

BHMSPS RESPECTFUL WORKPLACE POLICY

RESPECTFUL WORKPLACE	
Applies to:	All employees, contractor, volunteers, and board members
Policy	<p>BHMSPS recognizes the right of all employees to work in an environment which shows respect for an employees' health and physical well-being. As a result, all efforts shall be deployed to prevent and correct any situation and any conduct liable to compromise the health and safety of an employee or deteriorate the work environment.</p> <p>This Respectful Workplace Policy (the Policy) outlines the requirements and expectations of all of us to ensure a "Respectful Workplace" is always maintained. Discrimination, harassment or bullying and violent behaviour will not be tolerated from any person in the workplace and is prohibited.</p> <p>The Employer will ensure that a resolution process appropriate to the circumstances is conducted in a fair, respectful, and timely manner once management becomes aware of an incident or receives a complaint of discrimination, harassment, bullying or violence.</p> <p>The Policy was drafted to comply with provincial legislation at the time of drafting. In the event of any changes in the law, the Policy shall be deemed amended to comply with such amendments.</p> <p>The Policy applies to interpersonal and electronic communication, including email and social media.</p>
Definitions	<p>Bullying: any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that person to be humiliated or intimidated. Bullying excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.</p> <p>Complainant: the individual who is accusing another of bullying and/or harassment.</p> <p>Discrimination: when an employee suffers adverse treatment based on the employee or job applicant belonging to a protected group under human rights legislation or a characteristic associated with that group. At work, this might mean that someone is denied a job, a pay increase or a promotion, because of, amongst other grounds, their race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age, gender identity of expression, or criminal history that is unrelated to their employment.</p> <p>Disrespectful Conduct: harassing or bullying behaviour directed against another person that a reasonable person knows, or ought to know, would cause offence, humiliation, or intimidation. Disrespectful conduct does not have to be based on a prohibited ground under the Human Rights Code.</p> <p>Incident: an accident or other occurrence which resulted in, or had the potential for, causing an injury or occupational disease.</p> <p>Personal and Psychological Harassment: objectionable conduct – either repeated, persistent, or a single serious incident – that an individual would reasonably conclude:</p>

- Creates a risk to an employee’s psychological or physical well-being; causes a worker substantial distress; or results in an employee’s humiliation or intimidation; or
- Is discriminatory behaviour that causes substantial distress and is based on a person’s race, colour, place of origin, political beliefs, religion, marital status, physical or mental disability, sex, age, sexual orientation or gender identity; or
- Is seriously inappropriate and serves no legitimate work-related purpose

Examples of Personal and Psychological Harassment include, but are not limited to:

- Remarks, jokes or innuendos related to an individual’s race, colour, ancestry, place of origin, sex, marital status, religion, physical or mental disability, sexual orientation, gender expression or gender identity, age, or any other ground;
- Physical threats or intimidation;
- Words, gestures, actions, or jokes, which may humiliate, degrade or abuse, in including intentionally using incorrect pronouns to refer to an individual;
- Displays or circulation of offensive pictures, graffiti, or materials, whether in print form or via email, or other electronic means; or
- Comments ridiculing an individual because of characteristics, dress, etc. that are related to a ground of discrimination

Note: Not everyone may share the same taste in humour and should consider that when sharing humour in the workplace. Similarly, not every unwelcome attempt at humour is harassment.

Respectful Workplace refers to:

- An environment that is free from workplace harassment and discrimination as prohibited by the Human Rights Code, as well as workplace violence and bullying and harassment as defined herein
- An environment that embraces diversity and promotes human dignity and respectful behaviours at work. It is a work environment where employees feel comfortable, safe, and valued as individuals
- An environment that promotes a healthy work environment where employee concerns and complaints are acknowledged and dealt with in a timely and effective manner, while respecting the privacy of all concerned as much as possible

Respondent: the individual who is being accused of behaviour described under this Policy.

