

**CORPORATION OF THE CITY OF COURTENAY
COUNCIL MEETING AGENDA**

DATE: March 9, 2015
PLACE: City Hall Council Chambers
TIME: 4:00 p.m.

1.00 ADOPTION OF MINUTES

1. Adopt March 2, 2015 Regular Council meeting minutes

2.00 INTRODUCTION OF LATE ITEMS

3.00 DELEGATIONS

Presentation of Mayor's Commendations to:

1. Constable Steve Trevor
2. Constable Mike Wheeler
3. Firefighter Margaret Hamilton
4. Firefighter Chris Murdock

4.00 STAFF REPORTS/PRESENTATIONS

Pg #

(a) CAO and Legislative Services

- 1 1. Respectful Workplace Policy Revisions

(b) Community Services

(c) Development Services

(d) Engineering and Operations

- 21 2. Road Dedication on Fitzgerald Avenue

(e) Financial Services

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

7.00 REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES

8.00 RESOLUTIONS OF COUNCIL

9.00 UNFINISHED BUSINESS

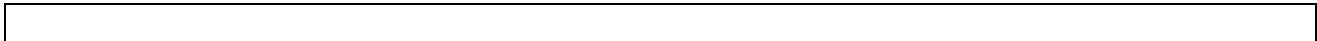
10.00 NOTICE OF MOTION

11.00 NEW BUSINESS

- 25 1. Comox Valley Detachment 2015 Annual Performance Plan – Request for Council feedback

12.00 BYLAWS

13.00 ADJOURNMENT





THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Respectful Workplace Policy Revisions

File No.: 2640-00
Date: March 9, 2015

PURPOSE:

The purpose of this report is to provide information to Council with regards to comments from a member of the public about the City's revised Respectful Workplace Policy.

CAO RECOMMENDATIONS:

That based on the staff report "Respectful Workplace Policy Revisions", dated March 9th, 2015, Council adopt the revised Respectful Workplace Policy #2640.00.07 as attached.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

On February 7, 2015 a member of the public (Mr. Muzin) sent an email to Council listing several reasons why he felt the City's proposed Respectful Workplace Policy should be amended before its adoption by Council. A copy of this email is attached to this report.

Council referred the policy back to staff for further review.

DISCUSSION:

Staff subsequently sent this email to the City's labour lawyer for review and comment. It is common to refer City policies and bylaws to the City's legal counsel prior to bringing them forward to Council, and in this case it was the City's labour lawyer who previously reviewed the revised draft Respectful Workplace Policy presented to Council at the February 7th 2015 council meeting.

Staff provide the following comments in response to the issues raised by Mr. Muzin in his email.

1. Mr. Muzin makes reference to the "Human Rights" policy. The policy is actually a Respectful Workplace policy and deals with discrimination, harassment and bullying - so more encompassing than only Human Rights.

2. The application of the policy is inclusive of contractors and suppliers (pg. 2). The same methodology would apply to these groups. However, a different response would be the result; for example a contract may be cancelled.
3. The policy provides examples of appropriate and inappropriate behaviours; however it cannot effectively provide an exhaustive list of these behaviours. Within those examples provided in the policy, “body language” refers to “aggressive body language”.
4. In regards to complaints involving the CAO, and/or Council members, page 8 of the policy addresses these. It is implied that any complaints against the Manager of Human Resources would be reported to the CAO.
5. Other than for union employees, there is no legal right to representation during the complaint process. However, if requested by a union exempt employee, the Employer would consider allowing it.
6. Respondents are entitled to know what the allegations are against them. However, they wouldn’t always necessarily receive the full written complaint. For example; if a complaint is against a number of people, only that part of the complaint relevant would be divulged to the individual. Another example; if a complaint is brought forward by someone other than the complainant, the respondent doesn’t necessarily need to know who made the complaint. This is very important when the onus is on all employees to report unsafe actions.
7. It is implied in Step III – Review of the Complaint, that if deemed appropriate, the complaint may be dismissed as an appropriate course of action.
8. And finally in regards to expenses and time involved in a complaint under this policy; if a complainant wishes to hire a lawyer, that is their prerogative and expense; time to prepare is their own time; and costs of the investigation and the outcome are always going to be with the Employer.

In conclusion, after reviewing Mr. Muzin’s comments, it has been determined that changes to the Respectful Workplace Policy are not necessary.

FINANCIAL IMPLICATIONS:

An additional one hour of legal review was required to review and respond to the public comments.

ADMINISTRATIVE IMPLICATIONS:

To date staff have spent approximately 2 hours of additional time on reviewing and reporting on the public comments.

