

Respectful Workplace Policy



Policy Name: Respectful Workplace	Responsible Owner: Coordinator of Human Resources	Created: June 1, 2025
Policy Number: HR 08	Approval Body: SBM	Last Reviewed/Revised: n/a
Category: Human Resources	Replaces: n/a	Next Review: One year

PURPOSE

The purpose of this policy is to ensure that all Hospital Employees' Union (HEU) employees work in an environment free of disrespectful behaviour, harassment, discrimination, and violence.

It is intended to promote the well-being of everyone in the workplace and to foster the values of equity, respect, integrity, and trust that are essential for a healthy, safe, and productive work environment.

OBJECTIVE

To achieve a respectful work environment by identifying roles and responsibilities for preventing and addressing incidents of disrespectful behaviour, harassment, discrimination, and violence and by establishing a process to ensure complaints about respect in the workplace are resolved promptly, fairly and effectively.

APPLICATION

This policy applies to all HEU employees, including full-time elected officers, regardless of their position, as well as with those whom HEU conducts business with including, but not limited to, HEU's Provincial Executive, HEU members, visitors, contractors, and other third parties.

KEY DEFINITIONS

Disrespectful behaviour means engaging with people in ways that do not promote positive and respectful relationships.

Discrimination refers to treating someone differently based on a personal characteristic protected under the BC *Human Rights Code* in a way that causes them disadvantage.

Discrimination can also result when a neutral rule, policy or practice has a negative impact on a person or group of people based on one or more of their protected characteristics.

Discrimination is not the intention that matters, it is the impact of the treatment on the individual who has been discriminated that is important.

In British Columbia, the protected characteristics include:

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| ▪ Indigenous identity | ▪ religion | ▪ sexual orientation |
| ▪ race | ▪ family status | ▪ gender identity or expression |
| ▪ colour | ▪ marital status | ▪ age |
| ▪ ancestry | ▪ physical or mental disability | ▪ summary or criminal conviction unrelated to their employment |
| ▪ place of origin | ▪ sex | |
| ▪ political belief | | |

A negative impact can include, but is not limited to, denying a promotion, discipline, denying benefits, refusing to return someone to work, creating different expectations or rules, ending employment, and discriminatory violence and harassment.

Harassment and violence include a continuum of escalating behaviours that are grounded in societal, cultural, and institutional attitudes, beliefs and norms. It can be in person, virtual, by correspondence, or by electronic means, one off or repeated, intentional or unintentional. It can have physical and/or psychological impacts.

The following examples of violence and harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

Physical violence means the use of, or attempted use of physical force, to cause injury to a person, or any threatening statement or action which gives a person reasonable cause to believe that they are at risk of injury.¹

Examples of physical violence include, but are not limited to:

- Assault, physical abuse, rape, and murder.
- Pushing, grabbing, shoving, tripping, slapping, biting, scratching, hitting, kicking, throwing an object.
- It includes administering, or causing to be administered, any legal or illegal substance that may cause harm to a person, especially without their consent and/or knowledge.
- Theft, arson, vandalism, and other property damage.

Psychological/psychosocial violence and harassment include any inappropriate conduct or comment that the person knew or reasonably ought to have known would cause the other person to be humiliated or intimidated. It may be verbal, non-verbal, deliberate or unintended. It may be one incident or a series of incidents.²

¹ *Occupational Health and Safety Regulation*, B.C. Reg. 296/97 at ss. 4.24 (a) and 4.27.

² WorkSafeBC. 2013. Policy Item P2-21-2 *Employer Duties – Workplace Bullying and Harassment*.

Examples of psychological harassment and violence include:

- Aggressive or frightening behaviour such as swearing, offensive language, shouting, intimidation by threatening violence, or any form of verbal abuse towards a person.
- Bullying, insulting, hurtful, derogatory, humiliating, belittling, rude, or other unwelcome remarks, emails, notes, or actions towards a person.
- Spreading malicious rumours, false accusations, and gossiping.
- Shunning, isolating, or marginalizing a person by deliberately and unreasonably excluding them, for example, stopping them from working with people or from taking part in work-related activities, including work-related social activities.
- Pranks, hazing, teasing, and singling out.
- Telling inappropriate or unwelcome jokes.
- Giving impossible goals and deadlines or pointless tasks that have nothing to do with the job.
- Sabotaging someone's work.
- Withholding necessary information or deliberately withholding workflow so that a person cannot carry out their duties.
- Removing areas of responsibility without cause.
- Victim-blaming.

Discriminatory harassment and violence include any form of physical or psychological violence and harassment based on a personal characteristic protected under the *Human Rights Code* that negatively impacts the work environment or leads to negative job-related consequences. It may be verbal, non-verbal, deliberate or unintended. It may be one incident or a series of incidents.