Retaliation: any adverse action (i.e. false accusations) taken against an individual for:

- Having invoked the Policy in good faith whether on behalf of oneself or another individual
- Having participated or cooperated in any investigation under the Policy
- Having been associated with a person who has invoked the Policy or participated in these procedures

Sexual Harassment: sexually oriented verbal or physical behaviour which an individual would reasonably find to be unwanted or unwelcome, giving consideration to all surrounding circumstances and which may detrimentally affect the work environment. Such behaviour could include, but is not limited to:

- Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome or offensive; and/or

	<ul style="list-style-type: none"> · Making an unwelcome sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person expressly or by reasonable implication ties the receipt of such benefit or advantage to accepting the solicitation or advance (“quid pro quo” harassment) <p>Examples of Sexual Harassment include, but are not limited to:</p> <ul style="list-style-type: none"> · Remarks, jokes, innuendoes or other comments regarding someone’s body, appearance, physical or sexual characteristics or orientation or gender or clothing; · Making gender-related comments about someone’s physical characteristics, mannerisms, or conformity to sex-role stereotypes and/or conformity to any particular performance of gender expression; · Displaying of sexually offensive or derogatory pictures, cartoons, or other material (including materials on computers, such as email); · Unwelcome questions or sharing of information regarding a person’s sexuality, sexual activity, or sexual orientation; · Leering or inappropriate sustained staring; · Unnecessary and unusual physical closeness i.e. needlessly brushing up against another employee’s body when passing; · Repeatedly seeking hugs, dates, or sexual favours where not welcomed, particularly by a superior or person in a position of relatively higher power or status within the organization; · Sexual solicitation or romantic advances or propositions made by a person in a position to confer or deny a benefit or advancement to acceptance is an explicit or implied condition of receiving such benefit or advancement; or · Unwanted physical touching <p>Workplace Violence refers to:</p> <ul style="list-style-type: none"> · The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker · An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker · A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker <p>Examples of Workplace Violence include, but are not limited to:</p> <ul style="list-style-type: none"> · Verbally threatening to attack an employee; · Leaving threatening notes at or sending threatening emails to the workplace; · Shaking a fist in an employee’s face; · Hitting or throwing to hit an employee; · Throwing an object at an employee; · Sexual violence against an employee; · Kicking an object, the employee is standing on, i.e., ladder; or · Slamming a door with the intent to intimidate a staff member <p>Assault, damage to personal or Employer property, and stalking are considered criminal harassment and are dealt with by the Criminal Code.</p> <p>For workplace violence to occur, a person must apply, attempt to apply, or threaten to apply physical force against a worker. However, they do not need to have the intention or capacity to appreciate that these actions could cause physical harm.</p>
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Roles & Responsibilities	<p>Every employee must accept personal responsibility to co-create and maintain a respectful workplace. That includes complying with the Policy personally but also:</p> <ul style="list-style-type: none"> · Encouraging others to do so; · Not tolerating discrimination, violence, bullying or harassment by others and reporting it if necessary; · Cooperating in any investigation and/or remedial actions; and · Reporting violent incidents or risks of violence in the workplace to management <p>Management is responsible for ensuring that they do not discriminate or harass based on the Protected Grounds and for ensuring that the work environment of the employees that report to them is free from discrimination, harassment, bullying and violence as defined in the Policy. If management suspects that discrimination, harassment, bullying, or violence is occurring, they must take steps to address the issue, including seeking assistance from management.</p> <p>Employees that are found to be engaging in behaviour that breaches the Policy will be supported to change behaviour so that it conforms to the expectations outlined in the Policy and may also be disciplined. Employees that are unwilling or unable to amend behaviour or are found responsible for serious breaches of the Policy will be subject to discipline up to and including termination of employment.</p>
Conditions	<p>Protection of Complainant:</p> <ul style="list-style-type: none"> · Individuals are not to be penalized or disciplined for reporting an incident or for participating in an investigation · Any attempt to retaliate or threaten retaliation against an employee who filed a complaint in any way, including through social exclusion, by the alleged perpetrator or anyone sympathetic to the employee is strictly prohibited, as is any interference with the proper conduct of an investigation, such as trying to influence witness' evidence · Breach of this requirement will result in disciplinary action <p>False or Bad Faith Claims:</p> <ul style="list-style-type: none"> · It is serious for an employee to make a false or bad faith claim of discrimination, workplace violence, bullying or harassment and any employee found to have done so will be subject to discipline up to and including termination · Employees should be particularly aware that a supervisor's criticism of performance or conduct will normally not be considered harassment, provided it is not done in an offensive or humiliating manner · The Policy is not intended to limit or constrain the reasonable exercise of management function in the workplace <p>Confidentiality: All complaints will be kept confidential by the complainant, the respondent, the Employer, and the witnesses.</p> <p>Reporting:</p> <ul style="list-style-type: none"> · If an employee sees others behaving in a way that is contrary to the Policy, the employee may, if they feel comfortable doing so, speak respectfully to the Respondent but in cases of

