

# Anti-Racial Discrimination & Anti-Racism Policy

May 30, 2022

## **POLICY OWNER**

Administration

## **PURPOSE**

This Policy is intended to demonstrate the District of Summerland's commitment to conducting the day to day operations and governance in an anti-discriminatory and anti-racist manner and environment. The implementation of this Policy is a public commitment that the District of Summerland will continue to make best efforts to ensure that all who work and interact with the District of Summerland are able to do so in an environment and manner free of racism and racial discrimination.

## **GUIDING PRINCIPLE**

- The District of Summerland recognizes the diversity of our community and believes that all members of our community including, but not limited to, residents, elected officials, employees, volunteers and visitors of colour and Indigenous Peoples have the right to live, work, do business and play in an environment that asserts and supports their fundamental rights, personal worth, and human dignity.
- The District of Summerland acknowledges and recognizes the existence in our community of racism in all its forms, including Cultural, Environmental, Institutional, Systemic and Individual.
- The District of Summerland is committed to breaking down barriers, deconstructing biases and fostering and promoting an inclusive, respectful and welcoming environment for all, one that is free from racial discrimination and racism.
- The District of Summerland acknowledges its role and responsibility in protecting every person's right to be free from racial discrimination and racism.
- The District of Summerland is further committed to respecting and upholding the vision and principles of British Columbia's Human Rights Code and the implementation of the Calls to Action of the Truth and Reconciliation Commission.

## **APPLICATION**

- This Policy applies to all employees, elected officials, contractors, volunteers, and students working or volunteering for the District of Summerland or providing professional services to it.
- This Policy applies to the interpretation and application of current and new bylaws, regulations, policies, procedures, contracts, procurements and activities carried out by the District of Summerland, all of which will be required to be compliant with the principles and particular requirements specified within this Policy.
- The scope of this Policy includes all aspects of the District of Summerland's activities, including its working environment, procurement, services, meetings and various public events. In

addition, this scope will include ongoing relationships with individuals, businesses, community groups and contractors as well as with other local governments and public and private bodies.

- This policy is intended to supplement and support British Columbia's Human Rights Code and related District of Summerland Workplace Bullying and Harassment Policy.

## **POLICY STATEMENT(S)**

### **1.0 Roles and Responsibilities**

#### 1.1 Council Members:

- 1.1.1 Take leadership to model inclusive behaviour and language and not participate in racist or racially discriminatory conduct;
- 1.1.2 Support, promote and foster the principles of this Policy in all their work and interactions;
- 1.1.3 Ensure that Management is trained on this Policy and is implementing it;
- 1.1.4 Report incidents of racial discrimination or racism experienced or witnessed, immediately to the Chief Administrative Officer (hereinafter referred to as CAO) or the Mayor;
- 1.1.5 Cooperate and participate in good faith in any investigation under this Policy; and
- 1.1.6 Maintain the confidentiality of all involved in a complaint under this Policy.

#### 1.2 Management:

- 1.2.1 Ensure that the workplace and the business of the local government is free from racial discrimination and racism and ensure the principles of this Policy are reflected in the execution of their duties, operational policies and practices within their area of responsibility;
- 1.2.2 Model inclusive behaviour and language and not participate in racist or racially discriminatory conduct;
- 1.2.3 Support, promote and foster the principles of this Policy in all their work and interactions;
- 1.2.4 Train Council members on this Policy at the beginning of each term of office and provide refresher training annually thereafter. Training should be meaningful, interactive and involve group work where participants can work through various case studies highlighting appropriate and inappropriate behaviour;
- 1.2.5 Train all new employees, volunteers and contractors on this Policy at the commencement of their employment or services and provide refresher training annually thereafter. Training should be meaningful, interactive and involve group work where participants can work through various case studies highlighting appropriate and inappropriate behaviour;
- 1.2.6 Report incidents of racial discrimination or racism experienced or witnessed, immediately to a supervisor, the CAO (or designate) or the

Mayor (or their delegate);

- 1.2.7 Listen to any complaint, treating it sensitively, seriously and confidentially;
- 1.2.8 When appropriate and required, provide a timely, thorough, confidential and objective investigation of any allegation and answer any complaints in accordance with this Policy;
- 1.2.9 If necessary or appropriate, appoint an independent third-party investigator to investigate allegations or complaints when required under section 2.0;
- 1.2.10 Subject to procedures referred to in section 2.0, review the findings and recommendations and determine, in consultation with Human Resources, Management, legal counsel and/or Council, as applicable, the outcome and the appropriate action to be taken, which may include education, training or disciplinary action, dependent upon the results;
- 1.2.11 Maintain the confidentiality of all involved in a complaint under this Policy;
- 1.2.12 Cooperate and participate in good faith in any investigation under this Policy; and
- 1.2.13 Ensure this Policy is reviewed at least every 2 years for effectiveness.
- 1.2.14 The CAO is responsible for the implementation and administration of this Policy.

### 1.3 Employees, Volunteers and Contractors:

- 1.3.1 Must not engage in racial discrimination or racism and conduct oneself and speak in an inclusive manner;
- 1.3.2 Report incidents of racial discrimination or racism experienced or witnessed, immediately to a supervisor, the CAO or the Mayor;
- 1.3.3 Maintain the confidentiality of all involved in a complaint under this Policy; and
- 1.3.4 Cooperate and participate in good faith in any investigation under this Policy.