Discriminatory violence and harassment include any of the examples provided above if it is related to a protected ground. For example:

- Unwelcome remarks or jokes about a person's family, religion, age, disability, education, economic background, etc.
- Making derogatory comments or taunts about a person's disability.

Forms of discriminatory violence and harassment include, but are not limited to, the following:

Microaggressions are comments or behaviours that intentionally or unintentionally express a stereotype, prejudiced, and/or discriminatory attitude or assumptions about a person. Microaggressions are disrespectful and negate or dismiss a person's identity, thoughts, feelings, or experiences, and leads to marginalization of the person(s).

Microaggressions, although sometimes subtle, can erode an individual's sense of belonging and may have a significant impact on the physical and psychological well-being of those who experience them, even if they are unintended.

A few examples of microaggressions are:

- Telling someone to "stop being so sensitive" when they express their feelings about a microaggression.
- Assuming that a woman is less competent than a man.
- Making fun of someone's accent.
- Making assumptions that because a person is X, they probably are/are not Y or like/don't like Y.
- Misgendering a person, including using incorrect pronouns.
- Assuming a person with a disability is helpless or incapable, patronizing them, or minimizing their experience.
- Using words and phrases that have roots in racism, sexism, ablism, and other forms of discrimination. For example, "blacklist", "that's crazy" or "that's insane", "man up", "I don't see colour".

Racial harassment and violence are related to a person's Indigenous identity, race, colour, ancestry, or place of origin. Examples include, but are not limited to:

- Teasing, singling out for greater scrutiny or differential treatment, or exclusion.
- Sharing or displaying inappropriate or offensive material, such as a racially insulting drawing, picture, video, comic, poster or other type of visual content.
- Comments or remarks that are offensive, such as a disparaging, racially based jokes, nicknames, or slurs.
- Insults or derogatory actions directed towards a person.
- Remarks continuing to be made, even after the person has requested them to stop, or has indicated to the alleged harasser the remarks are offensive.
- Physical contact or assault.

Sexual harassment and violence are any unwelcome comment or conduct of a sexual nature that may detrimentally affect the work environment or lead to adverse job-related consequences. Examples include, but are not limited to:

- Verbal abuse, intimidation or threats of a sexual nature.
- Leering, staring or making sexual gestures.
- Watching, filming, or taking photos of someone without their knowledge or consent.

- Unwelcome physical contact including patting, pinching, tickling, stroking, kissing, hugging, fondling, brushing up against, cornering, or inappropriate touching.
- Unwelcome remarks, questions, jokes or innuendo of a sexual nature, including sexist comments or sexual invitations.
- Asking intrusive questions about an employee's private life or body.
- Making insulting comments or jokes about someone's gender identity or sexual orientation.
- Repeated and unwanted invitations to socialize.
- Asking for sexual favours in exchange for benefits, such as a promised job or promotion.
- Sharing or displaying inappropriate or offensive material, such as sexual pictures, drawings, videos, screen savers, comics, posters, sayings, or similar.
- Offensive pictures, graffiti, cartoons or sayings.
- Sending sexually explicit email or text messages.
- Sexual assault, rape, indecent exposure, stalking, substance-facilitated assaults (drug or alcohol), or obscene communications.

Gender harassment and violence is defined as any unwelcome comment or conduct aimed at another person's sex, sexual orientation, gender identity or gender expression that may detrimentally affect the work environment or lead to adverse work-related consequences.

It is often based on hostility and frequently used to pressure individuals to follow traditional gender stereotypes. It can also be used as a bullying tactic, including between members of the same gender.

Examples of gender harassment and violence include, but are not limited to:

- The examples provided under the "Sexual harassment and violence" definition in this Policy (above).
- Teasing, singling out or exclusion.
- Sharing or displaying inappropriate material, such as sexist, transphobic, homophobic, or gendered offensive pictures, videos, drawings, comics, posters or other type of visual content.
- Unwelcome remarks, questions, jokes or innuendo related to the sex, sexual orientation, gender identity or gender expression, of a person or group.
- Insults or derogatory actions directed towards a person, such as gendered offensive language, sexist, transphobic or homophobic actions or insults.

- Physical contact or assault.
- Labeling an individual with a gender-offensive nickname relating to how the individual self-identifies.
- Misgendering, including using the wrong pronouns or deadnaming a person.

Domestic violence is a pattern of behaviour used by one person to gain power and control over another with whom they have, or have had, an intimate relationship or a family relationship. It can include physical, emotional, sexual, financial, psychological and/or spiritual abuse, including stalking. It is characterized by abusive, coercive, forceful, or threatening behaviour. It exists in relationships between people of any gender and may be between people who are married, divorced, common law, separated, dating, or family members. In relation to work, domestic abusers may:

- Prevent the employee from getting to work or cause them to be late or miss work.
- Excessively call, email, or text the employee while they are working.
- Show up at the employee's place of work, announced or unannounced.
- Stalk the employee.
- Otherwise harass, threaten, attempt to harm, or harm the employee at work.

