



Number: 200-04-03  
REGIONAL DISTRICT OF CENTRAL KOOTENAY  
**Policy Manual**

**Chapter:** Administration

**Section:** Occupational Health and Safety

**Subject:** Staff Safety and Harassment Policy

**Board** 573/23

**Established** September 14, 2023

**Revised**

**Resolution:**

**Date:**

**Date:**

## **POLICY:**

### **PURPOSE:**

The Regional District of Central Kootenay (the “Regional District” or “RDCK”) is committed to providing a safe workplace for its staff, free of physical or psychological violence, bullying, and harassment. This commitment includes when working in RDCK public spaces and interacting with the public.

The Regional District acknowledges the right of members of the public to access RDCK public spaces and services, however there is a reasonable expectation that the public interacts with staff respectfully, without causing, or without the threat of causing, physical or psychological harm.

This policy provides direction and guidance to Regional District staff regarding incidents and inappropriate behaviour involving staff and members of the public when interacting in RDCK public spaces. The policy ensures that incidents are investigated and resolved in accordance with the principles of procedural fairness.

### **1. SCOPE:**

The policy applies to all persons within Regional District of Central Kootenay Facilities listed in Appendix D, and applies to Incidents and Inappropriate Behaviour involving one or more members of the public. For certainty, this policy does not apply to interactions internally between RDCK Staff, Directors, volunteers or contractors.

### **2. DEFINITIONS:**

In this policy:

**Charter of Rights and Freedoms** means the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK), 1982, c 11*.

**Chief Administrative Officer** means the person employed by the RDCK as the Chief Administrative Officer of the organization.

**Code of Conduct** means a document posted in a RDCK Facility that outlines the roles, rights and responsibilities of RDCK Staff and patrons.



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**Conditional Access Requirement** means a limitation placed on a person's use of and access to RDCK Facilities for a specified period of time following an Incident, examples of which include but are not limited to:

- limitations on a person's ability to communicate with specified RDCK employees while attending RDCK Facilities,
- limitations on the days or times when a person may attend RDCK Facilities,
- limitations on a person's ability to attend specified areas within RDCK Facilities, and
- limitations on a person's attendance at RDCK Facilities to specified business purposes or events,

but does not include a Suspension.

**Director** means a person elected or appointed to the RDCK Board of Directors pursuant to the *Local Government Act*.

**Senior Manager** means a person employed by the RDCK as a Manager or General Manager and designated by the Chief Administrative Officer as a member of the senior management team.

**Harassment** means conduct, actions or behaviour that a person knew or reasonably ought to have known would cause another person to be harmed, humiliated, or intimidated or would be objectionable and unwelcome, including sexual harassment.

**Human Rights Code** means the *Human Rights Code*, RSBC 1996, c. 210.

**Inappropriate Behaviour** means behaviour that obstructs or interferes with the lawful use and enjoyment of RDCK Facilities or participation in RDCK services, programs or events, or that may negatively impact the safety and well-being of others, including RDCK Staff, Directors, volunteers and members of the public. For the purposes of this policy, Inappropriate Behaviour includes:

- Vandalism,
- Violence,
- Harassment,
- possession of weapons,
- theft of property,
- contravention of Codes of Conduct or posted rules, and



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- any acts at an RDCK Facility for which a person has been charged under the Criminal Code of Canada.

**Incident** means any occurrence involving one or more individuals engaging in Inappropriate Behaviour.

**Manager** means a person employed by the RDCK as the Manager of an RDCK department.

**RDCK** means the Regional District of Central Kootenay.

**RDCK Facility(ies)** means the properties, buildings and public spaces owned, leased, rented, allocated, programmed, operated or managed by the Regional District of Central Kootenay, intended for public, staff or volunteer use listed in Appendix D.

**RDCK Staff** means persons employed by the Regional District of Central Kootenay.

**Safety Advisor** means the safety advisor for the RDCK.

**Supervisor** means the person employed by the RDCK as the supervisor of the relevant department.

**Suspension** means the prohibition of an individual from entering all or specified RDCK Facilities for a specified duration of time.

**Vandalism** means the malicious, wilful or deliberate destruction, damaging or defacing of RDCK Facilities or other RDCK-owned property, including equipment, vehicles, materials and furniture.

