

MANAGEMENT GUIDELINES FOR
**POSITIVE WORKPLACE ENVIRONMENT:
ANTI-BULLYING AND HARASSMENT**

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MANAGEMENT GUIDELINES

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1. DEFINITIONS OF BULLYING/HARASSMENT

Bullying/Harassment: 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, but excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment. This definition includes a) **personal harassment** and b) **discriminatory harassment**.

a) Personal Harassment: Can manifest as behaviours, words, or actions, and can consist of a single incident or several incidents over a period of time. Personal harassment prohibited by this Policy is inappropriate conduct or comment that meets the following three criteria: *i) May or may not be intended to cause harm to the recipient(s); and ii) Has a clear and demonstrably negative effect on the complainant; and iii) Would reasonably be known or expected to be offensive, humiliating, or intimidating to the recipient(s).*

Examples of personal harassment **may include the following:**

- Verbal aggression or yelling;
- Calling someone derogatory names
- Vandalizing a worker's belongings or work equipment
- Sabotaging a person's work
- Spreading malicious gossip or rumours about a person
- Engaging in harmful or offensive initiation practices
- Physical assault or threats (this would also constitute "violence")
- Making personal attacks based on someone's private life and/or personal traits
- Making aggressive or threatening gestures
- Engaging in targeted social isolation
- Threats or demands (suggesting unreasonable conduct needs to be accepted in order to protect his or her employment or the benefits of a position)
- Retaliation in respect to a complaint made under this Policy

Not every unpleasant interaction, instance of disrespectful behaviour, or workplace conflict is considered bullying and harassment. Bullying and harassment **does not include:**

- Expressing differences in 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. Examples include decisions relating to job duties, hours of work, workloads, deadlines, reorganizations, work instructions or feedback, performance management or evaluation, taking reasonable disciplinary actions
- Properly discharged union responsibilities including the filing of grievances
- Making a legitimate complaint about someone's conduct through established procedures

Whether any conduct or comment will constitute bullying and harassment will depend on the context, and whether the individual engaging in the conduct or comment knew or reasonably ought to have known that the worker subject to it would be humiliated or intimidated. Note that anyone engaging in offensive behaviour cannot be “willfully blind” to its effects, nor can the behaviour be excused on the basis that the person engaging in the behaviour did not intend it to humiliate or intimidate the worker.

b) Discriminatory harassment: Is based on or related to a prohibited ground of discrimination set out in the *Human Rights Code of British Columbia*, namely: race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age, or conviction for a criminal or summary conviction offence that is unrelated to employment; and is unwelcome or is of such a nature that it would be reasonable to assume that it is unwelcome; and detrimentally affects the work environment or leads to adverse job-related consequences for the complainant.

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

- Displays of offensive, derogatory, or sexually explicit pictures, photographs, cartoons, drawings, symbols, and other materials
- Unwanted and unnecessary touching, patting, pinching, or other suggestive physical contact
- Offensive remarks about sexual orientation
- Racist language, slurs, derogatory comments, and stereotypes
- The telling of racist or ethnic jokes that are by their nature embarrassing or offensive
- Threats or abuse based on colour, language, or ethnic background
- The display or distribution of racist cartoons, posters, graffiti, books, or pamphlets

2. RELATED DEFINITIONS

Complainant: A worker who has brought forward or filed a complaint pursuant to the terms of this policy, alleging that bullying or harassment has occurred.

External Investigator: An individual from outside the organization contracted to investigate an incident

Internal Investigator: An individual within the organization assigned or designated to investigate an incident

Respondent: The person who responds or is in the position to defend his/her position, i.e. the alleged bully or harasser

Retaliation: Any action with a negative impact that is taken or threatened or suggested against a person in whole or in part because that person: *i) Files a complaint pursuant to this Policy; or ii) Associates with a person who filed a complaint pursuant to this Policy; or iii) Participates in any way in an investigation*

of a complaint pursuant to this Policy; or iv) Reports any failure to follow through with a decision flowing from an investigation pursuant to this Policy. Examples of retaliation may include:

- A threat of or actual demotion or involuntary transfer of an employee
- Negative changes in the terms or conditions of employment
- A denial of opportunities, including training opportunities
- Personal harassment, including ostracism or exclusion from normal social and professional interactions

When a harassment complaint is made in good faith, regardless of the outcome, the complainant and anyone providing the information will be protected from all forms of retaliation from co-workers and superiors.

