



Intent

Shuswap Association for Community Living is dedicated to ensuring that employees can complete their duties in a safe environment, without fear of bullying, harassment, violence, or improper activity or behaviour.

As such, Shuswap Association for Community Living will not tolerate and is dedicated to preventing any instances of bullying, harassment, violence, or improper activity or behaviour in the workplace. All employees of Shuswap Association for Community Living share in the responsibility to ensure that our workplace is a safe and welcoming place to work.

SACL will endeavour to prevent workplace bullying, harassment, violence and improper activity or behaviour through policy, education and training of staff and management. Training will occur at hire, and at least annually thereafter.

Employees are responsible for reporting any and all instances of bullying, harassment, violence, and improper activity or behaviour, whether they were the target or they were witness to the incident. In all cases where a complaint of bullying, harassment, violence, or improper activity or behaviour is made in good faith, the employee will not be disciplined or retaliated against in any way.

Board Members, Management, and staff are prohibited from engaging in bullying, harassment or improper behaviour.

Our *Workplace Bullying, Harassment, Violence, and Improper Activity or Behaviour Policy* is not meant to stop free speech or to interfere with everyday interactions. However, what one person finds offensive, others may not. Usually, bullying, harassment, violence, and improper activity or behaviour can be distinguished from normal, mutually acceptable socializing. It is important to remember it is the perception of the receiver of the potentially offensive message, be it spoken, a gesture, a picture or some other form of communication which may be deemed objectionable or unwelcome, that determines whether something is acceptable or not.

This policy is written in compliance with the [Workers Compensation Act, Occupational Health and Safety Regulation](#) of British Columbia.

Definitions

Bullying and harassment: Any inappropriate conduct or comment by an individual towards an employee that caused or has the potential to cause that employee to be humiliated or intimidated.

Bullying and harassing behaviours include but are not limited to:

- ❖ Verbal aggression, inappropriate language, or yelling;

- ❖ Humiliating actions or practices;
- ❖ Hazing;
- ❖ Spreading malicious rumours; or
- ❖ Using derogatory names towards someone.

Bullying and harassing behaviours do not include:

- ❖ Expressing differences of opinions;
- ❖ Offering constructive feedback, guidance, or work-related advice about behaviour; or
- ❖ Reasonable action taken by Shuswap Association for Community Living or a Manager relating to management and direction of employees or the place of employment (e.g., counselling, managing a worker's performance, taking reasonable disciplinary actions, assigning work, implementation of disciplinary actions).

Cyberbullying: Bullying that occurs through the use of electronic communication (e-mail, text messaging, social networking, etc.). Incidents of cyberbullying should be reported and will be investigated in accordance to the procedures outlined within this policy.

In general, if you are not sure whether certain actions are considered bullying, ask yourself whether or not a reasonable person would consider the actions taken to be acceptable or unacceptable.

Workplace Violence: As defined in the [Worker's Compensation Act, Occupational Health and Safety Regulation](#) (Part 4.27) "violence means the attempted or actual exercise by a person, other than a worker, of any physical force so as to cause injury to a worker, and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that he or she is at risk of injury."

Violence could include, but is not limited to:

- ❖ Physical acts (e.g., hitting, shoving, pushing, kicking, sexual assault);
- ❖ Any threat, behaviour, or action which is interpreted to carry the potential to harm or endanger the safety of others, result in an act of aggression, or destroy or damage property; or
- ❖ Disruptive behaviour that is not appropriate to the work environment (e.g., yelling or swearing).

Discrimination: In accordance with British Columbia's [Human Rights Code](#), discrimination occurs when someone is treated differently or poorly because of one of the following:

- ❖ Race;
- ❖ Colour;
- ❖ Ancestry;
- ❖ Place of origin;

- ❖ Political belief;
- ❖ Religion or Spirituality;
- ❖ Family or marital status;
- ❖ Physical or mental disability;
- ❖ Sex;
- ❖ Sexual orientation;
- ❖ Age;
- ❖ Conviction of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person;
- ❖ Gender identity or Gender expression.

Improper activity or behaviour:

- ❖ The attempted or actual exercise by a 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; and
- ❖ Horseplay, practical jokes, unnecessary running or jumping or similar conduct.

Application of this Policy

This policy applies to all individuals working for the organization, including frontline employees, temporary employees, contract service providers, contractors, all supervisory personnel, managers, and directors. The organization will not tolerate bullying, harassment, violence, or improper activity or behaviour, whether engaged in by fellow employees, managers, directors, or contract service providers of the organization.