**Violence** includes but is not limited to:

- the use of profane, obscene, abusive or discriminatory language;
- threats or attempts to intimidate;
- throwing articles or objects in a deliberate or aggressive manner that may endanger or cause injury or damage to any persons or property;
- physically aggressive or threatening behaviour which causes injury or gives a person reasonable cause to believe that they are at risk of injury; and attempts to goad or incite violence.



### **3. INTERPRETATION**

In this policy, a reference to Supervisor, Manager, Senior Manager, Safety Advisor, or Chief Administrative Officer includes a reference to the person appointed to act in the place of that person from time to time.

### **4. POLICY**

#### **1. Respectful Behaviour**

- (a) All persons using RDCK Facilities have a duty to:
  - (i) treat others with respect, courtesy, fairness and equality;
  - (ii) use RDCK Facilities and equipment in a safe and respectful manner; and
  - (iii) comply with all posted policies and rules regarding the use of RDCK Facilities.

#### **2. Inappropriate Behaviour**

- (a) No person shall commit or engage in Inappropriate Behaviour in RDCK Facilities.

#### **3. Responding to Reported Incidents**

- (a) When RDCK Staff receive a report regarding an Incident, they will follow the procedures set out in Appendix A of this policy.
- (b) Senior Managers are authorized to issue a Suspension to or impose Conditional Access Requirements on any person who is not in compliance with this policy, for a term of up to one year. In exercising their discretion under this section, Senior Managers shall consider the factors set out in section 9 of Appendix A of this policy and adhere to the process set out in Appendix B of this policy.
- (c) All RDCK Staff will exercise their power and authority under this Policy fairly and equitably and in accordance with the Human Rights Code, the Charter of Rights and Freedoms, and all other applicable enactments.

#### **4. Appeal Process for Suspensions**

- (a) A person subject to a Suspension under this policy may, within 10 business days of receiving notice of the Suspension, submit a written request for a review of the decision to the Chief Administrative Officer. The request must include a statement outlining the basis for the appeal. The Suspension will remain in effect during the appeal process.
  - (b) In considering an appeal under this section, the Chief Administrative Officer shall adhere to the process set out in Appendix C of this Policy and consider the factors set out in section 9 of Appendix A of this policy and any submissions made by the person subject to the Suspension.
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- (c) The decision of the Chief Administrative Officer with regards to a Suspension is final.

#### **5. Probationary Period and Subsequent Suspensions**

Once a Suspension has been completed, regardless of the duration, the person subject to the Suspension will be subject to a six-month probationary period with the following conditions:

- (a) If an Incident occurs during the probationary period, a Senior Manager may impose a subsequent Suspension. A Suspension issued under this section may be for a duration of up to two (2) years.
- (b) A Suspension under this section must be endorsed by the Chief Administrative Officer.
- (c) Notwithstanding section 4(4)(a) of this policy, a person subject to a Suspension under this section shall not be entitled to appeal that Suspension, regardless of whether the person requested an appeal of the initial Suspension.

#### **6. Terms and Conditions for Suspensions and Conditional Access Requirements**

- (a) A person subject to one or more Conditional Access Requirements shall comply with any terms or conditions set out in the notice of the Conditional Access Requirements.
- (b) A person subject to a Suspension shall comply with any terms or conditions set out in the Suspension.
- (c) During a Suspension period, a person subject to a Suspension shall communicate with RDCK regarding the Suspension only through the designated Manager.
- (d) At the end of a Suspension term and prior to re-entering RDCK Facilities, the person subject to the Suspension shall attend a meeting with the designated Manager to review the Code of Conduct and shall sign an acknowledgment statement that they will adhere to the Code of Conduct and this policy.

## **5. APPENDICES**

- Appendix A – Incident Response Procedure
- Appendix B – Inappropriate Behaviour Enforcement– Suspensions
- Appendix C – Appeal Procedure
- Appendix D – RDCK Facilities



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### ***Appendix A – Incident Response Procedure***

1. Where, in the reasonable opinion of RDCK Staff, an imminent threat to the safety of RDCK Staff, volunteers, or the public exists due to Inappropriate Behaviour, the police may be summoned to assist.
2. Where possible and safe to do so, RDCK Staff will attempt to explain to the person or persons engaging in the Inappropriate Behaviour that their behaviour is unacceptable and ask that the behaviour cease.
3. RDCK Staff may also attempt to de-escalate or otherwise resolve the Inappropriate Behaviour situation, where appropriate and safe to do so.
4. If the Inappropriate Behaviour continues, and depending on the severity of the Inappropriate Behaviour, RDCK Staff may request that the person leave the RDCK Facility immediately.

