



Policy No. 800.3

Workplace Bullying and Harassment

Adopted: November 10, 2014

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PURPOSE

The purpose of this policy and program is to assist in developing a working environment in which harassment and bullying are known to be unacceptable and where individuals have the confidence to report harassment and bullying, should it arise, in the knowledge that their concerns will be dealt with appropriately and fairly. The Program outlines procedures to be followed by the District of Summerland if an employee feels they are being harassed or bullied in the course of their work or as a result of their employment.

POLICY

The District of Summerland welcomes diversity and is committed to ensure that all employees will be treated in a fair and respectful manner. Bullying and harassment are not acceptable or tolerated in the workplace. All incidents must be reported and investigated immediately.

SCOPE

This program applies to all District of Summerland employees including permanent, temporary, casual, contract and student workers, managers and supervisors. It applies to face-to-face and electronic communications, such as email or social media.

DEFINITIONS

Bullying/Harassment Any inappropriate conduct or comment by a person towards an employee that the person knew or reasonably ought to have known would cause that employee to be humiliated or intimidated, but excludes any reasonable action taken by an employer or supervisor relating to the management and direction of employees or the place of employment.

Bullying and harassing behaviour **can include**:

- Verbal aggression, insults or threats
- Humiliating initiation practices or hazing
- Spreading malicious rumours
- Calling someone derogatory names
- Vandalizing personal belongings
- Isolation and/or exclusion from work-related activities

The above list is not exclusive and harassment can also take place on the grounds of a person's age, religion, or any other characteristic protected under Human Rights.

Bullying and harassing behaviour **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 employees or the place of employment (eg. Managing an employee's performance, taking reasonable disciplinary actions, assigning work)

Complainant Someone who makes a complaint or files a formal objection

Education Knowledge acquired by learning and instruction

External Investigator Someone outside the organization hired to investigate an incident

Internal Investigator Someone within the organization assigned or designated to investigate an incident

Respondent One who responds or is in the position to defend his/her position

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Supervisor	A person who instructs and directs employees in the performance of their duties. This could be a Director, Manager, Supervisor, Chief Operator, Foreman, or Leadhand.
Target	A person who is the focus of bullying/harassment.
Employee	A person employed to perform a function or duty. For the purposes of this Program, employee means any permanent, temporary, casual, contract and student workers, managers, supervisors and elected officials.
Workplace	Workplace is not confined to the offices and buildings where the business of the District of Summerland is being carried out. Harassment can occur during or after working hours, on or off District of Summerland property. Harassment can occur during business travel, work-related social gatherings, through internet communications, or any 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.

RESPONSIBILITIES

Senior Management

- Support and endorse the workplace bullying and harassment program
- Ensure time and resources are available to conduct training, investigations etc.
- Complete all appropriate forms to document any incidents of bullying or harassment
- Assist in the investigation of any incidents of bullying or harassment where necessary or required
- Not engage in bullying or harassment of employees, supervisors or other managers

Managers/Supervisors/Foremen/Leadhands

- Apply and comply with this program
- Inform and train employees on this program
- Ensure bullying/harassment is never endorsed or engaged in
- Take steps to prevent bullying and harassment
- Promote the process to report incidents and complaints of bullying and harassment
- Complete all appropriate forms to document any incidents of bullying or harassment
- Assist in the investigation of any incidents of bullying/harassment where necessary or required
- Not engage in bullying or harassment of employees, other supervisors or managers

Employees

- Not engage in bullying or harassment of other employees, supervisors, or managers
- Report bullying and harassment observed or experienced in the workplace
- Complete all appropriate forms to document any incidents of bullying or harassment
- Apply and comply with the employer's policies and procedures on bullying and harassment

Investigators

- Gather all required information to conduct a full and comprehensive investigation
- Complete investigations free of bias
- Provide follow up and recommendations to assist in eliminating reoccurrence

PROGRAM

This program includes:

- A. Procedures for reporting incidents of bullying/harassment (COMPLAINANT)
- B. Procedures for investigating incidents of bullying/harassment (EMPLOYER)
- C. Appeal Procedure
- D. Training
- E. Record Keeping
- F. Annual Review

A. PROCEDURES FOR REPORTING INCIDENTS OF BULLYING/HARASSMENT (COMPLAINANT)

1. All incidents of bullying/harassment must be reported immediately to a supervisor verbally and in writing. A *Workplace Bullying and Harassment Complaint Form* is to be completed. A sample is shown in Appendix A.
2. Where the supervisor is the alleged bully, Human Resources or other designate will assist in receiving/following up on incidents/reports.