	<p>serious breach of the Policy, it is mandatory to bring the matter to the attention of the HR Department and/or Executive Director</p> <ul style="list-style-type: none"> · Employees can report incidents or complaints of workplace harassment, discrimination and/or bullying verbally or in writing but a written complaint will be required where an investigation is done · Employees will be asked the name and position of the person(s) involved in the bullying, harassing or discriminating, the names of any witnesses or other persons with relevant information to provide about the incident(s), the existence of documentary evidence (i.e., texts, emails, posts to websites) and details as to what has been happening to the employee including the date(s), frequency and location(s) of the alleged incident(s) · Incidents or complaints should be reported as soon as possible after experiencing or witnessing an incident of bullying and harassment. This allows the incident to be investigated and addressed promptly · A complainant has the right to file a complaint under the Human Rights Code <p>Complaints Against the Board Director (s) or Systemic Issues/Multiple Complaints: If an employee's complaint is about the Board Director, they can contact the Chair of the BHMSPS Working Group.</p> <p>Informal Resolution: A complainant may try to informally resolve their complaint with the assistance of a supervisor, staff representative or mediator. If the complainant is satisfied with the outcome reached at this point, the complaint is resolved.</p> <p>Investigation: Until a harassment complaint is resolved, the Employer may take interim measures, including separating the complainant and respondent.</p>
<p>Procedures</p>	<p>Prevention:</p> <ol style="list-style-type: none"> 1. The Employer will provide a copy of BHMSPS Respectful Workplace Policy to all new employees upon hiring. 2. Employees will be required to acknowledge in writing or by email that they have received and read the Policy and any amendments. 3. The BHMSPS Respectful Workplace Policy will be placed in a prominent location where all employees will see it and have regular access to it. The Employer will provide direction and supervision to affected employees, offering training on managing difficult situations, or imposing workplace arrangements to minimize the risk of bullying and harassment. <p>Complaint Resolution:</p> <ol style="list-style-type: none"> 1. In less serious cases, the Employer may offer the complainant the option of informal complaint resolution, typically involving facilitating a resolution of the problem with the respondent. 2. If they request a more formal resolution or in cases of serious misconduct, a formal investigation will be undertaken if management determines the complaint falls within the Policy and may have merit. The investigation will be undertaken by an appropriate employee or external resource as the Employer determines is appropriate.

3. Depending on the nature of the complaint, the investigation may entail interviewing the complainant, witnesses and the respondent, and a review of documents or other evidence. In some cases, interim protective measures may be taken during the investigation, i.e., arranging for the complainant and respondent to work in separate areas.
4. To protect the interests of everyone involved, confidentiality must be maintained throughout the complaint resolution process. Information that must be shared, particularly in an investigative process, will be disclosed only as necessary to protect employees, to investigate the complaint or incident, to take remedial action or as otherwise required by law. In most cases, it will be necessary to disclose the details of allegations of misconduct and often this will effectively disclose the source of information to the respondent to allow them to respond to the allegations. Both the complainant and respondent, as well as co-workers, must not discuss the complaint or allegations or evidence. Breach of this requirement will lead to discipline up to and including termination.
5. At the conclusion of an investigation, the Employer will determine whether any remedial action such as discipline is warranted and share the key findings and remedies of the investigation with the complainant and respondent.

Note: Privacy rules, as well as other considerations, will limit the extent of disclosure of details of the investigation to all participants.