If the person refuses to leave the RDCK Facility upon request, RDCK Staff may request police assistance.

5. A Supervisor, upon reasonable consideration of the Incident and the RDCK’s obligation to ensure the safety of RDCK Staff and the public and the security of RDCK property, may verbally issue a temporary Suspension of no more than 7 days duration pending further investigation (“Temporary Suspension”). The relevant Manager and a Senior Manager must be informed immediately if this occurs. The issuance of a Temporary Suspension does not limit the RDCK’s ability to impose a further Suspension or Conditional Access Requirements in relation to the Incident under this policy after further investigation. Temporary Suspensions may not be appealed.
6. As soon as is reasonably possible following the Incident, RDCK Staff will complete an Incident Report detailing the Incident which includes the name and contact information of any witnesses.
7. RDCK Staff will submit the completed Incident Report to their immediate Supervisor who will provide a copy to their Manager. If the Incident involves alleged Inappropriate Behaviour by a minor, RDCK Staff will make reasonable attempts to notify the parents or guardian of the minor as soon as reasonably possible following the Incident.
8. If the Incident is likely to trigger the RDCK’s obligations as an employer under the Workers Compensation Act or the Occupational Health and Safety Regulation the Manager must notify the Safety Advisor and Manager of Human Resources.
9. When a Manager receives an Incident Report, they will review the circumstances of the event based on the following factors:
  - a. the nature, severity and location of the Inappropriate Behaviour;



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- b. whether the Inappropriate Behaviour was a single or repeated act;
- c. whether the person was told that the behaviour was inappropriate and nonetheless continued the conduct;
- d. the person's acknowledgement of wrongdoing; and
- e. the person's history of other contraventions.

10. The Manager will take such action as they consider appropriate in the circumstances, which may include:

- a. determining that the Incident did not constitute a violation of this policy and taking no further action;
- b. determining that the Incident constituted a violation of this policy but deciding that no further action is required;
- c. determining that the Incident constituted a violation of this policy and taking further action, which may include:
  - issuing a written warning letter or letter of expectation;
  - requiring that the person meet with the Manager or a Senior Manager, including that the person not enter or use any RDCK Facility until they meet with the Manager or a Senior Manager;
  - recommending that a Senior Manager impose a Suspension from one or more RDCK Facilities in accordance with Appendix B; and
  - recommending that a Senior Manager impose Conditional Access Requirements in accordance with Appendix B.

11. If the Manager believes that a Suspension or Conditional Access Requirements are appropriate, they will compile and forward all information gathered during their investigation to a Senior Manager including a proposed scope and duration of the Conditional Access Requirements or Suspension and any terms and conditions.

12. A Senior Manager, in consultation with the Manager of Human Resources may determine that an external investigator be retained to assist with further investigation of the Incident.

13. If Conditional Access Requirements or a Suspension are issued by a Senior Manager, the Manager shall prepare a confidential memorandum regarding the Conditional Access Requirements or



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Suspension, including the duration and any terms and conditions imposed by the RDCK. The memorandum will be sent to the Chief Administrative Officer and the RDCK Staff for whom the information is necessary for the performance of their duties.

14. Further confidential memorandums may be issued to notify RDCK Staff of changes to or extensions of the Conditional Access Requirements or Suspension and upon completion of the term.



***Appendix B – Conditional Access Requirements or Suspensions***

1. When a Senior Manager receives a recommendation to impose Conditional Access Requirements or a Suspension, they will review the information and take such action as they consider appropriate in the circumstances considering the guidelines set out in this policy and the RDCK's legal obligations. Without limitation, a Senior Manager may establish the scope, duration, and terms and conditions of the Conditional Access Requirements or Suspension.
2. If a Suspension or Conditional Access Requirements are issued, a Senior Manager will notify the person in writing of the terms of the Conditional Access Requirements or Suspension and of their right to appeal under this policy, if applicable. A Senior Manager may elect to have the person notified by the RDCK's legal counsel.
3. A Senior Manager may extend the duration of Conditional Access Requirements or a Suspension where the person breaches the terms of the Conditional Access Requirements or Suspension or where there are further Incidents involving the person.
4. Notwithstanding section 4(4)(a) of this policy, a person subject to a Suspension extension under section 3 of this Appendix shall not be entitled to appeal that Suspension extension, regardless of whether the person requested an appeal of the initial Suspension, unless the total duration of the Suspension extension(s) exceeds 1 year.



