



Anti Bullying &
Harassment
Policy &
Procedure

RESOURCE PACKAGE

ANTI-BULLYING & HARASSMENT POLICY

WHAT IS BULLYING AND HARASSMENT?

WorkSafeBC defines violence as

"any inappropriate conduct or comment by a person toward a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated."

Bullying and harassment can also be described as acts or verbal comments that could psychologically or 'mentally' hurt or isolate a person in the workplace.

Bullying most often comes in the form of repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate a specific person or group of people.

WHAT IS NOT BULLYING AND HARASSMENT?

Any reasonable action taken by the employer or supervisor relating to the management or direction of workers in the workplace.

Expressing a difference of opinion

Offering constructive feedback, guidance or advice about work-related behaviour.

ANTI-BULLYING & HARASSMENT POLICY

Regulatory Requirements



FEDERAL

Federal worksites are governed by the Canadian Labour Code under Workplace Harassment and Violence Prevention Regulations

Applies only to federally regulated private and the federal public sector:

- * Air Transportation
- * Banks
- * Telecommunications and Broadcasting
- * Shipping and Marine Services
- * Road Transport (Interprovincial)



PROVINCIAL (BC)

Provincially regulated worksites are governed by WorkSafeBC through the Workers Compensation Act

Bullying & Harassment can also violate the BC Human Rights code if it is based on protected grounds, such as race, religion or gender.

- * An employer has a duty to ensure the health and safety of its workers, and as a result, employers must take all reasonable steps to prevent where possible, or otherwise minimize, workplace bullying and harassment.
- * Section 21 (1) (a) of the Workers Compensation Act states that an employer must ensure the health and safety of its workers.

ANTI-BULLYING & HARASSMENT POLICY

POLICY

<ENTER ORGANIZATION'S NAME> is committed to building and maintaining a safe, productive, and healthy working environment for workers. This commitment to a harassment-free work environment applies to every aspect of the employment relationship, including extending to any work-place sanctioned events (e.g. promotional events for the organization, work sponsored dinners in relation to the organization, etc.). In pursuit of this goal, **<ENTER ORGANIZATION'S NAME>** has established this Anti-Bullying, Harassment and Improper Conduct Policy (the "Policy") and program to address and respond to bullying and harassment and improper conduct. Workers have the right to work in an environment that is free from bullying and harassment and improper conduct, and **<ENTER ORGANIZATION'S NAME>** does not condone and will not tolerate acts of bullying and harassment or improper conduct against. Please be aware that this Policy may not be the only governing policy with respect to a person's conduct while attending such events – for instance, policies of our partners may also govern a person's conduct. Regardless of whether an event is our organization's event, or another party's event, the strict prohibition against bullying and/or harassment will be in effect at all times.

SCOPE AND APPLICATION

This Policy applies to the "workplace". "Workplace" is defined as any land, premises, location, working hours, or thing at, upon, in or near which a worker works. For the purposes of this Policy, the "workplace" includes but is not limited to **<ENTER ORGANIZATION'S NAME>**'s:

- offices, property or facilities, including shops and off-site storage areas (interior and exterior),
- remote locations such as a worker's home office or client's place of business.
- Work-related social functions.
- Work assignments that are outside of **<ENTER ORGANIZATION'S NAME>**'s property.
- Work-related travel; or
- Telephone calls or other forms of electronic communication if the conversation is work-related.

This Policy applies to all individuals working for **<ENTER ORGANIZATION'S NAME>**. For the purposes of this Policy, workers are defined as full-time workers, part-time workers, temporary workers, contract service providers, volunteers, all managerial personnel, officers, and directors.

Additionally, this Policy applies to employees of other organizations who work on or are invited into our workplace, as well as partners, clients and visitors or patrons to the premises.

<ENTER ORGANIZATION'S NAME> will also investigate any cases reported that are not related to "workplace" involving a co-workers' unacceptable behaviour.