STRATEGIC PLAN REFERENCE:

None.

OFFICIAL COMMUNITY PLAN REFERENCE:

None.

REGIONAL GROWTH STRATEGY REFERENCE:

None.

CITIZEN/PUBLIC ENGAGEMENT:

Once developed, the Respectful Workplace brochure will be posted on the City's website.

OPTIONS

- OPTION 1: Council adopts the original draft of the revised Respectful Workplace Policy #2640.00.07 (Recommended).
- OPTION 2: Council requests additional information.
- OPTION 3: Council does not adopt the policy.

Prepared by:

Mickie Donley, CHRP
Manager of Human Resources

Section: Human Resources	Policy #	2640.00.07
Subject: Respectful Workplace	Revision #	R-1

TABLE OF CONTENTS

Purpose of Policy	Page 2
Objectives of Policy	Page 2
Application of Policy	Page 2
Compliance	Page 3
Workplace Behavior	Page 4
Definitions	Page 5
Responsibility	Page 7
Complaint Process Guidelines	Page 9
Informal Complaint Process	Page 10
Formal Complaint Process	Page 10
Appeals	Page 12
Complaint Form	Appendix A

Section: Human Resources	Policy #	2640.00.07
Subject: Respectful Workplace	Revision #	R-1

PURPOSE OF POLICY

The City of Courtenay is committed to providing and sustaining a workplace that promotes and supports a safe and caring work environment where all individuals are treated with respect and dignity. Any behaviours and/or situations that are contrary to a respectful and dignified work environment will not be tolerated. The application of the City's Respectful Workplace Policy (hereinafter referred to as the policy) will promote the well-being of all in the workplace and reinforce the values of integrity and trust that are the foundations of a sound organization.

The City recognizes that conflicts and disagreements will occur. It is expected that these will be resolved quickly and in a manner that contributes to a healthy, respectful and productive workplace.

The City will respond promptly to any complaints involving inappropriate behaviour in the workplace and ensure that these are resolved in a timely, open and honest manner while recognizing the importance of privacy and confidentiality.

OBJECTIVES OF POLICY

The objectives of this policy are:

- to promote and maintain a common understanding of the expectations and behaviours considered appropriate and inappropriate in City workplaces and in the delivery of or access to City services;
- to take measures to prevent and/or deal with inappropriate behaviour;
- to ensure that all employees are aware of their responsibilities under the policy, the BC Human Rights Code, and Workers Compensation Act; and
- to provide procedures for handling complaints.

APPLICATION OF POLICY

The policy applies to the following people and places:

People:

- City of Courtenay employees (including job applicants)
- Contractors providing service for or to the City
- Suppliers providing material to the City

Section: Human Resources	Policy #	2640.00.07
Subject: Respectful Workplace	Revision #	R-1

- Volunteers
- Members of City Council
- Members of the public who are accessing City services or City operated facilities

Places:

- City buildings, facilities, sites, offices or work environments
- Locations visited by employees while traveling on City related business including conferences, meetings, vendor/supplier or customer sites
- Locations of work-based social gatherings.

COMPLIANCE

The policy applies to all City of Courtenay employees as a condition of employment. Any employee who is found to have violated this policy will be subject to appropriate disciplinary action, which may include termination of employment.

This policy is developed in accordance with Sections 115, 116 and 117 of the Workers Compensation Act which sets out the general duties of employers, workers and supervisors respectively, and Guideline G-D3-115(1)-3 Bullying and harassment, of the Workers Compensation Act.

While the policy applies to all persons involved with the City's operations, investigative procedures may vary as the Collective Agreement or Employment Contracts dictate from time to time.

Members of the public, visitors to City facilities or individuals conducting business with The City, are expected to adhere to this policy. This includes refraining from inappropriate behaviour towards employees, elected officials and persons acting on behalf of The City of Courtenay. If inappropriate behaviour occurs, The City will take appropriate action to ensure a respectful workplace. This could include barring the person from facilities or discontinuing business with contractors or suppliers.

Criminal Offences

Where behaviours constitute a criminal offence (physical/sexual assault), The City will refer the matter to the RCMP for further investigation.

False or Frivolous Complaints

Complaints that are found to be false, frivolous or made in bad faith will not be tolerated and will

Section: Human Resources	Policy # 2640.00.07
Subject: Respectful Workplace	Revision # R-1

be subject to appropriate disciplinary action, termination of employment or denial of service.

