

Workplace Bullying, Harassment and Violence Policy– Gwaii Trust Society

Introduction

Gwaii Trust Society is dedicated to ensuring that employees are able to complete their duties in a safe environment, without fear of bullying, harassment or violence. As such, Gwaii Trust Society will not tolerate and is dedicated to preventing any instances of bullying, harassment or violence.

The Gwaii Trust is located on unceded Haida territory, and the Vision of the Trust includes respect for cultural diversity across all communities on these islands. Cultural competency is integral to the work we do and the Trust is dedicated to providing training opportunities that build skills, knowledge, attitudes and values essential to fostering positive and productive relationships.

All employees of Gwaii Trust Society share in the responsibility to ensure that our workplace is a safe and welcoming place to work. Employees are responsible for reporting any instances of bullying, harassment or violence, whether they were the target or they were witness to the incident. In all cases, where a complaint of bullying, harassment or violence is made in good faith, the employee will not be disciplined or retaliated against in any way. Gwaii Trust Society will not tolerate any form of behavior or actions that bully, harass, intimidate, threaten, injure or in any way disrespect our staff by other staff, Directors, members of the public, volunteers, contractors or vendors.

Our Workplace Bullying, Harassment and Violence 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 or harassment can be distinguished from normal, mutually acceptable socializing. It is important to remember that 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 who may deem it objectionable or unwelcome which determines whether something is acceptable or not.

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

Application of this Policy

This policy applies to all individuals working for the organization including regular employees, temporary employees, contract service providers, contractors, all supervisory personnel, managers and Directors. Where the word Director is used, this means Gwaii Trust Directors, Alternates, Chairperson, Committee members, Youth Board members, and Volunteers who act on behalf of Gwaii Trust Society. The organization will not tolerate bullying, harassment or violence whether engaged in by coworkers, managers, Directors, grant applicants, members of the public, contractors or vendors.

For the purposes of this policy, bullying, harassment and violence can occur:

- At the workplace;
- At employment-related social functions;
- In the course of work assignments outside the workplace;
- During work-related travel;
- Through electronic means;
- Over the telephone, if the conversation is work-related; or
- Elsewhere, if the interaction is the result of work-related responsibilities or a work-related relationship.

Purpose

The purpose of the Respectful Workplace policy is to ensure that all employees are able to:

- Provide guidance to employees on how they must conduct themselves at all times and to recognize when behavior or actions are inappropriate.
- Know what to do if they are a victim, or a witness to such acts
- Understand procedures, including reporting, investigation and consequences of violation of the policy
- Ensure Gwaii Trust Society is compliant with Work Safe BC policies and codes

Bullying and Harassment: any inappropriate conduct or comment by a person 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 or yelling;
- Humiliating actions or practices;
- Hazing;
- Spreading malicious rumours;
- Using derogatory names towards someone,

Not every unpleasant interact or workplace conflict is considered bullying or harassment.

Bullying and harassing behaviours do not include:

- Expressing differences of opinions;
- Offering constructive feedback, guidance, or work-related advice about behaviour;
- Making a legitimate complaint about someone's behavior through outlined procedures
- Reasonable action taken by a supervisor relating to the management and direction of employees or to the place of employment (e.g. counselling, managing a worker's performance, taking reasonable disciplinary actions, assigning work, implementation of disciplinary actions).

Cyber Bullying: bullying that occurs through the use of electronic communication (email, text messaging, social networking etc.). Incidents of cyber bullying 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.

Sexual Harassment:

Sexual harassment is defined as any unwelcome conduct of a sexual nature that detrimentally affects the work environment and that might reasonably be perceived by an employee as placing a condition of employment, training or promotion. It generally leads to other adverse job related consequences or a poisoned work environment. Sexual harassment may include but is not limited to:

- Displaying offensive sexual material
- Using sexually degrading language to describe or point out a person
- Making disagreeable or degrading sexual remarks
- Any advances, comments, questions, propositions or jokes that continue after the person making/asking them has been told that they are unwelcome
- Messages of a sexual or offensive nature communicated through mail, email, instant message, social media, fax, voicemail or any other electronic means
- Unwelcome, persistent contact/attention after a consensual relationship has ended
- Undesired physical contact Verbal abuse and threats

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 they are 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;
- Disruptive behaviour that is not appropriate to the work environment (e.g., yelling, swearing).

Discrimination: in accordance with the [Human Rights Code of British Columbia](#) [RSCB 1996] (Chapter 210), discrimination occurs when someone is treated differently and/or poorly because of one of the following:

- Race;
- Colour;
- Ancestry;
- Place of Origin;
- Political Belief;
- Religion;
- 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

Risk Assessment

Gwaii Trust Society will conduct a risk assessment of the work environment to identify any issues related to potential violence, bullying or harassment that may impact the operation and will institute measures to control any identified risks to employee safety. Specific areas that may contribute to the risk of violence, bullying or harassment may include: contact with the public, application declines, grant payments, working alone, etc. A review of the risk assessment will be performed on an annual basis, when a significant change has occurred in the operations of the employer or after an incident has occurred.

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, applicant, contractor, vendor, or visitor, then an immediate call to the RCMP is required.

Witnessing Bullying, Harassment or Violence

It is the responsibility of all employees and Directors of Gwaii Trust to promote a workplace that is respectful and productive. When individuals do not speak up about the presence of bullying, harassment or violence, they may become the next target and they are also condoning the actions.

