

CITY OF TERRACE POLICY NO. 114



TITLE: ANTI-RACIAL DISCRIMINATION AND ANTI-RACISM POLICY

APPROVED: August 24, 2020

RESOLUTION NO.: 375-2020

REVISED:

RESOLUTION NO.:

PREAMBLE:

The City of Terrace 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 City acknowledges and recognizes the existence in our community of racism in all its forms, including but not limited to cultural, environmental, institutional, systemic, and individual racism.

The City of Terrace is committed to breaking down barriers, deconstructing biases, and fostering and promoting an inclusive, respectful, and welcoming environment for all. The City acknowledges its role and responsibility in protecting every person's right to be free from racial discrimination and racism.

The City of Terrace 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.

This policy is intended to demonstrate the City of Terrace'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 City of Terrace will continue to make best efforts to ensure that all who work and interact with the City are able to do so in an environment and manner free of racism and racial discrimination.

SCOPE:

1. This Policy applies to all employees, officers, elected officials, contractors, volunteers, and students working or volunteering for the City of Terrace or providing professional services to it.
2. This Policy applies all aspects of the City of Terrace's activities, including its working environment, procurement, services, meetings, and public events. In addition, this policy applies to ongoing relationships with individuals, businesses, community groups, and contractors as well as with other local governments, and public and private bodies, in the carrying out of City of Terrace work.
3. This Policy is intended to supplement and support British Columbia's Human Rights Code and City of Terrace Policies such as the Code of Conduct and the Workplace Harassment and Bullying Policy.

DEFINITIONS:

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

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

Discrimination – Means the differential treatment of an individual or group, on the basis of prejudice, stereotypes, or the Prohibited Grounds of Discrimination set out in provincial human rights legislation. Discrimination may be intentional or unintentional, conscious or unconscious. Discrimination can result in one individual or group having an advantage over another and can cause an individual or group to be excluded from activities which they ought to have the right to be included in.

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

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

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

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

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

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

People of Colour – Non-white racial or ethnic groups; generally used by racialized peoples as an alternative to the term “visible minority”. The word is not used to refer to Indigenous peoples, as they are considered distinct societies under the Canadian Constitution.

Prohibited Grounds of Discrimination – Race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity, gender expression, age of a person or class of persons.

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

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

ROLES AND RESPONSIBILITIES:

1. Council Members:

Council will take leadership to model inclusive behavior and language and not participate in racist or discriminatory conduct. They will support, promote, and foster the principles of this Policy in all their work and interactions and report any incidents of racial discrimination to the Chief Administrative Officer (CAO) or the Mayor. Council will cooperate and participate in good faith in any investigation under this Policy and maintain the confidentiality of all involved in a complaint under this Policy.

2. Management:

Management will ensure that the workplace and the business of local government is free from racial discrimination and ensure the principles of this Policy are reflected in the execution of their duties, operational policies, and practices. Management will model inclusive behavior and language and not participate in racist or racially discriminatory conduct.

Administration will include this Policy in the training and information that Council members receive at the beginning of their term of office. All employees, volunteers, and contractors will be provided this Policy at the commencement of their work with the City.

Management will report incidents of racial discrimination or racism experienced or witnessed immediately to a supervisor or the CAO. Management will listen to any complaint, treating it sensitively, seriously, and confidentially. When appropriate and required, management will provide an investigation of any allegation, or appoint a third-party to investigate when appropriate. The outcome of such an investigation may include education, training, or disciplinary action, depending on the findings.

3. Employees, Volunteers, and Contractors:

Employees, officers, volunteers, and contractors must not engage in racial discrimination or racism and must behave in an inclusive manner. They will report incidents of racial discrimination or racism experienced or witnessed immediately to a supervisor, or the CAO. They will maintain the confidentiality of all involved in a complaint under this Policy and cooperate and participate in good faith in any investigation under this Policy.

4. Complainants:

Complainants have the right to:

- Make a complaint and receive a copy of the complaint;
- Be informed of the status and progress of the investigation;
- 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;
- Not be subject to retaliation; and
- Withdraw a complaint at any time during the process; however, depending upon the nature and severity of the allegations, the CAO may determine that an investigation is required and the process may continue despite the withdrawal.

5. Respondents:

Respondents have the right to:

- Be informed that a complaint has been filed;
- Be informed of the status and progress of the investigation;
- Have the allegations provided to any independent investigator;
- Be informed of the allegations against them and be provided an opportunity to respond; and
- Be informed of a summary of the results of the investigation in writing.

6. Bystanders:

Bystanders have the right to not be subject to retaliation because they have participated as a witness. 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.

7. Investigator:

The investigator shall be someone with expertise regarding investigations.

They will:

- Ensure the Respondent is informed of the allegations;
- Ensure all parties involved have been informed of their rights and responsibilities;
- Interview the parties concerned and any witnesses and collect all pertinent information;
- Recommend a mediation process where appropriate;
- Prepare a written report;
- Ensure the investigation is completed in a timely fashion; and
- Maintain confidentiality.

REMEDIES:

Any individual covered by this Policy, who is found to have engaged in or know about and took no action to report or stop racial discrimination or racist behaviours contrary to this Policy may be subject to appropriate action depending on the severity of the misconduct. The range of appropriate remedy may include, but is not limited to the following:

In the case of an officer or employee:

- Oral and/or written apology from the Respondent and/or City of Terrace;
- Any administrative change that is appropriate (changes to reporting structure or work assignments, job site or position transfer, no contact requirement);
- Coaching;
- Counselling;
- Training or education;
- Re-orientation to this Policy and its purpose;
- Discipline up to and including termination of employment for just cause;
- Termination of contract for service or of a volunteer opportunity.

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

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

UNSUBSTANTIATED COMPLAINTS:

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

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 will not be tolerated.

Any individual 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. This action may include termination of employment for just cause, termination or a contract for service, or of a volunteer opportunity, or legal action.

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.

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 the appropriate action which may include termination of employment for just cause, termination of a contract for service or of a volunteer opportunity, or legal action.

DATE:

CLERK: