



# Regional Board Policy

## RESPECTFUL WORKPLACE

<b>Category:</b> Human Resources	<b>Number:</b> BP#1 - 2016	<b>Replaces:</b> 8.12
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<b>Office of Primary Responsibility:</b> Human Resources		
<b>Date Adopted:</b> March 21, 2016		<b>Date Reviewed:</b> September 7, 2023 (Removed references to Board & Committees – see Policy BP16-2023)
<b>Manner Issued:</b> Policy applies to all employees and contract service workers. Sign-off required by all.  Policy will be provided during orientation of new employees and contract service workers.		

### INTRODUCTION

The Regional District of Central Okanagan (RDCO) is committed to providing a workplace free of bullying, harassment and discrimination where all of its employees are confident that they will be treated respectfully and with dignity.

This policy was developed to clarify the obligations of the employer, its workers, and supervisors regarding workplace bullying and harassment and to provide a program that minimizes and addresses incidents of bullying and harassment behaviour.

### PURPOSE

The purpose of this policy and program is to assist in developing and maintaining a working environment in which harassment, bullying and discrimination are known to be unacceptable and where individuals have the confidence to address these issues, should they arise, with the knowledge that their concerns will be dealt with fairly and appropriately.

### POLICY STATEMENT

The RDCO welcomes diversity and is committed to providing a workplace free of bullying, harassment and discrimination where all employees are treated fairly, with dignity and with respect.

### 1. SCOPE AND OBJECTIVES

This Policy applies to all Regional District of Central Okanagan employees and contract service workers. The RDCO will not tolerate bullying, harassment, or discrimination in the workplace where engaged in by employees or contract service providers of the corporation. It applies to all forms of communication including but not limited to direct and indirect verbal, written and electronic means.

Notwithstanding this policy, every person who experiences bullying, harassment, or discrimination continues to have the right to seek assistance from WorkSafe BC and/or the British Columbia Human Rights Commission, even when steps are being taken under this policy.

The objectives of this Policy are:

1. To provide a working environment free of bullying, harassment and discrimination in which all employees and contract service workers are treated fairly, with dignity and with respect;
2. To ensure all employees and contract service workers are aware there are certain types of behaviour that will not be tolerated;
3. To advise all employees and contract service workers have a responsibility for maintaining a workplace free from bullying, harassment and discrimination;
4. To advise employees and contract service workers that they are responsible for their conduct and will be held accountable;
5. To create a fair, impartial and confidential procedure for handling and investigating complaints under this Policy; and
6. To inform all employees and contract service workers that the RDCO has legislative obligations and will take appropriate action to eliminate bullying, harassment and discrimination in the workplace.

## 2. PROHIBITED CONDUCT

Bullying and harassment includes any inappropriate conduct, gestures or comments by employees and contract service workers towards another person that they know or reasonably ought to have known would cause that person to be humiliated or intimidated.

Bullying and harassing behaviour **can include** but is not limited to:

- Verbal aggression, insults or threats;
- Humiliating actions or practices;
- Using derogatory names towards someone;
- Spreading malicious gossip or rumours;
- Making personal attacks, based on someone's private life or personal traits
- Vandalizing personal belongings;
- Sabotaging someone's work;
- Isolation and/or exclusion from work-related activities

The above list is not exhaustive. Harassment can also take place on the grounds of a person's age, religion, or any other characteristic protected under Human Rights.

Bullying and harassing behaviour **does not include**:

- Expressing differences of opinion;
- Offering constructive feedback, guidance or advice about work-related behaviour;
- Normal exercise of managerial or supervisory responsibilities including performance reviews, direction, counselling and disciplinary action provided they are conducted in a respectful and professional manner in accordance with RDCO policies;

**Discrimination** is to treat a person differently because of prohibited grounds found in provincial human rights legislation.

In British Columbia, the human rights legislation protects against discrimination on the grounds of race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.

**Discriminatory Harassment** is a form of *discrimination* that is related to a prohibited ground of discrimination found in provincial human rights legislation. Discriminatory harassment includes “sexual harassment” as defined below and is one or a series of incidents involving unwelcome comments or actions which involve the prohibited grounds of discrimination set out in BC human rights legislation.

