

LEGISLATIVE ASSEMBLY OF BC

POLICY MANUAL

SECTION: Human Resource Operations – Employee Relations

POLICY: 4020 – Respectful Workplace

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Signature: 

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Purpose

To ensure that Legislative Assembly employees work in a respectful workplace, free of bullying, harassment, discrimination and violence.

Objective

To achieve a respectful workplace by identifying roles and responsibilities for preventing and addressing incidents of bullying, harassment, discrimination and violence within the Legislative Assembly and by establishing a process to ensure complaints made by employees regarding employment-related bullying, discrimination, harassment and violence are resolved promptly, fairly and effectively.

General

This policy applies to all employees of the Legislative Assembly, it does not apply to Members, constituency office staff, ministerial office staff or caucuses. It covers employment-related bullying, harassment, discrimination and violence at or away from the workplace and during or outside working hours and includes behaviours between Legislative Assembly employees and any person encountered for work-related purposes in the course of their employment. It applies to both direct and indirect interactions and includes in-person, telephone and electronic or internet communications.

The Legislative Assembly acts in accordance with the principles of the *BC Human Rights Code* and is guided by the principles of WorkSafeBC.

Definitions

“Bullying” A form of harassment that can be characterized as offensive, intimidating, malicious or insulting behaviour intended or reasonably expected to undermine, humiliate, denigrate or injure another person.

“Complaint” An allegation of bullying, harassing, discriminatory or violent behaviour in contravention to this policy.

“Complainant” An individual(s) who believes they have been subjected to conduct prohibited by this policy and is seeking remedy under this policy.

“Discrimination” An unjustified distinction based on the personal characteristics of an individual (i.e. race, colour, ancestry, place of origin, political beliefs, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age or conviction of a criminal or summary offence not related to employment) resulting in some disadvantage to that individual.

“Harassment” Any action or repeated behaviour that is known or ought to be known to be unwelcome or intimidating to the recipient and which denies that individual dignity and respect. Further, it is any inappropriate conduct that has the purpose or effect of: creating an intimidating, offensive or poisoned work environment; unreasonably interfering with an individual's work performance; or affecting an individual's employment opportunities. Harassment that is based on any of the prohibited grounds set out in the *BC Human Rights Code* is also a form of discrimination.

“Management” Refers to any employee who has either direct or indirect employees reporting to their position and includes leads, supervisors, managers, directors and executive.

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“Respondent” An individual or group of individuals alleged to have bullied, harassed, discriminated against or been violent towards the Complainant(s).

“Sexual Harassment” A form of harassment involving any act, conduct, comment, gesture or contact of a sexual nature, whether on a one-time or recurring basis, that is known or might reasonably be expected to be unwelcome or to cause offence or humiliation to the recipient, or might reasonably be perceived as placing a condition of a sexual nature on employment or an opportunity for training or promotion.

“Vexatious or frivolous complaints” Are those where the Complainant knows or it is clearly apparent upon review that there is no foundation in fact that would suggest a breach of this Policy, and/or where the complaint is filed for the purpose of bringing an adverse consequence to the Respondent or another employee of the Assembly or for another improper purpose.

“Violence” Any threatened, attempted or actual conduct that causes or is likely to cause physical injury.

Examples of bullying, harassment, discrimination or violence include, but are not limited to:

- Remarks, jokes, taunts, gestures, innuendoes, emails, texts, internet posts or pictures that are offensive or cause embarrassment or discomfort, regardless of intention;
- Spreading malicious rumours or gossip;
- Belittling a person’s opinions;
- Excluding or isolating someone socially;
- Yelling or using profanity;
- Verbal or other threats;
- Sexual assault or demands for sexual favours;
- Requests for dates or other social interactions when these are known or ought reasonably to be known to be unwelcome;
- Insulting comments, gestures and practical jokes that cause discomfort or embarrassment;
- Withholding necessary information or purposely giving wrong information to an individual required for performance of their job;
- Physical conduct that might reasonably be expected to cause insecurity, discomfort or offence;
- Threats, intimidation or retaliation against an individual who has initiated a complaint or acted as a witness or support person for the resolution of a complaint;
- Inappropriate or unwanted physical contact;
- Refusing to work with, assist or train an individual or group based on their protected personal characteristics;

1. Respectful Workplace

.01

All employees have a responsibility to behave in a manner that creates and maintains a respectful workplace. The Legislative Assembly will not tolerate acts of bullying, harassment, discrimination or violence. Employees must treat each other and all

