

Human Resources Policy 11 – Discrimination, Bullying and Harassment in the Workplace

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The purpose of this policy is to promote safe, healthy BC Public Service workplaces, free from discrimination, bullying and harassment. This policy covers individual behaviours and accountability. The BC Public Service, in cooperation with its unions and associations, is committed to promoting respectful behaviour. Respectful behaviour reflects BC Public Service corporate ethics and values, supports diversity and inclusion and promotes positive communication and collaborative working relationships – all essential to fostering public trust and confidence in the BC Public Service.

As part of the Public Service Oath and commitment to the Standards of Conduct, employees must not engage in discriminatory, bullying or harassing behaviour prohibited by the [Human Rights Code](#), the Occupational Health and Safety policies under the [Workers Compensation Act](#), workplace policies or the collective agreements. The BC Public Service does not tolerate discrimination, bullying, harassment or any other inappropriate behaviour compromising the integrity, health and safety of employees in the workplace.

The BC Public Service is committed to ensuring, as much as reasonably practicable, that employees are not exposed to discrimination, bullying or harassment with respect to any matter or circumstance arising out of employment. This duty extends to: incidents that occur at the workplace or during work hours; workplace conduct perpetrated by another employee (e.g. co-worker or supervisor) or the employer; and incidents that occur outside of the usual workplace or after work hours that arise out of, or are sufficiently connected to a worker's employment, such as a work-sponsored social event or conference.

This policy describes resolution and reporting mechanisms for employees who experience inappropriate, disrespectful behaviour in the workplace. This policy is not intended to discourage an employee from exercising any legal right, including filing a complaint with the BC Human Rights Tribunal, or reporting unsafe working conditions through WorkSafeBC. Nothing in this policy precludes an employee from also filing a grievance in accordance with the applicable collective agreement.

This policy statement applies to all appointees and employees appointed under the [Public Service Act](#) and supports the core policy objectives of “promoting a safe and healthy

workplace that supports the well-being of employees” and ensuring that “public service employees exhibit the highest standards of conduct.” This policy provides definitions, principles and key considerations, processes and responsibilities. For specific procedures, please refer to the applicable collective agreement or see the Appendices.

Definitions

The Standards of Conduct policy defines the following expectations regarding interpersonal workplace behaviours:

- Employees are to treat each other with respect and dignity;
- Employees must not engage in discriminatory conduct prohibited by the [Human Rights Code](#); and
- The conduct of BC Public Service employees in the workplace must meet acceptable social standards and must contribute to a positive work environment.

Any interpersonal behaviour that does not meet these expectations is inconsistent with the [Standards of Conduct](#).

The following definitions are used in this policy statement. These behaviours can include incidents occurring at or outside the workplace, during or outside regular business hours, if a connection to the workplace exists.

Discrimination:

Discrimination is unjust or prejudicial treatment towards people, which adversely treats or impacts them, on any of the prohibited grounds set out in the [Human Rights Code](#): 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 their employment.

Employees’ conduct must not discriminate against other employees because of these personal characteristics.

Discriminatory behaviour, including harassment or disrespectful behaviour, as determined by a reasonable person, may be verbal, non-verbal, physical, deliberate or unintended.

Bullying and Harassment:

Under this policy, bullying and harassment:

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 employee to be humiliated or intimidated; but
2. Excludes any reasonable action taken by an employer or supervisor relating to the management and direction of employees.

Bullying and harassment may include:

- Incidents that adversely affects an employee's psychological or physical well-being;
- Repeated humiliation or intimidation that adversely affects an employee's psychological or physical well-being; and/or
- A single instance so serious that it has a lasting, harmful effect on an employee.

The behaviour's frequency and severity are both factors in whether the behaviour would be included in the definition of bullying and harassment.

The behaviour may be written, verbal, physical, online, or electronic, a gesture or display, or any combination of these.

