

## Respectful Environment

### Policy

Atira Women's Resource Society seeks to provide and promote a respectful environment for women providing or receiving services at Atira.

This Policy sets out the objectives and requirements of Atira; the Procedures set out the processes available for resolution and or redress for violations of the Policy.

Atira affirms its commitment to uphold the principles and protections under the British Columbia Human Rights Code (Human Rights Code), Workers Compensation Act Part 2 Divisions 1 & 4 and confirms that all persons working at or with Atira are required to uphold the principles and protections in those statutes.

This Policy, while including the protections from discrimination found under the Human Rights Code and the Workers Compensation Act Part 2 Divisions 1 & 4 is broader than the Human Rights Code and the Workers Compensation Act Part 2 Divisions 1 & 4 in that it strives to promote and provide a respectful environment for persons providing or receiving services from Atira.

### Requirements

Under this Policy, Atira requires those who provide or receive services at all locations managed by Atira to:

- adhere to the principles and protections under the Human Rights Code and the Workers Compensation Act Part 2 Divisions 1 & 4;
- adhere to the laws, rules, regulations, policies, standards and Codes of Ethics applicable to their conduct in providing services;
- treat persons who provide or receive services with dignity and respect.

Atira requires that those providing or receiving services conduct themselves in a respectful manner. A respectful manner, while difficult to define in each circumstance, includes the following elements:

- being courteous and professional in interactions;
- being honest and acting in good faith in interactions;
- being accountable for one's conduct;
- not abusing one's position or power;
- treating others safely and fairly;
- not using discriminatory, harassing, intimidating or demeaning conduct or language in interactions;
- maintaining confidentiality as is required by law or appropriate to protect privacy.

For clarity, this Policy is not limited to, and Atira will not tolerate:

- conduct which is discriminatory and or harassing based on grounds protected under the Human Rights Code of British Columbia;
- conduct which constitutes bullying or harassment under the Workers Compensation Act Part 2 Divisions 1 & 4;
- conduct which is personally discriminatory and or harassing; and or
- conduct which is disruptive or inappropriate.

Atira will inform all employees who may be exposed to the risk of bullying and harassment about the risks, the means to recognize those risks, the policies and procedures it has to prevent, minimize and address the risks and the provisions of this Policy and Procedure to report, investigate and document incidents of bullying and harassment.

## Definitions

### *Sexual Harassment*

- a) Sexual harassment is defined as advances, requests for sexual favours or other verbal or physical conduct of a sexual nature:
  - that a reasonable person would find to be unwanted or unwelcome; and
  - where submission to such conduct is made explicitly or implicitly a term or condition of employment or access to services; or
  - where such conduct has the effect of unreasonably interfering with an employee's work performance or a woman's access to services and or creates a hostile or intimidating (poisoned) working/service environment.
- b) To constitute Sexual Harassment, behaviour may be repeated or persistent or may be a single serious incident.

### *Psychological Harassment*

- a) Psychological harassment is an attempt by one person to assert control and exercise power through the humiliation or harassment of another;
- b) It is the ongoing health or career endangering mistreatment of an employee, by one or more of their peers or superiors; and or
- c) The persistent demeaning and downgrading of a person through vicious words and cruel acts that gradually undermine confidence and self-esteem.

### *Bullying and Harassment*

- a) Bullying and harassment includes any inappropriate vexatious 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, offended or intimidated; and
- b) excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

### *Disruptive/Inappropriate Conduct*

- a) Disruptive/Inappropriate Conduct means behaviours that interfere with Atira's normal operations and or may be considered disruptive/inappropriate by any reasonable standard. These include but are not limited to:
  - Behaviours that create significant disruption to the working or service environment and or impede the process or the delivery of work or services.
  - Behaviours that create an atmosphere of hostility, intimidation, ridicule, anxiety or disrespect for others.
  - Behaviours that contradict published rules, regulations, procedures or common standards of safety. These include regulations/protocols for specific locations within facilities which Atira provides services.

- Behaviours of a non-violent nature that endanger or threaten to endanger the health or safety of Women, Employees or Users present at Atira's facilities or places where Atira provides services, or that subject any Woman, Employee or User to physical, mental, written or verbal abuse, or to potential injury.
- Behaviours that damage, deface or destroy Atira's property.

### Education

Education is integral to the promotion and understanding of human rights. It increases respect for human rights and may reduce the number of human rights, harassment and or bullying violations. Education is also a useful tool to increase awareness and understanding about differences between individuals. Atira supports the use of education as an essential tool in the creation and maintenance of a respectful work and service environment.