Retaliation

Everyone has the right to report, in good faith and confidentially, incidents of discrimination, harassment or inappropriate behaviour without fear of retaliation. Retaliation by any person against anyone involved in bringing forward or participating in an informal or formal complaint process will not be tolerated, and will be subject to discipline, up to and including termination of employment and/or cancellation of contract. Retaliation may take the form of, but is not limited to, any of the inappropriate behaviours listed below.

WORKPLACE BEHAVIOUR

Appropriate Workplace Behaviour

While it is not possible to list all appropriate or inappropriate behaviours, the kinds of behaviours that are encouraged are those which support and create a respectful and dignified workplace.

Examples of Appropriate Behaviour include:

- polite, courteous and considerate behaviour towards others;
- inclusion – recognizing and valuing diversity among workgroups, employees, customers and people with different backgrounds, cultures, strengths and opinions;
- treating others equitably and fairly;
- being open-minded to the ideas, comments and suggestions of others;
- being inclusive and involving others in decision making to ensure a fair process;
- practicing constructive resolution of differences through respectful dialogue and apologizing to others when you have said something to offend them;
- ensuring that individuals are supported in their efforts to learn and practice personal conflict resolution and respectful workplace skills.

Inappropriate Workplace Behaviour

Inappropriate behaviour is conduct which is objectionable to others and serves no legitimate work-related purpose. It can negatively affect communication and productivity. Inappropriate behaviour is conduct which a reasonable person would know or ought to know would cause offence, humiliation or intimidation and thereby contributes to or creates a hostile or poisoned work environment.

Examples of Inappropriate Behaviour include:

Section: Human Resources	Policy #	2640.00.07
Subject: Respectful Workplace	Revision #	R-1

- disrespectful and demeaning behaviour
- discrimination and harassment
- workplace bullying
- workplace mobbing;
- abuse of authority
- confrontational, undermining, disrespectful attitude
- damage to people or property
- aggressive acts or body language

DEFINITIONS

Disrespectful and Demeaning Behaviour - includes but is not limited to:

- breach of confidentiality of another individual;
- refusing to cooperate with other individuals in the workplace;
- verbal attacks that are personal, irrelevant or beyond the bounds of fair professional conduct and intimidate, humiliate, undermine, offend, hurt or belittle an individual;
- conduct, comments or actions that when taken in isolation seem minor, but when repeated can lead to a conclusion of harassment ;
- insulting gestures and practical jokes of a nature which cause awkwardness or embarrassment;
- spreading malicious rumours or intentionally conveying false information about another individual;
- non-constructive feedback addressed in such a way as to intimidate, undermine confidence or imply incompetence;
- actions that affect an individual's dignity, wellbeing or physical integrity.

Discrimination and Harassment - is any behaviour, practice or policy which has a direct or adverse impact on an individual based on: age, ancestry, colour, family status, marital status, mental or physical disability, place of origin, race, religious beliefs, sexual orientation, source of income, gender (including pregnancy and sexual harassment), summary conviction not related to employment or any other ground protected under the BC Human Rights Code.

Examples of Harassment include:

- Any previously described behaviour that is based on a prohibited ground under the BC Human Rights Code;
- Sexual harassment includes comments or conduct such as: unwelcome advances, requests, comments, physical contact, unnecessary touching, pinching or jostling or gestures (suggestive or persistent staring/leering) that are of a sexual nature;

Section: Human Resources	Policy # 2640.00.07
Subject: Respectful Workplace	Revision # R-1

- Implied or expressed threats of reprisal for refusal to comply with a request of a sexual nature, or implied or expressed promises of reward for agreeing to comply with a request of a sexual nature;
- Unwelcome remarks, jokes, taunts, suggestions or speculations about a person’s body, attire, sex life etc.;
- Displays of pornographic or other sexual materials in the form of pictures, electronic mail, graffiti, cartoons or sayings.
- Note that inappropriate behaviours not directed at any one identifiable person may become harassment when it relates to a prohibited ground of discrimination, for example telling racist jokes.

Examples of Discriminatory practices include:

- Denial of equitable treatment in hiring or in the terms, conditions or benefits of employment;
- Denial of access to or the processes by which people use City related services, programs and/or facilities (see “Conflict of Interest” Policy #2510.00.02);
- Failing to accommodate an individual protected under the BC Human Rights legislation

Workplace Bullying – is defined as the repeated, health-endangering mistreatment of an individual by another individual that creates a risk to health and safety. It is consistent, relentless, continual and systematic behaviour that undermines, insults, devalues, demeans and intimidates another and results in psychological and/or physical distress.