Cyberbullying and online harassment and violence is just as serious as other methods of violence and harassment. Frequency and severity are both factors in whether the behaviour would constitute cyberbullying and online harassment. Examples include, but are not limited to:

- Private or public messages on social media (Facebook, X (Twitter), Instagram, TikTok, blogs, etc.), other websites, emails and instant or text messaging.
- Sending or forwarding threatening, intimidating, humiliating, offensive, insulting or disrespectful online communications.
- Spreading misinformation or rumours online.
- Impersonating an employee or other individual online for the purpose of humiliation or intimidation.
- Sending or forwarding offensive content, such as pornography and other graphic material.
- Intentionally sending a computer virus to an employee.
- Publicly disclosing sensitive personal information about an employee online without that employee's consent (e.g., home address, financial information, workplace interactions).
- Non-consensual distribution of intimate images (see Canada's *Criminal Code*).

OTHER DEFINITIONS

Complainant: An HEU employee who reports experiencing conduct prohibited by this Policy and is seeking a remedy under this Policy.

In some instances, HEU may act as a complainant either where it becomes aware of allegations of conduct that would violate this Policy, but no person comes forward with a report, where there is an anonymous report, or where an investigation is required by law.

Formal complaint: A report of potential disrespectful behaviour, harassment, discrimination, or violence in contravention of this Policy that will proceed through a formal investigation.

HEU workplace: Any HEU office premises and any alternate location or site in which work-related activities under HEU's control or direction are performed.

Incident: An event or occurrence giving rise to a report of disrespectful behaviour, discrimination, violence, or harassment.

Informal complaint: A report of potential disrespectful behaviour, harassment, discrimination, or violence that is dealt with through an informal process.

Management: The exempt manager to whom the respondent reports to; this includes, but is not limited to, the Secretary-Business Manager, the Assistant Secretary-Business Manager, General Counsel, Coordinators, or Managers.

Respondent(s): A person or persons alleged to have engaged in conduct that violates this Policy.

- Internal respondent: an excluded or bargaining unit employee of HEU.
- External respondent: a person that is not an employee of HEU, including HEU members, healthcare employer representatives, contractors, vendors, etc.

Retaliation: Any adverse action taken against a person because that person seeks advice on making reporting an incident, reports an incident, or co-operates in an investigation of an incident.

Supervisor means any bargaining unit person who instructs and directs workers in the performance of their duties.

Vexatious or frivolous complaints means a complaint where the complainant knows, or it is clearly apparent upon review, that there is no foundation in fact that would suggest a breach of this Policy, or where the complaint is filed for the purpose of bringing an adverse consequence to the respondent or another participant, or for another improper purpose.

POLICY

1. General

- 1.01 The Respectful Workplace Policy, referred to as “the Policy” or “this Policy”, covers work-related harassment, disrespectful behaviour, discrimination, and violence at or away from the workplace and during or outside of working hours. This includes, but is not limited to:
- Direct and indirect interactions.
 - In-person, telephone and electronic or internet communications.
 - Activities on HEU premises.
 - Work assignments outside of HEU premises.
 - Work-related conferences, training sessions, and seminars.
 - Work-related travel.
 - Work-related social gatherings.
- 1.02 This policy is designed to complement and not conflict with HEU’s collective agreement with its staff union, the Professional Employees Association (PEA-HESU) – Hospital Employees’ Staff Union. If there is any inconsistency between this policy and a provision of the collective agreement, the applicable collective agreement provision(s) will prevail to the extent of the inconsistency.

2. Respectful Workplace

- 2.01 HEU has a responsibility to prevent their employees and full-time elected officers, and others who perform work within an HEU workplace, from exposure to occupational health and safety hazards that may cause physical, psychological, or emotional harm, including work-related harassment, discrimination, and violence.
- 2.02 HEU commits to building a work environment that is welcoming, inclusive, respectful, healthy and safe environment free from discrimination, violence, and harassment.
- HEU will not tolerate intentional or unintentional acts of disrespectful behaviour, harassment, discrimination, or violence towards its employees or others working within an HEU workplace.
- 2.03 All HEU employees and full-time elected officers have a responsibility to behave in a respectful manner that upholds the dignity of every individual and contributes to maintaining a respectful workplace.
- 2.04 HEU members, including members of the Provincial Executive, visitors to HEU workplaces, contractors, and other third parties that conduct business with HEU, must not engage in disrespectful behaviour, harassment, discrimination, or violence towards HEU employees or others working within an HEU workplace.