### 1.4 Union

- 1.4.1 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, Management and Council.

### 1.5 Complainants

#### 1.5.1 Complainants have a right to:

- 1.5.1.1 Make a complaint and receive a copy of the complaint;
- 1.5.1.2 Be informed of the status and progress of the investigation;
- 1.5.1.3 Be informed of a summary of the results of the investigation in writing

including a summary of corrective action that has or will be taken as a result of the investigation;

1.5.1.4 Not be subject to retaliation; and

1.5.1.5 Withdraw a complaint at any time during the procedure; however, depending upon the nature and severity of the allegations, the CAO or Mayor may determine that an investigation is required and the process will continue despite the withdrawal.

## 1.6 Respondents

1.6.1 Respondents have a right to:

1.6.1.1 Be informed that a complaint has been filed;

1.6.1.2 Be informed of the status and progress of the investigation;

1.6.1.3 Have the allegations provided to any independent investigator;

1.6.1.4 Be informed of the allegations against them and be provided an opportunity to respond; and

1.6.1.5 Be informed of a summary of the results of the investigation in writing.

## 1.7 Bystanders

1.7.1 Bystanders have the right to not be subject to retaliation because they have participated as a witness; and

1.7.2 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.

## 1.8 Investigator

1.8.1 The investigator, if engaged under the process referred to in section 2.0, shall:

1.8.1.1 Have expertise regarding the matters covered under this Policy;

1.8.1.2 Ensure the Respondent is informed of the allegations;

1.8.1.3 Ensure all parties involved have been informed of their rights and responsibilities;

1.8.1.4 Interview the parties concerned and any witnesses;

1.8.1.5 Collect all pertinent information;

1.8.1.6 Recommend a mediation process where appropriate;

1.8.1.7 Prepare a written report;

1.8.1.8 Ensure the investigation is completed in a timely fashion taking into account particular circumstances; and

#### 1.8.1.9 Maintain confidentiality.

## 2.0 Complaint Process

All members of the Council, management, employees, volunteers and contractors of the District of Summerland have a responsibility to treat all complaints under this Policy seriously and to investigate all complaints of racism and racial discrimination pursuant to the complaint procedure set out in the District of Summerland's Workplace Bullying and Harassment Administrative Directive.

## 3.0 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 racial discrimination or racist behaviour contrary to this Policy may be subject to appropriate action depending up on the severity of the misconduct. The range of appropriate remedy may include, but is not limited to, the following:

### 3.1 In the case of an officer or employee:

- 3.1.1 Oral and/or written apology from the Respondent and/or the District of Summerland;
- 3.1.2 Any administrative change that is appropriate (i.e.: job site or position transfer; no contact for a period of time, temporary or permanent changes to reporting structures or work assignments)
- 3.1.3 Coaching;
- 3.1.4 Counselling;
- 3.1.5 Training or education;
- 3.1.6 Re-orientation to this Policy and its purpose;
- 3.1.7 Discipline up to and including termination of employment for just cause;
- 3.1.8 Termination of contract for service or of a volunteer opportunity.

### 3.2 In the case of an elected official, sanction by Council (including but not limited to censure, removal from appointments, referral to police or legal action).

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

## 4.0 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.

## 5.0 No Reprisals or Retaliation

Any reprisal or retaliatory action that is related, in any way, to the circumstances noted above against a Complainant (or person closely related to or associated with the Complainant),

Bystander, Respondent, elected official or employee responsible for implementing this Policy and procedure, who in good faith:

- 5.1 Makes a complaint alleging racial discrimination or racism;
- 5.2 Identifies or opposes a practice that they reasonably believe to constitute racial discrimination or racism;
- 5.3 Implements or participates in an investigation, proceeding or hearing under this Policy or pursuant to any applicable statutory complaint process; violates this Policy and will not be tolerated;
- 5.4 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 service or of a volunteer opportunity or legal action;
- 5.5 Any elected official covered by this Policy who is found to have engaged in any reprisal or retaliation in violation of this Policy will be subject to Council consideration of appropriate sanctions, which may include censure, removal from appointments, referral to police or legal action.

**6.0 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 action set out in sections 5.4 or 5.5, as applicable.

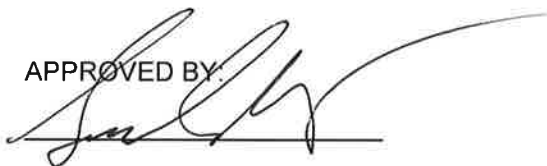
**7.0 Limitations**

This Policy articulates the position of the District of Summerland 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 District of Summerland policies.

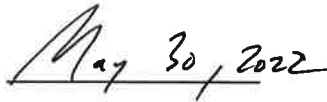
**REFERENCES**

- If applicable, reference may be made to related legislation, bylaws, administrative practices, procedures, manual.

APPROVED BY:



Chief Administrative Officer



DATE

**Amendments/Reviews**

Effective Date	Reviewed by	Description