Examples of conduct or comments that might constitute bullying or harassment include but are not limited to behaviours such as:

- Verbal aggression or insults;
- Calling someone derogatory names;
- Harmful hazing or initiation practices;
- Vandalizing personal belongings;
- Spreading malicious rumours;
- Inappropriate displays of material (e.g., an insulting comic; pornographic or other sexual materials); and
- Unwelcome remarks, questions, jokes or innuendo of a sexual nature.

Refer to the [MyHR website](#) for additional information about and examples of conduct covered by this policy.

Principles and Key Considerations

1. **Fostering Personal Responsibility**

Employees are responsible for ensuring that their behaviour contributes to a safe, positive work environment and for taking action to address inappropriate and disrespectful behaviours whether they experience them directly or witness them firsthand. Employees can take action that includes talking to person directly about the inappropriate or disrespectful behaviour (if safe to do so), seeking advice from their supervisor, next level of excluded management or their union/employer association, or by making a formal report.

When responding to inappropriate and disrespectful behaviours, employees are responsible for adhering to the [Standards of Conduct](#).

Employees must report when they witness inappropriate behaviours or when they have firsthand knowledge that another employee's safety is at risk. However, employees are encouraged to respect the personal privacy of the employee at whom the inappropriate conduct was directed and, wherever possible, obtain their consent before making a report. An employee is not required to report if a co-worker tells them they were discriminated against, bullied or harassed but the employee does not witness the inappropriate behaviour.

2. **Promoting Trust and Safety**

To promote trust and safety following incidents of inappropriate workplace behaviours, the BC Public Service supports the use of trauma-informed principles. Trauma-informed principles ensure the process for seeking advice, making a report or responding to a report is respectful and clear.

The principles of administrative fairness inform any investigation that arises under this policy to respect the rights, responsibilities and obligations of all individuals involved. This includes ensuring fair and impartial investigations, the ability to know and respond to allegations and addressing employee concerns in a timely, responsive way. Under the [Human Rights Code](#), employees have one year from the time of the occurrence of the conduct to file a complaint. See the collective agreement provisions in Appendix 1 for further information about the timelines.

Where reports are substantiated, disciplinary outcomes will be imposed in

accordance with human resources policies and practices, up to and including termination. For more information, see the [Accountability Framework for Human Resource Management](#), Appendix A – Responsibilities of Supervisors/Managers, Senior Executives and the BC Public Service Agency for Conducting Human Resource Investigations.

3. Protection from Reprisal

The BC Public Service protects employees who make a report with honest and sincere intentions, respond to a report or participate in an investigation under this policy. Reprisal can include, but is not limited to, an actual or threatened harmful act or penalizing someone for making a report.

Reports made in bad faith are those where the reporter knows the report to be false and/or harmful. This includes frivolous, vindictive or vexatious reports that are made to embarrass, aggravate or injure another. If it is determined that a false report was deliberately made for frivolous, vindictive or vexatious reasons, the employee who made the false report may be subject to disciplinary action, up to and including termination.

4. Safeguarding Confidentiality and Anonymity

All information regarding a report of inappropriate behaviour must be treated in the strictest confidence. Information related to the report will be disclosed on a “need to know” basis. Supervisors and managers who receive information about a report are responsible for maintaining confidentiality. However, it is important to note that confidentiality does not mean anonymity. Information collected from the reporter, respondent and/or witnesses will only be used and disclosed for the purposes of the investigation, resultant processes (e.g., grievance proceeding), or as required by law.

Process

Step 1: Seeking Advice

There are a number of ways to seek advice on the application of this policy when an employee has experienced or witnessed firsthand inappropriate or disrespectful behaviours. This includes seeking advice from your supervisor or next level of excluded manager or another manager you trust. Employees are also encouraged to seek the advice of their unions or professional associations. These options are available so

employees can feel more comfortable coming forward and raising concerns and to ensure that inappropriate and disrespectful behaviours stop.

