

# BC Public Service Discrimination, Bullying and Harassment Policy: Frequently Asked Questions

December 15, 2021

- Review [Policy 11: Discrimination, Bullying and Harassment](#)
- For advice and support, contact the [BC Public Service Agency](#)

## Contents

Part One: General Questions.....	4
1. What is the Discrimination, Bullying and Harassment in the Workplace Policy?.....	4
2. Who does the policy apply to?.....	4
3. Why is the policy changing?.....	4
4. What is new or changed in the policy?.....	4
5. What types of inappropriate behaviour are covered under the policy?.....	5
6. Is sexual harassment covered under this policy? How is it defined?.....	5
7. Does the policy apply to incidents that occur outside the workplace?.....	5
8. What are the changes to the Standards of Conduct for BC Public Service Employees?.....	6
9. What are the changes to the Terms and Conditions of excluded employees?.....	6
Part Two: Questions for Employees.....	7
10. What should I do if I have experienced discrimination, bullying or harassment?.....	7
11. I wish to make a formal complaint, but I am concerned about reprisal or negative consequences. Are there rules in place to protect me against retaliation?.....	7
12. I have experienced inappropriate behaviour in the workplace, but I am concerned that it is not significant enough to report. What should I do?.....	7
13. What should I do if I am uncomfortable reporting to my supervisor?.....	8
14. What is the formal complaint process?.....	8
15. If I file a formal complaint, will my complaint be kept confidential? What information will be disclosed to others?.....	9
Part Three: Questions for Supervisors.....	10
16. What steps can I take to prevent discrimination, bullying and harassment?.....	10
17. As a supervisor, what are my responsibilities if I receive a formal complaint of discrimination, bullying and harassment?.....	10
18. If an employee under my supervision seeks my support in resolving a respectful workplace issue informally, what are my responsibilities?.....	11
19. If my employee seeks advice on addressing a respectful workplace issue, how do I know whether a formal or informal process is appropriate?.....	11
20. As a supervisor, if I become aware through second-hand information that one of my employees may be subject to discrimination, bullying and harassment, what are my responsibilities?.....	11

21. What should I do if my employee discloses that they have experienced discrimination, bullying or harassment but they tell me that they don't want me to do anything about it?12
22. What does it mean to restore a workplace? ..... 12

## Part One: General Questions

### 1. What is the Discrimination, Bullying and Harassment in the Workplace Policy?

The Discrimination, Bullying and Harassment in the Workplace Policy promotes a safe, healthy and respectful workplace free from discrimination, bullying and harassment. It provides a common set of principles, processes, definitions and rules for maintaining a respectful workplace within the BC Public Service.

The policy covers:

- Expectations for respectful workplace behaviour, including definitions of inappropriate and disrespectful behaviour that will not be tolerated
- Employee roles and responsibilities in maintaining a respectful workplace
- Guidance on addressing and resolving instances of discrimination, bullying and harassment

### 2. Who does the policy apply to?

The policy applies to all BC Public Service employees and appointees under the Public Service Act.

### 3. Why is the policy changing?

Updating the policy is a commitment under the [Where Ideas Work: 2020 Corporate Plan for the BC Public Service](#). While updates have been made to reflect legislative changes, the policy has not been significantly revised since it was established in 1997.

Feedback also indicated the need to improve the policy's clarity, especially as it relates to processes for reporting inappropriate behaviour defined in the [Standards of Conduct](#), [B.C.'s Human Rights Code](#) and [WorkSafe BC occupational health and safety policies](#).

The policy was reviewed with the goal of reducing barriers to reporting and to support employees and supervisors when applying the policy.

### 4. What is new or changed in the policy?

The revised policy clarifies how the BC Public Service addresses discrimination, bullying and harassment to help employees understand and apply the policy.