DEFINITIONS

Bullying and harassment is generally defined as conduct which has the purpose or effect of creating an intimidating, humiliating, hostile or offensive work environment, unreasonably interfering with a person's work performance, or adversely affecting a person's opportunities in the workplace. It involves any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated.

Conduct may constitute harassment when a single incident is demonstrated to be severe enough to have a significant and lasting impact on the complainant, OR it may be a series of repeated and persistent incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation to a worker, or adversely affects the worker's health and safety.

Examples of bullying and harassment include, but are not limited to, the following:

- Any unsolicited, unwelcome, disrespectful, or offensive behaviour.
- Behaviour that is hostile in nature or intends to degrade an individual.
- Unwelcome remarks, jokes, innuendoes, propositions, or taunting about a person.
- Mimicking, disparaging, ridiculing, or insulting a person's accent, speech or mannerisms.
- Derogatory or degrading remarks about another worker for any reason.
- Verbal abuse towards an worker.
- Unwanted physical contact.
- Conduct that creates an intimidating, hostile or offensive atmosphere for another worker, whether or not the conduct is directed at a particular worker.
- Name calling or unwelcome teasing of a worker.

Unlawful discrimination is a form of bullying and harassment and means discrimination based on a protected ground set out in applicable human rights legislation. The BC Human Rights Code identifies the following grounds of prohibited discrimination: race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, 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. Unlawful discrimination based on any of these grounds violates this, Policy.

Examples of unlawful discrimination include, but are not limited to, the following:

- Sexist, racist, or other jokes.
- Ethnic jokes, cartoons, or remarks about a person's age, race, sex, etc.
- Rejecting applications from persons with physical disabilities on the assumption that they cannot adequately do the job.
- Asking only female applicants or workers about their daycare arrangements.
- Isolating co-workers because of their sexual orientation.

Sexual harassment is also a form of bullying and harassment and occurs when:

- employment (or circumstances of employment) is conditional upon the submission to unwelcome sexual conduct, or such unwelcome sexual conduct otherwise leads to adverse job-related consequences; or
- a worker's work environment is made hostile or abusive or the worker is otherwise detrimentally affected by unwelcome sexual conduct.

Examples of workplace sexual harassment include, but are not limited to, the following:

- Unwelcome remarks, jokes, innuendos, or taunting about sex, sexual orientation, gender identity, gender expression, or a person's body or attire.
- Practical jokes of a sexual nature which cause awkwardness or embarrassment.
- Making gender-related comments about someone's physical characteristics or mannerisms.
- Making comments or treating someone badly because they don't conform with gender-role stereotypes.
- Using language that puts someone down based on their sex, sexual orientation, gender identity or gender expression, including sex-specific derogatory names.
- Refusing to work with people because of their sex, sexual orientation, gender identity or gender expression.

- Showing or sending pornography, sexual pictures or cartoons, sexually explicit images, or other offensive images or material (including online).
- Leering (suggestive staring) or other gestures.
- Unnecessary physical contact such as touching, patting, pinching, etc.
- Suggestive or offensive remarks of a sexual nature.
- Unwelcome questions or discussions about sexual activities or a person's sexual lifestyle.
- Spreading sexual rumours (including online).
- Bragging about sexual prowess or talking about sexual activities.
- Sexual propositioning.
- Demanding hugs, dates, or sexual favours.
- Asking someone to dress in a sexualized or gender specific way.

Improper activity or behaviour (hereinafter referred to as "improper conduct") means the attempted or actual exercise by an worker towards another worker of any physical force so as to cause injury, and includes any threatening statement or behaviour which gives the worker reasonable cause to believe he or she is at risk of injury.