- 2.05 Management may be considered a party to disrespectful behaviour, harassment, discrimination, or violence if they fail to respond within a reasonable timeframe to reported incidents or situations where they witness, or ought reasonably to have known about incidents of disrespectful behaviour, harassment, discrimination, or violence.
- 2.06 This Policy is not intended to limit supervisors and management exercising, in good faith, their supervisory and managerial rights and responsibilities, such as, acceptable approaches to assigning work, providing instructions on completion of work, performance appraisal, staff relations, counselling, and disciplinary action.
- 2.07 Employees, with the assistance of management, if appropriate, are encouraged to make reasonable efforts to informally address potential conflicts when they arise or become known. Where a person is uncomfortable or unable to approach the individual, the incident should be reported to their supervisor, the coordinator or manager, their union steward, the Joint Occupational Health and Safety Committee co-chairs, and/or Human Resources.
- 2.08 The complainant and the respondent have the right to be treated fairly and seek confidential support and advice from their union or trusted individuals, while preserving the dignity, privacy, self-respect, and confidentiality of all persons.
- a) Any breach of confidentiality, including the release of any documentation or information related to a complaint or an investigation, will be investigated and may be subject to appropriate disciplinary action.
 - b) HEU will not disclose the identity of the complainant or respondent, or the circumstances of the complaint, except where disclosure is necessary for the purposes of investigating or taking disciplinary action in relation to the complaint, or where such disclosure is required by law.
 - c) HEU may inform management of the matter if support from management is required to ensure a safe work environment (e.g. through the provision of interim measures) or if there are concerns about the health and safety of persons at the workplace.
 - d) Personal information about an individual may be shared with third parties (such as police or an investigator) to investigate an incident, determine the cause of the incident, and make recommendations to prevent recurrence.
- 2.09 This Policy shall not be used for vexatious, frivolous, or vindictive purposes as determined through the investigation process.
- 2.10 HEU employees have the right to raise concerns without fear of retaliation. This Policy prohibits retaliation and threats of retaliation against individuals who report incidents of work-related disrespectful behaviour, discrimination, violence, or harassment, or participate in the investigation process.

3. Roles and Responsibilities

3.01 Employees

Every HEU employee, including full-time elected officers, has a role in building and maintaining a respectful workplace. All employees must:

- a) behave in an inclusive and professional manner and not engage in disrespectful, harassing, discriminatory, or violent behaviour,
- b) apply and comply with this Policy and other relevant HEU policies, procedures, and collective agreement provisions, as applicable to their circumstances,
- c) ensure they understand this Policy and seek clarification if they have questions about the Policy (lack of awareness of the Policy is not a defence for harassing, discriminatory, disrespectful, or violent behaviour),
- d) complete training sessions designed to familiarize themselves with this Policy,
- e) cooperate with any efforts to investigate and resolve matters arising under this policy, and
- f) if involved in an investigation, always respect confidentiality.

3.02 Supervisors

Supervisors set the tone and are role models for other employees. All supervisors must:

- a) model and promote inclusive and professional behaviour and not participate in disrespectful, harassing, discriminatory, or violent behaviour,
- b) follow this Policy and ensure that employees under their supervision or direction follow it,
- c) ensure that all employees are aware of and understand this Policy, including providing an orientation of this policy to new staff in their department, and regularly review it with their staff,
- d) advise employees under their supervision of potential and actual hazards, including discrimination, harassment, and violence,
- e) immediately take steps to resolve a situation of disrespectful behaviour, harassment, discrimination, or violence when it becomes known, and consult with their Coordinator and/or Human Resources to determine if further steps are required,
- f) provide information to assist in the investigation of a complaint, if required,
- g) always respect confidentiality, and
- h) work with their Coordinator and/or Human Resources, as appropriate, to restore a respectful workplace after a complaint.

3.03 Management

Management sets the tone and are role models for other employees. Management must:

- a) model and promote inclusive and professional behaviour and not participate in disrespectful, harassing, discriminatory, or violent behaviour,
- b) follow this Policy and ensure that employees under their supervision or direction follow it,
- c) identify factors that contribute to disrespectful behaviour, discrimination, violence, and harassment and implement control measures to eliminate or minimize these hazards,
- d) provide information to the applicable employees where an individual known to have a history of violent or harassing behaviour may present a risk to employees and those employees can be expected to encounter that individual in the course of their work,
- e) work with the employee to create a safety plan to protect the employee from exposure to discriminating, harassing, or violence behaviours from an individual, including those with a known history of these behaviours,
- f) ensure that all employees under their supervision or direction are aware of and understand this Policy,
- g) advise employees under their supervision of potential and actual hazards, including discrimination, harassment, and violence,
- h) take steps to resolve a situation of disrespectful behaviour, harassment, discrimination, or violence when it becomes known, and consult with Human Resources to determine if further steps are required,
- i) take necessary and appropriate steps to properly review and/or investigate and address reports of discrimination, violence, and harassment in accordance with this Policy,
- j) provide information to assist in the investigation of a complaint, if required,
- k) always respect confidentiality,
- l) provide appropriate support services to employees who are impacted by incidents. This may include the creation of a personal safety plan and/or facilitating access to appropriate support services,
- m) implement remedial / corrective actions, including providing direction and supervision to affected employees, providing training to facilitate an understanding of appropriate personal interactions and management of difficult situations, or discipline, and
- n) work with Human Resources, as appropriate, to restore a respectful workplace after a complaint.

