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<u>AUTHORIZATION</u> Vice President, People and Organization Development	<u>DATE APPROVED</u> June 2005	<u>CURRENT VERSION DATE</u> February 2016

DATES REVISED / REVIEWED SUMMARY

Version	Date	Comments / Changes
1.0	June 2005	Initial policy was released
2.0	May 2014	The initial Respectful Workplace policy was implemented in 2005 and since that time, a number of legislative and operational changes have taken place that requires a revision of the policy. Some of the changes include: <ul style="list-style-type: none"> • Implementation of WorkSafe BC - Bill 14 legislation • Implementation of new Collective Agreement language regarding harassment in the workplace • Many new Managers and employees hired • Alignment to the Provincial Core LINX Program The policy has been refreshed and a Resolution Team, utilizing existing resources, will roll out in 2014-2015 to support the organization in managing and reducing the number of respectful workplace complaints.
3.0	December 2014	"Peer Mediation Program Team" name changed to "Resolution Team" (as above)
4.0	December 2015	Respectful Workplace policy reviewed.

INTENT / PURPOSE

The Respectful Workplace Policy establishes policy, practices, and procedures that promote an environment of mutual respect, safety, and inclusiveness for all employees, physicians, volunteers, students, and others working within Fraser Health. Fraser Health is committed to ensuring that all individuals working within the organization are treated with dignity and respect, free from discrimination and harassment, and supported in resolving workplace disputes in a constructive manner.

Through this Policy, Fraser Health supports the maintenance of Respectful Workplaces by providing:

- Education about appropriate workplace behaviour and dispute resolution;
- Definitions for discrimination, harassment, and personal harassment or bullying;
- Accountability for everyone in our organization in maintaining a respectful workplace; and
- A fair complaint resolution procedure for resolving disputes or incidents related to this Policy.

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Behavioural Expectations

All individuals covered by this Policy are accountable for their own behaviour and must conduct themselves in a respectful, non-discriminatory, and co-operative manner in the workplace and at all work-related gatherings and events.

POLICY

This Policy applies to all employees, physicians, volunteers, students, contractors and others who work within Fraser Health.

This Policy extends to any location at which the business of Fraser Health is conducted, including buildings, grounds, vehicles, Health Authority equipment and non-Fraser Health operated spaces where Fraser Health individuals are gathered under the auspices of the Health Authority. Work related travel, telephone conversations, and online activities such as email and social networking are covered by this Policy. If conduct has workplace impact, or began from a workplace relationship, it may be covered by this Policy.

Every individual working within Fraser Health has the right to be treated with fairness, courtesy, and respect.

In addition, every individual working within Fraser Health is responsible for conducting themselves in a respectful manner, including:

- a) Taking responsibility for their own conduct and its impact on others,
- b) Attempting to resolve personal differences in the workplace in a respectful manner,
- c) Approaching their Manager, Human Resources (respect@fraserhealth.ca), or Physician Leader if they need advice on how to resolve an interpersonal conflict in a constructive manner,
- d) Reporting any violations of this Policy to their Manager, Physician Leader, or Human Resources (respect@fraserhealth.ca), and
- e) Participating in appropriate initiatives to improve respect and conflict resolution within their work units, including coaching, in-service training, and/or internal or external expert intervention.
- f) All leaders who receive a complaint must contact their Human Resources Consultant without delay.

No individual working within Fraser Health will be subjected to discrimination or harassment. Failure of any individual to maintain respectful conduct may lead to discipline up to and including termination of employment, revocation of admitting privileges, and/or cancellation of contract.

All leaders have responsibility to create and maintain a respectful work environment by:

- a) Modeling respectful and appropriate conduct,

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- b) Ensuring staff are aware of the expectations for a respectful work environment through discussion and educational opportunities,
- c) Attaching significance to this Policy during orientation of new individuals and performance management if applicable with existing employees and volunteers,
- d) Taking timely and corrective action if they observe or become aware of behaviour in violation of this Policy,
- e) Contacting their Manager, Director, Physician Leader, and/or Human Resources Consultant immediately upon receipt of a complaint or upon becoming aware, with or without a complaint, of behaviour that is in violation of this Policy,
- f) Supporting all involved parties in resolving issues under the Policy, and cooperating with priority in any investigation undertaken by Fraser Health.

STANDARDS

- All relevant organizational policies,
- professional and ethical standards that govern the conduct of care provider and staff,
- collective agreements.