Some of the changes to the policy include:

- Using plain language to make resolution processes clear and easy to understand
- Aligning the policy to expectations of workplace behaviour in the [Standards of Conduct](#)
- Aligning definitions of bullying and harassment to be consistent with WorkSafeBC

- Highlighting the importance of informal conflict management processes to resolve workplace issues
- Clarifying roles and responsibilities for promoting and maintaining a respectful workplace, including when employees are required to report inappropriate and disrespectful behaviour
- Clarifying protection from reprisals for employees who seek advice, report or submit a complaint under the policy
- Promoting a trauma-informed approach and workplace restoration when addressing respectful workplace issues
- Enhancing accountability and transparency through public reporting

## 5. What types of inappropriate behaviour are covered under the policy?

The policy describes a wide range of inappropriate behaviours that can occur in the workplace and defines two types of misconduct: bullying and harassment, and discrimination.

Bullying and harassment includes any inappropriate conduct or comment that a person knew or reasonably ought to have known would be humiliating or intimidating. This behaviour may be written, verbal, physical, online, electronic, a gesture or display or any combination of the above. An example of bullying and harassment is repeated swearing, shouting and threatening behaviour by one employee towards another.

Discrimination refers to negative treatment based on a personal characteristic protected by B.C.'s Human Rights Code. It includes negative treatment based on Indigenous identity, race, colour, ancestry, place of origin, religion, family status, marital status, physical disability, mental disability, sex, age, sexual orientation, gender identity or expression, political belief, or conviction of a criminal or summary conviction offence unrelated to employment. An example of discrimination is refusing to hire or promote someone because of their gender identity.

## 6. Is sexual harassment covered under this policy? How is it defined?

Yes, sexual harassment is covered under this policy.

Sexual harassment is a form of discrimination and is defined as any unwelcome comment or conduct of a sexual nature that may detrimentally affect the work environment or lead to adverse job-related consequences for the victim of harassment.

Sexually harassing behaviours range from unwelcome sexual remarks or jokes, to unwanted touching and physical assault of a sexual nature.

## 7. Does the policy apply to incidents that occur outside the workplace?

Yes. The policy applies to incidents that occur outside the workplace, provided the acts are sufficiently connected to a worker's employment.

## **8. What are the changes to the Standards of Conduct for BC Public Service Employees?**

B.C.'s Human Rights Code changed in November 2021 to include Indigenous identity in the list of protected grounds of discrimination. The Standards of Conduct for BC Public Service Employees, Standards of Conduct for Political Staff and any related [HR policies](#) have been updated to reflect this change. Read the [news release on the Human Rights Code update](#) for more information.

## **9. What are the changes to the Terms and Conditions of excluded employees?**

Updates have been made to the Terms and Conditions to highlight WorkSafe BC policies and the addition of bullying to HR Policy # 11 - Discrimination, Bullying and Harassment. The changes reflect the integration of HR policies related to discrimination, harassment and bullying.

## Part Two: Questions for Employees

### 10. What should I do if I have experienced discrimination, bullying or harassment?

If you have experienced inappropriate or disrespectful behaviour in the workplace, the issue needs to be addressed so the behaviour stops.

You should first consider whether it is possible to address the matter informally. Informal approaches can include speaking to the other person directly (when safe to do so), speaking with your supervisor or another excluded manager for support and action, or [conflict management processes](#) such as a facilitated conversation or mediation.

If you are unsure if the issue should be dealt with formally or informally, you can reach out to your supervisor, next level of excluded manager, another manager you trust or your union/employer association.

If an informal resolution process is not appropriate, you should submit a formal complaint to your supervisor or other excluded manager.

If you need support, you are encouraged to connect with [Employee and Family Assistance Services](#) through LifeWorks.

### 11. I wish to make a formal complaint, but I am concerned about reprisal or negative consequences. Are there rules in place to protect me against retaliation?

Yes. The employer prohibits indirect or direct retaliation because of filing a complaint, responding to a complaint, or participating in an investigation. The Discrimination, Bullying and Harassment Policy includes language protecting employees who make a complaint in good faith. Protections from reprisal are also included in the [Standards of Conduct](#).