Workplace Mobbing - is a malicious attempt or “ganging up” by co-workers, subordinates or superiors, to force someone out of the workplace through rumor, gossip, innuendo, intimidation, humiliation, discrediting, and isolation.

Workplace Abuse of Authority - occurs when a person uses their authority unreasonably to interfere with an employee or the employee’s job.

Examples include:

- Humiliation and verbal attacks that are personal;
- non-constructive feedback addressed in a way as to intimidate, undermine confidence or imply incompetence;
- threats and coercion
- exclusion and isolation

Abuse of authority **does not** include normal managerial activities such as the day-to-day management of operations, performance at work or absenteeism, the assignment of tasks, performance appraisals, coaching, mentoring, reference checks, and the application of progressive discipline, up to and including termination.

Section: Human Resources	Policy #	2640.00.07
Subject: Respectful Workplace	Revision #	R-1

Confrontation, Undermining, Disrespectful Attitude – occurs when a person interacts with another in a manner that can be interpreted as uncooperative, accusatory, insubordinate, rude or hostile.

Damage to People or Property

Examples include:

- Vandalism or deliberate destruction of City or personal property;
- Threats – any act, gesture or statement that gives an employee reasonable cause to believe that there is risk of injury to themselves, another person or City property;
- Any statement, either verbal or written that is reasonably interpreted by a person to be menacing or taunting in nature. This might include, but is not limited to, such things as coercion, intimidation, threat of prosecution, humiliation, bullying, mobbing, ridiculing or belittling;

Violent Acts - are defined as any act that causes or may cause physical harm or significant emotional distress to an individual. Behaviours that are threatening to personal safety or are violent require immediate action to ensure the safety of others. Incidents of threats or violence must be reported immediately to a supervisor.

Consensual Banter or Relationships – Two or more individuals bantering back and forth is not considered inappropriate behaviour if everyone involved is in agreement. If, however, an individual feels uncomfortable, and it continues even after the individual expresses their discomfort, or if a reasonable person would know or ought to know the other individual was uncomfortable, then it is considered inappropriate behaviour. It may also be inappropriate if others who may find the banter offensive overhear the discussions.

Individuals flirting with each other, or becoming involved in a romantic or sexual relationship, are not considered to be engaged in inappropriate behaviour, as long as the relationship is consensual. If one of the individuals changes his/her mind and the other person persists in trying to continue the relationship, this is considered inappropriate behaviour. Consensual workplace relationships may create conflicts of interest that need to be addressed. These should be reported in accordance with the City’s Conflicts of Interest Directive #2510.00.02.

RESPONSIBILITY

Employee Responsibilities

Every employee of the City of Courtenay has the right to be treated in a fair, reasonable and respectful manner. To foster this, we must prevent differences and conflicts from escalating, and work to resolve them quickly when they occur. All employees are expected to act towards other individuals professionally and respectfully and to speak out against unacceptable behaviours in

Section: Human Resources	Policy #	2640.00.07
Subject: Respectful Workplace	Revision #	R-1

the workplace in a skillful and sensitive manner. Therefore;

Employees are responsible for creating a respectful workplace environment by:

- ensuring that their behaviour is respectful and appropriate at all times;
- accepting responsibility for their own actions, reactions and behaviours and the impact these may have on others;
- ensuring that their concerns are made known to management promptly if there are any contraventions of this policy;
- actively being part of the solution;
- immediately reporting to a supervisor if there is an imminent threat or risk of violence that could compromise safety.
- Being knowledgeable of, and abiding by Policy Guideline D3-116-1, Worker Duties, of the Workers Compensation Act

Employer Responsibilities

The Employer and its representatives have additional responsibilities to create and sustain a respectful workplace environment. Therefore;

Employees in positions of leadership are responsible for creating a respectful workplace environment by:

- being a role model for corporate behaviour standards. This would include following the organizational competencies outlined in the “Performance Management Plan” for leaders, corporate policies and applicable legislation;
- ensuring awareness of and compliance with the Respectful Workplace Policy in their area of responsibility;
- taking appropriate action in a prompt, impartial and confidential manner when Respectful Workplace Policy issues come to their attention, even when no complaint has been made;
- supporting all parties involved in resolving issues under the Respectful Workplace Policy;
- ensuring no person suffers reprisal as a result of making a complaint or for providing information.
- Being knowledgeable of, and abiding by Sections 115 (1)(a) , 115 (2)(e) and Policy Guidelines D3-115-2 and D3-117-2, Supervisor Duties, of the Workers Compensation Act.