Target: Person(s) who is the focus of bullying/harassment

Worker: A person employed to perform a function or duty

Workplace: Is not confined to the North Vancouver District Public Library offices, buildings or work sites. Also included are: business travel, work-related social gatherings, internet communications or any other locations where the prohibited conduct may have a subsequent impact of the work relationship.

3. WORKPLACE STANDARDS

A Positive Workplace Environment is one that reflects the Library's Code of Conduct (MG-HR-01.0) and the following standards:

Polite Behaviour – Courteous and considerate behaviour toward others.

Inclusion – Of people with different backgrounds, cultures, strengths and opinions. Inclusion means welcoming diversity into the workplace. Inclusive behaviours include but are not limited to: working to understand cultural differences; working constructively with employees who have been accommodated as a result of the employer's duty to accommodate; and valuing others' differing styles and contributions.

Constructive management of differences – Differences are understood to be a fact of life and every employee has a responsibility to acknowledge that views and opinions held by others and decisions that are made by managers and supervisors may not always coincide with their own; such differences are unlikely to constitute harassment or bullying. The harassment process should not be used to vent feelings or minor discontent or a feeling of dissatisfaction with life in the workplace.

Support – Individuals are supported to learn and practice respectful workplace skills. Support includes coaching, in-service training and/or internal or external intervention designed to bring dispute resolution skill and respectful workplace knowledge to a work unit. Reasonable day to day managerial functions and activities such as work assignment and progressive discipline are not considered harassment under this policy.

4. STEPS TO TAKE IF YOU EXPERIENCE OR OBSERVE HARASSMENT

a) **If You Experience Harassment:** If appropriate, ask for the behaviour to stop. If you think you may have been subjected to discriminatory or personal harassment, we encourage you to bring the matter to the attention of the person(s) responsible for the behaviour and ask for that behaviour to stop.

- Tell the person what behaviour was inappropriate. Be specific about exactly what they did.
- Make it clear that the behaviour was unwanted and not acceptable to you. Describe how it affected you.
- Ask for the person to stop the behaviour.
- Stay calm and respectful throughout. Don't retaliate or react if you are provoked.

This conversation is best done in person to ensure clear communication.

If you feel you would like extra support with this communication, ask a manager or shop steward for assistance.

In many cases, a discussion of the unwanted behaviour may lead to a resolution. Often, people don't realize that what they have said or done is inappropriate or harmful. After reflecting on their behaviour, they often "get it," and make the change.

If you have already brought the matter to the attention of the person(s) responsible and if you don't feel the matter has been resolved and especially if you feel the harassment or bullying continues, go to step 5. PROCEDURES FOR REPORTING INCIDENTS OF BULLYING/HARASSMENT

When it is not appropriate for you to bring the matter directly to the attention of the person responsible, go to step 5.

b) **If You Observe Harassment Happening to Someone Else,** offer support. You are not expected to get directly involved while the harassment is taking place. However, don't just be a bystander — take appropriate and helpful action after the incident by following these steps:

- Offer your personal support and reassurance to the person who experienced the harassment. He or she may be upset, anxious or angry. Some supportive words can help them recover their composure and confidence.
- Depending on this person's state of mind, refer them to this policy and guideline and to other sources of support and assistance such as a manager, HR advisor, shop steward or an Employee

and Family Assistance Program (EFAP) counsellor. If you need help as well, access those sources yourself.

- Document what you saw and heard. As soon as possible, write down what happened, where, when, and who was present.
- Report the incident(s) to a manager, the Library Director or the HR advisor so appropriate action can be taken to resolve the situation.
- Go to step 5. PROCEDURES FOR REPORTING INCIDENTS OF BULLYING/HARASSMENT

5. PROCEDURES FOR REPORTING INCIDENTS OF BULLYING/HARASSMENT

Any person who believes that he or she is being harassed in breach of this Policy or who witnesses alleged harassment, is responsible for immediately advising his or her supervisor, manager, the Library Director, Human Resources or union representative.