Improper activity includes, but is not limited to:

- Threats of physical violence or intimation including stating that you will harm or engage in physical violence towards another worker.
- Possession of weapons of any kind in the workplace, which includes on **<ENTER ORGANIZATION'S NAME>** property, while engaged in activities for **<ENTER ORGANIZATION'S NAME>** in other locations, or at **<ENTER ORGANIZATION'S NAME>** sponsored events.
- Actual or attempted acts of physical violence such as hitting, shoving, kicking, restraining, or throwing an object at a worker.
- Physical restraint or confinement.
- Dangerous or threatening horseplay.
- Blatant or intentional disregard for the safety or well-being of others.

Harassment does not include the following:

1. Friendly, consensual social contact between persons.
2. Expressing differences of opinion in a reasonable manner.
3. Offering constructive feedback in a reasonable manner.
4. Making a legitimate complaint about another person's conduct through the approved channels (i.e. through a supervisor).
5. Reasonable management action taken by an employer or supervisor relating to the management and direction of workers or the place of employment, including decisions about:
 - Job duties and work to be performed;
 - Workloads and deadlines;
 - Layoffs, transfers, promotions, and reorganizations;
 - Work instruction, supervision, or feedback;
 - Work evaluation;
 - Performance management; and/or
 - Discipline, suspensions, or terminations.

RESPONSIBILITIES

The protection of workers, volunteers and patrons is essential for everyone at **<ENTER ORGANIZATION'S NAME>**.

The Employer will:

- Take steps to prevent where possible, or otherwise minimize, bullying and harassment and improper conduct;
- Review this Policy, the procedures set out herein, the policy statement and the steps being taken by **<ENTER ORGANIZATION'S NAME>** to prevent where possible, or otherwise minimize, incidents of bullying and harassment and improper conduct, on a proactive and annual basis;
- Make a copy of this Policy readily accessible to all workers in the workplace;
- Ensure that all workers immediately receive a copy of this Policy and any subsequently updated versions;
- Make all workers aware of this Policy, the procedures set out herein, the policy statement and the steps being taken by **<ENTER ORGANIZATION'S NAME>** to prevent where possible, or otherwise minimize, incidents of bullying and harassment and improper conduct; and
- Provide training to workers to help them to fulfill their responsibilities and obligations under this Policy, to become capable of recognizing, responding to and reporting incidents and complaints of bullying and harassment and improper conduct in accordance with the procedures set out in this Policy, and to understand how **<ENTER ORGANIZATION'S NAME>** will respond to and investigate complaints of bullying and harassment and improper conduct.

Supervisors will:

- Become familiar with this policy and procedure;
- Not engage in the bullying and harassment of other workers, the employer or persons acting on behalf of the employer, and must not engage in improper conduct;
- Support an investigation when it is required;
- Train workers on **<ENTER ORGANIZATION'S NAME>** policy and procedure;
- Ensure members of their staff do not bully and harass others or engage in improper conduct; and
- Apply and comply with this Policy, and any other of company policies and procedures relating to bullying and harassment and improper conduct.

Workers and volunteers will:

- Become familiar with this policy and procedure;
- Not engage in the bullying and harassment of other workers, the employer or persons acting on behalf of the employer, and must not engage in improper conduct;
- Report if bullying and harassment or improper conduct is observed or experienced, or if they become aware that a worker is being subjected to bullying and harassment or improper conduct;
- Apply and comply with this Policy, and any other company policies and procedures relating to bullying and harassment and improper conduct;
- In an investigation, all workers and volunteers are expected to cooperate with investigators and provide any details of incidents they have experienced or witnessed; and
- Attend education and training as required.

PROCEDURE

Reporting Bullying And Harassment, And Improper Conduct

Reporting Obligation

All workers are responsible for ensuring that the workplace remains free of bullying and harassment and improper conduct. To this end, all **<ENTER ORGANIZATION'S NAME>** workers are personally responsible for acting in compliance with, and assisting with the enforcement of, this Policy. Workers must not engage in, allow, condone, or ignore behaviour that is contrary to this Policy. Should a worker be subjected to, witness, be aware of, or become aware of bullying and harassment or improper conduct, then he or she must immediately report the matter to **<ENTER ORGANIZATION'S NAME>** in accordance with the procedures set out below.