3.04 Human Resources

The Human Resources Coordinator, or their designate, administers the employer's responsibilities under this Policy under the direction of the Secretary-Business Manager. Human Resources must:

- a) model and promote inclusive and professional behaviour and not participate in disrespectful, harassing, discriminatory, or violent behaviour,
- b) follow this Policy and ensure that participants under their supervision or direction follow the Policy,
- c) identify factors that contribute to disrespectful behaviour, discrimination, violence, and harassment and implement control measures to eliminate or minimize these hazards,
- d) ensure training is provided for employees, supervisors, and management to understand this policy and how to apply. This will include, but is not limited to:
 - i. How to identify discrimination, violence, and harassment.
 - ii. How to prevent or minimize discrimination, violence, and harassment.
 - iii. Understanding their rights and responsibility in creating and maintaining a respectful work environment.
 - iv. How to report incidents.
 - v. The process for investigating and resolving incidents.
- e) receive complaints made by or against employees and full-time elected officers, including those reported by a third party,
- f) determine whether a formal investigation is required, whether a contravention of this Policy has occurred, and the appropriate remedy,
- g) provide mediation and informal resolution services to employees for possible early resolution of an informal complaint,
- h) investigate complaints and, if activated, administer the collective agreement's third-party complaints process, in a timely manner,
- i) act as a fact finder in an impartial manner, if applicable,
- j) consider, in consultation with appropriate management, whether to recommend interim measures to limit interaction between a complainant and respondent during the complaints process,
- k) interim measures shall be revisited upon resolution of formal or informal processes,
- l) inform the complainant and respondent in writing of the investigation outcome,
- m) report the incident to the local police agency, if applicable.

- n) if applicable, prepare a report on the results of the investigation that sets out the allegations, and findings of fact (what happened) and law (was there a breach) and provide advice and recommendations to the parties on actions to address findings and to restore a respectful workplace,
- o) A full report of the investigation will be shared with appropriate management. A summary of the report will be shared with the complainant and respondent. This summary will limit disclosure to matters essential to understanding the finding and the reasons supporting the finding and will protect the confidential interests of witnesses to the extent that fairness allows,
- p) always respect confidentiality,
- q) maintain confidential records of all complaints,
- r) review this Policy on an annual basis, and
- s) report to the Secretary-Business Manager on a quarterly basis regarding aggregate data, workplace culture, training initiatives, and recommendations to improve the Policy.

3.05 **Secretary-Business Manager**

The Secretary-Business Manager, or their designate, will assume the responsibilities above in the case that the Human Resources Coordinator is the complainant or respondent in the complaint.

4. Reporting

- 4.01 Employees are encouraged to report all incidents that are in contravention of this Policy.
- 4.02 An employee who perceives that they or another employee are being subject to disrespectful behaviour, harassment, discrimination, or violence should:
 - a) If comfortable and able, inform the individual(s) behaving contrary to this Policy as soon as possible that their conduct is objectionable and unwelcome,
 - b) if concerns remain, or the employee was uncomfortable or unable to approach the individual(s), they should follow the reporting process in 4.03 or 4.04 of this Policy as soon as possible following the incident,
 - c) keep a written record of the details of the incident(s) – e.g., times, locations, names of witnesses,
 - d) participate in an investigation by providing any evidence which may assist in resolving the issues,
 - e) preserve the confidentiality of information pertaining to the complaint, investigation, findings, recommendations, and decisions regarding a complaint, and

- f) report the matter to the appropriate authorities if the behaviour is criminal in nature.

4.02.1 **Violence:** All incidents of actual, or threats of, physical violence must be reported through the formal complaint process provided in section 4.04 (b) of this Policy.

4.03 **Informal complaint**

- a) An employee may report informally to discuss work-related behaviours that are considered problematic and receive informal supports.
- b) An employee reporting informally is entitled to have a support person present for the conversation.
- c) Informal complaints may be reported confidentially, verbally or in writing, to:
 - i. their supervisor,
 - ii. any coordinator or manager,
 - iii. a Joint Health and Safety Committee (JOHSC) co-chair,
 - iv. a union steward,
 - v. Human Resources,
 - vi. if an employee believes they have been subject to conduct by a Provincial Executive member (including the Secretary-Business Manager) in breach of the [Hospital Employees' Union Code of Conduct for the Provincial Executive](#), they may report directly to the HEU's Ethics Commissioner office by emailing ethicscommissioner@heu-ec.ca.
- d) Informal supports include, but are not limited to:
 - i. coaching and advice related to the potential means of resolving the situation; and
 - ii. a supported dialogue between the complainant and respondent, facilitated by the supervisor, management, or Human Resources; and/or
 - iii. if the Complaints Investigation process is initiated, informal supports as agreed to between the Complaints Investigator, the complainant, and the employer; or
 - iv. in respect to an informal complaint submitted to the Ethics Commissioner, they may consider culturally appropriate, transformative, or restorative justice approaches to conduct an informal resolution, and may engage a third party to assist. Informal resolution could include facilitated discussions, mediations, and other alternative dispute resolution methods.
- e) If the employee and the individual(s) receiving the informal complaints are satisfied that a respectful workplace has been restored, the matter will be deemed to be completed.

