



LEGISLATIVE ASSEMBLY  
of BRITISH COLUMBIA

## RESPECTFUL WORKPLACE POLICY

**Purpose** To ensure that Members, Ministerial staff, caucus staff and 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 Members, Ministerial staff, caucus staff and Legislative Assembly employees regarding employment-related bullying, discrimination, harassment and violence are resolved promptly, fairly and effectively.

**General** This policy covers employment-related bullying, harassment, discrimination and violence at or away from the workplace and during or outside of working hours. It applies to both direct and indirect interactions and includes in-person, telephone and electronic or internet communications. This policy applies to all Participants of the Legislative Assembly which includes: Members; Ministerial staff; caucus staff; Legislative Assembly employees, and their interactions with external parties such as visitors, Legislative Assembly contractors, and members of the Legislative Press Gallery. This policy does not apply to constituency office staff other than in relation to events occurring on the Legislative Precinct.

Ministerial staff, some caucus staff, and Legislative Assembly employees are governed by other existing workplace bullying and harassment policies and agreements, including, but not limited to:

- The B.C. Public Service Agency's Standards of Conduct, Discrimination and Harassment in the Workplace Policy, and Occupational Health and Safety policies;
- Legislative Assembly Policy 4020 – *Respectful Workplace*;
- The Collective Agreement between the B.C. NDP Caucus and B.C. Government and Services Employees Union; and
- Applicable policies within any recognized caucuses.

The intent of this policy is to govern interactions between Participants who are not both a party to one of the existing policies listed above, but

no Participants will be prevented from requesting the services and supports offered by the Independent Respectful Workplace Office.

Participants of the Legislative Assembly act in accordance with the principles of the B.C. *Human Rights Code* and are guided by the principles of WorkSafeBC.

This policy does not apply to the interactions between Members in the context of parliamentary proceedings, where the Standing Orders of the Legislative Assembly apply, including within Committee of the Whole, Committee of Supply, and parliamentary committee proceedings.

## Key Definitions

**“bullying”** means 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;

**“caucus staff”** means a person employed by a party caucus or an Independent Member;

**“complaint”** means an allegation of bullying, harassing, discriminatory, or violent behaviour in contravention to this policy;

**“Complainant”** means an individual(s) who believes that they have been subjected to conduct prohibited by this policy and is seeking remedy under this policy;

**“discrimination”** means 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, gender identity or expression, age, or conviction of a criminal or summary offence not related to employment) resulting in some disadvantage to that individual;

**“Disrespectful Behaviour”** means any conduct in breach of this policy, including bullying, harassment, sexual harassment, discrimination and violence, as defined in this section;

**“employee(s) of the Legislative Assembly”** or **“Legislative Assembly employee(s)”** means a person or persons employed by the Legislative Assembly;

**“external parties”** means visitors, contractors of the Legislative Assembly and members of the Legislative Press Gallery who may be witnesses, complainants or respondents under the policy if a Participant of the Legislative Assembly is involved;

**“harassment”** means 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 B.C. *Human Rights Code* is also a form of discrimination;

**“management”** means any position that has either direct or indirect reports and includes leads, supervisors, managers, directors, and executive;

**“Member”** means a Member of the Legislative Assembly of British Columbia;

**“Ministerial staff”** means any person employed by a Ministerial office on the Legislative Precinct;

**“Participant(s) of the Legislative Assembly”** or **“Participant(s)”** means Members of the Legislative Assembly of British Columbia, Ministerial staff, caucus staff, and Legislative Assembly employees;

**“Independent Respectful Workplace Office”** means the independent office that receives complaints, conducts investigations, and ensures that the *Respectful Workplace Policy* is upheld;

**“sexual harassment”** means 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;

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

**“vexatious or frivolous complaints”** means a complaint 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 Participant, or for another improper purpose;

**“violence”** means 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;
- Sexual innuendo, suggestions or questions;
- 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 Participants of the Legislative Assembly have a responsibility to behave in a manner that creates and maintains a respectful workplace. The Legislative Assembly will not tolerate intentional or unintentional acts of bullying, harassment, discrimination or violence. All Participants must treat each other and all external contacts with respect, upholding the dignity of every individual. Any person found to be in breach of this policy may be subject to discipline, cancellation of contract, denial of services, and removal or ban from the Legislative Precinct.
- .02 Management may be considered a party to bullying, harassment, discrimination or violence if they fail to act quickly upon or report information concerning such incidents or do not act in situations where they witness or ought reasonably to have known about incidents of harassment, bullying, discrimination, or violence.
- .03 This policy is not intended to constrain the Legislative Assembly, caucuses or Ministerial offices from exercising, in good faith, their

supervisory and managerial rights and responsibilities, such as acceptable approaches to performance appraisal, staff relations, counselling and disciplinary action.