If the supervisor or manager is the alleged bully, the complaint should be submitted directly to Human Resources.

The Workplace Bullying and Harassment Complaint Form (see Appendix) may be completed. Information should include: the names of the parties involved; any witnesses to the incident(s); the location, date and time of the incident(s); details about the incident (behaviour and/or words used). Any additional information, such as emails, notes, photographs or physical evidence like vandalized personal belongings should be submitted.

A complainant is urged to report incidents within six months after the date of the incident(s) on which the complaint is based to ensure proper follow up and investigation. The limitation period may be extended if the delay was incurred in good faith or if the delay does not result in prejudice against any of the individuals involved, or if an investigation is required as a result of a WorkSafeBC claim for compensation relating to workplace bullying and harassment.

6. PROCEDURES FOR INVESTIGATING INCIDENTS OF BULLYING/HARASSMENT

The purpose of an investigation is to determine whether bullying and harassment has occurred. Investigations will:

- Be undertaken promptly and diligently, and be as thorough as necessary, given the circumstances
- Be fair and impartial, providing both the complainant and respondent equal treatment in evaluating the allegations
- Be sensitive to the interests of all parties involved, and maintain confidentiality to the extent possible in the circumstances

- Be focused on finding facts and evidence, including interviews of the complainant, respondent, and any witnesses
- Incorporate, where appropriate, any need or request from the complainant or respondent for assistance during the investigation process

a) Investigator Selection

Most investigations will be conducted internally. Depending on the situation, the supervisor, Human Resources staff or other designate will conduct the investigation. In complex or sensitive situations, an external investigator may be used. The Director of Library Services, working with Human Resources, will select the investigator.

If the complaint is made against the Director of Library Services, the Library Board’s Human Resources Committee will be provided information about the nature of the complaint at a closed meeting. The Committee, working with Human Resources, will appoint an external investigator to investigate the complaint. The external investigator will be directed to make findings of fact and his/her conclusion as to whether the facts constitute harassment. The Library Board will receive the report and make any directions as appropriate.

If the complaint is made against a Board member, the Library Board will be provided information about the nature of the complaint. The Director of Library Services, working with Human Resources, will appoint an external investigator to investigate the complaint. The external investigator shall be directed to make findings of fact and his/her conclusion as to whether the facts constitute harassment. The Library Board will receive the report and make any directions as appropriate.

b) Incident Review

Investigations will include interviews with the complainant, the respondent, and any witnesses or involved parties. The investigator will also review any evidence such as emails, notes, photographs, or physical evidence such as vandalized objects. The investigator will report on the allegations, the responses, and the findings of fact. The Employer will determine if the Policy has been violated and will determine appropriate corrective/follow-up actions to take, if necessary.

c) Determination of No Violation of Policy

Not all unpleasant or inappropriate conduct amounts to bullying or harassment. If the allegations of the complaint would not constitute a violation of this policy or cannot be substantiated, the complainant will be informed of this decision in writing. Conduct such as rudeness, foul language and workplace conflict, which may not be deemed harassment, will be dealt with appropriately. Depending on the circumstance, resolutions may include: an apology; informal resolution; mediation or conflict resolution process; agreement on mutual expectations; training; commitment to cease the offending behaviour; or disciplinary measures.

d) Determination of Bullying/Harassment

Where a determination of bullying or harassment has been substantiated, the Employer will take steps to address the issue in a timely manner. The complainant and respondent will be advised of the outcome in writing.

e) Reprisals

This policy and its procedures seek to prevent and remedy workplace bullying, harassment and discrimination. Any act of retaliation or reprisal against a person who raises a concern or makes a complaint under this policy is forbidden and may result in interim measures such as suspension, transfer or other discipline up to and including dismissal.

f) Malicious/Frivolous Complaint

The North Vancouver District Public Library recognizes that not every incident complained of will constitute bullying, harassment or discrimination. Determining whether a particular action or incident occurred and/or constitutes harassment or discrimination will depend on an evaluation of the facts, surrounding circumstances and applicable legal principles. A complainant reporting an event in good faith and reporting truthfully will not be subject to negative consequences if the behaviour complained of does not amount to bullying, harassment or discrimination.

