



Respectful Workplace

Purpose

Vancouver Island Regional Library (VIRL) is committed to providing and sustaining a workplace that promotes an environment where all individuals are treated with respect and dignity. To that end, VIRL commits to providing a work environment that is free from bullying, harassment and discrimination.

To foster this objective, VIRL will:

- Ensure that employees are aware that certain behaviours will not be tolerated; and
- Ensure complaints of bullying, harassment or discrimination are investigated and resolved in a fair, timely and confidential manner.

Scope

This Policy applies to all VIRL employees and Trustees in their interaction with VIRL staff. The Policy addresses all forms of personal and electronic communications including email and social media. Members of the public, visitors to VIRL facilities, or individuals conducting business with VIRL, are expected to comply with the standards of behavior mandated by this Policy.

Appropriate Workplace Behaviour

While it is not possible to list all appropriate or inappropriate behaviour, the types of behaviour that are encouraged are those which support and create a respectful and dignified workplace.

Management and supervisory actions relating to the supervision and management of employees' behaviour and work performance, including the imposition of corrective or disciplinary actions, do not constitute bullying, harassment or discrimination.

Inappropriate Workplace Behaviour

Inappropriate workplace behaviour is conduct which is objectionable to others and serves no legitimate work-related purpose. Inappropriate behaviour is conduct which a reasonable person would know or ought to know would cause offence, humiliation or intimidation and thereby contributes to or creates a poisoned work environment.

Examples of inappropriate workplace behaviour include:

- Persistent unwelcome, disrespectful and demeaning behaviour, such as using unwarranted or excessive criticism, nit picking, fault finding, exclusion, isolation, mocking, shaming, being singled out and treated differently, being shouted at and otherwise humiliated;

- Discriminating against other employees through the denial of equal treatment and opportunity in an employee's employment on any basis other than a bona fide occupational requirement or exceptions identified in applicable human rights legislation;
- Verbal aggression, insults or threats;
- Humiliating initiation practices, hazing or mobbing;
- Spreading malicious rumors and engaging in harmful gossip;
- Persistently referring to other individuals or groups of individuals in a derogatory fashion either in direct or indirect forms, including through the use of electronic media;
- Vandalizing personal belongings;
- Unsafe behaviour of all kinds, including "horseplay";
- Abuse of legitimate authority or being excessively confrontational; and
- Discrimination is specifically prohibited in the British Columbia *Human Rights Code* on the basis of the following factors. Further, harassment on the same basis is considered discrimination contrary to the Code.
 - Age
 - Ancestry
 - Colour
 - Marital status
 - Mental disability
 - Physical disability
 - Place of origin
 - Political belief
 - Race
 - Religion
 - Sex
 - Sexual Orientation
 - Criminal conviction unrelated to the employment
 - Gender identity or expression
 - Family status

In assessing situations that involve bullying or harassment, it is not only the intent that will determine whether bullying or harassment has occurred, but also the impact on the person who has been subject to bullying, harassment or discrimination.

For further clarification, bullying, harassment or discrimination includes, but is not limited to, the following behaviour:

Verbal: Derogatory comments, slurs, propositions or otherwise offensive words or comments, whether made in general, or directed to an individual or to a group of people, regardless of whether the words were intended to threaten, coerce, bully, harass or discriminate. This includes but is not limited to: inappropriate sexually-oriented comments on appearance, including dress or physical features; sexual rumors; code words; and race oriented stories. Behaviour such as "ganging up" to force someone out of the workplace through rumour, gossip, innuendo, intimidation, humiliation, discrediting and isolation.

Visual: Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, notes, bulletins, drawings or pictures. This applies to posted material, clothing and material maintained in or on VIRL equipment or personal property in the workplace.

Workplace

The “Workplace” is not confined to the offices and buildings where business of VIRL is being carried out.

Inappropriate behaviour can occur during or after working hours, on or off VIRL property. Inappropriate behaviour can occur during business travel, at work-related social gatherings, through internet communications, or at other locations where the prohibited conduct may have a subsequent impact on the work relationship, environment or performance of any person to whom this policy applies.

