



TOWN POLICY NUMBER:

Anti-Racial Discrimination and Anti-Racism Policy

POLICY NO:

004/2023

RESOLUTION:

2023-148

ADOPTED BY:

Town Council

SUPERSEDES:

Policy 005/2022

PREPARED BY:

Administration

EFFECTIVE DATE:

April 4, 2023

1. POLICY STATEMENT

- 1.1 The Town of Rocky Mountain House 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.
- 1.2 The Town of Rocky Mountain House acknowledges and recognizes the existence in our community of racism in all its forms, including Cultural, Environmental, Institutional, Systemic and Individual.
- 1.3 The Town of Rocky Mountain House 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.
- 1.4 The Town of Rocky Mountain House acknowledges its role and responsibility in protecting every person's right to be free from racial discrimination and racism.
- 1.5 The Town of Rocky Mountain House is further committed to respecting and upholding the vision and principles of Alberta's Human Rights Act and the implementation of the Calls to Action of the Truth and Reconciliation Commission.
- 1.6 This Policy is intended to demonstrate the Town of Rocky Mountain House's commitment to conducting its 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 Town of Rocky Mountain House will continue to make best efforts to ensure that all who work and interact with the Town of Rocky

Mountain House are able to do so in an environment and manner, free of racism and racial discrimination.

2. PURPOSE/SCOPE

- 2.1 This Policy applies to all employees, elected officials, active contractors, volunteers, and students working or volunteering for the Town of Rocky Mountain House or providing professional services to it as well as any individual on public property.
- 2.2 This Policy applies to the interpretation and application of current and new bylaws, regulations, policies, procedures, contracts, procurements, and activities carried out by the Town of Rocky Mountain House, all of which will be required to be compliant with the principles and particular requirements specified within this Policy.
- 2.3 The scope of this Policy includes all aspects of the Town of Rocky Mountain House'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.
- 2.4 This policy is intended to work in conjunction with related Town of Rocky Mountain House policies such as the Harassment and Violence in the Workplace Policy.

3. DEFINITIONS

- 3.1 "**Anti-Semitism**" means a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals, their property or Jewish community institutions and religious facilities.
- 3.2 "**Barrier**" means an overt or covert obstacle which must be overcome for equality and progress to be possible.
- 3.3 "**Bias**" means 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.
- 3.4 "**CAO**" means the Chief Administrative Officer or the CAO's designate.
- 3.5 "**Complainant**" means an individual who makes a complaint, whether formal or informal, under this Policy.
- 3.6 "**Cultural racism**" means the full adoption by an individual or group of the culture, values and patterns of a different social, religious, linguistic or national ethos, resulting in the diminution or elimination of attitudinal and behavioural characteristics of the original individual or group. Cultural racism can be voluntary or forced.
- 3.7 "**Decision Maker**" means:
 - a. if the Respondent is an individual other than a member of Management, a member of Management (or designate);

- b. if the Respondent is a member of Management other than the Chief Administrative Officer, the Chief Administrative Officer; and
 - c. if the Respondent is the Chief Administrative Officer, Town Council.
- 3.8 **"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.
- 3.9 **"Diversity"** is 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.
- 3.10 **"Environmental racism"** means a systemic form of racism in which toxic wastes and dangerous and toxic facilities are located into or near marginalized communities, such as those of People 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.
- 3.11 **"Inclusive language"** or **"inclusion"** means 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. Inclusive language makes diverse members of society or an organization feel valued and respected.
- 3.12 **"Indigenous Peoples"** means the communities, peoples, and nations that have a historical continuity with pre-invasion, pre-settler, or pre-colonial societies that developed on their territories, as distinct from the other societies now prevailing on those territories (or parts of them). Indigenous Peoples are the original inhabitants of Canada who lived here for millennia before explorers arrived from Europe.
- 3.13 **"Individual racism"** means racist assumptions, beliefs and behaviours that stem from conscious and unconscious personal prejudice.
- 3.14 **"Institutional racism"** or **"systemic discrimination"** means 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.
- 3.15 **"Investigator"** means the person appointed by the Decision Maker to investigate a complaint under this Policy.
- 3.16 **"Management"** means an employee of the Town responsible for managing and overseeing Town employees, including but not limited to the CAO.
- 3.17 **"People of Colour"** means any 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. When including Indigenous Peoples, it is correct to say

"People of Colour and Indigenous Peoples."

