

RESPECTFUL WORKPLACE POLICY

PART I: Statement of principles

1. Purposes

The purposes of this policy are to:

- a) promote respect for the dignity of all employees of the Roman Catholic Diocese of Kamloops (the “RCDK”);
- b) maintain a working environment that is free from discrimination, bullying and harassment;
- c) set out the types of behaviour that may be considered offensive;
- d) establish a mechanism for receiving complaints of workplace discrimination, bullying and harassment;
- e) provide a procedure by which the RCDK will deal with such complaints; and
- f) educate employees of the RCDK about how to proactively support a respectful workplace.

2. Commitment

The RCDK is committed to providing a collegial working environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that is equitable, respectful, and free from bullying, harassment, and discrimination.

Workplace bullying, harassment, and discrimination will not be tolerated. The RCDK encourages reporting of all incidents of workplace harassment, regardless of who the offender may be. Any person who engages in conduct in violation of this policy will be dealt with as outlined in the policy. The RCDK recognizes that its employees may be subjected to discrimination, bullying and harassment in the workplace, not only by coworkers, but also by parishioners or others who conduct business with the RCDK. In such circumstances, the RCDK acknowledges its responsibility to support and assist the person subjected to such bullying, harassment, or discrimination.

3. Application

3.1 RCDK employees

This policy applies to all individuals working for the Diocese including administrative and staff support, priests, religious, dependent and independent contractors, and volunteers.

3.2 Location

This policy applies to any work-related environment, including:

- a) the Chancery office;

- b) each Catholic Church in the Diocese;
- c) each parish office in the Diocese;
- d) any location where the business of RCDK is being carried out, including off-site work assignments, telephone and electronic communications, etc.;
- e) official and unofficial work-related social functions;
- f) work-related conferences or training sessions; and
- g) work-related travel.

4. Confidentiality

4.1 General

To protect the interests of the complainant, the respondent, and persons who report incidents of discrimination, bullying and harassment in the workplace, confidentiality will be maintained throughout the process to the extent permitted by the investigation.

4.2 Information and records

All information relating to the complaint (including contents of meetings, interviews, results of investigation, and other relevant material) will be disclosed only to the extent necessary to carry out the procedures under the policy, or where disclosure is required by law.

Information collected and retained is subject to the privacy protection provisions of the *Freedom of Information and Protection of Privacy Act* RSBC 1996, c. 165 and the *Personal Information Protection Act*, SBC 2003, c. 63.

PART II: LEGAL PRINCIPLES

5. Legal Background

5.1 Legislation

Section 13 of the *BC Human Rights Code* prohibits discrimination in the workplace. The *WorkSafeBC Occupational Health and Safety Policy Guideline P2-21-2* (“*Anti-Bullying Legislation*”) requires employers to adopt written policies and procedures, and to provide training to ensure that supervisors and staff are aware of them.

5.2 Other remedies

The policy is in addition to, and not in substitution for, such rights as an individual may have under the *BC Human Rights Code* and the *WorkSafe BC Occupational Health and Safety Policy Guideline*.

6. Prohibited conduct

Bullying, harassment, discrimination, retaliation, and malicious complaints are prohibited.

6.1 Bullying and harassment

“Bullying and harassment” is defined in B.C.’s *Anti-Bullying* legislation and “(a) includes 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 (b) excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.”

Bullying and harassment may consist of a single incident or several incidents over a period of time. Examples of conduct which may constitute bullying and harassment can be found at Appendix 1.

Mutually acceptable social interaction is not workplace bullying or harassment.

6.2 Discrimination

The *BC Human Rights Code* prohibits discrimination in employment based on: race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, age, or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the employment of that person (“enumerated grounds”). Discrimination that is not based on enumerated grounds is prohibited under the *Anti-Bullying* legislation.

6.3 Retaliation

“Retaliation” is any adverse action taken against an individual for:

- a) invoking this policy in good faith whether on behalf of oneself or another individual;
- b) participating or cooperating in any investigation under this policy; or
- c) associating with a person who has invoked this policy or participated in these procedures.