Step 2: Seeking to Resolve the Conflict

When a workplace behaviour issue arises, employees should first consider whether the behaviours are inconsistent with the Standards of Conduct and this policy and whether it is possible to address the matter informally (e.g. speaking to the other person or seeking the advice or support of a supervisor or other post incident supports). Informal conflict management processes, such as conflict coaching, facilitation, mediation and workplace improvement processes, may result in faster and more satisfying resolutions to situations involving inappropriate behaviour.

The BC Public Service encourages open and respectful dialogue between employees so that misunderstandings or missteps may be addressed in a collegial, informal manner and before any significant conflict may arise. Informal resolution is encouraged where it is an appropriate and safe option. All employees have a role to play in fostering a positive workplace culture by engaging on these issues.

The BC Public Service Agency (PSA) may use informal conflict management processes, unless these are not applicable or appropriate, as a first step in the resolution of reports of discrimination, bullying and harassment. The use of informal conflict management processes will also be considered if the parties request it at any time during an investigation of such reports.

Step 3: Reporting the Workplace Behaviour

If an employee is not comfortable addressing the situation informally or does not feel that doing so is appropriate, they should report the incident to their supervisor, or next level of excluded management. See detailed procedures in appendices 1 and 2 describing how to make a formal complaint for both bargaining unit employees and excluded employees / appointees.

Step 4: Addressing the Workplace Behaviour

Allegations of employee misconduct are to be taken seriously. Supervisors are responsible for following up on employee reports of incidents of discrimination, bullying and harassment. Supervisors who suspect employee misconduct may result in discipline must notify the PSA right away. Supervisors must consult with the PSA before starting a review,

investigation, or suspending an employee. For specific procedures, please refer to the applicable collective agreement or see the appendices.

Step 5: Supporting the Workplace

After a situation involving inappropriate behaviour has been addressed, supervisors are responsible for ensuring there are measures in place to restore, support and maintain respect in the workplace. Early engagement in the workplace is important and requires cooperation by all employees. Supervisors should consult with the PSA regarding appropriate actions, which may vary dependent on the specific circumstances in the workplace.

Step 6: Ongoing Monitoring and Follow-Up

At the conclusion of an investigation, the findings will be documented in a memo or report. The PSA may issue recommendations regarding corrective action or other measures to the ministry. Deputy ministers will consider any recommendations and take steps as may be required to resolve the matter. Deputy ministers in receipt of recommendations arising under this policy are to provide status reports to Deputy Minister of the PSA when requested, including on the outcome(s) of investigations of discrimination, bullying and harassment.

Upon direction from the deputy minister, supervisors are responsible for implementing recommendations regarding corrective action measures made by the PSA as a result of an investigation of allegations of discrimination, bullying or harassment.

Refer to the MyHR website or contact the PSA for more information on the above processes.

Responsibilities

Deputy Minister Responsible for the PSA

- Develop and implement a corporate respectful workplace program to provide policy and services to ensure that BC Public Service workplaces are free of discrimination, bullying and harassment.
- Lead the development and implementation of corporate communication, awareness, engagement and training in support of this policy to ensure all employees and supervisors are aware of their responsibilities under this policy and the Standards of Conduct.

- Ensure the provision of advice and services to deputy ministers, supervisors / managers and employees respecting the application of this policy.
- Implement collective agreement complaint procedures.
- Provide corporate oversight of human resource investigation processes, ensuring that reports of bullying, discrimination and harassment are investigated without undue delay and in accordance with applicable human resource policies.
- Ensure protections are available for employees who experience reprisal and ensure that any report of retaliation is investigated and addressed.
- Report publicly on the complaints under this policy.
- Delegate authority and responsibility, where applicable, to apply this policy within the BC Public Service Agency.

Deputy Ministers

- Promote a respectful work environment that is free of discrimination, bullying and harassment.
- Promote a work environment that encourages employees who experience or witness discrimination, bullying or harassment to report the inappropriate behaviour, and to also challenge or interrupt the inappropriate behaviour when they feel it is safe to do so and, in a manner, consistent with the Standards of Conduct.
- Promote the use of informal conflict management approaches (such as conflict coaching, facilitated conversation or mediation) as an important tool in preventing and resolving inappropriate behaviour.
- Provide for employee attendance at discrimination, bullying and harassment awareness and engagement sessions and encourage employee participation in related training opportunities.
- Provide employees with information about the processes established by this policy.
- Work in collaboration with the PSA to report publicly on complaints under this policy.
- Ensure that resolutions to complaints are implemented and maintained on an ongoing basis.
- Delegate authority and responsibility, where applicable, to apply this policy within their organization.

