



McLeod Lake Indian Band

Harassment and Bullying Policy

(Personal and Sexual Harassment, Bullying, Respectful Workplace Behaviours)

Approved by Chief and Council, October 3rd, 2018

Introduction

McLeod Lake Indian Band 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, McLeod Lake Indian Band will not tolerate and is dedicated to preventing any instance of bullying, harassment or violence in the workplace. All employees of McLeod Lake Indian Band 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.

Purpose

The purpose of this statement is to define the policy and process that must be observed by all MLIB employees in all aspects of the employment relationship.

Scope

This Policy applies to all employees and contractors. Harassment, bullying, workplace violence and discrimination are behaviours that can occur with or be directed towards colleagues, subordinates, Supervisors, Managers, MLIB Members and or contractors. It may also originate from or be directed at an individual or group of individuals. This policy applies in the workplace, work assignment outside of work, work related travel, work related telephone conversations, as well as in every location where business or social activities take place when the alleged conduct affects an individual in the context of work.

Harassment and Policy Statement

At MLIB every employee is entitled to an environment free from harassment, bullying, workplace violence, or discrimination of any form.

Through this Policy, McLeod Lake Indian Band is demonstrating a commitment to respect the laws that govern it, to discourage behaviour that disregards the company's commitment to taking appropriate action. MLIB 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. This information will be provided to the Joint Occupational Health & Safety Committee or Safety Representative.

McLeod Lake Indian Band will communicate information relating to a person with a history of violence where:

- Workers may reasonably be expected to come into contact with the person in the person in the performance of their job duties
- There is potential risk of workplace violence as a result of interactions with the person with a history of violence

McLeod Lake Indian Band has implemented efficient, impartial and confidential mechanisms at the disposal of all of its employees to deal with complaints and prevent problematic situations and support employees throughout the process.

This Policy is also designed to protect the reputation of individuals in the case of unfounded or malicious complaints or accusations.

This Policy is not intended to constrain normal social interactions.

Managing and/or coaching that include counseling, performance management, work assignment and progressive discipline are not considered discrimination, harassment, or bullying. This does not restrict a Manager's/Supervisor's responsibilities in these areas.

Harassment and bullying does not include every workplace conflict or interaction that an employee may find unpleasant.

The harassment process should not be used to vent feelings of minor discontent, differences of opinion or generalized dissatisfaction with life in the work place.

Regardless of the outcome, when a harassment complaint is made in good faith, the complainant and anyone providing information will be protected from all forms of retaliation by co-workers and superiors.

Definitions:

Discrimination – Every person has a right to full and equal recognition and exercise of his/her human rights and freedoms with distinction, exclusion or preference as set out in The Human Rights Code of Canada, and The Human Rights Code of British Columbia namely: race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age, or conviction for a criminal or summary conviction offence that is unrelated to employment; and

- i) Is unwelcome or is of such a nature that it would be reasonable to assume that it is unwelcome
- ii) Detrimentially affects the work environment or leads to adverse job-related consequences for the complaint

Types of discriminatory harassment may include, but are not limited to:

- Displays of derogatory, or sexual explicit pictures, photographs, cartoons, drawings, symbols and other material
- Unwanted and unnecessary touching
- Offensive remarks about sexual orientation
- Racist language, slurs, derogatory comments, stereotypes
- Telling racist or ethnic jokes that are by their nature embarrassing or offensive
- Threats or abuse based on colour, language or ethnic background
- Retaliation
- Displaying or distributing racist cartoons, posters, graffiti, books or pamphlets

Harassment - Includes any offensive conduct or comment and can consist of a single incident or several incidents over a period of time and may include bullying, ostracism, exclusion, or hazing. Personal harassment may or may not be intended to cause harm to the recipient(s) has a clear and demonstrably negative effect on the complainant and would reasonably be known or ought to be known to be offensive, humiliating or intimidating.

Types of behaviours that may constitute harassment include, but are not limited to:

- Physical harassment
- Threats
- Derogatory comments, slurs, jokes, gossip, innuendo, abusive comments, ridicule or yelling

Sexual harassment and physical abuse are also included – any conduct of a sexual nature that is unwelcome or ought to be known to be unwelcome, including:

Sexual Coercion – examples of, but not limited to:

- Demands of a sexual nature for employment opportunities
- Using power over salary, scheduling, promotions or preferred work

Sexual Annoyance - examples of, but not limited to:

- Sexual conduct that is hostile, intimidating or offensive with no tangible link to employment benefit or loss
- Creates bothersome or unwelcome work environment

Bullying – is an act of repeated health harming mistreatment, verbal abuse or conduct which is threatening, humiliating, intimidating or sabotage that interferes with work or some combination in order to intentionally hurt another person whether mental or physical. If an employee is unsure if certain actions are considered bullying, the question to ask is “whether or not a *reasonable person* would consider the actions taken to be acceptable or unacceptable”. (sourced from ***WorkSafe BC’s Factsheet for Bullying and Harassment***).

Types of bullying may include but not limited to:

- Physical acts (i.e. hitting, shoving, pushing, kicking, pinching)
- Verbal bullying (i.e. name calling)
- Social/relational bullying (i.e. gossiping)
- Cyber-bullying (i.e. sending threatening text messages)
- Retaliation
- Using derogatory or otherwise unwelcome names

Workplace Violence – is the attempt or actual exercise by a person 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 he or she is at risk or injury. Including but not limited to:

- Physical acts (i.e. 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 (yelling, swearing)

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, volunteer, contractor, student, vendor, visitor, Band member or client/customer immediately call **911** for assistance.