- 3.18 **"Prohibited Grounds of Discrimination"** include race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or of any other person.
- 3.19 **"Public property"** for the purpose of this Policy is property owned by the Town including parks, playgrounds, and Town facilities.
- 3.20 **"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.
- 3.21 **"Racism"** means a belief that one group is superior to others 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. Anti-Semitism is a form of racism.
- 3.22 **"Respondent"** means the subject of a complaint, whether formal or informal. A Respondent may be
- a. an employee,
 - b. an elected official,
 - c. a contractor,
 - d. a volunteer,
 - e. a student working or volunteering for the Town of Rocky Mountain House or
 - f. a person providing professional services to the Town on public property.
- 3.23 **"Symbol of hate"** means a symbol, emblem, flag or uniform used or has been used by an organization to promote or incite hatred and violence against any person or group that is distinguished by colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression or mental or physical disability.
- 3.24 **"Town"** means the Town of Rocky Mountain House.

4. ROLES AND RESPONSIBILITIES

4.1 Council Members will:

- a. take leadership to model inclusive behaviour and language and not participate in racist or racially discriminatory conduct or be associated with wearing or displaying a symbol of hate;
- b. support, promote and foster the principles of this Policy in all their work and interactions;
- c. ensure that Management is trained on this Policy and is implementing it;
- d. report incidents of racial discrimination or racism experienced or witnessed, immediately to the CAO (or their designate) or the Mayor (or their delegate);

- e. cooperate and participate in good faith in any investigation under this Policy; and
- f. maintain the confidentiality of all involved in a complaint under this Policy.

4.2 The CAO is responsible for the implementation and administration of this Policy.

4.3 **Management will:**

- a. 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;
- b. model inclusive behaviour and language and not participate in racist or racially discriminatory conduct or be associated with wearing or displaying a symbol of hate;
- c. support, promote and foster the principles of this Policy in all their work and interactions;
- d. train Council members on this Policy at the beginning of each term of office and provide refresher training annually thereafter. Council to review policy annually at the Organizational Meeting. Training should be meaningful, interactive and involve group work where participants can work through various case studies highlighting appropriate and inappropriate behaviour;
- e. 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;
- f. report incidents of racial discrimination or racism experienced or witnessed, immediately to a supervisor, the CAO or the Mayor (or their delegate);
- g. listen to any complaint, treating it sensitively, seriously and confidentially;
- h. when appropriate and required, provide a timely, thorough, confidential and objective investigation of any allegation and answer any complaints in accordance with this Policy;
- i. if necessary or appropriate, appoint an independent third-party investigator to investigate allegations or complaints when required under section 5.0;
- j. subject to procedures referred to in section 5.0, review the findings and recommendations and determine, in consultation with Human Resources, Management, legal counsel or Town Council, or any or all of them as applicable, the outcome and the appropriate action to be taken, which may include education, training or disciplinary action, dependent upon the results;
- k. maintain the confidentiality of all involved in a complaint under this Policy;

- l. cooperate and participate in good faith in any investigation under this Policy;
- m. ensure this Policy is reviewed for effectiveness at least every 2 years; and
- n. request any person in a Town facility wearing or displaying a symbol of hate to leave the premises.

4.4 Employees, Volunteers and Contractors will:

- a. not engage in racial discrimination or racism or be associated with wearing or displaying a symbol of hate and will conduct oneself and speak in an inclusive manner;
- b. report incidents of racial discrimination or racism experienced or witnessed, immediately to a supervisor, the CAO or the Mayor (or their delegate);
- c. maintain the confidentiality of all involved in a complaint under this Policy;
- d. cooperate and participate in good faith in any investigation under this Policy; and
- e. request any person in a Town Facility wearing or displaying a symbol of hate to leave the premises.

4.5 Complainants will have a right to:

- a. make a complaint and receive a copy of the complaint;
- b. be informed of the status and progress of the investigation;
- c. 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, but not specifics in relation to any specific Town employee;
- d. not be subject to retaliation; and
- e. withdraw a complaint at any time during the procedure; however, depending upon the nature and severity of the allegations, the CAO, or Mayor (or delegate) may determine that an investigation is required, and the process will continue despite the withdrawal.

4.6 Respondents will have a right to:

- a. be informed that a complaint has been filed and sufficient detail to understand the complaint;
- b. be informed of the status and progress of the investigation;
- c. have the allegations provided to any independent investigator;
- d. be informed of the allegations against them and be provided an opportunity to respond; and
- e. be informed of a summary of the results of the investigation in writing.

4.7 Bystanders have:

- a. the right to not be subject to retaliation because they have participated as a witness; and
- b. a responsibility to meet with the Investigator and to cooperate in good faith with all those responsible for the investigation of the complaint.

4.8 The Investigator, if engaged under the process referred to in Section 5, shall:

- a. have expertise regarding the matters covered under this Policy;
- b. collect all pertinent information;
- c. recommend a mediation process where appropriate;
- d. ensure the investigation is completed in a timely fashion taking into account particular circumstances; and
- e. maintain confidentiality.

5. COMPLAINT PROCESS

5.1 All members of Town Council, Management, employees, volunteers and contractors of the Town of Rocky Mountain House have a responsibility to treat all complaints under this Policy seriously.

