



Policies & Procedures Manual

Policy No. 5.3 (BP – Workplace Bullying & Harassment Policy and Procedures)

Workplace Bullying & Harassment Policy and Procedures

The Chief Administrative Officer shall create such policies and procedures as is necessary to comply with the *Workers Compensation Act and Occupational Health and Safety Regulation*, as amended, and the Board shall review annually and amend from time to time such policies and procedures as considered appropriate by the Regional Board.

Purpose

The purpose of the Squamish-Lillooet Regional District (“SLRD”) Workplace Bullying and Harassment Policy and Procedures (the “Policy”) is to develop a working environment in which bullying and harassment are unacceptable and where employees have the confidence to complain about bullying and harassment knowing that their concerns will be dealt with appropriately and fairly. The Policy outlines procedures to be followed if employees believe they are being bullied or harassed in the course of or as a result of their employment.

The Policy is written in compliance with the Workers Compensation Act of British Columbia, Occupational Health and Safety Regulation, effective as of November 1, 2013.

Employees maintain, at any time, the right to seek legal advice and to pursue any other available remedy to address the incident, such as filing a complaint with the police or the Human Rights Commission.

Policy Statement

The SLRD is committed to providing all employees with a workplace that promotes respect, dignity and professional conduct, without fear of bullying or harassment. The SLRD will not tolerate bullying and harassment and is dedicated to preventing bullying and harassment in the workplace.

All employees share the responsibility to ensure the workplace is a safe and welcoming place to work. Employees are responsible for reporting an incident of bullying or harassment, whether they were a target or a witness to the incident.

Scope of Policy

The Policy applies to all:

- Employees;
- Communications (i.e. verbal, written, electronic, telephone) between an employee and a person;

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- Employment-related functions, such as conferences, training sessions, travel and social functions but do not include social functions that are not sanctioned by the employer.

Definitions

Bullying and harassment

- Includes any inappropriate conduct or comment by a person towards an employee that the person knew or reasonably ought to have known would cause that employee to be humiliated or intimidated but
- Excludes any reasonable action taken by a supervisor relating to the management or direction of employees or the place of employment.

A person includes anyone an employee may come into contact with in the course of, or as a result of, his or her employment, including other employees and those who are not employees, such as Board Directors, members of the public, contractors, subcontractors, consultants and volunteers.

Bullying and harassing behaviours include (but are not limited to):

- Verbal aggression, yelling or insults;
- Humiliating actions or practices;
- Using derogatory names towards someone;
- Making personal attacks, based on someone's private life or personal traits;
- Targeted social isolation;
- Hazing or initiation practices
- Vandalizing personal belongings;
- Sabotaging someone's work;
- Social undermining;
- Spreading malicious gossip or rumours.

Bullying and harassment behaviours do not include:

- Expressing differences of opinion;
- Normal workplace conflict;
- Unintentional incivility or plain rudeness;
- Offering constructive feedback, guidance or advice about work-related behaviour and performance;

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- Normal exercise of managerial or supervisory responsibilities including performance reviews, direction, counselling and disciplinary action where necessary provided they are conducted in a respectful, professional manner in accordance with SLRD policies;
- Welcomed social interactions, jokes and bantering which are mutually acceptable and workplace-appropriate, provided that the interactions are respectful and there is no negative impact for others in the workplace;
- Disagreement, misunderstanding, miscommunication and/or conflict situations, provided that the behaviour of the individuals involved remains professional and respectful;
- Making a legitimate complaint about someone's behaviour through established procedures;
- Behaviour unrelated to a worker's employment.

To determine whether certain actions or behaviours constitute bullying or harassment, the standard to apply is what a reasonable person knew or ought to have known would cause humiliation and intimidation.

Workplace Conduct

Bullying and harassment is not acceptable or tolerated in the workplace. All employees will be treated in a fair and respectful manner. Workers will:

1. Not engage in bullying or harassment of other workers, supervisors, or persons acting on behalf of the employer;
2. Report if bullying or harassment is observed or experienced in the workplace; and
3. Apply and comply with the employer's policies and procedures on bullying and harassment.

Annual Review

This Policy will be reviewed by the Board every year.

Reporting and Investigation Procedures

The Board may create and amend such reporting and investigation procedures as deemed appropriate to implement this Policy.

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Reporting Procedures

Duty to Report

An employee who experiences or witnesses an incident of workplace bullying or harassment has a duty to report the incident.

How to Report

An employee should report an incident or complaint of workplace bullying and harassment either:

- In writing by filling out the Complaint Form, attached as Appendix 1; or
- By speaking to the reporting contact, in which case the reporting contact along with the employee will fill out the Complaint Form.

When to Report

An employee should report an incident or complaint as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated and addressed promptly.