Employees who believe they have been subject to direct or indirect retaliation should inform their direct supervisor or another excluded manager immediately so the issue can be addressed.

Complaints of retaliation will be fully investigated by the employer. See the confidentiality and retaliation section of the [Accountability Framework for Human Resource Management, Appendix A](#) for more information.

### 12. I have experienced inappropriate behaviour in the workplace, but I am concerned that it is not significant enough to report. What should I do?

Under the policy, employees are responsible for taking action to address inappropriate and disrespectful behaviours. Addressing the behaviour does not necessarily mean that a formal investigation occurs. If the behaviour is less serious, then an informal process may be appropriate. For situations where the matter can be dealt with informally, you are encouraged to speak to the person directly (if safe to do so)

or work with your supervisor or another excluded manager to resolve the issue. An informal process can be as simple as your supervisor having a conversation with you to understand your concerns and to explore options to address the situation.

If you are unsure how significant the issue is and whether it should be dealt with formally or informally, speak with your supervisor or another excluded manager. You can also seek guidance through your union or professional association.

### **13. What should I do if I am uncomfortable reporting to my supervisor?**

If you are uncomfortable reporting an issue to your direct supervisor, you can report the matter to the next level of excluded manager or another manager you trust. You can also seek advice from your union or employer association.

### **14. What is the formal complaint process?**

A formal process is appropriate for more serious behaviour and misconduct. It may also be appropriate when the other party is less responsive to informal feedback, or where previous attempts to resolve the issue have not been successful.

The formal complaint process is initiated when an employee submits a formal complaint. A formal complaint generally includes specific details about what happened, such as names, dates, specific behaviour that occurred, witnesses, etc. Once the complaint is reviewed, a formal investigation may be initiated.

Managers are required to [inform the BC Public Service Agency](#) before commencing any review or investigation.

A formal investigation generally involves one-on-one interviews with relevant parties and a review of relevant documentation, such as emails, policies, etc. Once the interviews are complete, investigators analyze the information gathered and make a finding as to what happened. This is often called findings of fact. The findings of fact are assessed, and it is determined whether discrimination, bullying or harassment has occurred.

At the conclusion of the investigation, limited relevant information is communicated to the employee who submitted the complaint and the respondent. Corrective actions are implemented if required.

Note, this is a general example. Union employees must refer to their collective agreement for the specific procedures to follow. For excluded employees, appointees or crown counsel, please refer to [Appendix 2 of the Discrimination, Bullying and Harassment Policy](#).

For more information visit [Launch a Formal Complaint](#).



**15. If I file a formal complaint, will my complaint be kept confidential? What information will be disclosed to others?**

Information you report regarding inappropriate behaviour is kept confidential. However, during investigations, respondents are given sufficient information about the allegations so they can respond appropriately. The specifics of what is disclosed is determined on a case-by-case basis. In the event of an investigation, employees are expected to treat the complaint, investigation and interviews as strictly confidential.

Information may also be disclosed in grievance or other formal proceedings, or as required by law.

## Part Three: Questions for Supervisors

### 16. What steps can I take to prevent discrimination, bullying and harassment?

As a supervisor, you play a critical role in establishing a respectful workplace. There are steps you can take to prevent or minimize inappropriate and disrespectful behaviour in your workplace. These steps may include:

- Making sure your employees are aware of their responsibilities under the [Standards of Conduct](#) and the [Discrimination, Bullying and Harassment Policy](#)
- Leading by example and modelling appropriate behaviours in the workplace, such as acting ethically and treating your employees with respect
- Cultivating a trusting and safe work environment. In such a work environment, employees feel they are able to identify issues and report problems without fearing negative consequences
- Being aware of and addressing minor uncivil or disrespectful behaviours in the workplace, even behaviours that do not rise to the level of discrimination, bullying and harassment. Addressing minor behaviours immediately can prevent larger issues from occurring
- Encouraging employees to address issues directly with each other as early as possible and offer leadership assistance when needed
- Using the BC Public Service's [respectful workplace resources](#) for yourself and your employees

### 17. As a supervisor, what are my responsibilities if I receive a formal complaint of discrimination, bullying and harassment?