Atira will display this Policy and Procedure so that all those providing or receiving services shall be aware of it and know their obligations and Atira's expectations.

Atira may provide or require education as part of its commitment to a respectful work and service environment.

### Application of this Policy

This Policy applies to all persons working with or receiving services at Atira. It also applies to interpersonal and electronic communications, such as email and social media. It includes, but is not limited to, the following categories of persons:

- Members of the Board of Directors
- CEO
- All employees, including administrative staff
- Students
- Persons or organizations with which Atira contracts or pays for service
- Visitors

All employees of Atira have a positive duty to report violations of this Policy and specifically, to report incidents of bullying or harassment; employees also have a duty to report if they are aware of an employee who is exposed to the risk of bullying or harassment.

This Policy and Procedures applies to conduct where activities related to the services which Atira provides occur and or to conduct which is governed by laws, rules, regulations, policies, standards and Codes of Ethics in the provision of those services. It may apply to conduct which occurs outside of the areas where Atira provides service.

The Executive Director, Human Resources and or the Chief Executive Officer (CEO), may determine whether the Policy and Procedures apply in a particular circumstance. In general, the Board will only become involved when the issues are pressing and or significant to the wellbeing of the organization.

### Procedures

#### *Objects of the Procedures*

Atira recognizes that there are many different categories of persons associated with it and that they each may have recourse to different governing procedures for redressing human rights or other issues related to the provision or receipt of services by Atira.

These Procedures provide an internal process for violations of this Policy.

These internal Procedures provide for the Executive Director, Human Resources and or the CEO to attempt to resolve the complaint expeditiously, preferably at an early stage and in an informal manner.

Atira encourages employees to approach the Executive Director, Human Resources to discuss and attempt to resolve their concerns in an informal manner prior to setting their complaints in writing under the Internal Procedures.

Atira recognizes that there are also provisions and procedures external to this Policy and Procedures, which apply to persons providing or receiving services by Atira. (Examples of external provisions include rules and standards of governing bodies, the Human Rights Code, Codes of Ethics and contracts.)

Atira may accept a complaint under this Policy and Procedures and or it may refer parties to external procedures.

### ***Informal Resolution***

The informal resolution process recognizes that individuals may feel more comfortable approaching the Executive Director, Human Resources on an informal basis.

There is no requirement to file a written complaint under this section of the Policy and Procedures.

Affected individuals may explore with the Executive Director, Human Resources, various informal means of resolving their concerns.

### ***Formal Resolution, Internal Procedures***

- a) All complaints of harassment and or bullying will be dealt with quickly, fairly and confidentially.
- b) A person who wishes to proceed under the internal procedures for formal resolution must file a written complaint with the Executive Director, Human Resources alleging a violation of this Policy. It is advisable that the complainant immediately write down the date, time, location and a description of the incident, and note the names of any witnesses, and to keep a copy of this written record for their future reference.
- c) The Executive Director, Human Resources must inform the CEO of any harassment or bullying complaint
- d) The Executive Director, Human Resources will conduct an investigation of the alleged harassment to establish:
  - the nature of the incident;
  - the name of the alleged harasser;
  - the date or timeframe in which the incident occurred;
  - the names of any witnesses;
  - the consequences suffered by the complainant; and
  - what the person alleging harassment wants done about it.

To establish the above information, the complainant must be interviewed, as well as the person alleged to have committed the harassment.

- e) The Executive Director, Human Resources and or the CEO may make any determinations under the Policy and Procedures.
- f) Complaints should be filed as soon as possible and preferably within 30 days after the alleged violation of this Policy and Procedures. The Executive Director, Human Resources has discretion to accept complaints filed after the 30-day time limit and may refuse to accept a complaint if in their discretion it is untimely.
- g) If the complaint is against the Executive Director, Human Resources, a person may file a complaint with the CEO. If the complaint is against the CEO, the Executive Director, Human Resources may notify the Personnel Committee of the Board. If the complaint is against a member of the Personnel Committee, the Board may appoint another Committee to handle the complaint.
- h) The Executive Director, Human Resources and or the CEO, as appropriate, shall investigate the complaint. The purpose of an investigation is to take all reasonable steps to minimize/eliminate bullying and harassment in the workplace. The Executive Director, Human Resources and or the CEO, as appropriate, shall meet with the Complainant to discuss the complaint. If the Complainant wishes, the Executive Director, Human Resources and or the CEO will attempt to resolve the complaint informally. The Executive Director, Human Resources and or the CEO will provide the person complained against with information about the complaint and an opportunity to present their response to the complaint. The Executive Director, Human Resources and or the CEO may meet with other relevant witnesses.
- i) The Executive Director, Human Resources and or the CEO may:
  - at their discretion, attempt to resolve the complaint by informal resolution;
  - at their discretion, attempt to resolve the complaint formally;
  - utilize the services of a mediator, arbitrator, educator, counsellor, lawyer or other resource person whom they believe may assist in the resolution of the matter complained about;
  - determine that an attempt at resolution under this Policy and Procedures is inappropriate;
  - decline to attempt to resolve the complaint under this Policy and Procedures; or
  - determine that attempts to resolve the complaint under this Policy and Procedures have been unsuccessful.
- j) A complainant may choose to address complaints using Atira's procedures as well as other procedures such as the B.C. Human Rights Tribunal.