Complaints Filed by or Involving Council or CAO

A complaint of inappropriate behaviour involving the CAO or a member of Council and involving a staff member(s) should be reported to the Manager of Human Resources. Conduct of such an investigation, resulting action and any appeals will be in accordance with the policy.

Complaints involving Council that do not involve staff will be dealt within Council.

Section: Human Resources	Policy #	2640.00.07
Subject: Respectful Workplace	Revision #	R-1

The Human Resources department will maintain all information of the organization's complaint files involving any employee as they pertain to the policy to ensure confidentiality.

COMPLAINT PROCESS GUIDELINES

DEFINITIONS

CAO – means Chief Administrative Officer for the City of Courtenay

Complainant - means the individual making the complaint that inappropriate workplace behaviour has occurred.

Respondent - means the individual alleged to have engaged in inappropriate workplace behaviour.

Investigator - may refer to an internal investigator or an external investigator engaged by the City to conduct an investigation of an informal or formal complaint.

Mediation – a voluntary process used to resolve conflict by having a neutral person assist the disputing parties to arrive at a mutually acceptable solution.

Personal Information and Confidentiality – any allegation or informal or formal complaint of inappropriate workplace behaviour under the policy will be considered personal information “supplied in confidence” as per Section 22 (2) (f) of the *Freedom of Information and Protection of Privacy Act* (FOIPPA) and the substance of the investigative reports and meetings held by those in authority to make a decision on the disposition of the complaint will be protected from disclosure to third parties in accordance with section 22 (2) (f) and Section 22 (2) (h) of the Act.

COMPLAINANTS, RESPONDENTS AND WITNESS RIGHTS

Complainants, respondents and witnesses can expect to;

- (a) co-operate and provide information when called upon to do so;
- (b) maintain confidentiality of the complaint;
- (c) review their statement as recorded by the investigator to confirm its accuracy; **this is not necessary if the interview has been taped**
- (d) be accompanied by a union representative of their choosing **should they wish (for union members)**

Section: Human Resources	Policy #	2640.00.07
Subject: Respectful Workplace	Revision #	R-1

(e) have the process concluded in a timely manner;

Complainants and respondents can also expect to;

- (f) receive information related to the complaint in writing, including allegations in accordance with principles of procedural fairness;
- (g) be made aware of the outcome of the investigation as it affects them.
- (h) be informed in writing whether or not corrective or disciplinary measures will be taken as a result of the complaint

INFORMAL COMPLAINT PROCESS

The objective of any complaint is early resolution of the situation or conflict in a fair and respectful manner. Every effort will be made to resolve the issues early with open communication and in a co-operative manner. Any allegation of inappropriate workplace behaviour is serious and will be treated as such.

Process for addressing an “Informal Complaint”

If an employee believes that he or she has been subjected to inappropriate workplace behaviour, the following actions ***may*** be taken.

- If an employee feels offended by the behaviour of another person, they are encouraged to make it known to that person as soon as possible in an attempt to resolve the problem but ***only if they feel safe and it is reasonable to do so;***
- If conflict resolution between the individuals is possible, the Manager and or Human Resources representative may engage with the individuals in an informal mediation process to assist in resolving the matter;
- If it is determined appropriate, a resource person from outside the City may be engaged to assist the parties to resolve the issue;
- If however, an individual does not feel safe or if the conflict seems greater than what can be handled through this kind of informal process, the individual should speak with his/her Manager or a Human Resources representative. A formal complaint may be more appropriate under the circumstances.

FORMAL COMPLAINT PROCESS

If an employee believes that he or she has been subjected to inappropriate workplace behaviour, discrimination or harassment, the following outlines the steps and actions that may be taken.

Section: Human Resources	Policy # 2640.00.07
Subject: Respectful Workplace	Revision # R-1

Step I – Filing a Formal Complaint

A person who wishes to file a formal complaint (complainant) will submit, in writing, the details of their complaint using the attached form. All formal complaints will be submitted to the Human Resources Department. The Manager of Human Resources will provide a copy of the complaint to the CAO, Director and Union (when applicable).

- The complaint form must be filed within six months of the alleged behaviour leading to the complaint, unless there are extenuating circumstances and as appropriate, timelines may be extend by the CAO or Director if circumstances warrant;
- In the event a complainant wishes to request an extension of the time-lines they must contact Human Resources for assistance;

Step II - Receipt and Acknowledgement of the Complaint

Upon receipt of the complaint, Human Resources will:

- inform the complainant, in writing, that their complaint has been received and inform them of the steps that will be taken to address the matter;
- inform the respondent(s), in writing, that a complaint has been received and provide them with a summary of the particulars of the complaint and the steps that will be taken to address the matter.