If you receive a formal complaint, you are expected to take immediate action. This includes informing both your direct supervisor (provided the complaint is not about your supervisor) and the BC Public Service Agency. The BC Public Service Agency will work with you to develop a plan to address the situation.

With the support of the BC Public Service Agency, under the [Standards of Conduct](#), [Accountability Framework for Human Resource Management](#) and [Discrimination, Bullying and Harassment Policy](#), you are expected to take all necessary steps to resolve the issue.

Throughout the process, you are required to maintain the confidentiality of the parties involved and retain appropriate documentation related to the issue, such as decisions made and why, outcomes of meetings or resolution processes, etc.

The BC Public Service Agency can be contacted by phone or by submitting a service request through [AskMyHR](#).

## **18. If an employee under my supervision seeks my support in resolving a respectful workplace issue informally, what are my responsibilities?**

If an employee requests support in resolving a workplace issue informally, you are expected to take all steps necessary to ensure the issue is resolved.

This may involve developing an informal resolution process by engaging with the [Conflict Management Office \(CMO\)](#) or working with [BC Public Service Agency's HR Specialist Services](#) to help resolve the issue. The CMO provides a range of services to assist supervisors and employees in dealing with conflict. For example, the CMO offers facilitated conversations and mediation services for those involved in respectful workplace issues as well as advice and coaching for leaders.

Throughout the process, you are required to maintain the confidentiality of the parties involved and retain appropriate documentation related to the issue, such as decisions made and why, outcomes of meetings or resolution processes, etc.

## **19. If my employee seeks advice on addressing a respectful workplace issue, how do I know whether a formal or informal process is appropriate?**

Whether a situation is dealt with formally or informally is determined on a case-by-case basis taking into consideration many factors. These include the severity of the behaviour, previous attempts to resolve the issue (if any), and whether the employee making the complaint and the respondent are open to an informal resolution.

While many situations benefit from an informal process, serious misconduct clearly violating the acceptable social standards under the [Standards of Conduct](#) need to be dealt with through a formal process.

If you are unsure whether the behaviour should be dealt with formally or informally, reach out to your direct supervisor and the [BC Public Service Agency](#) for advice and support.

## **20. As a supervisor, if I become aware through second-hand information that one of my employees may be subject to discrimination, bullying and harassment, what are my responsibilities?**

As a supervisor, you are responsible for maintaining a respectful workplace at all times. This means even if you become aware of an issue through second-hand information or through rumors, you need to follow up and verify the information to address it.

If the information you become aware of could potentially lead to discipline for an employee, you should consult with the [BC Public Service Agency](#) and your direct supervisor prior to making any inquiries with employees. Any direct inquiries with employees should be discrete, confidential and done on a one-on-one basis.

As soon as you become aware of an issue, you have a legal responsibility to address it.

## **21. What should I do if my employee discloses that they have experienced discrimination, bullying or harassment but they tell me that they don't want me to do anything about it?**

If your employee tells you they have experienced discrimination, bullying or harassment, you are required to take steps to resolve the issue. Understandably, such a scenario is challenging to navigate, especially when an employee asks you not to.

You are encouraged to connect with your direct supervisor and to reach out to the [BC Public Service Agency](#) for advice and support.

## **22. What does it mean to restore a workplace?**

Restoring the workplace means establishing or re-establishing positive workplace relationships after a significant conflict or formal investigation has occurred. Even after a respectful workplace issue or conflict has been addressed, it may have long-term effects on the workplace. These effects can also be felt by those who were not directly involved.

Supervisors are responsible for taking steps to restore and support the workplace after a significant conflict or workplace investigation. Supervisors should consult the [BC Public Service Agency](#) or their ministry strategic human resources shop regarding appropriate actions to take, which vary depending on the circumstances. Supervisors should also consult their direct supervisor.