### ***Determinations under this Policy and Procedures***

The Executive Director, Human Resources and or the CEO may determine whether there has been a violation of this Policy and Procedures.

If the Executive Director, Human Resources and or the CEO intend to make a decision as to whether there has been a violation of this Policy, they must:

- Ensure that the complaint falls within the scope of this Policy and Procedures;
- Ensure that a copy of the written complaint has been provided to the Respondent;
- Ensure that the Respondent has been provided with an opportunity to provide a response to the complaint;

- Ensure the Complainant and Respondent have been provided with a copy of this Policy and Procedures;
- Ensure the Complainant and Respondents are aware of the possible range of sanctions in the Policy and Procedures.

### ***External Provisions***

The Executive Director, Human Resources and or the CEO may assist the parties to obtain access to external procedures.

This Policy requires individuals to adhere to laws, rules, regulations, policies standards and Codes of Ethics, which apply to their conduct in providing services. Violations of external provisions may also constitute violations of this Policy and Procedures.

### ***This Policy and Procedures are not Exclusive***

Nothing in this Policy or the Procedures prevents a person from filing a complaint under the British Columbia Human Rights Code.

Nothing in this Policy or the Procedures prevents a person from relying on any applicable external provisions.

### ***Confidentiality***

The name of the complainant or the circumstances of the complaint will not be disclosed to any person except where disclosure is necessary for the purpose of investigating the complaint, in accordance with the principles of natural justice and fairness and or as required by law.

In all circumstances, an individual who is accused of harassment is to be given the opportunity to explain themselves and to have those explanations properly considered. The rights of the person accused of harassment are also to be protected, so as to comply with the principles of natural justice and fairness.

### ***Retaliation and Groundless Complaints***

It is an offence under this Policy and Procedures to intimidate, threaten or coerce anyone who has filed a complaint or assisted either a Complainant or Respondent under this Policy or external provisions.

It is an offence under this Policy and Procedures to make a false, malicious or groundless complaint.

Every person has the right to bring complaints forward and to have them fairly disposed of.

### ***Potential Sanctions***

#### **Interim Action**

- The Executive Director, Human Resources and or the CEO may adopt interim measures to address alleged violations of this Policy and Procedures, for example, to ensure that persons providing and receiving services do so in a safe and appropriate environment.

### **Range of Sanctions**

- All persons found to have violated this Policy and Procedures may be subject to sanctions. All persons found to have violated external provisions may be subject to sanctions.
- The range of sanctions will vary depending on the nature of the conduct in issue and or the relationship of the person to Atira but may include remedies, education, systemic changes, termination of agreements with individuals or suppliers, expulsion from Atira managed facilities, discipline, suspension and or dismissal.

### ***Records of Complaint and Resolution***

If the complaint is substantiated, a record of the resolution and any disciplinary decisions will be kept in both employees' files. Appropriate disciplinary action will follow.

All information concerning the incident will be documented fully and accurately, and will be kept strictly confidential. Atira will not disclose the name of a complainant or the circumstances related to the complaint, unless necessary to investigate or take corrective action, or is required by law. The information will be maintained in a file separate from the complainant' s personnel file.

### ***Management Rights***

Nothing in this Policy or Procedures derogates from the rights of management to direct the staff and operation of Atira's business.

### ***Annual Review***

This policy statement will be reviewed every year. All workers will be provided with a current copy by both work and personal email addresses, In addition to the Personnel Policies and Procedures Manual, a copy of the policy will be placed on the staff bulletin board and in the staff log book.

Policy Group:	Conditions of Employment
Issued:	November 29, 2011
Revised:	November 6, 2013; October 7, 2019; January 11, 2021; February 16, 2021
Reviewed:	June 30, 2015; November, 2019; February 16, 2021
Reference:	Anita Braha, Barrister & Solicitor, Workers Compensation Act