B. PROCEDURES FOR INVESTIGATING INCIDENTS OF BULLYING/HARASSMENT (EMPLOYER)

The process for investigating incidents and complaints of workplace bullying and harassment will be:

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

1. Investigator Selection

Most investigations at the District of Summerland will be conducted internally. Depending on the situation, the supervisor, Human Resources, union representative or other designate will be the lead investigator. An employee representative from the safety

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committee may also be involved. In complex or sensitive situations, an external investigator may be hired. A Workplace Bullying and Harassment Investigation Form is shown in Appendix B.

2. Incident Review

Investigations will include interviews with the alleged target, the alleged bully, and any witnesses. If the alleged target and the alleged bully agree on what happened, then the District of Summerland will not investigate further, and will determine what corrective/follow up action to take, if necessary.

Documents to be reviewed may include:

- Workplace Bullying and Harassment Complaint Form
- Emails or social media evidence
- Notes
- Photographs
- Physical evidence like vandalized objects

3. Follow up

All investigations of alleged bullying and harassment will be followed up and documented. Follow up will include a description of corrective actions, a time frame, and a means for dealing with adverse symptoms. The complainant(s) will be advised of the outcomes and options available. These could include assistance programs, training and discipline.

Documents to be completed:

- Workplace Bullying and Harassment Complaint Form

C. APPEAL PROCESS

Should either complainant or respondent wish to appeal any outcome of the investigation, they are free to do so.

- An appeal must be made in writing without unreasonable delay, no later than 30 days after the decision.
- Full details on the reason for appealing the decision must be provided, clearly explaining why there is a disagreement on the decision.
- Every effort must be made to follow the current corrective actions while the appeal is reviewed.
- An appeal meeting will be arranged to discuss the appeal and, where possible, other participants may be included in the discussion (different senior manager, unbiased 3rd party, union, etc).

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- A final decision will be provided in writing within one week of the appeal meeting.

D. TRAINING

Training for supervisors and employees will include the following:

- How to recognize bullying and harassment
- How staff who experience or witness bullying and harassment should respond
- Procedures for reporting, and how the employer follows up with incidents or complaints of bullying and harassment
- Documents/form review

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

E. RECORD KEEPING

The District of Summerland expects that employees experiencing or witnessing suspected/alleged bullying and harassment to complete the Workplace Bullying and Harassment Complaint Form. (Appendix A). The District of Summerland will keep all records pertaining to investigations and findings in a secure and confidential manner.

F. ANNUAL REVIEW

This program and these procedures will be reviewed annually. All employees will be advised and educated on this policy and program when they are hired, through the new employee orientation process.

ADOPTED: XX

Date:

APPENDIX B

WORKPLACE BULLYING AND HARASSMENT INVESTIGATION FORM	
COMPLETED BY THE INVESTIGATOR	
INVESTIGATOR INFORMATION	
NAME(S):	POSITION(S):
DEPT:	DATE:
DOCUMENT REVIEW	
List all documentation reviewed (emails, notes, photographs, physical evidence, etc.)	
INTERVIEWS	
PERSON INTERVIEWED (Name, position)	
SITUATION DESCRIPTION (include dates, words actions) and impact (humiliated, intimidated, etc.)	
PERSON INTERVIEWED (Name, position)	
SITUATION DESCRIPTION (include dates, words actions) and impact (humiliated, intimidated, etc.)	
PERSON INTERVIEWED (Name, position)	
SITUATION DESCRIPTION (include dates, words actions) and impact (humiliated, intimidated, etc.)	
OUTCOMES	
Based on the investigation, did workplace bullying and harassment occur? Yes No	
Reason(s) for this conclusion:	
Follow up with complainant/respondent. Include corrective actions, time frame, training opportunities etc.	