DEFINITIONS

Personal Harassment

Personal harassment is defined as conduct or comment directed towards a specific individual, that a reasonable person would know or ought to know would be unwelcome, which serves no legitimate work-related purpose and has the effect of creating a demeaning, intimidating, hostile, or offensive work environment. Personal harassment is often referred to as "bullying."

Examples of personal harassment include, but are not limited to:

- psychological abuse (e.g., badgering, following, staring down),
- verbal abuse (e.g., yelling, swearing, ridicule),
- spreading malicious gossip or rumours,
- inappropriately interfering with or sabotaging another individual's work,
- practical jokes which cause awkwardness or embarrassment,
- cyber-bullying, or targeting or demeaning someone through online activities such as email, text messaging, or social networking,
- verbal or perceived physical threats,
- physical assault.

To constitute Personal Harassment there must be:

- a) a single, serious incident of conduct or comment that has a lasting, harmful impact on an individual, or
- b) repeated conduct or comments that have a lasting, harmful impact on an individual.

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Personal harassment can occur even where there is no intention to harass or offend.

Discrimination

Discrimination is defined as the unfair, differential treatment of an individual or group on the basis of one or more of the protected categories stated under the BC Human Rights Code. The protected categories include: age, ancestry, place of origin, colour, race, religion, sex, unrelated criminal conviction, family status, marital status, mental or physical disability, political belief, and sexual orientation. (In addition, gender identity is considered a ground related to the protected ground of sex for the purposes of this section.) Discrimination of this nature imposes burdens or obligations on an individual or group that serves no work-related function.

To constitute Discrimination there must be:

- a) a single, serious incident of conduct or comment that has a lasting, harmful impact on an individual, or
- b) repeated conduct or comments that have a lasting, harmful impact on an individual.

Discrimination can occur even where there is no intention to discriminate or offend.

Discriminatory Harassment

Discriminatory harassment is defined as conduct or comment directed at an individual or group based on one or more of the protected categories of the BC Human Rights Code: age, ancestry, place of origin, colour, race, religion, sex, unrelated criminal conviction, family status, marital status, mental or physical disability, political belief, and sexual orientation. Discriminatory harassment, whether intended or not, is known or ought reasonably to be known to be unwelcome, has the effect of creating a hostile, intimidating, or offensive work environment, and results in negative impacts for an individual or group.

Examples of discriminatory harassment include, but are not limited to:

- derogatory written or verbal communication or gestures that relate to any of the protected categories (e.g., name calling, slurs, graffiti, jokes, remarks, taunting, pictures, or posters),
- orders given or tasks assigned based on any of the protected categories,
- threats made or perceived based on any of the protected categories,
- application of stereotypes based on any of the protected categories.

Sexual Harassment

Sexual harassment is defined as conduct or comment related to a person's sex, sexual orientation, or sexual activities. Sexual harassment is defined by any or all of the following conditions:

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- a) conduct or comment of a sexual nature made by a person who knows or ought reasonably to know that such conduct or comment is unwanted or unwelcome;
- b) expressed or implied promise of a reward for complying with a request of a sexual nature;
- c) actual reprisal or an expressed or implied threat of reprisal for refusal to comply with a request of a sexual nature;
- d) actual denial of an opportunity or an expressed or implied threat of denial of opportunity for refusal to comply with such a request;
- e) the conduct or comment is intended to, or has the effect of, creating an intimidating or hostile environment;
- f) differential treatment of a former or current intimate partner where a power relationship exists.

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

- remarks or innuendoes regarding an individual's body, appearance, or sexual life,
- unwelcome questions or sharing of personal information regarding a person's marital status, sexuality, sexual activity, sexual orientation, or gender/transgender issues,
- persistent, unwelcome invitations or requests,
- displaying sexually graphic or derogatory pictures or written materials (including on a computer screen),
- use of online activities such as email, text messaging, or social networking to
- initiate or participate in any of the above behaviours,
- leering, ogling, or sexually oriented gestures,
- inappropriate and unnecessary touching,
- sexual assault, and
- stalking.

What is Not Harassment

Harassment is a serious offence and must be distinguished from legitimate workplace activities and relationships. Nothing in this Policy is intended to reduce the rights and responsibilities of a Manager, Director, Physician Leader, or Executive to appropriately and in good faith, manage the work performance of individuals in their work teams. Examples of the legitimate exercise of supervisory and managerial responsibilities include, but are not limited to:

- advising or coaching,
- assigning or changing work duties,
- managing and appraising performance ,
- taking appropriate disciplinary action.