**Sexual Harassment** has been defined at law as any conduct of a sexual nature that is known or ought to be known to be unwelcome. Examples of sexual harassment include, but are not limited to:

- Unwelcome physical contact or unnecessary touching;
- Inappropriate and unwanted sexual flirtations, advances or propositions;
- Suggestive, vulgar and coarse remarks, comments or jokes, and offensive sexual reference which are derogatory;
- Sexual innuendoes;
- Questioning someone about his or her sex life; and
- Displaying offensive material of a sexual nature.

**Harassment** as described under Section 2 of this Policy can also include but is not limited to discriminatory and sexual harassment as defined in this policy. It can occur:

- at the workplace;
- on social media;
- at employment-related social functions;
- in the course of work assignments outside the workplace;
- at work-related conferences or training sessions;
- during work-related travel;
- over the telephone, if the conversation is a result of work-related responsibilities or a work-related relationship; and
- elsewhere if the person harassed is there as a result of work-related responsibilities or a work-related relationship.

### 3. DEFINITIONS

**Complainant** is someone who makes a formal complaint under this policy

**Respondent** is one who responds or is in the position to defend his/her position

**Target** is the person who is the focus of bullying/harassment

**Investigator** is someone hired, assigned or designated to investigate an incident

## **4. RESPONSIBILITIES**

### **Responsibility of RDCO Workers**

- Not engage in bullying or harassment of other workers, supervisors, managers, officers or elected officials;
- Report bullying and harassment observed or experienced in the workplace;
- Complete all appropriate forms to document any incidents of bullying or harassment; and
- Apply and comply with the employer's policies and procedures on bullying and harassment.

### **Responsibility of RDCO Managers/Supervisors**

- Same as RDCO Workers plus the following:
  - Inform and train workers on this policy & program;
  - Ensure bullying and harassment is never endorsed;
  - Promote the process of reporting incidents and complaints of bullying and harassment; and
  - Assist in the investigation of any incidents of bullying/harassment where necessary or required.

### **Responsibility of RDCO Senior Management**

- Same as RDCO Managers/Supervisors plus the following:
  - Support and endorse the workplace bullying and harassment program; and
  - Ensure time and resources are available to conduct training, investigations, etc.

## **5. PROGRAM PROCEDURES**

This program includes:

- A.** Procedures for reporting incidents of bullying/harassment (COMPLAINANT)
- B.** Procedures for investigating incidents of bullying/harassment (EMPLOYER)
- C.** Training
- D.** Record Keeping
- E.** Annual Review
- F.** Disciplinary Action
- G.** Retaliation
- H.** Confidentiality

### **A. PROCEDURES FOR REPORTING INCIDENTS OF BULLYING/HARASSMENT (COMPLAINANT)**

1. Before reporting an incident, complainants are encouraged to discuss their concerns with the person who is allegedly committing the offensive act if they feel comfortable doing so. Making the other person aware he or she is creating discomfort in the work environment may be enough to resolve the situation;
2. If such discussions do not resolve the matter, or if a complainant is uncomfortable approaching a co-worker or other person about his or her concerns, the complainant should promptly report verbally and in writing his or her concerns to his or her immediate supervisor, manager, department head or Human Resources;

3. All incidents of bullying/harassment must be reported using a *Workplace Bullying and Harassment Complaint Form* attached hereto as Appendix "A";
4. Where the supervisor is the alleged bully, the department head or, if required, human resources or the CAO will assist in receiving/following up on incidents/reports; and

## **B. PROCEDURES FOR INVESTIGATING INCIDENTS OF BULLYING/HARASSMENT (EMPLOYER)**

The process for investigating incidents and complaints of workplace bullying and harassment will:

- Be undertaken promptly and diligently, and be as thorough as necessary, given the circumstances;
- Be fair and impartial, providing both the complainant and the respondent equal treatment in evaluating the allegations;
- Be sensitive to the interests of all parties involved, and maintain confidentiality to the extent possible;
- Be focused on finding facts and evidence, including interviews of the complainant, respondent, and any witnesses; and
- Incorporate, where appropriate, the needs or requests from the complainant or respondent for assistance during the investigation process.

### **1. Investigator Selection**

By default, investigations at the RDCO will be conducted internally. Depending on the situation, the supervisor, Human Resources, or other designate will be the lead investigator. A worker or union representative may also be involved. In complex or sensitive situations, an external investigator may be hired.