- f) A record of the issue and its resolution will be provided to Human Resources for confidential record keeping.
- g) An informal complaint will not normally be subject to an investigation, unless the content of the complaint requires it under this Policy or the law. All parties will be informed in advance.

4.04 **Formal complaint**

- a) An employee that wishes to pursue a formal process must submit a formal complaint in writing to Human Resources by using the Respectful Workplace Report form.
- b) **Violence incidents:** Incidents of actual, or threats of, physical violence as defined in sections [4.24\(a\)](#) and [4.27](#) of the Occupational Health and Safety Regulation (OHS Regulation) must be reported through the Occupational Health and Safety Incident Report form and submitted to the JOHSC co-chairs.
- c) The complainant must indicate in the complaint which formal process they wish to pursue:
 - i. Complaints investigation process provided in Addendum II of the HEU-PEA-HESU Collective Agreement (if applicable); or
 - ii. Investigation by the Human Resources Coordinator, or their designate; or
 - iii. Complaints related to a member of the Provincial Executive (including the Secretary-Business Manager), will be addressed by the Ethics Commissioner.
- d) The complainant must provide all pertinent details of the incident in their complaint to facilitate a formal investigation.
- e) Anonymous reports may be considered and may be investigated by the employer to the extent that the relevant information is provided in the report form.

- 4.05 A complainant has the right to withdraw a report at any stage of the process. However, HEU may continue to act on the issue identified in the report to comply with its obligations under the law or this Policy.

5. Investigations

- 5.01 All submissions, responses, comments, and decisions pursuant to the Policy will be issued in writing and the record will be held by Human Resources.
- 5.02 All employees are required to cooperate during investigations, as applicable.
- 5.03 a) Except as provided in 5.03 b) and d), all formal complaints will be investigated promptly and thoroughly by the Employer through either an internal process or through the Complaints Investigation process provided in Addendum II of the HEU-PEA-HESU Collective Agreement, as applicable.

- b) Violence incidents will be jointly investigated with a worker representative from the JOHSC as provided in 5.08.
 - c) In some circumstances as determined by the Employer, a worker representative from the JOHS committee may be invited to participate in the investigation of a complaint related to an external respondent, even if the incident does not meet the definition of violence under the OHS regulation.
 - d) Formal complaints related to a member of the Provincial Executive (including the Secretary-Business Manager) that have been submitted to the Ethics Commissioner Office will be investigated by the Ethics Commissioner.
- 5.04 An informal complaint that is not resolved through informal resolution may proceed to a formal investigation, if deemed necessary by the Coordinator of Human Resources, or requested by the complainant or the respondent.
- 5.05 This Policy will be interpreted, administered, and applied in accordance with the principles of procedural fairness and natural justice. In particular:
- a) all employees will be advised of the provisions of this Policy and of the procedures available to them under the terms of this Policy,
 - b) a complainant who wishes to seek resolution of a complaint through supported dialogue, mediation or investigation under this Policy must be prepared to be identified to the respondent,
 - c) the respondent will be informed of the allegations made against them and will be given a full opportunity to respond,
 - d) complainants and respondents will be given the opportunity to present evidence in support of their positions and to defend themselves against allegations of a breach of this Policy,
 - e) an investigation is not an adversarial process, and a hearing will not be held as part of the investigatory process. Formal rules of evidence commonly associated with a civil or criminal trial will not be applied, and
 - f) complainants will be advised of their option to have a support person of their choosing present for interviews. For bargaining unit employees, a support person would normally be a steward or union representative. The investigator has discretion to consider requests for others to be support persons, in consultation with PEA-HESU.
- 5.06 **Complaints Investigation Procedure:** If a complainant initiates the Complaints Investigation process provided in Addendum II of the HEU and PEA-HESU Collective Agreement, the Human Resources Coordinator, or their designate, will facilitate the process upon receipt of the complaint.

5.07 For all other formal complaints not related to physical violence, the Human Resources Coordinator, or their designate, will:

- a) investigate the complaint; or
- b) appoint an internal investigator; or
- c) engage an external investigator.

5.08 For incidents of violence as defined in sections 4.24(a) and 4.27 of the OHS Regulation, a preliminary and full investigation must be completed pursuant to section [69 to 72](#) of the *Workers' Compensation Act* (the *Act*).