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Similarly, not every difficult workplace interaction or conflict is considered harassment. Examples of conduct not considered harassment under this Policy include, but are not limited to:

- differing perspectives that are not threatening or demeaning,
- respectful discussion of differences in opinion,
- differing communication or work styles that are within reasonable limits of respectful workplace interactions,
- consensual workplace banter that is reasonably understood to be welcome by everyone involved, including individuals who may witness the conversation.

PROCEDURES FOR RESOLVING COMPLAINTS

Fraser Health supports the use of conflict resolution practices and procedures that result in remedies appropriate for each situation and that foster a respectful workplace. Anyone working within Fraser Health who believes they are experiencing discrimination, harassment, or bullying is strongly encouraged to attempt to resolve their concern as early as possible to avoid the escalation of conflict and to ensure a timely and effective resolution.

Procedures available under this Policy include a range of options on a continuum, beginning with individuals resolving their concerns through a collaborative conversation with the other party if possible and progressing to involve a Supervisor, Manager, Physician Leader, or Human Resources to the extent necessary for resolving the complaint.

Specific procedures to address a complaint beyond the efforts of an individual to resolve a concern on their own will be determined on a case by case basis by the appropriate Supervisor, Manager, Physician Leader, or Human Resources. Procedures will follow best practices and take into account the unique circumstances of a given situation. Factors considered in determining the appropriate organizational response to a complaint include, but are not limited to:

- the nature of the alleged behaviour causing concern,
- the impact of the alleged behaviour, the history between the parties,
- the employment relationship between the parties,
- whether there have been previous attempts to resolve the concern,
- the outcome of previous attempts at resolution,
- the support requested by the individual making the complaint, and
- whether the allegations would constitute a violation of this Policy.

Members of Fraser Health may use the following steps to address their concerns:

1. An individual who believes that they have experienced Personal Harassment or Discrimination (the complainant) should ask the other party (the "respondent") for a discussion of their concern, if it is reasonable and possible to do so. The

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parties should meet in a quiet place to maintain confidentiality and privacy as much as possible. If necessary, the individuals should request supervisory permission to step away from their duties into a private area.

The purpose of the discussion is to:

- make the respondent aware that their behaviour is unwelcome,
- hear the respondent's perspective, and
- ask that the conduct stop.

If the concerns are successfully resolved, no further steps need be taken. If the complainant told their Supervisor or Manager that the discussion was taking place, the complainant should inform them that the matter is resolved.

For further guidance on how to have an interpersonal conversation about a concern, see [Appendix A: Guidelines for Discussing Unwelcome Conduct](#).

2. If discussion between the parties is not possible or does not resolve the situation, the complainant should bring the incident to the attention of their Supervisor or Manager or designate as soon as possible. The complainant should make their own written record of any incident(s), location, dates, times, and names of persons who may have witnessed the conduct and any action taken to address the incident(s). The complainant may be asked to provide a written statement with the details of the alleged incidents.

Request for support may vary under the following circumstances:

- If the conflict involves the Manager, the complainant should ask their Director or Human Resources (respect@fraserhealth.ca) for assistance.
- If the conflict involves a Physician, the complainant should ask the Division or Department Head for assistance or Human Resources (respect@fraserhealth.ca)
- If the conflict involves the Division or Department Head, the complainant should contact the Medical Director or the Vice President, Medicine or Human Resources (respect@fraserhealth.ca).
- In the instance of a Manager, Physician Leader, or Human Resources Consultant being away from work, the complainant should contact the person acting or Human Resources (respect@fraserhealth.ca).

Managers or Physician Leaders must contact their Human Resources Consultant about the complaint without delay. Human Resources may, at their discretion, engage an external consultant or other appropriate person to assist in conducting a consultation with the complainant.

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3. The complainant will be provided the opportunity to meet with the Manager, Respectful Workplace/Human Resources Consultant, or external consultant, as determined by Human Resources to fully review the concern, this Policy, and the range of potential options available for addressing the complaint, including:
- facilitative support such as coaching on how to approach the respondent to find resolution,
 - education for involved parties about this Policy,
 - mediation between the involved parties, and
 - a fact finding investigation when appropriate.

For further guidance on procedures, please see [Appendix B: Procedural Guidelines for the Resolution of Respectful Workplace Complaints](#).

Witness and Third Party Complaints

In the case of witness or third party complaints, and where a complainant has not come forward, the appropriate Manager in consultation with Human Resources will meet with witnesses in order to assess the situation, generate options for addressing or otherwise minimizing the concerns, and determine whether any further preventative or remedial action should be taken to ensure a safe and respectful work environment. Options may include facilitative measures such as coaching or education, as well as ensuring workplace unit awareness of the responsibilities under this Policy and the available support and procedures for addressing concerns. While third party complaints will not typically be carried forward without an identifiable complainant, witness reports of conduct that indicate legitimate perceived risk of serious harm to an individual or group may prompt action by Fraser Health exceptional to typical practice and in keeping with employer obligations to ensure the safety and dignity of all individuals within our organization.

Confidentiality in Complaint Process

The name of the complainant and the circumstances of the complaint will not be disclosed except as necessary for the fair and proper investigation and resolution of the complaint. Information that must be shared will be disclosed on a “need to know” basis only. All parties involved in a complaint resolution process under this Policy are expected to maintain confidentiality of any information they receive during the course of the process. A breach of confidentiality will be considered a violation of this Policy.

Time Limits for Making a Complaint

Individuals may discuss concerns with their Managers or Human Resources (respect@fraserhealth.ca) at any time; however, complaints under this Policy are generally expected to be submitted within six (6) months of the most recent alleged incident giving rise to the complaint. The Director, Consulting Services may extend the time limits set out in this Policy if they deem the circumstances warrant it.

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Other Dispute Resolution Procedures

This Policy does not limit individuals from pursuing resolution of a complaint through other available procedures such as:

- the grievance procedure of a collective agreement,
- the Complaints Investigation Protocol of the Facilities Collective Agreement,
- the Medical Staff Bylaws for the Fraser Health Authority,
- WorkSafe BC, or
- the BC Human Rights Tribunal.

However, if a complainant chooses to have their concern addressed through an alternate forum such as those above, the Director, Consulting Services may, at their discretion, decline to proceed further with the complaint under this Policy in order to avoid the situation of having simultaneous processes addressing the same concern.

Record and Disposition

All written file material will be kept in confidence in Human Resources. No record of a complaint, investigation, or decision will go in the complainant's employee file, if the complaint was made in good faith. Any unfavourable work reviews or comments that were placed in the complainant's personnel file because of Discrimination or Personal Harassment will be removed from the file. If the investigation does not find evidence to support the complaint, there will be no documentation concerning the complaint placed in the respondent's employee file. When the investigation reveals that Discrimination or Personal Harassment occurred, the incident and the corrective action will be recorded in the respondent's employee file. In the case of bad faith complaints, the incident and the corrective action will be recorded in the complainant's employee file.

Request for Appeal

Where a complainant or respondent believes the investigation process was flawed or unfair, a complainant or respondent may appeal the decision of the Director, Human Resources Consulting Services by writing to the Vice President, People and Organization Development within 30 days of receipt of an investigation outcome. The person seeking a review must provide specific reasons why they believe the investigation process was flawed or unfair. The Vice President, People and Organization Development will only proceed with an appeal where it appears there is legitimate concern with the investigative process.

Interim Measures

Interim measures may be imposed during the complaint resolution process to ensure the work environment is safe and the operation of the involved unit is not compromised. These measures will be determined and implemented by the appropriate unit Manager in consultation with Human Resources, the unit Vice President, the delegated external consultant conducting the investigation, and any other relevant parties.

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Interference or Retaliation

Interference with the conduct of an investigation or retaliation against any individual involved in a complaint of Personal Harassment or Discrimination, whether the complaint was substantiated or unsubstantiated, may result in discipline up to and including termination, revocation of privileges, and/or cancellation of contract.

Bad Faith Complaints

Should a complaint be found by an investigator to have been made in bad faith, this finding will be reported to the Director, Human Resources Consulting Services. A complaint will be deemed to have been made in bad faith when it was made solely to cause trouble or annoyance to another individual or to receive some personal benefit. The Director, Human Resources Consulting Services will recommend appropriate action including discipline for the complainant.

Freedom of Information and Protection of Privacy

Information regarding complaints will not be shared with others except as required by law, such as in the area of child abuse, subpoena, or perceived risk to others.

Any allegation or formal complaint of Discrimination or Harassment under this Policy will be considered personal information "supplied in confidence" for the purpose of Section 22 (2)(f) of the Freedom of Information and Protection of Privacy Act. The substance of investigative reports and meetings held by those in authority to make a decision on the disposition of the complaint will be protected from disclosure to third parties in accordance with Section 22 (2)(f) and Section 22 (2)(h).

Policy Review

This Policy will be reviewed on an annual basis to ensure its policy statements and reporting procedures remain clear, relevant, and practical for the organization. The Policy will be amended as considered necessary.

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APPENDIX A: GUIDELINES FOR DISCUSSING UNWELCOME CONDUCT

Fraser Health supports the early resolution of complaints through informal measures whenever possible, and when safe and reasonable. Anyone who believes they have experienced discrimination, harassment, or bullying should make efforts to discuss their concern with the other party as an important first step in resolving the issue. The purpose of the discussion is to make the other party aware of the concern, provide them an opportunity to express their own point of view, and attempt to work out a resolution to the problem.

In discussing their concern, individuals are encouraged to:

- thank the other for agreeing to discuss the problem;
- speak calmly, clearly, and concisely, allowing turns to speak;
- listen quietly and carefully, avoiding interruption;
- describe from their own point of view their observation and perception of the conduct causing concern;
- focus on how this behaviour has impacted the workplace, rather than on the other person's intent;
- take time to check that you are understanding;
- ask questions to clarify what the other person means;
- state their suggestion or request for how to resolve the concern;
- ask for positive suggestions if the other person does not agree with the suggested resolution or request;
- confirm their commitment to being part of the resolution;
- confirm the agreed upon resolution and clarify what each person will do to implement the resolution;
- thank the other for their willingness to meet with you and/or help solve the problem.

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APPENDIX B: PROCEDURAL GUIDELINES FOR THE RESOLUTION OF RESPECTFUL WORKPLACE COMPLAINTS

This appendix provides general guidance regarding the procedures used to resolve complaints under the Respectful Workplace Policy. The procedures below fall on a continuum, beginning with individual efforts to resolve concerns and progressing to interventions involving leadership guidance and support as necessary.

Specific timelines and additional procedural decisions for the resolution of complaints are assessed and determined on a case by case basis, taking into account the specific context of each situation in order to determine the most appropriate route for resolution.

Complaints resolution procedures include the following progressive steps:

1. Whenever possible, individuals are encouraged to try and resolve a concern through a collaborative one-on-one conversation with the other party. If the issue is resolved, no further steps are necessary.
2. If discussion between parties is not possible or does not resolve the situation, individuals should ask their Leader or Human Resources (respect@fraserhealth.ca) for support. An external consultant may also be provided at the discretion of Human Resources to meet with the complainant and complete a full intake of the complaint.

Complainants will be informed of their right to a support person.

Respondents will be informed of their right to a support person and will be advised of the allegations reported.

3. If it is determined that the allegations are consistent with a violation of this Policy, options for proceeding will be discussed with the complainant. These options may include the following:
 - facilitative support such as coaching about how to approach the respondent,
 - education for involved parties about matters related to this Policy, and
 - mediation between the parties.

If the complainant and respondent agree, a dispute resolution process such as mediation will be conducted. Any process for resolving the complaint will be conducted fairly and in confidence. Any agreement will be noted.

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4. If the above options are unsuccessful in resolving the concerns, or if they are not appropriate interventions due to the nature of the complaint, a fact finding investigation may be initiated at the discretion of Human Resources. A complainant is not obligated to pursue an investigation. However, the Fraser Health Authority reserves the right to pursue an investigation and resolution process with or without the complainant's consent when it has sufficient concerns about the alleged conduct and the need to ensure a safe and respectful workplace. When physicians are involved, the appropriate Medical Director and Vice President, Medicine will be informed and consulted.

5. Investigations will be objective, fair, and provide due process for all parties. The investigator will interview those involved including any witnesses the investigator believes may have information relevant to the complaint and will review any documents he/she considers relevant. The investigator will apply appropriate procedures and practices to conduct interviews properly and confidentially. This will include each party's right to know and respond to all allegations. At the conclusion of the investigation the investigator will provide a summary of the allegations, the testimony provided by all parties, and a determination as to whether or not this Policy has been violated.

6. If the investigator has found that there has been a violation of the policy the recommendations will be brought forward for appropriate leadership direction and action.