Step III – Review of the Complaint

Once the complaint has been acknowledged and the respondent and complainant have been notified in writing of the complaint, the CAO, in consultation with Human Resources, will review the details of the formal complaint. At that time the CAO and Human Resources will determine the appropriate course of action for follow up. This may include mediation or a formal investigation process.

Step IV – Investigation

If it is determined that a formal investigation is necessary, the Manager of Human Resources will coordinate the investigation. Human Resources may recommend to the CAO that the facts as known merit the engagement of an external investigator.

An investigation will normally commence within 15 working days of its receipt and acknowledgement. Where possible, the investigation will be completed within a further 20 working days. In extenuating circumstances the investigator may apply to the CAO for an extension of the time limits. If this is the case, the complainant and respondent will be notified

Section: Human Resources	Policy # 2640.00.07
Subject: Respectful Workplace	Revision # R-1

of this in writing.

Upon conclusion of the investigation, the investigator will provide a written report which details:

- the nature of the complaint;
- the findings (e.g. the report should include an opinion as to whether or not the policy has been violated, by whom) and;
- any recommendations for resolution.

A complainant is not obligated to continue with a formal complaint at any point throughout the process. However, the City reserves the right to pursue an investigation and resolution process with or without the complainant’s consent when it has sufficient concerns about the alleged behaviour.

Step V - Disposition of the Complaint

Once the investigation has been concluded and recommendations have been made to the CAO regarding the final disposition of the complaint, remedies may include:

- mediation;
- education and training;
- appropriate discipline;
- other remedies which may flow from the investigation report.

The Manager of Human Resources will report and communicate the final decision to the applicable parties within 15 working days of receipt of the investigator’s written report.

Appeals

Either party (complainant or respondent) may appeal the decision of an investigator by writing to the CAO with a copy to the Union (when applicable), outlining the reason for the appeal, within 15 working days of receipt of the final report. At such time a meeting will be convened with the parties to discuss and agree on the appropriate course of action.

Union Participation

Union members are encouraged to discuss their situation with a Union representative. This provides the employer and union the opportunity to work collaboratively to find mutually beneficial solutions. Employees also have the right to discuss their situation and options with the British Columbia Human Rights Tribunal.

External Human Rights Complaints

Section: Human Resources	Policy # 2640.00.07
Subject: Respectful Workplace	Revision # R-1

External Human Rights complaints (those filed with the British Columbia Human Rights Tribunal) and complaints received from individuals outside of the City of Courtenay will be referred directly to the CAO with a copy to the Manager of Human Resources and Union Representative (where applicable).

In consultation with the CAO, Human Resources will initiate and co-ordinate the investigation as outlined in the formal complaint process in order to provide the organization's response to the complaint.

Monitoring of Policy

Management will monitor this policy and make adjustments where necessary. If you have any concerns with the policy, please bring them to the attention of your supervisor or director. Your comments are always welcome. There is no place for harassment in a workplace that strives for equality and respect for all its members. The City of Courtenay has committed itself to that goal, and we will do our utmost to achieve it.

AUTHORIZATION: IC 10/08.04	DATE: May 20, 2008
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CONFIDENTIAL

The City of Courtenay

RESPECTFUL WORKPLACE COMPLAINT FORM

Please complete this form and forward to the Manager of Human Resources.

Complainant Name: _____ **Employee Number** _____

Department: _____

Work Phone: _____ **Home Phone:** _____

Director/Manager: _____

Name(s) and Department of alleged Respondent(s):

Name(s) and Department of Witness(es):

Details of Complaint

Please provide the details of your complaint. If necessary, attach additional pages to this form.

To assist us to understand your situation, **please include the following details:**

1. The specific incident(s) that led you to file this complaint – if there is more than one, please number them (attach additional sheets of paper if more room is required).

2. The date(s) of the incidents(s)

3. The context of each incident. (E.g. what happened before, during and after the incident, where did each incident take place, who was present, what were others doing?)

4. Explain how the incident(s) affected you.

5. Explain how the incident(s) affected your work and work environment.

6. Detail any action you have taken so far to resolve the matter, including speaking to the person whose actions are the subject of this complaint.

7. Who have you discussed this with? (I.e. supervisor, manager etc.). Indicate the date and time you had this discussion. If no discussion occurred please explain.