6.4 Malicious complaints

A “malicious complaint” occurs when a person has made a complaint of bullying, harassment, or discrimination that he or she knows is untrue. Submitting a complaint in good faith (e.g. where the complaint is based on a mistake, a misunderstanding, or a misinterpretation, or where the complaint cannot be proven) does not constitute a malicious complaint.

PART III: RIGHTS AND RESPONSIBILITIES

7. Rights

Every RCDK employee has the right to a respectful workplace, and the right to enforce his or her rights under this policy.

7.1 RCDK employee responsibilities

Every RCDK employee has a responsibility to uphold this policy and to ensure that the working environment is free from bullying, harassment, and discrimination by:

- a) promoting respect for the dignity of all employees of the RCDK;
- b) not engaging in bullying, harassment, or discrimination;
- c) conducting themselves in a manner that demonstrates professional conduct, respect for others, and that honours diversity and inclusion in the workplace;
- d) participating fully and in good faith in any formal complaint, investigation, or resolution process where they have been identified as having potentially relevant information;
- e) reporting any incidents that may be in violation of this policy;
- f) respecting the rights to personal dignity, privacy, and confidentiality pertaining to this policy; and
- g) participating in education and training opportunities aimed at maintaining and promoting a respectful workplace.

7.2 Supervisor responsibilities

RCDK employees with supervisory authority, including the Bishop, the Chancellor, Vicar General Financial Administrator, Priests in a Parish office, have additional responsibilities under the policy to establish and maintain a workplace free of bullying, harassment, and discrimination. Their responsibilities include:

- a) ensuring that bullying, harassment, and discrimination are not allowed, condoned, or ignored;
- b) acting as a role model for professional and respectful conduct;
- c) providing training on this policy, and on bullying, harassment, and discrimination;
- d) ensuring that all RCDK employee have full access to information regarding the RCDK's policies and standards;
- e) taking immediate action on observations or allegations of bullying, harassment, or discrimination;
- f) notifying police when there are reasonable grounds to believe that a violation of the *Criminal Code* or other applicable law has occurred;

- g) respecting the rights of all parties to a fair, equitable, and confidential process for dealing with complaints of bullying, harassment, or discrimination;
- h) supporting all individuals who participate in a resolution process;
- i) supporting any RC DK employee who complains of workplace bullying, harassment, or discrimination by a person who is not a RC DK employee (parishioners, volunteers and contractors, etc.);
- j) taking remedial or disciplinary measures, where appropriate;
- k) appointing and training appropriate advisors, investigators, and decision-makers;
- l) regularly reviewing the procedures of this policy to ensure that they adequately meet the policy objectives.

7.3 Advisor responsibilities

Advisors will be appointed by the Bishop.

Advisors are responsible for:

- a) providing training, and conveying information about this policy and the process for making a complaint;
- b) assisting individuals who have concerns or complaints regarding workplace bullying, harassment, or discrimination;
- c) helping a complainant to move through the steps of this policy;
- d) keeping a written record of any complaint;
- e) maintaining confidentiality of communications relating to inquiries and complaints, unless under an obligation to disclose the information by law or under this policy; and
- f) referring individuals who require counseling to the appropriate resources.

Advisors are not responsible for investigating or determining the merits of a complaint of workplace bullying, harassment, or discrimination.

7.4 Investigator responsibilities

Investigators will be appointed by the Bishop.

Investigators are responsible for:

- a) investigating every complaint that is not resolved informally;
- b) applying principles of fairness and impartiality throughout the investigation;
- c) interviewing parties and witnesses;

- d) preparing written reports that include findings of fact and conclusions; and
- e) maintaining confidentiality of records of complaints, unless under an obligation to disclose the information by law or under this policy.

7.5 Decision-maker responsibilities

Decision-makers will be appointed by the Bishop.

Decision-makers are responsible for deciding whether the policy has been violated.

A decision-maker, in conjunction with the appropriate level of management, is responsible for determining what action will be taken as a result of the investigator's findings.

7.6 Education and training

All RCDK employees will be provided with training on this policy, and on bullying, harassment, and discrimination.