Supervisors/Managers

- Foster a respectful workplace culture, free from discrimination, bullying and harassment.
- Be knowledgeable of responsibilities under the Standards of Conduct and this policy.
- Inform all employees who report to them about Standards of Conduct and this policy and ensure they are knowledgeable about expected workplace behaviours, reporting and resolution options.
- Ensure that workplace conflict arising from disrespectful behaviour is managed effectively by actively encouraging employees to address disrespectful behaviour in a collegial, informal manner, where appropriate and safe, before any significant conflict may arise.
- Encourage employees who witness firsthand discrimination, bullying or harassment in the workplace to report the inappropriate behaviour and to also challenge or interrupt the inappropriate conduct when they feel it is safe to do so and, in a manner consistent with the Standards of Conduct.
- Respond to reports of discrimination, bullying or harassment, or refer them to the next level of excluded manager not involved in the matter.
- Report the allegations to the PSA and work with the PSA to address the complaint pursuant to this policy.
- Respect the privacy of matters arising out of the application of this policy and treat matters confidentially.
- Maintain records of all matters arising out of the application of this policy.

Employees

- Contribute to a positive work environment and treat all co-workers with respect and dignity.
- Be knowledgeable about their responsibilities under the Standards of Conduct and this policy.
- Refrain from inappropriate and disrespectful behaviours under the Standards of Conduct and this policy.
- Address disrespectful behaviour informally when it is safe and possible to do so.
- Report any incident of discrimination, bullying or harassment that is witnessed or experienced to their supervisor/manager or next level of excluded management.
- Ensure that reports are treated in confidence.
- Meet the time frames specified in the collective agreement and/or procedures appended in this policy statement.

Legislative Authorities and Related Policies and Guidelines

- [Accountability Framework for Human Resource Management](#)
- [Collective Agreements \(BCGEU, PEA, BCNU, Crown Counsel, Unifor\)](#)
- [Ethics and Standards of Conduct for Political Staff](#)
- [HR Policy 09 – Standards of Conduct for BC Public Service Employees](#)
- [HR Policy 24 – Public Interest Disclosure](#)
- [*Human Rights Code*](#)
- [*Labour Relations Code*](#)
- [Oath of Employment Regulation](#)
- [*Public Interest Disclosure Act*](#)
- [*Public Service Act*](#)
- [Terms and Conditions of Employment for Excluded Employees](#)
- [WorkSafeBC: Employer Duties – Workplace Bullying and Harassment](#)
- [WorkSafeBC: Supervisor Duties – Workplace Bullying and Harassment](#)
- [WorkSafeBC: Worker Duties – Workplace Bullying and Harassment](#)

Appendix 1 - Complaint Procedures: Bargaining Unit Employees

For more information regarding procedures for bargaining unit employees, please refer to the applicable collective agreement.

BCGEU:

- Discrimination and sexual harassment, Article 1.9
- Bullying between peers and misuse of managerial/supervisory authority, Article 1.10

PEA:

- Discrimination and harassment, Article 1.09
- Bullying between peers and misuse of managerial/supervisory authority, Article 1.10

Nurses:

- Discrimination and sexual harassment, Article 1.06
- Misuse of managerial/supervisory authority, Article 1.03

Unifor:

- Discrimination and sexual harassment, Letter of Understanding No. 4
- Bullying in the workplace, Letter of Understanding No. 9

Crown Counsel:

- Crown counsel employees follow the excluded employee/appointee complaint process as outlined in Appendix 2.