8. What action (if any) has your manager taken to deal with the issue so far?

Signature: _____

Date: _____

Copy: Chief Administrative Officer _____



STAFF REPORT

To: Council

File No.: 3320-20-14701 & 5450-01

From: Chief Administrative Officer

Date: March 9, 2015

Subject: Road Dedication on Fitzgerald Avenue (10th to 12th Streets)

PURPOSE:

To approve the reference plan pertaining to the dedication of City owned fee-simple property as ROAD adjacent to 1001 Fitzgerald Avenue, 515 – 11th Street, 1125 Fitzgerald Avenue, and 531 – 12th Street, attached as Reference Plan EPP47006.

CAO RECOMMENDATIONS:

That based on the March 2nd 2015 staff report “Road Dedication of Fitzgerald Avenue (10th to 12th Streets)”, Council adopt Option 1 to approve Plan EPP47006 and associated legal description for the dedication of City land as Road along the west side of Fitzgerald Avenue from 10th to 12th Street; and

That the Mayor and Director of Legislative Services be authorized to sign the documentation relating to this road dedication.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

In 1932, 1957 and 1966 the City acquired four fee-simple properties comprising a segment of the western side of Fitzgerald Avenue from 10th Street to 12th Street. The properties vary in width from 2.2 to 4.6 metres and are located adjacent to 1001 Fitzgerald Avenue, 515 – 11th Street, 1125 Fitzgerald Avenue, and 531 – 12th Street.

Although, these lands are City owned fee-simple properties, the land is used as part of the sidewalk and roadway. This was a common practice within cities for land required for lanes and street widening and there are many similar instances within the City where a roadway or a lane is titled a fee-simple property. The new LTSA (Land Title and Survey Authority) in Victoria requires that a check be performed by the BC Land Surveyor upon the registration of any Subdivision or Reference Plan of property adjacent to a *roadway* to ensure that the road/lane has been dedicated as such.

DISCUSSION:

The Approving Officer has received an application identified as Lots A & B Plan EPP47006 adjacent to the subject lands and as a result, staff are bringing forward this “housekeeping” item of transferring fee-simple lands to road dedication to meet the requirements of the LTSA.

FINANCIAL IMPLICATIONS:

Cost to complete the survey plan and registration thereof is accounted for under Engineering Services - Surveying in the 2015 Operating Budget.

ADMINISTRATIVE IMPLICATIONS:

Staff effort to undertake this work is considered statutory.

STRATEGIC PLAN REFERENCE:

None

OFFICIAL COMMUNITY PLAN REFERENCE:

None

REGIONAL GROWTH STRATEGY REFERENCE:

None

CITIZEN/PUBLIC ENGAGEMENT:

Not required

OPTIONS:

OPTION 1

That Council approve Plan EPP47006 and associated legal description for the dedication of City land as Road along the west side of Fitzgerald Avenue from 10th to 12th Street; and

That the Mayor and Director of Legislative Services be authorized to sign the documentation relating to this road dedication.