Shuswap Association for Community Living will not tolerate any form of bullying, harassment, discrimination, violence, or improper activity or behaviour against job candidates and employees on any grounds mentioned above, whether during the hiring process or during employment. This commitment applies to such areas as training, performance, assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.

For the purposes of this policy, bullying, harassment, violence, and improper activity or behaviour can occur:

- ❖ At the workplace;
- ❖ At employment-related social functions;
- ❖ In the course of work assignments outside the workplace;
- ❖ During work-related travel;
- ❖ Over the telephone, if the conversation is work-related; or

- ❖ Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship.
- ❖ Outside the workplace but involving SACL employees

Guidelines

At Shuswap Association for Community Living, we believe that employees have the right to work without fear of bullying, harassment, violence, or improper activity or behaviour.

Risk Assessment

The company will conduct a risk assessment of the work environment to identify any issues related to potential violence, bullying, harassment, or improper activity or behaviour that may affect the operation, and will institute measures to control any identified risks to employee safety. This information will be provided to the joint health and safety committee or safety representative.

The risk assessment may include review of records and reports (e.g., security reports, employee incident reports, staff perception surveys, health and safety inspection reports, first aid records, or other related records). Specific areas that may contribute to risk of violence, bullying, harassment, or improper activity or behaviour may include contact with the public, exchange of money, receiving doors, working alone or at night, etc. Research may also include a review of similar workplaces with respect to their history of violence.

In an effort to provide support to all of our employees, Shuswap Association for Community Living recognizes that domestic violence is a serious issue that our employees may face. Domestic violence that occurs outside of the workplace and beyond an employee's assigned work duties is not considered workplace violence; however, if domestic violence occurs within our workplace, we have a duty to respond. If we learn of an incident of domestic violence, we are committed to assessing the risk that it may pose to our employees.

Shuswap Association for Community Living will communicate information relating to a person with a history of violence where:

- ❖ Workers may reasonably be expected to come into contact with the person in the performance of their job duties; and
- ❖ There is a potential risk of workplace violence as a result of interactions with the person with a history of violence.

The company will only disclose personal information that is deemed reasonably necessary to protect the worker from physical harm.

Seeking Immediate Assistance

Canada's *Criminal Code* deals with matters such as violent acts, threats, and behaviours (such as stalking). The police should be contacted immediately when an act of violence has occurred in the workplace or when someone in the workplace is threatened with violence. If an employee feels threatened by a co-worker, volunteer, contractor, student, vendor, visitor, client, or customer, then an immediate call to "911" is required.

Responsibilities

Shuswap Association for Community Living shall:

- ❖ Not engage in any form of bullying, harassment, violence, or improper activity or behaviour;
- ❖ Develop and maintain policy statements on bullying, harassment, and violence;
- ❖ Take steps to prevent and minimize bullying, harassment, violence, and improper activity or behaviour;
- ❖ Develop, implement, and maintain procedures for reporting incidents and complaints;
- ❖ Develop, implement, and maintain procedures for investigating incidents and complaints;
- ❖ Investigate complaints of bullying, harassment, violence, and improper activity or behaviour promptly and impartially (within 7 days of receiving the complaint);
- ❖ Maintain a confidential file for complaints of harassment, bullying, violence, and improper activity or behaviour investigations completed, and actions taken;
- ❖ Report the incident to police where appropriate; and
- ❖ Apply appropriate disciplinary action where appropriate.
- ❖ Ensure supervisors and employees are aware of steps to prevent bullying, harassment, violence, and improper activity or behaviour in the workplace;
- ❖ Ensure employees and supervisors are properly trained in recognizing the potential for bullying, harassment, violence, and improper activity or behaviour;
- ❖ Ensure supervisors and employees are aware of how to respond to incidents, and procedures for reporting; and
- ❖ Review this policy and procedures annually.

Managers shall:

- ❖ Not engage in bullying, harassment, violence, or improper activity or behaviour of any kind;
- ❖ Comply with the policies and procedures in place for Shuswap Association for Community Living regarding bullying, harassment, violence, and improper activity or behaviour;
- ❖ Report any complaint of bullying and harassment, violence, and improper activity or behaviour immediately to the Executive Director or, in the instance where the complaint is related to the Executive Director, the Board Chair.