Where workplace behaviour potentially constitutes a criminal offence or poses a serious threat, VIRL will refer the matter to the RCMP.

Definitions

Complainant	A person making a complaint verbally or filing a formal written complaint under the Respectful Workplace Policy.
Respondent	A person who has been named as allegedly engaging in inappropriate behaviour that is prohibited under this Policy or as defined under the <i>Human Rights Code</i> .
External Investigator	A person from outside VIRL and retained by VIRL to investigate a formal complaint/incident.
Internal Investigator	A person employed by VIRL assigned or designated to investigate an informal or formal complaint/incident.
Mediation	A voluntary process that may be used to resolve a dispute by assisting the disputing parties to arrive at a mutually acceptable solution.

General Responsibilities

Directors, Divisional Managers & Managers

- Support and comply with the Respectful Workplace Policy, including by modeling appropriate behaviour;
- Ensure employees are aware of expectations under this Policy; and
- Take reasonable steps to prevent breaches of the Policy and respond effectively to complaints.

Employees

- Support and comply with the Respectful Workplace Policy;
- Report instances of bullying, harassment and discrimination observed or experienced in the workplace; and
- Participate in the investigation of any incidents of bullying, harassment and discrimination when required.

Investigators

- Gather all required information to conduct a full and comprehensive investigation in a confidential, objective and respectful manner;
- Complete investigations free of bias, interference and influence;
- Provide summary of findings on whether the complaint is “founded” or “unfounded”; and
- Comply with any other direction given at the time of appointment.

Functional Responsibilities

Management

When VIRL management receives a complaint related to this policy, they will consult with the Director of Human Resources. The Director of Human Resources together with the Director or Manager (unless either is the subject of the complaint) shall conduct a preliminary review of the incident to make a determination as to whether the complaint may have merit. If no bullying, harassment or discrimination is apparent on the face of the Complaint, but the conflict does exist, the Director of Human Resources and Director or Manager may attempt to meet with the parties to resolve the dispute.

Should Management become aware of a situation where a violation or potential violation of this Policy has occurred, a review will be initiated to determine if a formal investigation should proceed, even if no complaint has been made or received.

Where a complaint is filed against the Executive Director, the complaint will be forwarded to the Board Chair for review. The Board chair will consult with VIRL’s legal counsel who will provide assistance to the Board in resolving the dispute.

Human Resources

The Director of Human Resources will oversee and, where appropriate, participate in the complaint and investigation process to ensure compliance with this Policy.

Where a complaint is filed against the Director of Human Resources, the complaint will be forwarded to the Executive Director for review and the Executive Director will oversee and, where appropriate, participate in the complaint and investigation process to ensure compliance with this Policy.

Exempt Staff

Exempt employees are encouraged to discuss their situation with their supervisor and/or the Director of Human Resources.

Complaint Procedure

To report an incident of bullying, harassment, or discrimination:

1. Talk to the person(s) who you believe has behaved in a manner that you consider to be bullying, harassment or discrimination and advise them of the impact that the behaviour has had on you and request that it cease.
2. If after discussions in (1), or if you are not comfortable with approaching the person, discuss the matter with your manager, another Manager, a Director or the Director of Human Resources.
3. If after discussions in (1), (2) or both, there has not been a satisfactory resolve to your concern, complete the **Respectful Workplace Complaint Form – Appendix 'A'**.
4. The completed form should be provided to the Director of Human Resources unless the Director of Human Resources is the person who is alleged to have engaged in the prohibited behaviour. In that event, the Complaint should be forwarded to the Executive Director.
5. Upon notice of a Complaint under this Policy, the Employer will undertake an investigation.
6. Both the Complainant and Respondent will be notified that a complaint has been received and the Respondent will be provided with a copy of the Complaint. Each individual will be given the name of the investigator and an outline of the process, timelines and the name of a contact person should they have any questions or concerns during the investigative process.

7. This policy emphasizes the need for confidentiality throughout the process, while ensuring parties understand that anonymity is not guaranteed.
8. All complaints must be brought forward within six months of the last known incident associated with the original complaint.

