

3.3.1 Bullying & Harassment Prevention

1. Policy Statement

The FSA is committed to maintaining a respectful workplace, and does not tolerate bullying and harassment in the workplace. The purpose of this policy is to assist in identifying and preventing harassment and bullying, and to provide a procedure for handling and resolving complaints.

2. Application

This policy covers allegations of workplace bullying and harassment at the FSA. This policy applies to FSA Directors (including other elected or appointed officers and officials) and FSA employees (including permanent, temporary, casual, contract, excluded and student workers).

The FSA recognizes that employees may also be subjected to workplace bullying and harassment by BCIT employees, including FSA members, and outside stakeholders or volunteers; in those circumstances, the FSA acknowledges its responsibility to investigate such allegations to the extent possible and with the objective of stopping the bullying and harassment, and will support and assist employees subjected to such behaviour.

3. Bullying and Harassment

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

4. Duties

It is the Employer's responsibility to take reasonable steps to prevent where possible, or otherwise minimize, workplace bullying and harassment. The employer and employees have the following specific duties.

- 4.1. The Employer must:
 - 4.1.1. not engage in bullying and harassment of employees;
 - 4.1.2. apply and comply with FSA policies and procedures on bullying and harassment;

- 4.1.3. develop and implement procedures for employees to report and deal with incidents or complaints of workplace bullying and harassment, and review the these procedures yearly; and
- 4.1.4. inform employees of this policy and provide training on recognizing and responding to bullying and harassment.
- 4.2. Employees must:
 - 4.2.1. not engage in bullying and harassment of other workers
 - 4.2.2. report any incidents of bullying and harassment they observe or experience; and
 - 4.2.3. apply and comply with FSA policies and procedures on bullying and harassment.

5. Reporting

- 5.1. Reports of bullying and harassment should be made to the Executive Director.
- 5.2. If the report involves the Executive Director, or if the Executive Director is unavailable or in a conflict of interest, the report should be made to the FSA President who will determine an alternate to deal with the matter. If the Executive Director and the FSA President are both unavailable or in a conflict of interest, the report should be made to the FSA Vice-President.
- 5.3. Incidents or complaints should be reported as soon as possible after experiencing or witnessing an incident, to allow the incident to be investigated and addressed promptly.
- 5.4. Report of incidents or complaints of workplace bullying should be in writing, using the bullying and harassment complaint form or witness report form, and be signed by the person making the report. The report should include as much information as possible, such as the names of people involved, witnesses, where and when the events occurred and what behaviour and/or words led to the report. Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted.
- 5.5. If the allegations in a report or complaint include matters that may be covered by another policy, such as the Discrimination and Sexual Harassment Procedure, the complaint may be referred for investigation under that policy.
- 5.6. There shall be no duplication of process. These procedures will not be used where a complainant has sought recourse under another policy or process, such as filing a grievance under the harassment provisions of the collective agreement, unless that process has been discontinued or abandoned.

- 5.7. Nothing in this policy prevents an employee who receives discipline under this policy from filing a grievance under the collective agreement.

6. Investigations

- 6.1. The Executive Director will normally be the investigator who examines any incident or complaint and determines whether a violation of the policy has occurred. In complex or sensitive situations, or where there is a conflict of interest or unavailability of personnel, an external investigator may be appointed.
- 6.2. Investigations will be:
 - 6.2.1. undertaken promptly and diligently
 - 6.2.2. thorough, fair and impartial
 - 6.2.3. sensitive to the interests of all parties involved
 - 6.2.4. confidential
 - 6.2.5. focused on finding facts and evidence
- 6.3. Investigations will include interviews with the complainant, the respondent, and any witnesses. The investigator will also review any relevant physical evidence, such as emails, handwritten notes, photographs, or other objects.
- 6.4. During the investigation process, the complainant or respondent may be accompanied by a support person or union representative.
- 6.5. The investigator will make a written report, including findings as to what happened and may include recommendations for resolution.

7. Follow-up

Upon completion or receipt of the investigation report, the Executive Director or alternate as per 5.2 will advise the complainant and respondent of the results of the investigation, and will take steps within a reasonable time frame to redress the incidents if appropriate as well as to prevent any future bullying and harassment incidents in the workplace. These steps may include:

- 7.1. Reviewing and revising workplace procedures;
- 7.2. Appropriate corrective action, including discipline or education.

The FSA may also assist employees through referral to available employee assistance programs or other workplace resources.

8. Roles and Responsibilities

- 8.1. The Executive Director is responsible for ensuring that any reports or complaints of harassment and bullying are addressed, and these investigation procedures are followed.
- 8.2. Employees are expected to cooperate with investigators and provide any details of incidents they have experienced or witnessed.
- 8.3. All persons involved in an investigation are expected to maintain confidentiality.
- 8.4. There shall be no retaliation against a person for making a report or complaint, or being involved in an investigation under this policy. Any person found to have engaged in retaliation may be subject to discipline.
- 8.5. Any complaint or allegation that proves to be false and made maliciously will be viewed as a serious offence and the person making the malicious allegation may be subject to discipline.
- 8.6. A party who is dissatisfied with the results of an investigation under this policy may request a review by the Board of Directors
- 8.7. In any case where the Executive Director is unable to fulfill their duties under this policy, the President will assume those duties. Where the President is unable to do so, the FSA Board will determine who will assume those duties.

9. Record-keeping requirements

- 9.1. The FSA expects that employees will keep written accounts of incidents to submit with any complaints.
- 9.2. The FSA will keep a written record of investigations, including the findings, in accordance with the FSA Records Retention Policy.

10. Annual Review

This policy and its procedures will be reviewed annually. All employees will receive training on this policy, copies of which will be available electronically and at the FSA front desk.

Workplace Bullying and Harassment Complaint Form

Name of complainant
Name of respondent(s)

Personal statement

Please describe in as much detail as possible the bullying and harassment incident(s), 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(s) (behaviour and/or words used)
- any additional details that would help with an investigation

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

Signature	Date
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Workplace Bullying and Harassment – Witness Report Form

Your Name
Names of persons involved in the incident you observed

Personal statement

Please describe in as much detail as possible the incident(s), including:

- the names of the parties involved
- any other witnesses to the incident(s)
- the location, date, and time of the incident(s)
- details about the incident(s) (behaviour and/or words used)
- any additional details that would help with an investigation

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

Signature	Date
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Date	Revision (Brief description)
May 2016	Formatted into branded template
August 2015	New policy in compliance with Worksafe BC - approved by Board