### **2. Incident Review**

Investigations will include interviews with the alleged target, the alleged bully, and any witnesses. If the alleged target and the alleged bully agree on what happened, then the RDCO will not investigate further, and will determine what corrective/follow up action to take.

### **3. Follow Up**

All investigations of alleged bullying and harassment will be followed up and documented. The complainant(s) will be advised of the investigation outcomes only. For privacy reasons, details of the investigation, including any notes, reports and materials will remain confidential and will not be released.

Follow up measures will include a description of corrective actions, a time frame, and a means for dealing with adverse symptoms.

Corrective actions may include:

- A written apology to the complainant. To be effective, an apology needs to be sincere and done of one's own volition;
- New or stronger policy to prevent a recurrence;
- Counseling;
- Oral reprimand (copy placed in employee file);
- Written reprimand (copy placed in employee file);

- Transfer to a different position;
- Suspension without pay for a period of time;
- Demotion;
- Supervision;
- Suspension with or without pay pending approval of discharge;
- Termination of Employment; and
- A combination of the above, appropriate to the circumstances.

### **C. TRAINING**

Training for workers, supervisors, managers and officers will include the following:

- How to recognize bullying and harassment;
- How staff who experience or witness bullying and harassment should respond;
- Procedures for reporting, and how the employer follows up with incidents or complaints of bullying and harassment.

### **D. RECORD KEEPING**

The RDCO expects that staff experiencing or witnessing suspected/alleged bullying and harassment to complete the Workplace Bullying and Harassment Complaint Form (Appendix A). The RDCO will keep all records pertaining to investigations and findings in a secure and confidential manner. Should the employee not wish to complete a complaint form, the person receiving the complaint will diarize the details of the incident for future consideration should it happen again. To confirm, no action will be taken if a complaint form has not been completed.

### **E. ANNUAL REVIEW**

This policy and program procedure will be reviewed annually. All workers will be advised and educated on this policy and program when they are hired, through the new employee orientation process.

### **F. DISCIPLINARY ACTION**

Any employee who violates or misuses this policy by making a false complaint in bad faith will be subject to appropriate disciplinary action up to and including termination;

As a reminder, the RDCO's values include trust, respect and the application of the highest ethical standards. As a result, any false allegation or report made in bad faith during an investigation, or at any other time, is a violation of this Policy and can lead to any of the consequences described in Section B. 3 above.

### **G. RETALIATION**

Employees and contract service workers have the right to raise concerns under this Policy without fear of retaliation. Retaliation includes but is not limited to acts of hostility, encouraging hostility by other employees or spreading rumours about the complainant. Retaliation is a violation of human rights legislation and this Policy and will not be tolerated.

## **H. CONFIDENTIALITY**

The RDCO recognizes that some complainants may find it difficult to come forward with a complaint of bullying, harassment or discrimination and may wish such matters to remain confidential.

To protect the interests of the complainant, the person complained against, and others who report such incidents, all employees and contract service workers have an obligation to maintain confidentiality throughout the investigative process. Information relating to a complaint will only be disclosed to the extent necessary to carry out investigative procedures, or if corrective measures are warranted, to carry out those measures.

All statements and written materials, including notes/reports prepared by an investigator, related to the investigation of the complaint under this policy will be treated as confidential and will only be disclosed to the extent necessary to carry out investigative procedures, if corrective measures are warranted, to carry out those measures, or if legally bound to do so.

## **6. CONSEQUENCES OF VIOLATIONS**

Employees and contract workers who engage in conduct in violation of this Policy will be subject to disciplinary action up to and including termination of employment.

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*I have read, understand and agree to abide by the Regional District of Central Okanagan Respectful Workplace Policy.*

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Signature

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Date

Printed Name: \_\_\_\_\_



## Appendix "A"

### Worker template: How to document incidents of workplace bullying and harassment and unwanted workplace behaviours

**OHS Policy D3-116-1: Workers must report if bullying and harassment is observed or experienced in the workplace.**

This form can be used by a worker to document workplace bullying, harassment and unwanted workplace behaviour incidents. When reporting bullying and harassment incidents or complaints, workers should follow their workplace reporting procedures. Additional resources and an explanation of legal duties can be found at [www.worksafebc.com/bullying/](http://www.worksafebc.com/bullying/).

Date, time, location	People involved (include witnesses)	Describe the situation (words, tone, actions, etc.) and the impact (humiliated, intimidated, etc.)