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		external contacts with respect, upholding the dignity of every individual.
	.02	Management may be considered a party to bullying, harassment, discrimination or violence if they fail to act quickly upon information concerning such incidents or do not act in situations where they witness or ought reasonably to have known about incidents of harassment, bullying or discrimination.
	.03	This policy is not intended to constrain the Assembly from exercising, in good faith, its supervisory and managerial rights and responsibilities, such as acceptable approaches to performance appraisal, staff relations, counselling and disciplinary action.
	.04	Management and employees are expected to make reasonable efforts to informally address potential conflicts when they arise or become known.
	.05	The Complainant and the Respondent will, at all times, have the right to be treated fairly, while preserving the dignity, privacy, self-respect and confidentiality of all persons. Any breach of confidentiality, including the release of any documentation or information related to a Complaint or an investigation, will be investigated and may be subject to appropriate disciplinary action.
	.06	This policy shall not be used for frivolous, vexatious or vindictive purposes.
2. Roles and Responsibilities	.01	Clerk of the Legislative Assembly The Clerk of the Legislative Assembly has overall responsibility and oversight for the implementation and enforcement of this Policy. The Clerk of the Legislative Assembly may receive complaints under this Policy, and may, where appropriate in the opinion of the Clerk of the Legislative Assembly, conduct or direct investigations under this Policy, and/or may participate as an adjudicator, facilitator, or mediator under this Policy.
	.02	Employees Every Legislative Assembly employee has a role in building and maintaining a respectful workplace. All Assembly employees must: <ul style="list-style-type: none"> • Behave in an inclusive and professional manner; • Not engage in bullying, harassing, discriminatory or violent behaviour; • Apply and comply with the Assembly policies and procedures; • Ensure they understand the Respectful Workplace Policy (lack of awareness of the Policy is not a defence for bullying, harassing, discriminatory or violent behaviour); • Complete training sessions designed to familiarize themselves with the Respectful Workplace Policy;

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		<ul style="list-style-type: none"> • Report any bullying, harassment, discrimination or violence they observe or experience to a supervisor, manager, or the Director of Human Resource Operations; • If involved in an investigation, respect confidentiality at all times.
	.03	<p>Management Management employees set the tone and are role models for other employees. All management must:</p> <ul style="list-style-type: none"> • Model inclusive and professional behaviour and not participate in bullying, harassing, discriminatory or violent behaviour; • Follow the Respectful Workplace Policy and ensure that employees follow the Policy; • Ensure that all employees are aware of and understand the Policy and regularly review it with their staff; • Take action when they become aware of, receive complaints, or personally observe bullying, harassment, discrimination or violence; • When a situation of bullying, harassment, discrimination or violence becomes apparent, management must take steps to resolve the situation immediately, consulting with the Clerk of the Legislative Assembly or their designate to jointly determine whether further steps are required, and to provide information to assist in the investigation of a complaint; • Respect confidentiality at all times; • Impose discipline or take other corrective action, such as providing direction and supervision to affected employees, providing training to facilitate an understanding of appropriate personal interactions and management of difficult situations; • Work with the Clerk of the Legislative Assembly or their designate to restore a respectful workplace after a complaint.
	.04	<p>Director of Human Resource Operations The Director of Human Resource Operations may conduct investigations under this Policy under the direction of the Clerk of the Legislative Assembly or their designate and advises the Clerk of the Legislative Assembly whether contravention of this policy has occurred. The Clerk of the Legislative Assembly or their designate must:</p> <ul style="list-style-type: none"> • Conduct investigations as appropriate; • Review investigation reports and consider the facts to determine the outcomes of complaints, in conjunction with the Clerk of the Legislative Assembly and/or external investigators as appropriate;

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		<ul style="list-style-type: none"> • Inform the Complainant(s) and Respondent(s) in writing of the outcome(s) of the investigation; • Educate and advise on the Policy and procedures that are in place to ensure a respectful workplace throughout the Assembly; • Ensure that employees are aware of their rights and obligations under this policy and of the mechanisms in place to investigate and resolve complaints; • Respect confidentiality at all times; • Provide informal mediation services to employees, supervisors or managers for possible early resolution of a complaint; • Ensure the consistent application of this policy for formal investigation and adjudication, including the appointment of an external investigator, if required.
	.05	<p>External Investigator</p> <p>Where appropriate, an external investigator will be appointed by the Clerk of the Legislative Assembly. The external investigator must:</p> <ul style="list-style-type: none"> • Investigate the Complaint in a timely manner and act as a fact finder in an impartial manner; and • Prepare a report on the results of the investigation, which sets out the allegations, responses, and findings of fact. <p>The external investigator may, in certain circumstances, be requested to determine whether a contravention of the Policy has occurred.</p>
<p>3. Reporting Concerns</p>	.01	<p>An employee who perceives that they or a co-worker is being bullied, harassed, discriminated against or subject to violence should:</p> <ul style="list-style-type: none"> • Inform the perpetrating individual as soon as possible that their conduct is objectionable and unwelcome (where the employee is unable to approach the individual, the incident should be reported to their supervisor or manager, or to the Director of Human Resource Operations or to the Clerk of the Legislative Assembly or designate as appropriate); • Keep a written record of the details of the incident(s) – e.g., times, locations, names of witnesses; • Participate in the investigation by providing any evidence which may assist in resolving the issues; and • Preserve the confidentiality of information pertaining to the Complaint, investigation, findings, recommendations and decisions regarding a complaint.
	.02	<p>Any employee who observes or becomes aware of acts of bullying, harassment, discrimination or violence should immediately advise their supervisor or manager, or the Director of Human Resource Operations. No employee should assume the Assembly is aware of a</p>