All individuals charged with implementing and applying the policy (e.g. advisors, investigators, and decision-makers) will be properly trained, and fully versed in the specifics of the policy, the law, interviewing techniques, and information gathering, and on bullying, harassment, and discrimination.

PART IV: PROCEDURES

8. External avenues

While the RCDK is committed to resolving incidents of bullying, harassment, and discrimination internally, nothing in this policy precludes RCDK employee from pursuing other avenues of redress, including making a complaint under the:

- a) *Criminal Code*;
- b) *BC Human Rights Code*

During the initial meeting between the complainant and advisor, the advisor will notify the complainant of the external avenues of redress, and the applicable time limits.

9. Initial action

A person who considers that he or she, or someone else, has been subjected to bullying, harassment, or discrimination (the complainant) should keep a written record of the offensive behaviour, including the date(s), time(s), circumstances, witnesses (if any), and any other pertinent information.

The complainant is encouraged to bring the matter to the attention of the person responsible for the conduct (the respondent).

Where the complainant is not comfortable bringing the matter directly to the attention of the respondent, or where such an approach is attempted and does not produce a satisfactory result for the complainant, the complainant may seek assistance from an advisor.

A Complainant is encouraged and supported to make a report of any bullying, harassment or discrimination as soon as possible after experiencing or witnessing bullying, harassment or discrimination. Prompt reporting will allow prompt investigation of any such incident.

When reporting an incident of bullying, harassment or discrimination the Complainant is requested to provide as much information as possible, such as the names of the people involved, witnesses, where the events occurred, when they occurred, and what behaviour and/or words led to the complaint. Any supporting documents, such as emails, handwritten notes, or photographs should be included with the report if possible.

10. Meeting with advisor

Any RCDK employee may meet with an advisor to:

- a) obtain information about this policy;
- b) discuss concerns about workplace bullying, harassment, or discrimination; and
- c) discuss alternative courses of action available under this policy, and externally.

Once a complainant has approached an advisor with a complaint of workplace bullying, harassment, or discrimination, the advisor will provide the complainant with a copy of this policy and will advise the complainant of the:

- a) importance of keeping a written record of incidents of bullying, harassment, or discrimination;
- b) right to make an informal or formal complaint under this policy;
- c) availability of counseling and other support services offered by the RCDK and others;
- d) right to be accompanied or represented by legal counsel or other person of choice at any stage of the process where the complainant is required or entitled to be present;
- e) right to withdraw from any further action in connection with the complaint at any stage; and
- f) other avenues of recourse available to the complainant, such as a complaint to the BC Human Rights Tribunal, or police, as well as any time limitations for filing an external complaint.

Where a person believes that a colleague has experienced or is experiencing workplace bullying, harassment, or discrimination, and reports this belief to an advisor, the advisor will meet with the person who is said to have been subjected to workplace bullying, harassment, or discrimination, and will then proceed in accordance with paragraph 10.0.

10.1 Outcomes of meeting with advisor

If the complainant and the advisor agree that the conduct in question is not workplace bullying, harassment, or discrimination as defined in this policy, the advisor will take no further action and will maintain a record of the meeting in his or her confidential file.

If the complainant and the advisor agree that the conduct in question is workplace bullying, harassment, or discrimination as defined in this policy, the complainant may choose to initiate an informal or formal complaint.

The advisor will remind the complainant of the importance of documenting incidents of bullying, harassment, or discrimination, and may assist the complainant in creating a written record.

The advisor will create a written record of the meeting, which will be kept in the complainant's personnel file.

11. Complaints

11.1 Notice to the respondent

If the complainant initiates an informal or formal complaint, the advisor will provide the respondent with:

- a) a copy of this policy;
- b) written notice of the complaint;
- c) notice of the respondent's right to be represented by legal counsel or other person of choice at any stage of the process where the respondent is required or entitled to be present; and
- d) information about the availability of counseling, educational, and other support services offered by the RCDK and others.

11.2 Informal complaint procedure

Where appropriate, the advisor will offer the parties an opportunity to resolve the issue informally. No person is required to attempt to resolve the issue informally.