***Appendix C – Appeal Procedure for Suspensions***

1. Within 10 business days of receiving a request for review under section 4(4)(a) of this policy, the Chief Administrative Officer will notify the person subject to the Suspension of the date for their meeting.
2. The RDCK Corporate Officer will provide the person subject to the Suspension with copies of all materials that will be considered by the Chief Administrative Officer a minimum of 10 business days prior to the meeting. The materials will be redacted as necessary to comply with the Freedom of Information and Protection of Privacy Act, RSBC 1996, c. 165 and any other applicable enactments.
3. The person subject to the Suspension may attend the meeting with a representative of their choice, including legal counsel.
4. A Senior Manager or their designate will attend the meeting on behalf of RDCK Staff.
5. The Chief Administrative Officer may request the attendance of any other person at the meeting, including a member of RDCK Staff or RDCK legal counsel.
6. At the meeting, the person subject to the Suspension will have 10 minutes to address the Chief Administrative Officer. This time may be extended if deemed necessary by the Chief Administrative Officer due to the complexity of the issues or the severity of the allegations.
7. Following the meeting, the Chief Administrative Officer may:
  - a. confirm the Suspension;
  - b. vary, remove, or add conditions or terms of the Suspension; or
  - c. cancel the Suspension.
8. The Chief Administrative Officer will notify the person subject to the Suspension of their decision in writing within 10 business days of the meeting.



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**Appendix D—RDCK Facilities**

Description	Address	City
Balfour Beach Regional Park	8951 Meadow Street	Balfour
Balfour Fire Hall	308 Beggs Road	Nelson
Balfour Transfer Station	821 Heyland Road	Balfour
Beasley Fire Hall	5095 Highway 3A and 6	Beasley
Bigelow Bay Regional Park	1310 Kildare Street	Rural New Denver
Blewett Fire Hall	4389 Carlson Road	Nelson
Bonnington Regional Park	4050 Brown Road	Nelson
Bonnington Regional Park	4050 Brown Road	South Slocan
Boswell Transfer Station	12575 Hepher Road	Boswell
Brilliant Bridge Regional Park	1849 Brilliant Rd	Castlegar
Burton Transfer Station	248 Caribou Creek Road	Burton
Castlegar and District Recreation Complex	2101 6th Avenue	Castlegar
Central Landfill	550 Emerald Road	Salmo
Child Care Centre	2111 6 Avenue	Castlegar
Cottonwood Lake Regional Park	4224 Highway 6	Rural Nelson
Crawford Bay Transfer Station	16798 Crawford Creek Road	Crawford Bay
Crawford Creek Regional Park	15941 Highway 3A	Crawford Bay
Crescent Valley Beach Regional Park	1271 Highway 6	Crescent Valley



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Crescent Valley Fire Hall	1365 Highway 6	Crescent Valley
Crescent Valley Recycling Depot	1285 Highway 6	Castlegar
Creston and District Community Complex	312 19th Avenue North	Creston
Creston Recycling Depot	412 Helen Street	Creston
Creston Valley Visitors Centre	121 Northwest Blvd	Creston
East Subregion – Creston Landfill	1501 Mallory Road	Creston
Edgewood Transfer Station	8855 Highway 6	Edgewood
Erickson Water Office	3718 Haskins Road East	Erickson
Glacier Creek Regional Park	1450 Duncan Fire Service Road	Howser
Glade Wharf	1049 Division Road	Castlegar
Grohman Narrows Transfer Station	1201 Insight Drive	Nelson
Harrop Fire Hall	6430 Harrop-Procter Road	Nelson
Historic Ainsworth Wharf Regional Park	3552 Water Street	Ainsworth
James Johnstone Regional Park	374 Johnstone Road	Rural Nelson
Kaslo Fire Hall	529 Arena Road, PO Box 727	Kaslo
Kaslo Transfer Station	1302 Kaslo West Road	Kaslo
Kokanee Park Marina Recycling Depot	5110 Highway 3A	Nelson
Krestova Regional Park		Krestova