- .04 Participants, with the assistance of Management, if appropriate, are expected to make reasonable efforts to informally address potential conflicts when they arise or become known. Where the Participant is uncomfortable or unable to approach the individual, the incident should be reported to the Independent Respectful Workplace Office.
- .05 The Complainant and the Respondent will, at all times, have the right to be treated fairly, and seek confidential support and advice from trusted individuals, 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, partisan, political or vindictive purposes.

## 2. Roles and Responsibilities

- .01 **Participants**

Every Participant of the Legislative Assembly has a role in building and maintaining a respectful workplace. All Participants must:

  - Behave in an inclusive and professional manner;
  - Not engage in bullying, harassing, discriminatory, or violent behaviour;
  - Apply and comply with caucus, union, Public Service Agency and other Legislative Assembly policies and procedures as applicable to their circumstances;
  - Ensure they understand this 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 this policy;
  - Report any unresolved bullying, harassment, discrimination or violence they observe or experience to the Independent Respectful Workplace Office;
  - If involved in an investigation, respect confidentiality at all times.
- .02 **Management**

Management sets the tone and are role models for other Participants. All management must:

  - Model inclusive and professional behaviour and not participate in bullying, harassing, discriminatory or violent behaviour;
  - Follow this policy and ensure that Participants under their

- supervision or direction follow the policy;
- Ensure that all Participants are aware of and understand this policy and regularly review it with their staff;
- Take action when they become aware of 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 Independent Respectful Workplace Office to determine what further steps are required, and to provide information to assist in the investigation of a Complaint, if required;
- Respect confidentiality at all times;
- Impose discipline or take other corrective action, such as providing direction and supervision to affected Participants, providing training to facilitate an understanding of appropriate personal interactions and management of difficult situations;
- Work with the Independent Respectful Workplace Office, as appropriate, to restore a respectful workplace after a Complaint.

### **.03 Independent Respectful Workplace Office**

The Independent Respectful Workplace Office is independent of the Legislative Assembly and reports to the Finance and Audit Committee, and must:

- Educate and advise on this policy and procedures that are in place to ensure a respectful workplace throughout the Legislative Precinct;
- Educate Participants on their rights and obligations under this policy and of the mechanisms in place to investigate and resolve complaints;
- Receive Complaints made by or against Participants of the Legislative Assembly, including those reported by a third party and determine whether a contravention of this policy has occurred and the appropriate remedy;
- Provide mediation and informal resolution services to Participants for possible early resolution of a Complaint;
- Investigate Complaints in a timely manner and act as a fact finder in an impartial manner;
- Inform the Complainant(s) and Respondent(s) in writing of the outcome(s) of the investigation;
- Prepare a report on the results of the investigation, which sets out the allegations, responses, and findings of fact;
- Respect confidentiality at all times;
- Maintain confidential records of all complaints;
- Review this policy on an annual basis;
- Report to the Finance and Audit Committee through the Clerk of the Legislative Assembly on a quarterly basis regarding statistics,

workplace culture, training initiatives, and recommendations to improve the policy.

### 3. Reporting Concerns

- .01 A Participant who perceives that they or another Participant are being bullied, harassed, discriminated against or subjected to violence should:
- Inform the perpetrating individual as soon as possible that their conduct is objectionable and unwelcome;
  - Where the Participant is uncomfortable or unable to approach the individual, report the incident to the Independent Respectful Workplace Office;
  - Keep a written record of the details of the incident(s) – e.g., times, locations, names of witnesses;
  - Participate in an investigation by providing any evidence which may assist in resolving the issues;
  - Preserve the confidentiality of information pertaining to the Complaint, investigation, findings, recommendations, and decisions regarding a Complaint;
  - Report the matter to the appropriate authorities if the behaviour is criminal in nature.
- .02 Any Participant who observes or becomes aware of unresolved acts of bullying, harassment, discrimination or violence must immediately advise the Independent Respectful Workplace Office.
- No Participant should assume that the Independent Respectful Workplace Office is aware of a problem. All unresolved complaints and concerns must be reported so that appropriate steps can be taken to correct them.
- .03 Before proceeding to the formal complaint process, a Participant who believes they have a Complaint of bullying, harassment, discrimination, or violence may approach the Independent Respectful Workplace Office to discuss potential means of resolving the Complaint and to request assistance in resolving the matter. If the Complaint is resolved to the Complainant's satisfaction, the matter is deemed to be completed. A record of the issue and its resolution will be maintained in the Independent Respectful Workplace Office.
- .04 In the event that a Complainant does not wish to proceed with a Complaint, another Participant or third party may report alleged Disrespectful Behaviour to the Independent Respectful Workplace Office.
- .05 Participants who file a Complaint under this policy are expected to do so within six months of the alleged incident.