The investigation must include the participation of a worker representative of the JOHSC as provided in:

- a) [Section 70](#) of the *Act*; and
- b) [Section 3.28](#) of the OHS Regulation.

5.09 Investigations will use the reasonable person standard as well as the civil standard of proof to help determine the appropriateness of the respondent's actions.

HEU will ensure that investigators of formal complaints will possess the demonstrated skills and expertise to investigate the subject matter of the complaint, including, but not limited to:

- a) Applicable provisions under the *Act* and the OHS Regulation,
- b) Applicable provisions under the *BC Human Rights Code*,
- c) HEU policies and procedures,
- d) Applicable provisions under the HEU and PEA-HESU Collective Agreement,
- e) HEU's Constitution and Bylaws, if applicable,
- f) Trauma informed investigation practices,
- g) Anti-racist practices, and
- h) Any other relevant law and policy.

5.10 The investigation process may include, but is not limited to, the following:

- a) Requesting a written response to the complaint from the respondent, including a list of any potential witnesses, and any relevant documents, including any social media communications.
- b) Meeting with or requesting further information from the complainant.
- c) Meeting with or requesting further information from the respondent.

- d) Meeting with or requesting further information from any other individuals who may have information relevant to the investigation, including any witnesses identified by the complainant or the respondent.
- e) Inviting the complainant and the respondent to submit questions they believe should be asked of the other party or any witness, provided that the decision as to whether such questions will be asked of the other party, or a witness, is entirely within the discretion of the Investigator.
- f) Obtaining any other evidence that may be relevant to the investigation.

5.11 **Informal resolution** – the investigator may pursue recommendations for mediation or informal resolution of complaints. At any time in the process, a resolution may be reached with the consent of the parties in consultation with Human Resources and/or the third-party investigator and/or mediator.

Informal resolution involves making the situation known to the other employee in a constructive manner and could involve seeking support from a manager, a facilitator, a union representative, or a mediator. Informal resolution can include agreement between the parties that the behaviour will not continue and restorative justice approaches.

A record of the complaint and of its resolution will be maintained by Human Resources.

5.12 If the Coordinator of Human Resources believes that the report discloses other kinds of misconduct or information that HEU may need to act on under another HEU policy or process, they may refer the report or the relevant portions of the report to the appropriate process.

5.13 **Investigation outcomes:** At the completion of the investigation, the investigator will decide based on:

- a) A summary of the evidence considered.
- b) Any assessment of credibility that is required to render a determination.
- c) The investigator's findings of fact, and a determination as to whether, on a balance of probabilities, this policy has been violated.

5.14 If a decision is made that this policy has not been violated, the Coordinator of Human Resources, or their designate, will notify the complainant and the respondent of the outcome.

For worker-to-worker complaints, although the situation is determined not to meet the threshold for violating the policy, informal supports will be explored with the goal of restoring a positive, professional working relationship.

5.15 If the investigator's report determines that discrimination, violence, or harassment has occurred, or that this policy has otherwise been violated, the following will occur:

- a) The investigator will advise the Coordinator of Human Resources, or their designate, of the investigation findings.
- b) The Coordinator of Human Resources will consult with the relevant coordinator or management to determine whether remedial actions or other measures are appropriate based on the findings.
- c) The complainant and the respondent will be notified of the outcome of the investigation and receive a summary report.

6. Corrective action

6.01 When an investigation concludes that an employee has breached the Policy, appropriate action will be taken. All employees, including management and elected officers, who are found to have acted in breach of this Policy may be subject to, but not limited to, the following remedial actions:

- a) provided with further direction and supervision, including appropriate personal interactions and management of difficult situations,
- b) required participation in workshops or other relevant educational opportunities,
- c) required mediation or other supported/facilitated conversations,
- d) required to change assignments, work location, or similar if required as a measure to protect the complainant from further exposure to the hazard,
- e) revocation of access to HEU property and/or HEU events, where it is deemed necessary to do so to ensure the health and safety and security of an HEU employee or the HEU work environment, and
- f) disciplinary action, up to and including, termination.

6.02 In addition to disciplinary outcomes, HEU may require workshops, mediation, or other remedial process for the parties or other members of the HEU community in the environment affected by the complaint or investigation and/or to prevent future occurrences.

6.03 An employee represented by PEA-HESU Chapter who is subject to discipline under this Policy may file a grievance in accordance with the grievance procedure set out in Article 4.06 of the collective agreement between HEU and PEA-HESU Chapter.

7. Confidentiality

7.01 Any allegation of a breach of this Policy may involve the collection, use, and disclosure of sensitive personal information. Confidentiality is required to protect those who have experienced a breach of this Policy, those accused of a breach under this Policy, and witnesses.