A worker who fails to report an incident of bullying and harassment or improper conduct of which an worker is aware, or knowingly makes a false complaint of bullying and harassment or improper conduct or knowingly providing false information about or in relation to a complaint may be subject to discipline, up to and including termination of employment for just cause.

Reporting Procedure

An incident or a complaint of bullying and harassment or improper conduct should be reported as soon as possible after experiencing, witnessing, or becoming aware of the incident. Workers can report incidents or complaints of bullying and harassment or improper conduct either verbally or in writing. Generally, a worker should report bullying and harassment or improper conduct to their direct manager.

However, if the person who allegedly engaged in the bullying and harassment or improper conduct was either (i) the worker's manager, (ii) the owner/operator of **<ENTER ORGANIZATION'S NAME>** or (iii) a director or senior executive of **<ENTER ORGANIZATION'S NAME>** or the worker otherwise prefers to do so, the worker should report the bullying and harassment or improper conduct to the Human Resources department.

The manager or the Human Resources department, as the case may be, will take steps to ensure the safety of parties involved and either attempt to informally resolve the matter to the mutual satisfaction of both the complainant and the alleged perpetrator (if appropriate) or initiate the investigation procedure.

As part of the complaint process, the worker who reports the bullying and harassment or improper conduct will be asked to complete a Complaint Form. Where the worker verbally reports the bullying and harassment or improper conduct to their supervisor or the Owner Operator, the reporting contact may assist the worker with completing the Complaint Form.

<ENTER ORGANIZATION'S NAME> asks that the worker provide as much information about the complaint as possible, including the following information:

- Name(s) of the worker(s) who allegedly experienced bullying and harassment or improper conduct and their contact information (if known);
- Name of the alleged aggressor(s), their position, and their contact information (if known);
- Names of any witness(es) or other person(s) who may have relevant information to provide about the incident (if any) and their contact information (if known);
- Details of what happened including the date(s), frequency, and location(s) of the alleged incident(s);
- Any supporting documents the complainant may have in his or her possession that are relevant to his or her complaint;
- A list of any documents that a witness, another person or the alleged aggressor may have in their possession that are relevant to the complaint.

Once a complaint has been made, a full and prompt review of the conduct in question and any related behaviours and relevant facts shall be undertaken. All complaints of harassment shall be investigated in as confidential and expeditious a manner as possible. **<ENTER ORGANIZATION'S NAME>** shall ensure that an investigation that is appropriate in the circumstances is conducted.

Investigation Procedure

Initial Meeting:

A representative of **<ENTER ORGANIZATION'S NAME>** will determine whether the complaint meets the definition of bullying and harassment, including unlawful discrimination or sexual harassment, or improper conduct as outlined in this Policy.

Investigation:

An incident or complaint of bullying and harassment or improper conduct will be promptly and impartially investigated by an investigator to be determined by **<ENTER ORGANIZATION'S NAME>**. Depending on the circumstances, **<ENTER ORGANIZATION'S NAME>** may retain an independent, qualified third-party investigator to perform the investigation. The investigation will be completed in a timely manner, taking into account any extenuating circumstances (e.g. the illness or unavailability of witnesses, or a particularly complex investigation) that warrant a longer investigation.

The investigation will be completed and a determination regarding the reported bullying and harassment or improper conduct will be made. Investigations will:

- Be conducted in a prompt and expedient manner, keeping in mind the importance and necessity of conducting a thorough and diligent investigation;
- Involve reviewing all relevant evidence and conducting in person interviews with the parties to the complaint and all witnesses;
- Be fair and impartial;
- Be sensitive to the interests of all parties involved, and maintain confidentiality to the extent possible; and
- Incorporate, where appropriate, any need or request from any of the parties to the complaint for assistance during the investigation process.