Procedures

This policy is intended to respect the rights of all who may be involved in a complaint. The guidelines, requirements and procedures contained in this policy are designed to ensure that individuals feel as comfortable as possible in coming forward with a complaint without fear of reprisal or retaliation. This process can never substitute for other recourses called for under applicable legislation.

False or Malicious Complaints

False and/or malicious complaints and/or allegations of harassment may cause both the accused person and McLeod Lake Indian Band significant damage. If it is determined the person knowingly made false statements, immediate discipline action will be taken and could possibly lead to termination.

Expected Respectful Workplace Standards of Conduct

All employees are expected to promote and maintain a respectful work environment by adhering to the following expected standards of conduct and responsible behaviour.

- Being courteous, polite, respectful and considerate towards others
- Acting with honesty and integrity, abiding by and upholding all rules and regulations
- Expressing disagreement in a professional manner and engaging in good faith when there are differences of opinion
- The inclusion of all people, including those with different strengths and opinions
- Managing workplace conflicts while exercising respect for all involved
- Encouraging and supporting individuals to learn and practice personal conflict resolution and respectful workplace skills
- Report all acts of bullying, harassment and violence to management
- Ensure and comply with McLeod Lake Indian Band's policies and procedures regarding workplace bullying, harassment and violence

Each employee of McLeod Lake Indian Band is responsible for conducting themselves within the spirit and intent of this Policy as well as contributing towards a safe and inclusive work environment free from harassment, bullying, workplace violence and discrimination.

Responsibilities

All Employees

Everyone in the workplace has a role in building a workplace free of harassment. All McLeod Lake Indian Band employees must:

- Review and accept the terms of this policy
- Abide by the policy's principles
- Communicate behaviour observed that contravenes this policy with complete respect for those involved
- Collaborate as fully as possible in the investigation process

- Attend scheduled training sessions designed to familiarize them with the policy
- Employees are encouraged to discuss any behaviour that they may witness and that they believe may be harassing in nature with their Supervisor/Manager or Human Resources.

Lack of awareness of this Policy is not a defence for discriminatory, harassing or bullying behaviour.

Management

Management sets the tone in the workplace and are role models for other employees. All Managers /Supervisors must:

- Model inclusive and professional behaviour and not participate in discriminatory or harassing behaviour
- Follow and lead by example of this Harassment & Bullying Policy
- Ensure that all employees are aware of, understand and follow this Policy
- Take action when they receive complaints of or personally observe harassment in any form
- Report incidents of harassment to the Human Resources Department.

Human Resources Department

The Human Resources Department, Supervisors and Managers provide leadership. The Human Resources Department is the guardian of the Harassment and Bullying Policy and must:

- Promote and communicate this Policy
- Ensure that all employees are informed
- Maintain all written formal complaint documentation
- Make sure that this policy is applied fully
- Provide support to Managers and employees
- Ensure that corrective measures are applied when applicable
- Conduct Investigations
- Recommend appropriate course of action

Notification Procedures

McLeod Lake Indian Band provides employees who are allegedly exposed to harassment, bullying, workplace violence or discrimination the option of taking confidential action, without prejudice or fear of reprisal. This process can never substitute for other resources called for under applicable legislation. The employee can at any time and in complete confidentiality work with the Human Resources Advisor, his/her immediate Supervisor or Employee Family Assistance Program for guidance.

Informal Resolution

A resolution should be initiated as soon as possible after an incident. When an employee feels it is appropriate and is comfortable doing so, he or she could try to resolve the situation:

- Let the person responsible for the harassment know their behaviour is offensive and not acceptable
- May wish to ask a co-worker to be a witness to the conversation
- Involve your Supervisor/Manager
- Talk with Human Resources Department so this behaviour at MLIB can be eliminated as soon as possible
- Record dates and times when acts have occurred

Formal Resolution

If the matter cannot be resolved informally, and employee may initiate a formal complaint. The complainant files a written complaint with Human Resources in person and may be accompanied by a Supervisor/Manager or co-worker appropriate. It is recommended that the complaint is filed as quickly as possible. The written complaint shall include:

- Names and relationships of those the involved
- Date of the incident
- Description and details of events
- Name(s) of witness(es)

The complaint must be filed within a period of 30 (thirty) days from the time that the informal resolution failed. Unless exceptional unforeseen circumstances justify a delay. Human Resources, when applicable will investigate and conclude as soon as possible, normally within 30 (thirty) working days of the formal complaint.

- Human Resources will convey the decision and recommendation to both parties within 10 (ten) working days of the conclusion of the investigation.
- If any legal action has been initiated by either party prior to the formal resolution stage, no further action will be taken until the conclusion of the legal action.

References

Workers' Compensation Act and Prevention Policies, D3-115, D3-116, D3-117
Workers' Compensation Act, Occupational Health and Safety Regulation (Part 4.27)
Human Rights Code of British Columbia (TF&F)
Canadian Human Rights Act, Canadian Human Rights Commission

Acknowledgement

I _____ acknowledge that I have read and understand the McLeod Lake Indian
(Print Name)
Band *Harassment and Bullying Policy*. I have had the opportunity to clarify any questions that I might have regarding this policy and I undertake to comply with this policy.

(Signature)

(Date)

(signature of Supervisor/Manager/HR Advisor)

(Date)

Note: This signed acknowledgement form must be duly signed and returned to Human Resources and will be filed in the employee personnel file.