To Whom to Report (Reporting Contact)

The reporting contact is the Chief Administrative Officer (CAO) or the Human Resources Manager, subject to the following:

- If the Human Resources Manager is the person engaging in, or the target of, bullying or harassment behaviour, then the reporting contact is the CAO.
- If the CAO is the person engaging in, or the target of, bullying or harassment behaviour, then the reporting contact is the Board Chair.
- If the Board Chair is the person engaging in, or the target of, bullying or harassment behavior vis-a-vis the CAO, then the reporting contact is the Board Vice-Chair.
- If the Board Chair is the person engaging in, or the target of, bullying or harassment behavior vis-a-vis the Human Resources Manager, then the reporting contact is the CAO.

What to Include when Reporting

The employee should provide as much information as possible on the Complaint Form, such as:

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- Names of people involved;
- Any witnesses;
- Where and when the events occurred;
- What behaviour and/or words led to the complaint.

The employee should also submit any supporting documents such as emails, handwritten notes, and photographs, as well as any physical evidence such as vandalized personal belongings.

Investigative Procedures

General

All employees are expected to cooperate with the investigator in carrying out the investigation and provide any details of incidents they have experienced or witnessed.

The SLRD does not tolerate any retaliation or reprisal against anyone involved in a resolution process under this Policy. Protection extends to the complainant, target, respondent, witnesses, supervisors and management responsible for decision-making functions within this process acting in accordance with this Policy. The SLRD may take disciplinary action (up to and including termination of employment) against any employees involved in retaliation or reprisal. For clarity, disciplinary action regarding an employee bully is not considered to be retaliation or reprisal.

If the investigator finds that a complainant fabricated a complaint or made a complaint frivolously, maliciously or in bad faith, the SLRD may take corrective or disciplinary action against the complainant (up to and including termination of employment).

The investigator may use the Investigation Form attached as Appendix 2.

Where the Alleged Bully is an Employee

Under this heading:

The complainant is the employee who has made a complaint about another employee whom he or she believes has engaged in workplace bullying or harassment. The complainant may be either the target of, or a witness to, the incident.

The target is the employee who is the focus of bullying or harassment behavior and may or may not be the complainant.

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The respondent is the employee that is being accused of engaging in workplace bullying or harassment.

The investigator is the Human Resources Manager, subject to the following:

- if the Human Resources Manager is the target or the respondent, the investigator is the CAO;
- if the CAO is the target or the respondent, the Board Chair is the investigator;
- if the Board Chair is the target or the respondent vis-a-vis the CAO, the investigator is the Board Vice-Chair;
- if the Board Chair is the target or respondent vis-a-vis the Human Resources Manager, the investigator is the CAO.

If in the sole discretion of the person who is the investigator in respect of a specific complaint (i.e. the Human Resources Manager, the CAO, the Board Chair or the Board Vice-Chair as set out in the previous paragraph) determines the situation to be complex or sensitive, this person may instead appoint an external person to be the investigator and conduct the investigation.

Investigations will:

- Be undertaken promptly and diligently, and be as thorough as necessary in the circumstances;
- Be fair and impartial and provide 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, the respondent, and any witnesses as well as requesting and reviewing any relevant documents;
- Incorporate, where necessary, any need or request from the complainant, the target or the respondent for assistance or support during the investigative process.

Upon receipt of a complaint, the investigator will investigate the complaint by following this process:

- Step 1: Review the Policy and determine whether the alleged behaviour meets the definition of workplace bullying and harassment as outlined in this Policy Statement and in the WorkSafeBC Occupational Health Safety Policies.

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- Step 2: Meet with the target and the respondent separately to explain the investigative process and to inform them of the expected timeline, overall process, roles and responsibilities of anyone involved; confidentiality of investigation, and interim measures to limit the potential for bullying and harassment, if required. If the complainant is a witness (and not the target), his or her involvement in the investigative process is limited to that as a witness.
- Step 3: Gather evidence by speaking separately with the target, the respondent and the complainant. If the target and the respondent agree on the details of what happened, proceed to Step 4. If they do not agree, interview witnesses or other involved parties and collect any evidence from any parties involved.
- Step 4: Review the evidence and make a decision.
- Step 5: Discuss the findings by meeting separately with the target and the respondent. A manager or supervisor may also attend the meetings.
- Step 6: Take action(s) to fully address the incident and ensure that future bullying or harassment is prevented or minimized at the workplace. The actions taken in respect of the bully may be remedial, corrective and/or disciplinary (up to and including termination of employment) and should be proportional to the seriousness or repetitiveness of the offense. The employer will follow-up with the target to ensure the behaviour has stopped and the CAO may update the Policy, put new preventative steps in place, update, and provide training and education for all workers.
- Step 7: Provide the employer with a written record of the investigation, including complaint details, summary of interviews conducted, documents reviewed, outcomes, and findings. The employer should record actions taken to respond to the complaint and how adverse symptoms resulting from the incident were addressed.