Steps to an Investigation:

Step 1

The Investigator(s) will meet with each party separately to explain the investigation process, including the:

- Expected timetable;
- Overall process (interviews, review of documented evidence);
- Roles and responsibilities of anyone involved in the investigation **<ENTER ORGANIZATION'S NAME>**, supervisors, workers, Investigator(s), others);
- Confidentiality of the investigation (e.g. who will receive the investigation report); and
- Interim measures to limit the potential for bullying and harassment or improper conduct, if required.

<ENTER ORGANIZATION'S NAME> may reassign, or place on leave, either or both of the complainant and the individual who is the subject of the complaint during the investigation.

Step 2

The investigator(s) will gather evidence by speaking separately with both the complainant and respondent. If the parties agree on the details of what happened, the investigator(s) will proceed to Step 5. If they do not agree, the investigator(s) will interview witnesses or other involved parties

to determine what happened, where it happened, when it happened, what words may have been used, and the perceived impact.

Step 3

The investigator(s) will review the evidence and will submit a report to **<ENTER ORGANIZATION'S NAME>** with conclusions as to whether the evidence supports or does not support the complaint of bullying and harassment or improper conduct and, if applicable, recommendations for a remedy.

The fact-finding investigation may determine the complaint has merit or not, or alternatively may conclude that the complaint is unfounded. An unfounded complaint that is malicious in nature is very serious, and will result in appropriate discipline up to and including termination of employment for just cause.

After conducting its investigation, the investigation team will make an objective assessment of whether there has been a violation of this Policy.

Step 4

The outcome of the investigation, including any corrective action that has been taken or will be taken as a result of the investigation, will be reported in writing to the complainant and the individual who is the subject of the complaint (if that person is an **<ENTER ORGANIZATION'S NAME>** worker).

The outcome of the investigation, including any action to be taken, will be filed in the personnel file of the worker who engaged in bullying and harassment or improper conduct.

Step 5

If **<ENTER ORGANIZATION'S NAME>** determines that bullying and harassment or improper conduct has occurred, **<ENTER ORGANIZATION'S NAME>** will take prompt and effective remedial action commensurate with the circumstances, within an appropriate timeframe, to be determined at the conclusion of the investigation.

If remedial action is required, it will be to **<ENTER ORGANIZATION'S NAME>**'s aim to fully address the incident and ensure that future bullying and harassment, including unlawful discrimination and workplace sexual harassment, or improper conduct does not persist. **<ENTER ORGANIZATION'S NAME>** will determine a proper remedial course of action, including timelines. Actions may include:

- Counseling
- Education and training
- Formal written or verbal apology
- Mediation between the parties
- Discipline

If discipline is recommended, **<ENTER ORGANIZATION'S NAME>** will take such disciplinary action as it deems appropriate to the degree of the transgression and circumstances. Such disciplinary action may include any remedy up to and including immediate termination of employment for just cause.

Appropriate action will also be taken to deter any future bullying and harassment and improper conduct, which may include:

- Updating the workplace policy statement;
- Putting new preventive steps in place;
- Updating and providing training, education, and information for all workers; and
- Reminding supervisors/managers and workers of their duties regarding bullying and harassment and improper conduct.

If a person who is found to have engaged in bullying and harassment is not employed by **<ENTER ORGANIZATION'S NAME>**, **<ENTER ORGANIZATION'S NAME>** will take whatever corrective action it determines is reasonable and appropriate under the circumstances.

Where the complaint is not substantiated, **<ENTER ORGANIZATION'S NAME>** will take no further action, in relation to the complaint, against the person whose conduct was complained of.

Confidentiality

Every effort will be taken to ensure the strictest confidentiality is maintained at all times regarding a complaint, and any materials or information arising from a complaint and the complaint investigation which must be shared will be disclosed only on a "need to know" basis.

All information that **<ENTER ORGANIZATION'S NAME>** obtains about an incident or complaint of bullying and harassment or improper conduct, including identifying information about any individuals involved and any records or documents that are produced as part of an investigation, will be kept confidential unless **<ENTER ORGANIZATION'S NAME>** is required to disclose the information for the purposes of investigating or taking corrective action with respect to the incident or complaint, or unless **<ENTER ORGANIZATION'S NAME>** is required to do so by law.