- 7.02 To protect the integrity, fairness, and effectiveness of investigations and to ensure compliance with the *Personal Information Protection Act*, and subject to any limits or disclosure requirements imposed by law or required by this Policy, any and all information, oral and written, created, gathered, received, or compiled through the course of a complaint is to be treated as confidential by the complainant and the respondent, witnesses, or any other persons designated by this Policy.
- 7.03 Individuals, including the complainant and the respondent, who have obtained personal information about an identifiable individual through their participation in an investigation must not disclose this information to anybody except their own personal advisors or representatives, or as required by law. However, this section does not prevent:
- a) Any participants in an investigation from disclosing information about themselves or information that they have obtained outside the investigation.
 - b) HEU management representatives from disclosing investigation-related information as authorized under this policy.
- 7.04 HEU will not disclose any personal information related to an investigation except to the extent such disclosure is:
- a) Expressly authorized by the affected individual.
 - b) To an HEU representative, if necessary for the performance of that individual's duties.
 - c) To a complainant, respondent, witness, or other participant in the investigation, if necessary for the conduct of the investigation.
 - d) Authorized by this policy.
 - e) Authorized or required under law.
- 7.05 Information may also be shared where:
- a) An individual is at imminent risk of self-harm,
 - b) An individual is at imminent risk of harming another, or
 - c) There are reasonable grounds to believe that others in the HEU community or wider community may be at risk of harm.
- 7.06 Under the applicable privacy legislation, HEU is only authorized to disclose disciplinary actions it has taken against a respondent if the disclosure is authorized by the HEU for compelling health or safety reasons. For example, HEU may inform complainants of any restrictions that may have been imposed upon the Respondent's movements or activities.

8. Joint Health and Safety Committee

- 8.01 If not already party to the process, the Joint Health and Safety Committee (JOHS) will be provided with a redacted summary report of the investigation. The report will summarize the following:
- a) the nature of the incident,
 - b) the contributing factors that precipitated or caused the incident, and
 - c) the health and safety corrective actions implemented and/or a timeline for implementation of proposed corrective actions.
- 8.02 The JOHS committee will review the report and provide additional written recommendations regarding corrective actions, if applicable, to HEU.
- 8.03 In some circumstances, as determined by the employer, a worker representative from the JOHS committee may be invited to participate in the investigation of incidents related to external respondents, even if the incident does not meet the definition of violence under the OHS regulation.
- In these circumstances, the worker co-chair of the JOHS committee will be notified and requested to advise the employer which worker representative will participate.
- 8.04 The JOHS committee is subject to all the provisions in this Policy, including those related to confidentiality.

RELATED POLICY

- Hospital Employees' Union Code of Conduct for the Provincial Executive.
<https://www.heu.org/heu-ethics-commissioner-office>
- HEU Policy to Protect Human Rights, Prevent Bullying and Encourage Mutual Respect.
[H:\Policies and Procedures\HEU\HEU Policy to Protect Human Rights, Prevent Bullying and Encourage Mutual Respect \(May 2023\).pdf](H:\Policies and Procedures\HEU\HEU Policy to Protect Human Rights, Prevent Bullying and Encourage Mutual Respect (May 2023).pdf)

RELATED ACTS AND REGULATIONS

- British Columbia *Human Rights Code*, [RSBC 1996] CHAPTER 210.
https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/00_96210_01
- *Workers Compensation Act*, [RSBC 2019] c. 1 at Part 2, ss. 21-23, 36, and 69-73.
<https://www.worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation/workers-compensation-act/part-2-occupational-health-and-safety>
- Occupational Health and Safety Regulation, B.C. Reg. 296/97 at ss 3.28, 4.24, and 4.27.
<https://www.worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation>
- WorkSafeBC. 2013. Policy Item P2-21-2 Employer Duties – Workplace Bullying and Harassment. <https://www.worksafebc.com/en/law-policy/occupational-health->

[safety/searchable-ohs-regulation/ohs-policies/policies-for-the-workers-compensation-act#SectionNumber:P2-21-2](#)

- Canada's *Criminal Code* (R.S.C., 1985, c. C-46). <https://laws-lois.justice.gc.ca/eng/acts/c-46/>

RELATED COLLECTIVE AGREEMENT PROVISIONS

- Art. 18, Collective Agreement between the Hospital Employees' Union (HEU) and HEU/PEA-HESU Chapter, April 1, 2024 – March 31, 2027

SUPPORTING FORMS, DOCUMENTS AND WEBSITES

- [Respectful Workplace Report Form](#)
- OHS Incident Reporting Form: <H:\OH&S Committee\Forms\Incident Report Form.pdf>
- Worker's Report of Injury Form (6A): <H:\OH&S Committee\Forms\Worker's Report of Injury or Occupational Disease to Employer.pdf>
- WorkSafeBC Bullying and Harassment Questionnaire: <https://blhr.online.worksafebc.com/>
- 211 is a free and confidential service that connects people to helpful and vital resources in their community. <https://bc211.ca/>