#### 4. Reviewing and Updating Policies

.01 All reported incidents will be investigated promptly and thoroughly by the Independent Respectful Workplace Office. This policy will be interpreted, administered and applied in accordance with the principles of procedural fairness and natural justice. In particular:

- All Participants will be advised of the provisions of this policy and of the procedures available to them under the terms of this policy.
- Any Complainant who wishes to seek resolution of a Complaint through mediation or investigation under this policy must be prepared to be identified to the Respondent.
- Complainants and Respondents must be given the opportunity to present evidence in support of their positions and to defend themselves against allegations of Disrespectful Behaviour.

All Complaints must be submitted in writing. All submissions, responses, comments and decisions pursuant to the policy will be made in writing and the record will be held in the Independent Respectful Workplace Office.

.02 **Informal Resolution** – The Independent Respectful Workplace Office may pursue options for mediation or informal resolution of the Complaint. At any time in the process, a resolution may be reached with the consent of the parties. A record of the Complaint and of its resolution will be maintained in the Independent Respectful Workplace Office.

.03 **Formal Investigation** – Any Complaint which is not resolved through Informal Resolution will proceed to a Formal Investigation, to be conducted by the Independent Respectful Workplace Office. A Formal Investigation will not proceed if the person who allegedly experienced the Disrespectful Behaviour does not wish to proceed with a Complaint.

**External Investigation** – If the incident is serious, complex and/or sensitive in nature, an external investigator may be retained to conduct or assist in an investigation. The external investigator will be drawn from a list of individuals previously agreed upon by the Legislative Assembly Management Committee. The list of previously agreed upon external investigators may include retired provincial court judges, out-of-province independent officers, independent legal counsel, conflict resolution experts, or other suitable professionals. The external investigator may be retained by the Independent Respectful Workplace Office at the request of the Independent Respectful Workplace Office, the Complainant, or the Respondent.

.04 All Participants 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 Allegations of Disrespectful Behaviour may involve the collection, use and disclosure of sensitive personal information. Confidentiality is required so that those who may have experienced Disrespectful Behaviour will feel free to come forward. Confidentiality is also required so that the reputations and interest of those accused of Disrespectful Behaviour are protected. However, either the Complainant or the Respondent may discuss the case in confidence with the Independent Respectful Workplace Office and may seek confidential support and advice from trusted individuals.

Subject to any limits or disclosure requirements imposed by law or required by this policy, any and all information, oral and written, created, gathered, received or compiled through the course of a Complaint is to be treated as confidential by the Complainant and the Respondent, witnesses, or any other persons designated by this policy. Information will be disclosed only to the extent necessary to investigate and resolve the Complaint.

All investigatory and evidentiary documents as gathered and/or prepared regarding the Complaint, including summary investigation reports, will be deemed the property of the Legislative Assembly and will be held in strict confidence by the Independent Respectful Workplace Office. Such documents will not be copied or distributed, subject to disclosure requirements imposed by legal proceedings or required by this policy or by agreement between the parties.

- .07 Recognizing that External Parties cannot be compelled to participate in internal complaint investigations, alleged bullying, harassment, discrimination or violence of a Participant by an External Party will be handled in the following manner:

- 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 may result in termination of the contract;
- Where the relationship cannot be terminated, the Independent Respectful Workplace Office will assume responsibility for ensuring reallocation of the account, if required.
- Where a business or contractual relationship does not exist with

a Respondent, such as a visitor, the Respondent will be advised that continued bullying, harassment, discrimination or violence may result in the Respondent being removed or banned from Legislative Precinct, or areas thereof.

**5. Retaliation Not Tolerated** .01 Participants have the right to raise concerns without fear of retaliation. No retaliation will be taken against any Participant 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.

**6. Consequences** .01 When an investigation concludes that a Participant has failed to maintain respectful conduct by engaging in bullying, harassment, discrimination or violence, appropriate action will be taken. All Participants, including Management, who are found to have acted in breach of this policy, may be subject to disciplinary action.

**7. Respectful Workplace Restoration** .01 The Independent Respectful Workplace Office will work with Members and Management, as appropriate, to address any remaining workplace issues to ensure a respectful workplace. This may include providing direction and supervision to affected Participants, providing training to facilitate an understanding of appropriate interactions, and/or team building to restore relationships.

**Contact** Questions regarding this policy may be directed to the Office of the Clerk at [ClerkHouse@leg.bc.ca](mailto:ClerkHouse@leg.bc.ca) or to Human Resource Operations at [Human.Resources@leg.bc.ca](mailto:Human.Resources@leg.bc.ca) until the establishment of the Independent Respectful Workplace Office.