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		problem. All complaints and concerns should be reported so that steps can be taken to correct them.
	.03	Before proceeding to the formal complaint process, an employee who believes they have a complaint of bullying, harassment, discrimination or violence may approach their supervisor, manager or the Director of Human Resource Operations or the Clerk of the Legislative Assembly, as appropriate, to discuss potential means of resolving the complaint and to request assistance in resolving the matter. If the complaint is resolved to the employee's satisfaction, the matter is deemed to be completed. A record of the issue and its resolution will be maintained in the personnel files of the employees involved.
	.04	Employees who file a complaint under this policy are expected to do so within six months of the alleged incident.
4. Investigations	.01	All reported incidents will be investigated promptly and thoroughly. The respondent(s) will be provided with the complainant(s) name and information on the particulars of the complaint and given the opportunity to respond.
	.02	Informal Resolution – The Director of Human Resource Operations and/or the Clerk of the Legislative Assembly or their designate may pursue options for informal resolution of the complaint. At any time in the process, a resolution may be reached with the consent of the parties and the Director of Human Resource Operations. A record of the complaint and of its resolution will be maintained in the personnel files of the complainant(s) and the respondent(s), as well as in the files of the Director of Human Resource Operations.
	.03	Formal Investigation – Any complaint which is not resolved through Informal Resolution will proceed to a Formal Investigation, to be conducted by the Clerk of the Legislative Assembly or their designate. External Investigation -- If the incident is very serious, complex and/or sensitive in nature, an external investigator may be retained to conduct the investigation.
	.04	All employees are required to cooperate during investigations.
	.05	Following the conclusion of an investigation, a respectful workplace restoration plan will be developed where appropriate, and follow-up action will be taken to ensure the workplace is safe and productive, as appropriate.
	.06	The Assembly recognizes the need for confidentiality. The Assembly will protect the privacy of those involved as much as possible without

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		<p>jeopardizing the investigation. All persons interviewed as part of an investigation are required to sign a Confidentiality Statement.</p> <p>Personal information pertaining to a complaint may be disclosed, should the matter proceed to a tribunal and/or judicial proceedings.</p>
	.07	<p>Recognizing that external parties cannot be compelled to participate in internal complaint investigations, alleged bullying, harassment, discrimination or violence of a Legislative Assembly employee by an external party will be handled in the following manner:</p> <ul style="list-style-type: none">• The allegations will be investigated to the extent possible, in accordance with the procedure set out above;• In all substantiated complaints, the incident of harassment will be acknowledged and the Complainant advised of steps taken to remedy the situation;• Where a business or contractual relationship exists with a Respondent, such as with a consultant or supplier, the Respondent will be advised that continued bullying, harassment, discrimination or violence will result in termination of the contract;• Where the relationship cannot be terminated, the manager of the employee will assume responsibility for ensuring reallocation of the account, if required.
5. Retaliation Not Tolerated	.01	<p>Employees have the right to raise concerns without fear of retaliation. No retaliation will be taken against any employee who, in good faith, reports a concern about bullying, harassment, discrimination or violence. Acts of retaliation are a serious breach of this policy and will be dealt with in the same manner as acts of bullying, discrimination, harassment or violence.</p>
6. Consequences	.01	<p>When an investigation concludes that an employee has failed to maintain respectful conduct by engaging in bullying, harassment, discrimination or violence, appropriate action will be taken. All employees, including management, who are found to have acted in breach of this policy, will be subject to disciplinary action up to and including termination of employment.</p>
7. Respectful Workplace Restoration	.01	<p>Management including the Director of Human Resource Operations will work together to address any remaining workplace issues to ensure a respectful workplace. This may include providing direction and supervision to affected employees, providing training to facilitate an understanding of appropriate interactions, and/or team building to restore relationships.</p>