Adjudication Process for Complaints of Bullying and Misuse of Managerial / Supervisory Authority: Bargaining Unit Employees

The adjudication process for complaints regarding bullying and misuse of managerial/supervisory authority is described in the applicable collective agreement:

- BCGEU: Article 1.10
- PEA: Article 1.10
- Nurses: Article 1.03
- Unifor: Letter of Understanding No. 9

Adjudication Process for Complaints of Discrimination and Sexual Harassment: Bargaining Unit Employees

The adjudication process for complaints of discrimination or sexual harassment that have not been resolved using the processes set out in the following collective agreement provisions:

- BCGEU: Article 1.9(f)
- PEA: Article 1.09(c)(vi)
- Nurses: Article 1.06(f)
- Unifor: Letter of Understanding No. 4 (25)

The Adjudicator may:

- Make findings of fact;
- Decide if, based on the facts, discrimination or sexual harassment has occurred;
- Attempt to mediate a resolution to the complaint; and
- Make recommendations regarding resolution of the complaint, which may include discipline.

The Adjudicator's decision about whether discrimination or sexual harassment has occurred is binding on all parties.

Any action taken by the employer, including discipline, that is consistent with the Adjudicator's findings of fact must be accepted by all parties and is not to be used as the basis for a grievance for bargaining unit staff.

Employees are not entitled to duplication of process. Where an employee directs a complaint of discrimination, bullying or harassment to the BC Human Rights Tribunal or where the complaints are included as an element of a grievance, the complaint will not be pursued through the formal process specified in this policy and/or the applicable collective agreement.

Appendix 2 - Complaint Procedures: Excluded Employees/Appointees

This appendix outlines procedures where the employee reporting is an excluded employee/appointee. These procedures will also apply if either the employee reporting or the person responding to the report is a deputy minister. In such cases, the Deputy Minister to the Premier will assume the function of the deputy minister for the purpose of these procedures.

Informal Process

Excluded employees who believe that they have a report of discrimination, bullying or harassment may approach their supervisory personnel, association representative, or other contact person to discuss potential informal means of resolving the complaint and to request assistance in resolving the matter. A matter dealt with to the reporter's satisfaction is considered to be resolved.

Management Process

If the matter is not resolved to the complainant's satisfaction, or if the employee chooses not to proceed informally, the employee, within one year of the reported occurrence, will approach the first level of excluded management not involved in the matter, for assistance in resolving the complaint. The employee's complaint should be submitted in writing and specify the details of the allegation including:

- Name, title and ministry of the respondent;
- A description of the action, conduct, events or circumstances involved in the complaint;
- The specific remedy sought to satisfy the complaint;
- Dates of incidents;
- Names of witnesses (if any); and
- Prior attempts to resolve (if any).

The manager will acknowledge, in writing, receipt of the written complaint. They will then report the matter to the PSA to obtain advice and support regarding next steps, which may include making inquiries and/or investigating the allegation. The PSA may take steps, or provide advice to the manager, to resolve the concern as appropriate without need for a full investigation.

Where it is determined that an investigation is required, the manager will involve their deputy minister as appropriate. The respondent will in most situations be provided with a copy of the complaint. The PSA will lead or oversee the investigation and will provide advice and support to the ministry throughout. The PSA will provide advice to the ministry decision-maker regarding any corrective or other actions arising from the results of the investigation. The employee and their association representative, if applicable, will be provided with updates regarding progress at least every 30 days while the management process remains underway.

Following the investigation, the PSA may issue recommendations regarding corrective action measures to the ministry. The deputy minister will consider any recommendations made and take steps as may be required to resolve the matter. Upon receipt of recommendations, the ministry is responsible for informing the PSA of what steps it will take to address them. As and when necessary, the PSA may follow up periodically regarding the ministry's progress. If the resolution proposed as a result of the investigation is not acceptable, the complainant may refer the matter to the Deputy Minister for consideration within 30 days of being advised of the proposed resolution. Where the deputy minister was the decision-maker, the reporter may refer the matter to the Deputy Minister of the BC PSA.