- ❖ Promote a respectful and safe working environment;
- ❖ Ensure employee adherence to the *Workplace Bullying, Harassment, Violence, and Improper Activity or Behaviour Policy*;

Employees shall:

- ❖ Not engage in bullying, harassment, violence, or improper activity or behaviour of any kind;
- ❖ Treat others with respect, and contribute to a respectful and safe work environment;
- ❖ Report all acts of bullying, harassment, violence, and improper activity or behaviour to management; and
- ❖ Comply with Shuswap Association for Community Living's policies and procedures regarding workplace bullying, harassment, violence, and improper activity or behaviour.

Witnessing Bullying, Harassment, Violence, or Improper Activity or Behaviour

It is the responsibility of all employees of Shuswap Association for Community Living to promote a respectful and productive workplace. When employees do not speak up about the presence of bullying, harassment, violence, or improper activity or behaviour, the employees tacitly condone the actions, and such actions may become more widespread.

Any employee who witnesses bullying, harassment, violence, or improper activity or behaviour is directed to:

- ❖ Offer the person support and inform them that you witnessed the incident.
- ❖ Encourage the person to come forward and let them know that you will be a witness and will provide a statement in the event of an investigation.
- ❖ In some cases, where the person decides to confront the individual informally, you may be asked to be a witness to the conversation (or as support).
- ❖ Where the person does not wish to make a complaint, it is still important that management is aware of the bullying, harassment, violent act, or improper activity or behaviour taking place in the workplace. Tell your manager or a member of human resources what you witnessed so that this type of behaviour can be eliminated at Shuswap Association for Community Living as soon as possible.

Reporting Bullying, Harassment, Violence, or Improper Activity or Behaviour

If you are being bullied or harassed, have been a victim of violence or improper activity or behaviour, or have witnessed such events:

- ❖ Make arrangements with your Services Manager and/or Union representative to meet with the person perpetrating the actions to inform them that their actions are unacceptable to you.

- ❖ Describe the specific actions that they took that caused you to feel uncomfortable. When confronted, in many instances, the person will stop. Sometimes a person is unaware that they are acting unacceptably. This may also prevent the act from escalating and possibly becoming dangerous.
- ❖ It is important to keep a record of dates and times where you have spoken to the person who has committed the act of bullying, harassment, violence, or improper activity or behaviour and inform your manager or supervisor or human resources of what occurred.

If bullying, harassment, violence, or improper activity or behaviour either continues to occur after a conversation with the individual, or is extreme or dangerous in nature, employees must report immediately. This includes complaints relating to member of the management team including the Director of Service, Services Managers, or the Quality Assurance Coordinator.

Process:

- ❖ Submit your complaint, reporting the incident (include dates and details) to the Executive Director.
- ❖ If the complaint is regarding the Executive Director, then the complaint should be reported to the SACL Board Chair (boardchair@shuswapacl.com). (The Board of Directors in this case will then follow Board Governance policy **BMR – 16 Bullying & Harassment Complaint Re: Executive Director** to conduct and timely investigation and determine appropriate corrective or disciplinary actions.)
- ❖ Write out a statement detailing the incidents including:
 - The names of the parties involved;
 - Any witnesses to the incident;
 - The location, date, and time of the incident;
 - Details about the incident (behaviour or words used); and
 - Any additional details that would help with an investigation.
- ❖ A fact-finding investigation will be instigated within 7 days of receipt of the complaint.
- ❖ Where it is determined that the person has contravened the law, the appropriate authorities will be contacted.
- ❖ All complaints shall be taken seriously and investigated fully and fairly.
- ❖ Employees who submit a report or complaint of bullying, harassment, violence, or improper activity or behaviour shall not be subject to any form of reprisal or retaliation as a result of the complaint.

Employees should be aware that Shuswap Association for Community Living does not support any retaliatory actions even where the complainant has not used any of the reporting mechanisms.

Investigating Reports of Bullying, Harassment, Violence, or Improper Activity or Behaviour

Once a written complaint has been received, Shuswap Association for Community Living will complete a thorough investigation within 7 days of receiving the complaint. Bullying, harassment, violence, and improper activity or behaviour will not be ignored. Silence can, and often is, interpreted as acceptance. The investigation will be conducted in a timely manner.

The Executive Director, and where appropriate, the employer representative of the OH&S Committee will be responsible for the investigation. In the case that the complaint is related to the Executive Director, the Board Chair or appropriate 3rd party will assume the responsibilities of the investigation in collaboration with a member of the OH&S Committee where appropriate.