It is essential that the complainant, respondent, and all other persons who are involved in a complaint and/or investigation regarding bullying and harassment or improper conduct maintain confidentiality throughout the complaint procedure, the investigation and after the investigation. Any worker who breaches their confidentiality obligations under this Policy may be subject to disciplinary action, up to and including termination of employment for just cause.

Record Keeping

<ENTER ORGANIZATION'S NAME> will maintain and have access to notes and records kept in relation to all matters under this Policy in accordance with applicable law. **<ENTER ORGANIZATION'S NAME>** will maintain the confidentiality of those notes and records to the extent reasonably practicable and appropriate in the particular circumstances and will not disclose those notes except in accordance with this Policy or as required by law. Records (incident reports, interview records, etc.) relating to any complaint will be retained for a period of up to 6 years, or as may be required by law.

Managing or Coaching

Nothing in this Policy should be read as restricting a manager from taking reasonable actions for the management and direction of a worker or the workplace, including but not limited to counselling, performance appraisal, work assignment, disciplinary action, demotions or transfers.

Retaliation/Reprisal

This Policy prohibits any retaliation/reprisal or threat of retaliation/reprisal against an worker who, in good faith, reports an incident of bullying and harassment or improper conduct under this Policy, who assists another person in making a report, who takes part in an investigation under this Policy, or who files an administrative claim with a government agency, including the British Columbia Human Rights Tribunal.

All workers who experience or witness any conduct they believe to be retaliatory should immediately follow the reporting procedures set out above.

Any worker who engages in retaliation/reprisal in breach of this Policy may be subject to discipline, up to and including termination of employment for just cause.

Policy Review

<ENTER ORGANIZATION'S NAME> and its Joint Health and Safety Committee (if applicable) will review this policy as often as is necessary, but at least annually and update it as necessary.

Worker fact sheet

Workplace bullying and harassment

Health and safety at work isn't just about addressing physical hazards, it also includes focusing on psychological hazards. WorkSafeBC's [Occupational Health and Safety Policies](#) outline the duties of workers, employers, and supervisors in preventing and addressing workplace bullying and harassment.

This fact sheet explains the duties of workers.

Worker duties include the following:

- Not engaging in bullying and harassment
- Reporting if bullying and harassment is observed or experienced
- Applying and complying with the employer's policies and procedures on bullying and harassment

Definition of workplace bullying and harassment

Includes any inappropriate conduct or comment by a person toward a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but **excludes** any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

Resources and additional information

Visit [worksafebc.com/bullying](https://www.worksafebc.com/bullying) for resources to help prevent and address workplace bullying and harassment. You can also call our Prevention Information Line for information about this or any health and safety topic: 1.888.621.7233.

Bullying and harassing behaviour can include:	Bullying and harassing behaviour does not include:
• Verbal aggression or yelling • Humiliating initiation practices or hazing • Spreading malicious rumours • Calling someone derogatory names • Any other inappropriate conduct or comment that would cause someone to feel humiliated or intimidated	• Expressing differences of opinion • Offering constructive feedback, guidance, or advice about work-related behaviour • Reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment (e.g., managing a worker's performance, taking reasonable disciplinary actions, assigning work)

RESOURCES

WorkSafeBC

www.worksafebc.com

Posters, templates and tools to help with Health & Safety needs

Canadian Centre for Occupational Health & Safety

www.CCOHS.ca

Federal Government agency dedicated to workplace safety across Canada

Posters, templates, programs and tools to help with Health & Safety needs

BC Human Rights Tribunal

www.bchrt.bc.ca

Information on discrimination based on protected grounds

One Eleven Entertainment Health & Safety

www.oneelevensafety.com

Review of your completed template to ensure compliance & OHS Consulting



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