Any employee or Director who witnesses bullying, harassment or violence or becomes aware of a potential threat to an employee or Director of Gwaii Trust is directed to:

1. Offer the person support and inform him/her that the incident was witnessed;
2. Encourage the person to come forward and let him/her know that if called to be a witness, you will provide a statement;
3. 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);

Reporting Bullying, Harassment or Violence

Informal:

We encourage direct handling of issues and encourage the following approach, taking into consideration your comfort, safety, and ability to do so. If you are being treated disrespectfully, bullied or harassed:

- Immediately inform the person perpetuating the actions that their actions are not acceptable to you as soon as they start to occur;
- Describe the specific actions that the person took that caused you to feel uncomfortable. When confronted, in many instances, the person will stop. Sometimes a person is not

aware that they are acting in an unacceptable manner. 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 or violence and inform your manager/supervisor of what occurred.

Formal:

If an informal approach is not appropriate, or did not achieve an acceptable outcome, employees are required to report it immediately or as soon as possible after experiencing or witnessing an incident.

Process:

- Speak with your manager (or a member of the Executive where your manager is the cause of concern or you are unable or uncomfortable reporting it to your Manager) and report the incident;
- Write out a statement detailing the incidents, including:
 - 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 details that would help with an investigation;
- A fact finding investigation will be instigated.
- 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 fairly;
- Employees that submit a report or complaint of bullying, harassment or violence in good faith shall not be subject to any form of reprisal or retaliation as a result of the complaint.

Investigating Reports of Bullying, Harassment or Violence

If the subject matter of a complaint or report fits within the definitions of Discrimination or Bullying and Harassment, it will be investigated. Where appropriate, the services of a Human Resources specialist will be engaged to assist with the investigation. Bullying, harassment and violence will not be ignored. Silence can, and often is, interpreted as acceptance. The investigation will commence within two weeks of the complaint.

Investigations will be conducted by the Chief Operations Officer or an external investigator appointed by the COO or Executive committee to conduct the investigation. Both the Complainant and the Respondent are entitled to a fair hearing. The investigator will interview the Complainant, the Respondent, and any other witnesses the investigator believes may have information relevant to the complaint or report. The investigator will review any documents they consider relevant. The Respondent will be given the details of the complaint, and will be provided with a reasonable opportunity to respond. All investigation proceedings will be documented and upon completion of the investigation, the assigned investigator will file a report of findings with recommendations for remedial actions.

The results of the investigation including findings and recommendations will be reported to the Executive Committee, or if conducted by the Executive committee to the Board of Directors in camera.

Disciplinary Actions

If the findings of the investigation indicate that a violation of the Workplace Bullying, Harassment and Violence Policy has occurred, immediate and appropriate disciplinary action, up to and including dismissal, shall be administered.

External Issues

In instances where a staff member or Director experiences (or witnesses) harassment, abuse, discrimination or other disrespectful behavior from an external person (applicant, vendor, community member), please bring this to the attention of the Chief Operations Officer. As with internal complaints, your manager will work with you to resolve the issue with the external party as appropriate. If this approach is not practicable, an investigation will be conducted.

Depending on the outcome of the investigation, actions may be taken to ensure the safety and respect of our staff and Directors. For example, if an applicant engages in behavior that is determined to be harassing, discriminatory, or abusive, management will take action that they feel is necessary. These actions may include barring an applicant from Gwaii Trust premises and events, and/or denying current and future grant applications under any of our granting programs. If, after an applicant that represents an organization has been banned from applying to our programs, there is further abuse from a representative from the organization, the organization will be banned from applying to the Gwaii Trust's grants. If an applicant or organization is banned from our programs, it will be reported to the Board of Directors in camera.

Fraudulent or Malicious Complaints

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

Confidentiality

All parties involved 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, Gwaii Trust Society will not release any information to other employees which would jeopardize the confidentiality of the parties involved. Where it is determined that legislation/law was

contravened, Gwaii Trust will supply any and all evidence to the authorities as necessary, in accordance with [PIPA](#).

Training

Gwaii Trust will provide training on this Workplace Bullying, Harassment and Violence Policy, ensuring that:

- a) Employees and Directors understand the contents of the policy;
- b) Employees, Directors and supervisors/managers are able to recognize bullying, harassment and violence;
- c) Employees and Directors know how they can respond to and report incidents of bullying, harassment or violence;
- d) Employees and Directors understand how Gwaii Trust will respond to and investigate reports of bullying, harassment and violence;
- e) Supervisors/managers and Directors are adequately trained on how to respond to and investigate reports of bullying, harassment and violence; and
- f) Supervisors/managers and Directors are adequately trained on how to provide support for employees who may suffer adverse symptoms as a result of bullying, harassment or violence.
- g) Cultural competency training will be provided to the staff and Directors of the Gwaii Trust Society on an annual basis.

Policy Review

Gwaii Trust Society 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 or violence in the workplace.

Acknowledgment and Agreement

I acknowledge that I have read and understand the Workplace Bullying, Harassment and Violence Policy of Gwaii Trust. Further, I agree to adhere to this policy and will ensure that employees working under my direction adhere to this policy. I understand that if I violate the rules/procedures outlined in this policy, I may face disciplinary action, up to and including termination of employment.

Name: _____

Signature: _____

Date: _____

Witness: _____