For the purposes of this section, the following definitions apply:

Complainant: The person who has made a complaint about another individual whom they believe has bullied or harassed them, or committed an act of violence or improper activity or behaviour against them.

Respondent: The person whom another individual has accused of committing an act of bullying, harassment, violence, or improper activity or behaviour.

The investigation will include:

- ❖ Informing the respondent of the complaint;
- ❖ Interviewing the complainant, any person involved in the incident, and any identified witnesses.
- ❖ Interviewing any other person who may have knowledge of the incidents related to the complaint or any other similar incidents.

A copy of the complaint, detailing the complainant's allegations, will then be provided to the respondent.

- ❖ The respondent is invited to reply in writing to the complainant's allegations, and the reply will be made known to the complainant before the case proceeds further.
- ❖ The company will do its best to protect from unnecessary disclosure the details of the incident being investigated and the identities of the complaining party and alleged respondent.
- ❖ During the investigation, the complainant and the respondent will be interviewed, as will any possible witnesses. Statements from all parties involved will be taken and a decision will be made.
- ❖ Where it is determined that harassment has occurred, a written report of the remedial action will be given to the employees concerned.

All documents related to the formal investigation will be maintained within a locked cabinet.

Disciplinary Actions

If the findings of the investigation indicate that a violation of the *Workplace Bullying, Harassment, Violence, and Improper Activity or Behaviour Policy* has occurred, immediate and appropriate disciplinary action, up to and including dismissal, shall be administered. Other corrective actions may include an employee transfer (where the complainant desires the transfer, it shall be provided to them but in all other cases, the respondent will be transferred). In addition, Shuswap Association for Community Living will monitor the situation between the employees to ensure that the action does not reoccur. Corrective actions shall be proportional to the severity or frequency of the offence.

Appeal Process

If the complainant or respondent have worked with the process and feel that it has failed at some point, or that the corrective action is not consistent with the incident that led to the original complaint, an appeal process is in place. The employee must complete a written complaint form and submit it to senior management. The form should include all of the reasons why the employee did not feel that the process was equitable. Where necessary, further investigation will be instigated.

Fraudulent or Malicious Complaints

This *Workplace Bullying, Harassment, Violence, and Improper Activity or Behaviour Policy* must never be used to bring fraudulent or malicious complaints against employees. It is important to realize that unfounded or frivolous allegations of bullying, harassment, violence, or improper activity or behaviour may cause both the accused person and the company significant damage. If the company determines that any employee has knowingly made false statements regarding an allegation of bullying, harassment, violence, or improper activity or behaviour, immediate disciplinary action will be taken. As with any case of dishonesty, disciplinary action may include immediate dismissal without further notice.

Confidentiality

Shuswap Association for Community Living will attempt, in all cases, to maintain the confidentiality of the complainant and respondent. While it is not always possible to do so when soliciting witness statements, Shuswap Association for Community Living will not release any information to other employees which would jeopardize the confidentiality of the parties involved. Where it is determined that legislation or law was contravened, Shuswap Association for Community Living will supply any and all evidence to the authorities as necessary, in accordance with [PIPA](#).

Providing Support

Shuswap Association for Community Living is committed to the wellbeing of all of our employees; as such, where there has been an incident of bullying, harassment, violence, or improper activity or behaviour, we will ensure that the necessary support is provided to employees. Employees who feel adverse symptoms

as a result of an incident are encouraged to speak with human resources or another member of management so that the necessary support can be provided.

Training

Shuswap Association for Community Living will provide training on the *Workplace Bullying, Harassment, Violence, and Improper Activity or Behaviour Policy*, ensuring that:

- ❖ Employees understand the contents of the policy;
- ❖ Employees, supervisors, and managers recognize bullying and harassment in the workplace;
- ❖ Employees know how they can respond to and report incidents of bullying, harassment, violence, and improper activity or behaviour;
- ❖ Employees understand how the company will respond to and investigate reports of bullying, harassment, violence, and improper activity or behaviour;
- ❖ Managers are adequately trained on how to respond to and investigate reports of bullying, harassment, violence, and improper activity or behaviour; and
- ❖ Managers are adequately trained on how to provide support for employees who may suffer from adverse symptoms as a result of bullying, harassment, violence, or improper activity or behaviour.

Policy Review

Shuswap Association for Community Living will review the contents of this policy annually, or sooner, in the event of any incident occurring, or when there are legislative changes related to bullying, harassment, violence, or improper activity or behaviour in the workplace.