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Lardeau Regional Park	300 Kootenay Street	Lardeau
Lister / Canyon Fire Hall	2850 Lister Road	Creston
Marblehead Transfer Station	13825 Highway 31	Marblehead
McDonalds Landing Regional Park	3127 BC – 3A	Nelson
Morning Mountain Regional Park	2548 Blewett Ski Hill Road	Blewett
Nakusp Landfill	1420 Hot Springs Road	Nakusp
Nelson and District Community Complex	305 Hall Street	Nelson
Nelson Civic Arena	305 Hall Street	Nelson
Nelson Recycling Depot	70 Lakeside Drive	Nelson
Nelson Salmo Great Northern Trail	1501 Svoboda Road, Nelson (Svoboda Trailhead) & 1101 Gore Street, Nelson (Mountain Station Trailhead)	Nelson
Nelson Search and Rescue Facility	675 Whitman Road	Nelson
New Denver Fitness Centre and Gymnasium	401 Galena Ave	New Denver
New Denver Recycling Depot	611 Slocan Avenue	New Denver
North Shore Community Hall	674 Whitmore Road	Nelson
North Shore Fire Hall	2703 Greenwood Road	Nelson
Old School House Community Facility	3253 South Slocan Village Road	South Slocan
Ootischenia Fire Hall	119 Ootischenia Road	Castlegar



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Ootischenia Landfill	671 Columbia Road	Castlegar
Pass Creek Fire Hall	1789 Winter Road	Castlegar
Pass Creek Park	1095 Relkoff Road	Castlegar
Passmore Fire Hall	3725 Highway 6	Slocan Park
Pioneer Ice Arena	925 Columbia Avenue	Castlegar
Pulpit Rock Access Regional Trail	195 Johnstone Road	Rural Nelson
RDCK Creston Office and Library	531 16th Avenue South, RR 5	Creston
RDCK Head Office	202 Lakeside Drive, Box 590	Nelson
RDCK Nakusp Office	204 6th Ave NW	Nakusp
RDCK Offices	333 Victoria Street	Nelson
Riondel Community Centre and Park	1511 Eastman Avenue	Riondel
Riondel Curling Rink	232 Fowler Street	Riondel
Riondel Fire Hall	237 Fowler Street	Riondel
Riondel Recycling Depot	232 Fowler Street	Riondel
Robson Fire Hall	3037 Waldie Avenue	Robson
Robson Wharf	3100 Block of Broadwater Road, DL 13002	Robson
Rosebery Parklands Regional Park	505 Rosebery Loop Road	Rosebery
Rosebery to Three Forks Regional Trail (Galena Trail)	1202 Denver Siding Road - 125 Sandon Cody Road	New Denver - Sandon
Rosebery Transfer Station	5250 Highway 6	Rosebery



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Rosebud Lake Regional Park	755 Rosebud Lake Road	Nelway
Rotacrest New Horizons Hall	230 19th Avenue North	Creston
Salmo and Area Pool	303 7th Street	Salmo
Salmo Recycling Depot	1003 Glendale Avenue	Salmo
Salmo Valley Youth and Community Centre	7th Street	Salmo
Slocan Fire Hall	503 Slocan Street	Slocan
Slocan Park Hall	3036 Highway 6	Nelson
Sunshine Bay Park	6915 Sunshine Bay Wharf Road	Nelson
Taghum Beach Regional Park	3304 Granite Road	Blewett
Tarry's Fire Hall	2103 Highway 3A	Castlegar
Waterloo Eddy Regional Park	695 Waterloo Road	Ootischenia
West Subregion – Slocan Transfer Station	8875 Slocan South Road	Slocan
Winlaw Fire Hall	5941 Highway 6	Winlaw
Winlaw Recycling Depot	5686 Highway 6	Winlaw
Winlaw Regional Park	6010 Slocan River Road	Appledale
Wynndell / Lakeview Fire Hall	5071 Wynndel Road	Wynndel
Yahk Kingsgate Fire Hall	8155 Highway 95	Yahk
Yahk Transfer Station	8790 Railway Avenue	Yahk
Ymir Fire Hall	7209 First Avenue	Ymir
Ymir Transfer Station	190 Oscar Bear Road	Ymir



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