Investigation Procedure

General Procedures

The overall process for investigating incidents and complaints of workplace bullying, harassment and discrimination will ensure that all investigations:

- Are undertaken promptly and diligently;
- Are impartial, and provide the complainant and respondent equal treatment;
- Are carried out confidentially;
- Are focused on finding facts through interviews of the complainant, respondent, and any witnesses or individuals thought to have relevant knowledge; and
- Incorporate due consideration of all circumstances surrounding the complaint, including the nature and context in which the alleged incident(s) occurred, as well as issues of credibility.

Investigator Selection

Some investigations at VIRL will be conducted internally. VIRL will give consideration to hiring an external investigator in appropriate circumstances.

Follow Up

All investigations of alleged bullying, harassment and discrimination will be followed up. VIRL will provide the Complainant and Respondent with a summary of the findings of the investigation, together with any recommendations for corrective action, a time frame for implementing those corrective actions, and taking any other measures to address the situation and the investigator's findings.

The recommended responses could include:

- Reassignment or discipline;
- Counseling/assistance programs;
- Mediation;
- Coaching or training.

Additional Considerations

Trivial, Frivolous or Vexatious Complaints

If an investigation concludes that a complaint was made for trivial, frivolous, vexatious or vindictive reasons, or made in bad faith, the Complainant will be subject to appropriate disciplinary action up to and including termination of employment. Trivial, frivolous or vexatious complaints have a negative impact not only on the workplace, but also on the careers and personal lives of both the complainant and the respondent.

Note: This section is not intended to discourage complaints and does not apply where complaints are made in good faith and determined to be unfounded.

Withdrawal of a Complaint

At any time, the complainant may request the withdrawal of their complaint.

The Director of Human Resources will determine whether there is good and sufficient cause to cancel the investigation. If it becomes apparent that the complaint may have merit, the Employer may undertake an investigation as part of its responsibility in providing a safe and healthy workplace.

Retaliation and Consequences

Everyone has the right to report, in confidence and good faith, incidents of bullying, discrimination, harassment without fear of retaliation.

Retaliation in any manner against a person for initiating a complaint, testifying in an investigation, providing information, or assisting in an investigation is unacceptable and will be treated as inappropriate interference with an ongoing investigation. Employees involved will be subject to disciplinary action up to and including termination of employment.

Annual Review

This policy shall be reviewed annually by the Human Resources department. All workers will be advised of this policy upon hire through the employee orientation process.

Confidentiality

VIRL will endeavour to maintain all records pertaining to any investigations and findings in a secure and confidential manner. Information will only be shared on a "need to know" basis and the individual whose information may be shared will be informed of who will receive the information and the purpose for which the information may be shared.

Monitoring of Policy

Human Resources will monitor this policy and make adjustments where necessary.

Social Media

Given the extensive use of Social Media throughout society and its ability to message a wide forum for commentary about individuals, departments and/or VIRL as a business, all staff must become familiar with the VIRL policy on the appropriate use of Social Media.

Training

Training will occur as required and will be included in new hire orientation.

Implementation of Policy

This policy shall become effective immediately upon approval and adoption by the VIRL Board of Trustees.

Adoption History

ADOPTED BY:	DATE:
VIRL Board of Trustees	September 16, 2017
DATE OF NEXT REVIEW: 2022	REVIEW CYCLE: 5 years



Appendix A

RESPECTFUL WORKPLACE COMPLAINT FORM	
COMPLAINANT INFORMATION	
NAME:	POSITION:
DEPT:	DATE:
CONTACT PHONE NUMBER:	
RESPONDENT INFORMATION	
NAME(S):	
POSITION/RELATIONSHIP:	
PERSONAL STATEMENT	
<p>Please provide details on the nature of the bullying, harassment or discrimination, including:</p> <ul style="list-style-type: none"> - Names of all parties involved; - Any witnesses to the incident(s); - Location, date and time of the incident(s); - Details about the incident(s) (behaviour and/or words used); and - All other relevant information. <p>Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, may also be submitted. Attach additional pages, as necessary.</p>	
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Complainant Name _____ Signature: _____	
Complaint form received by:	
Name: _____ Signature: _____ Date: _____	
Form to be marked <i>Confidential</i> and submitted to the Human Resources Division.	