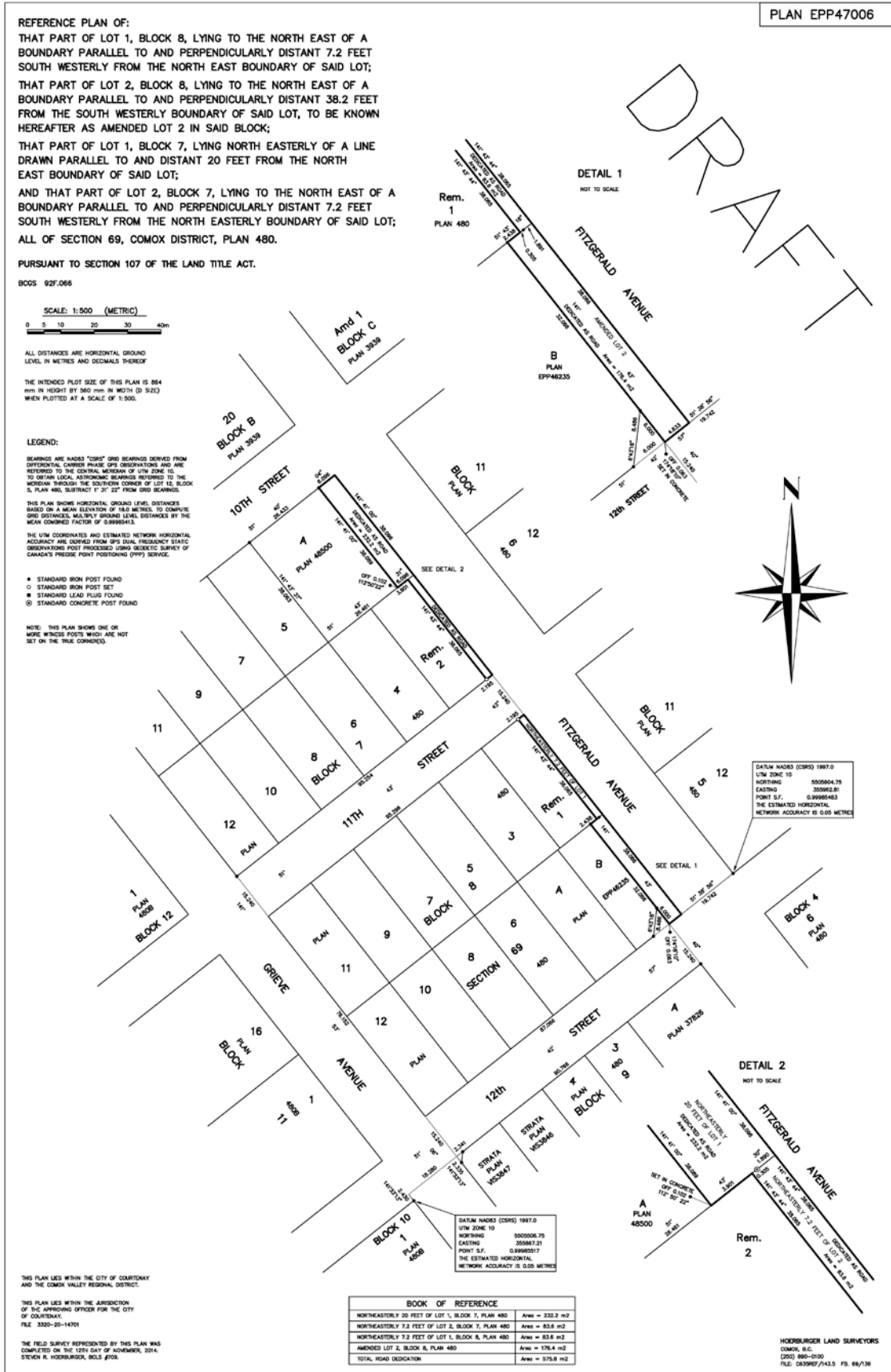
OPTION 2

That Council not approve the road dedication as shown on Plan EPP47006 and the lands remains as fee-simple property titled in the name of the Corporation of the City of Courtenay.

Prepared by:

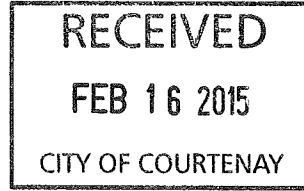
Alan Clark, P.Eng.
Development Engineer

Lesley Hatch, P.Eng.
Director of Engineering & Public Works





Officer in Charge
Comox Valley Detachment
800 Ryan Road
Courtenay, B.C.
V9N 7T1



Your File

Our File

Mayor and Council
City of Courtenay
830 Cliffe Avenue
Courtenay, B.C.
V9N 2J7

2015-02-11

Dear Mayor and Council

Comox Valley Detachment 2015 Annual Performance Plan

Every year beginning in April, RCMP detachments begin a new cycle of a program known as the Annual Performance Plan (APP). The APP provides a mechanism for planning and tracking of issues that are of importance within each distinctive detachment area.

This year we are writing to a variety of stakeholders within the Comox Valley to solicit input on what is of importance to each community or organization. As in past years, myself or my designate have met with a variety of stakeholders from the Comox Valley. These meetings and/or informal discussions offered the Detachment an opportunity to gather feedback on what issues were of the greatest importance to the community.

Last year these consultations led to the identification of four issues as being of greatest importance to the community. Those issues were: Road Safety (Intersections), Organized Crime, Crime Reduction (Prolific Offenders and Drugs), Vandalism (Mischief) and Traffic Law Enforcement.

The community's priorities, once identified, will be used in the Detachments APP decision making process and will help ensure that the community's priorities are taken into account along with the priorities set out by the Commanding Officer of "E" Division. Last years Provincial Priorities were identified as Road Safety, Organized Crime and Crime Reduction.

I welcome your feedback and opinion on this years community priorities prior to March 20, 2015. Once finalized, you will be provided with a copy of the 2015 Annual Performance Plan and its identified priorities.

Should you have any questions or concerns regarding this years community priorities, I welcome and encourage you to contact me at any time.

Sincerely



Tim Walton, Inspector
OIC, Comox Valley RCMP
250-338-1321