirmed before me this \_\_\_\_ day of \_\_\_\_\_, 2024, at New Westminister, BC.

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Committee Clerk