Where the Alleged Bully is not an Employee

Under this heading:

The complainant is the employee who has made a complaint about a person who is not an employee whom he or she believes has engaged in workplace bullying or harassment. The complainant may be either the target of, or a witness to, the incident.

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The target is the employee who is the focus of bullying or harassment behavior and may or may not be the complainant.

There is no respondent under this heading.

The investigator is the person listed on page 6 of this Policy.

Investigations will:

- Be undertaken promptly and diligently, and be as thorough as necessary in the circumstances;
- Be fair and impartial to the extent possible;
- 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 and any witnesses as well as requesting and reviewing any relevant documents;
- Incorporate, where necessary, any need or request from the complainant or the target for assistance or support during the investigation process.

Upon receipt of a complaint, the investigator will investigate the complaint by following this process:

- Step 1: Review the Policy and determine whether the alleged behaviour meets the definition of workplace bullying and harassment as outlined in the Policy Statement and in the WorkSafeBC Occupational Health Safety Policies.
- Step 2: Meet with the target to explain the investigative process and to inform of the expected timeline, overall process, roles and responsibilities of anyone involved; confidentiality of investigation, and interim measures to limit the potential for bullying and harassment, if required. If the complainant is a witness (and not the target), his or her involvement in the investigative process is limited to that as a witness.
- Step 3: Gather evidence by interviewing the target, any witnesses or other involved parties and collect any evidence from any parties involved. The investigator has the discretion to discuss the complaint with the alleged bully. The investigator may, to the extent and on any conditions the investigator considers appropriate, permit the alleged bully to voluntarily opt into the investigative process.
- Step 4: Review the evidence and make a decision.

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- Step 5: Discuss the findings by meeting with the target. A manager or supervisor may also attend the meetings.
- Step 6: Take action(s) to fully address the incident and ensure that future bullying or harassment is prevented or minimized at the workplace. The CAO may update the Policy, put new preventative steps in place, update, and provide training and education for all workers.
- Step 7: Provide the employer with a written record of the investigation, including complaint details, summary of interviews conducted, documents reviewed, outcomes, and findings. The employer should record actions taken to respond to the complaint and how adverse symptoms resulting from the incident were addressed.

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APPENDIX 1
SLRD WORKPLACE BULLYING AND HARASSMENT POLICY
REPORTING PROCEDURES – COMPLAINT FORM

(To be completed by the Complainant)

Name and Contact Information of Complainant
Name of Alleged Bully/Bullies

Personal statement

Please describe in as much detail as possible (attaching additional pages if necessary) each alleged bullying and harassment incident, including:

- the names of the parties involved in each incident
- any witnesses to each incident
- the location, date, and time of each incident
- details about each incident (i.e. behaviour and/or words used)
- any additional details that would help with an investigation

Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted.

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[To be completed if the employee reporting the complaint is the target of the incident:]

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I am filing this complaint because I honestly believe that the person identified on the previous page has bullied and/or harassed me. I hereby certify that to the best of my knowledge the above information is true, accurate and complete.

I am aware that making false or frivolous allegations is in violation of the Workplace Bullying and Harassment Policy and subject to disciplinary sanctions by my employer.

I am aware that an investigation will be initiated once this complaint is reported.

Signature	Date
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OR

[To be completed if the employee reporting the complaint is a witness to the incident:]

I am filing this complaint because I honestly believe that the person identified on the previous page has bullied and/or harassed _____(insert name of target). I hereby certify that to the best of my knowledge the above information is true, accurate and complete.

I am aware that making false or frivolous allegations is in violation of the Workplace Bullying and Harassment Policy and subject to disciplinary sanctions by my employer.

I am aware that an investigation will be initiated once this complaint is reported.

Signature	Date
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APPENDIX 2
SLRD WORKPLACE BULLYING AND HARASMENT POLICY
INVESTIGATION PROCEDURES – INVESTIGATION FORM

(To be completed by the investigator)

Name of Investigator

Is the Alleged Bully an Employee? Yes or No

If the alleged bully is an employee, follow the investigation process for employees.

If the alleged bully is not an employee, follow the investigative process for those who are not employees.

Document Review

List all documents reviewed (i.e. Complaint Form, emails, social media, photographs, notes, letters, physical evidence, etc.)

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Interviews

List all person interviewed and description of incident (including dates, words used or actions taken, impact of words/ actions):

Outcomes

Based on the investigation, did workplace bullying and harassment occur? Yes or No.

Reasons for this conclusion:

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Follow-up with respondent and target, including remedial, corrective or disciplinary actions, time frame for addressing the behaviour, awareness training or assistance opportunities, arrangements for addressing adverse symptoms, implementing preventative measures, etc.

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Signature	Date
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