5.2 Where:

- a. the Complainant and Respondent are both employees of the Town of Rocky Mountain House, the complaint will be dealt with in accordance with the procedure set out in the Town of Rocky Mountain House's Harassment and Violence in the Workplace Policy; and
- b. the Respondent is an elected official, the complaint will be dealt with in accordance with the procedure set out in the Council Code of Conduct Bylaw 2022/14V as amended or replaced.

5.3 For all other complaints, the complaint will be dealt with in accordance with the procedure under this section 5.0.

Informal Resolution

5.4 Any individual who believes in good faith that he or she has been the subject of discrimination or racism by a Respondent may wish to address the conduct by:

- a. advising the Respondent that the form of discrimination or racism is unwelcome;
- b. encouraging the Respondent to stop the behaviour or activity;

- c. keeping a written record of the incident, including dates, times, locations, bystanders and any other relevant information; and
 - d. requesting that a member of Management assist in informal discussions with the Respondent in an attempt to resolve the issue.
- 5.5 Individuals are encouraged to pursue this informal resolution procedure as the first step in addressing discriminatory or racist activities or behaviours. However, an individual does not need to complete this informal resolution procedure before pursuing the formal complaint procedure outlined below.

Reporting

- 5.6 Any individual who believes in good faith that he or she has been the subject of discrimination or racism by a Respondent may make a formal complaint in writing to the CAO.
- 5.7 The complaint should:
 - a. set out the grounds for the allegation;
 - b. provide a detailed account of the facts as the Complainant understands them; and
 - c. provide information on any bystanders, if available.
- 5.8 The employee to whom the complaint is made shall refer the complaint to a Decision Maker.
- 5.9 The Decision Maker shall:
 - a. conduct a preliminary review to determine whether the complaint is frivolous and vexatious on its face;
 - b. if the complaint is frivolous or vexatious, provide a written decision dismissing the complaint with reasons to the Complainant; and
 - c. if the complaint is not frivolous or vexatious:
 - i. ensure that the Respondent receives a copy of the complaint;
 - ii. inform the Complainant and the Respondent that the complaint shall be forwarded to an Investigator; and
 - iii. provide the allegations to an Investigator.

Investigation

- 5.10 The Investigator shall:
 - a. inform the Complainant and the Respondent of their rights and responsibilities under this Policy;

- b. conduct an investigation in a fair, timely and confidential manner that respects the principles of procedural fairness and natural justice;
- c. regularly inform the Complainant of the status and progress of the investigation;
- d. regularly inform the Respondent of the status and progress of the investigation;
- e. inform the Respondent of the allegations against them and provide the Respondent with an opportunity to respond;
- f. interview the Complainant, the Respondent and any bystanders as required to collect all pertinent information;
- g. prepare a written report to the Decision Maker summarizing the results of the investigation and any recommendations; and
- h. provide the Respondent with the written report.

Disposition

- 5.11 Upon receipt of the Investigator's written report, the Decision Maker shall consider the complaint and the Investigator's written report and may impose remedies on the Respondent in accordance with section 6.0 of this Policy.

6. 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 on the severity of the misconduct. The range of appropriate remedy may include, but is not limited to, the following:

6.1 In the case where the Respondent is an employee:

- a. an oral or written apology from the Respondent or Town of Rocky Mountain House or both;
- b. 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);
- c. coaching;
- d. counselling;
- e. training or education;
- f. re-orientation to this Policy and its purpose;
- g. discipline up to and including termination of employment for just cause;
- h. termination of contract for service or of a volunteer opportunity.

6.2 In the case where the Respondent is a contractor or person providing services to the Town:

- a. suspension from entering a Town facility or Public Property for a period of time as determined by the Decision Maker;
- b. referral of the complaint to the police.

6.3 If the Respondent is not covered by this Policy, the Town of Rocky Mountain House will take reasonable steps to remedy the substantiated complaint to protect the Complainant from future harm.

7. UNSUBSTANTIATED COMPLAINTS

If the 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.

8. NO REPRISALS OR RETALIATION

8.1 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 who is responsible for implementing this Policy and procedure and who in good faith:

- a. makes a complaint alleging racial discrimination or racism;
- b. identifies or opposes a practice that they reasonably believe to constitute racial discrimination or racism;
- c. 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.

8.2 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.

8.3 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.

9. 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, may be subject to appropriate action set out in sections 8.2 or 8.3, as applicable.

10. LIMITATIONS

This Policy articulates the position of the Town of Rocky Mountain House 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 Town of Rocky Mountain House policies.

Redacted under Section 17 of the FOIP Act.

Mayor Debbie Baich

Redacted under Section 17 of the FOIP Act.

CAO, Dean Krause