However, the Library believes that false allegations will have detrimental effects on innocent parties and the workplace. Where, as a result of an investigation, it is determined that a complaint was malicious, frivolous, vexatious or deliberately misleading, disciplinary action will be taken against the complainant. Frivolous or vexatious complaints are those where the complainant or others know of no foundation in fact that would suggest a breach of this Policy, and where the complaint is filed for the purpose of bringing an adverse consequence to the respondent or another employee. Such complaints in and of themselves are a breach of this Policy, and any employee engaged in the presentation or filing of such a complaint may be subject to discipline up to and including dismissal

7. REMEDIES

Where a complaint is substantiated, corrective actions will be taken promptly to ensure the bullying and harassment stops. Appropriate remedies will be implemented on a case by case basis. Remedies may include: education and training; mediation or other conciliatory processes; dealing with adverse symptoms; agreement on behavioural standards; temporary or permanent changes to reporting structures or work assignments; revising workplace procedures; and/or discipline up to and including termination of employment.

8. DISPUTING A DECISION

If a complainant or respondent is not satisfied with the final decision in respect to the complaint, the following avenues may be considered:

- Unionized employees may consult with their Union about filing a grievance under the Collective Agreement. The timelines for filing a grievance will be applied.
- All others to whom this policy applies may appeal to the Director of Library Services in writing within seven (7) days, outlining their reasons for disagreement with the outcome of the complaint. The Director of Library Services will issue a decision in writing which will then constitute the Library's final decision.
- In the event of a breach of the BC Human Rights Code, any person has the right to file a complaint to the BC Human Rights Tribunal within the six month time limit stipulated under the Code. Only conduct related to the prohibited grounds of discrimination fall under the jurisdiction of the Tribunal.

WorkSafeBC's role is to ensure that employers have adequate policies and procedures in place to address bullying and harassment, and that the employer conducts investigations into bullying and harassment complaints. WorkSafeBC's role is not to resolve or mediate any specific disputes or conflicts.

9. CONFIDENTIALITY

All persons to whom this policy applies are expected to respect and preserve the confidentiality of any complaint and process under this Policy. Information will be disclosed only to the extent necessary to carry out these procedures, including the conduct of a fair investigation and the implementation of corrective/disciplinary measures, and where disclosure is required under lawful authority. As part of the fair investigation, the alleged bully will be advised of the complaint and provided an opportunity to respond. The worker's manager/supervisor may also be apprised of the complaint in order to provide information or implement corrective action. All Library records are subject to the *Freedom of Information and Protection of Privacy Act*.

10. RECORD-KEEPING REQUIREMENT

The North Vancouver District Public Library will keep a written record of all investigations, including the findings, in the Library's Human Resources department.

All workers will be provided with a copy of the policy when they are hired, and a copy is available on the Library Hub intranet and website.

11. ANNUAL REVIEW

The Joint Health and Safety Committee will engage in ongoing consultation regarding the nature and effectiveness of the bullying and harassment program by reviewing:

- The Positive Workplace Environment: Anti-Bullying and Harassment policy and guidelines
- Steps taken to prevent or minimize workplace bullying and harassment
- The reporting procedures
- The procedures for dealing with incidents and complaints

The Committee may make recommendations to the Employer for training in support of the bullying and harassment program.



North Vancouver District
Public Library

WORKPLACE BULLYING AND HARASSMENT COMPLAINT FORM

COMPLAINANT INFORMATION

NAME:

POSITION:

DEPT:

DATE:

RESPONDANT INFORMATION (ALLEGED BULLY OR BULLIES)

NAME(S):

POSITION/RELATIONSHIP:

PERSONAL STATEMENT

Please provide details on the bullying and harassment incident(s), including:

- 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)
- All other relevant information

Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted. Attach additional pages, as necessary.

Complaint Form received by:
(Name and Position)

Date: