



Board Policy Discrimination, Bullying, Harassment or Abuse

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The purpose of this policy is to ensure the Vancouver Island Regional Library provides a positive, comfortable and professional environment, and will not accept nor tolerate any form of discrimination, bullying, harassment or abuse directed by, or at, any library employee, by another employee, Board member, or member of the public. The Board believes in a positive environment for customers and employees, and is committed to preventing acts of discrimination, bullying, harassment or abuse.

The British Columbia Human Rights Code protects individuals from discrimination or harassment because of race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age, or because the person has been convicted of a criminal or summary conviction offense that is unrelated to the employment or intended employment. The Code protects people against acts of discrimination and harassment which occur at or away from the workplace, during or outside normal working hours, provided such acts are committed within the course of employment.

The Workers Compensation Act requires an employer to take all reasonable steps in the circumstances to ensure the health and safety of its workers, and all other workers present at a workplace at which the employer's work is being carried out.

Harassment includes

- Unwelcome sexual advances or requests;
- Unwelcome touching or physical contact;
- Staring at or making unwelcome comments about someone's physical appearance.

Bullying

Includes any inappropriate conduct or comment by a person(see definitions) towards 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.

Definitions

- a. Person – includes any individual, whether or not they are a workplace party.
- b. Reasonable Person – a person who exercises the degree of attention, knowledge, intelligence, and judgment that society requires of its members for the protection of their own and of others interests. The reasonable person acts sensibly, does things without serious delay, and takes proper but not excessive precautions.

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Reporting

If anyone believes that he or she has been subjected to discrimination, bullying, harassment or abuse in the workplace, or in connection with work related activities outside the workplace, that person should report the details of the incident in writing to their supervisor, the Director of Human Resources or the Executive Director, depending upon whomever they feel most comfortable.

All complaints will be handled in a confidential and timely manner. Investigation of a complaint will normally include conferring with the parties involved, and any named or apparent witnesses. All persons involved shall be protected from coercion, intimidation, retaliation, interference, discrimination, bullying, harassment or abuse for filing a complaint or assisting in an investigation.

Guide to Reporting

When an employee reports an incident they should include the following information:

1. A statement identifying they have or have not read the workplace policy statement and procedures on discrimination, bullying harassment or abuse in the workplace.
2. A statement identifying they do or do not understand how to make a complaint and what to expect in the investigation process.
3. A statement identifying they are or are not comfortable discussing the situation with the individual(s) involved.
4. A statement identifying they have or have not read Occupational Health and Safety policy D3-116-1 Worker Duties – Workplace Bullying and Harassment.
5. A statement identifying the issue can or cannot be resolved.
6. A statement identifying they do or do not understand their reporting options if the person bullying or harassing them is the employer.
7. A statement identifying they know they may contact the WorkSafe BC prevention department to report bullying or harassment by their employer.
8. A statement identifying the key people who will support them (including people outside the workplace).
9. A statement identifying the date, time and location of the incident. A list of people involved (including witnesses) and a description of the situation (words, tone, actions, etc.) and the impact (humiliated, intimidated, etc.).

Investigation Process

This policy is designed to ensure that complaints of discrimination, bullying, harassment or abuse are dealt with quickly and will comply with current collective agreement language, Human Rights Code and Workers Compensation Act.

1. A written statement with a specific and clear description of the words or actions, and

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signed by the complainant, will initiate the process.

- a. An investigation will be initiated in a timely manner after receiving the complaint.
2. Investigation team members may include, but not be restricted to, the Executive Director, immediate supervisor, Director of Human Resources, a union representative, and others as deemed appropriate.
3. Interviews will be conducted with the complainant and the alleged offender, and any other employees who may be able to provide additional information.
4. If the investigation reveals evidence to support the complaint of discrimination, bullying, harassment or abuse appropriate disciplinary action will be taken.
 - a. The complainant will be advised the investigation revealed evidence to support the complaint and follow up action has been initiated.
5. If the investigation reveals no evidence to support the complaint no documentation shall be placed in the accused employee's personnel file.
 - a. The complainant will be advised the investigation did not reveal evidence to support the complaint and the case is closed.
6. The Employee Assistance Program shall be made available to the complainant or accused, where appropriate.

Violation

If the investigation reveals that the complaint is valid, prompt attention and disciplinary action designed to stop the discrimination, bullying, harassment or abuse immediately, and to prevent its reoccurrence, will be taken.

Violation of this policy is a form of misconduct, and is grounds for disciplinary action appropriate to the level of proven misconduct, up to and including termination of employment.