As part of the informal process, the complainant may, with the assistance of the advisor, meet with the respondent with a view to arriving at a solution to the situation.

Where the complainant and the respondent are satisfied that they have achieved an appropriate resolution, the advisor will make a confidential written record of the resolution, which the advisor will keep in a locked filing cabinet. The written record will be signed by both parties, and both parties will be provided with a copy of the resolution.

The advisor will follow up with both parties to ensure that the solution is working.

11.3 Formal complaint procedure

If the complainant is not satisfied with the results of the informal procedure, or chooses not to utilize the informal procedure, the complainant may make a formal written complaint to the investigator.

At any time after a formal complaint has been initiated, the complainant may make a request to the Bishop for temporary accommodation until the complaint resolution process comes to an end. Every effort will be made to reasonably accommodate the complainant.

12. Investigation

The investigator will interview the complainant, respondent, and witnesses. The investigation will be completed in a timely manner. Upon completion of the investigation, the investigator will prepare a written report that includes findings of fact. The Bishop will be advised of the outcome of the investigation.

12.1 Action taken following investigation

Based on the outcome of the investigation, the Bishop in conjunction with the appropriate level of management, will make a decision about whether the policy has been violated, and what action will be taken as a result of the findings. The complainant and respondent will be informed of the outcome of the investigation and any decisions as to whether the policy has been violated.

12.2 Complaint not substantiated

If an investigation results in a finding that the complaint of workplace bullying, harassment, or discrimination is not substantiated, no record will be placed in the respondent's file. All other documentation will be kept under the supervision of the Bishop or his delegate.

If an investigation results in a finding that the complainant made a malicious complaint, the Bishop will implement an appropriate remedial action, based on the nature and severity of the violation, in accordance with the "remedial action" section of this policy (see section 13). The outcome of the proceedings will be recorded in the complainant's personnel file and may be used in any investigation of a subsequent complaint.

12.3 Complaint is substantiated

Where the investigation results in a finding that the complaint of workplace bullying, harassment, or discrimination is substantiated, the Bishop in conjunction with the appropriate level of management will implement an appropriate remedial action, based on the nature and severity of the violation.

Where the complaint is substantiated, the confidential outcome of the proceedings will be recorded in the respondent's personnel file and may be used in any investigation of a subsequent complaint.

13. Remedial action

Remedial action may include:

- a) an apology;
- b) educational training;
- c) counseling;
- d) reprimand;
- e) reassignment;
- f) withholding a promotion;
- g) a financial penalty;
- h) probation;
- i) a suspension, with, or without pay;
- j) suspension or removal from the active duties; or
- k) dismissal, with or without notice.

Remedial actions that involve a financial penalty or suspension or removal from active duties will be approved by the Bishop and **his Consultors**.

14. Review

The RCDC will review this policy regularly to ensure that the procedures meet the policy objectives.

APPENDIX 1: EXAMPLES OF BULLYING, HARASSMENT, AND DISCRIMINATION

The following are examples of workplace bullying, harassment, and discrimination:

a) verbal conduct, such as:

- unwelcome attention of a sexual nature, including:
 - questions or remarks about sex life
 - propositions of physical intimacy
 - remarks about physical appearance
 - requests for dates or sexual favours
 - offers of job related benefits in return for sexual favours
 - requests or demands to submit to sexual requests in order to keep one's job or avoid some other loss, etc.
- unwarranted criticism
- ridicule
- epithets
- derogatory comments
- slurs
- name-calling
- offensive remarks
- jokes
- rumours
- gossip
- innuendo
- abusive language
- threats
- shouting
- yelling
- swearing

b) visual conduct, such as:

- displaying or disseminating pornographic, sexist, racist or other offensive or derogatory material (e.g. posters, cartoons, drawings, photographs, etc.) including via e-mail, internet, or text message.
- leering
- gestures
- ostracism (e.g. deliberately excluding a RCDC employee from work-related social interaction, “silent treatment,” etc.)

c) physical conduct, such as:

- interfering with a person’s normal movement;
- unwelcome physical contact including touching and assault.