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# BC INFRASTRUCTURE BENEFITS

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## Workplace Discrimination and Harassment Policy and Procedures



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## REVISION HISTORY

<b>Date of revision</b>	<b>Reason (refer to blackline version to see revisions)</b>
February 21, 2019	Initial Board Approval
May 7, 2020	Minor edits
July 15, 2021	Rename to: Workplace Discrimination and Harassment Policy and Procedures, minor edits.
December 8, 2022	Minor template-related changes (visual only).

## 1. PURPOSE

BC Infrastructure Benefits Inc. (“BCIB”) is responsible for promoting and maintaining a workplace free from discrimination, bullying and harassment.

The purpose of this policy is to outline roles and responsibilities, and procedures for reporting an incident of discrimination or bullying and harassment in the workplace.

## 2. APPLICATION

This policy applies to all employees at all BCIB workplaces, including the following:

- BCIB management, staff, contractors providing services to BCIB, and employees engaged on a Project; and
- permanent, temporary, casual, contracted employees, apprentices, trainees, student employees (e.g. co-op students).

The policy applies to all direct interpersonal and written communication, including electronic communication, including email, text messaging, and social media.

This Policy applies to all employees except where a specific provision is contained in the Community Benefits Agreement (CBA) in which case the provision(s) of the CBA shall also apply to employees covered by the CBA.

It is recommended that employees covered by the CBA seek the counsel of union representatives before proceeding with a complaint.

## 3. WORKPLACE CONDUCT

Discrimination, bullying and harassment are not acceptable or tolerated in any BCIB workplace. All employees will be treated in a fair and respectful manner.

## 4. DISCRIMINATION

Discrimination is the unequal treatment of a person, based on one of the prohibited grounds outlined in the BC Human Rights Code.

Discrimination is prohibited at BCIB, on any and all the following grounds: age; ancestry; colour; conviction for a criminal or summary conviction unrelated to employment or intended employment; family or marital status; physical or mental disability; place of origin; political belief; race; religion; sex (including pregnancy), or sexual orientation.

## 5. BULLYING & HARASSMENT

Bullying and harassment, including any form of personal harassment, sexual harassment, or discrimination-based harassment are prohibited at BCIB.

Not every unpleasant interaction, instance of disrespectful behavior, or workplace conflict is bullying and harassment.

Bullying and harassment 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.

Bullying and harassment excludes any reasonable action taken by an employer or supervisor that relates to the management and direction of employees or the place of employment.

Examples of conduct that might constitute bullying and harassment include physical or verbal aggression, insults, calling someone derogatory names, harmful hazing or initiation practices, vandalizing personal belongings or spreading malicious rumours.

## 6. RESPONSIBILITIES

### **BCIB**

BCIB is responsible for promoting and maintaining a workplace free from discrimination, bullying and harassment. BCIB will take reasonable steps to prevent, where possible, or otherwise minimize workplace discrimination, bullying and harassment.

BCIB must ensure that all employees have received Discrimination, Bullying and Harassment training and are aware of the requirements to comply with this policy and supporting procedures.

### **Contractor and Sub-contractors**

Contractors with contractual direction and control responsibilities over BCIB employees are required to comply with this policy. Nothing in this policy will in any way fetter the authority and responsibilities of a designated prime contractor under the Workers' Compensation Act (British Columbia), for a Project identified in a Construction Contract.

### **Managers and Employees with supervisory roles (Supervisors)**

A Supervisor has a duty to take all reasonable steps to ensure the health and safety of employees under their supervision and as a result, a supervisor must take all reasonable steps to prevent, where possible, or otherwise minimize workplace discrimination, bullying and harassment. Workplace discrimination, bullying and harassment can lead to injury, illness or death.

A Supervisor's obligation to ensure the health and safety of employees includes:

- not engaging in discrimination, bullying and harassment of employees, other Supervisors, the employer or persons acting on behalf of the employer; and
- applying and complying with the BCIB's policies and procedures on discrimination, bullying and harassment;
- liaising with Human Resources to undertake and participate in investigations.

### **Employees**

An employee has a duty to take reasonable care to protect the health and safety of themselves and other persons, and as a result, an employee must take all reasonable steps to prevent, where possible, or otherwise minimize workplace discrimination, bullying and harassment. Workplace discrimination, bullying and harassment can lead to injury, illness or death.

An employee's obligation to take reasonable care to protect the health and safety of themselves or others includes:

- not engage in discrimination, bullying and harassment of other employees
- report if discrimination, bullying and harassment are observed or experienced
- apply and comply with BCIB's policies and procedures on discrimination, bullying and harassment.

## **7. PROCEDURES**

Procedures and forms for the administration of this policy follow and will be further developed, as required.

## **8. RECORD-KEEPING REQUIREMENTS**

BCIB encourages workers to keep written accounts of incidents to submit with any complaints. BCIB will keep a written record of investigations, including the findings.

## **9. POLICY AMENDMENTS**

This Policy and procedures were initially approved in February 2019 and will be reviewed annually. All workers will be provided with a copy as soon as they are hired, and copies will be available through the BCIB HR office.

BCIB reserves the right to amend this policy at any time and will publish revisions as promptly as possible.

## BCIB DISCRIMINATION, BULLYING AND HARASSMENT REPORTING PROCEDURES

### 1. COMPLAINANT

An employee who believes he or she has been subjected to or has observed discrimination or bullying and harassment in the workplace.

### 2. RESPONDENT

A person in the workplace against whom a complaint of discrimination and/or bullying and harassment has been made. A respondent includes an individual, whether or not they are a workplace party. This means that a respondent could be a workplace party such as an employer, supervisor, co-employee, or a non-workplace party such as a member of the public, a student, or any person an employee comes into contact with at the workplace.

### 3. INFORMAL COMPLAINT PROCESS

Don't ignore harassment or bullying.

Complainants are encouraged but not required to immediately tell the person whose conduct is considered inappropriate and unwanted and ask that the inappropriate or unwanted conduct stop.

Before proceeding with a formal complaint, an employee who believes he or she has been subject to bullying and/or harassment may approach their supervisor, union representative or BCIB Human Resources to discuss the potential means of resolving the issue, and to request assistance in resolving the matter on a formal or an informal basis.

### 4. HOW TO REPORT

Employees at BCIB can report incidents or complaints of workplace discrimination, bullying and harassment verbally or in writing. When submitting a written complaint, if convenient, please use the BCIB Discrimination, Bullying and Harassment Complaint Form (Appendix II). However, your complaint will be considered submitted even without using the Form.

For a verbal complaint, the person to whom the complaint is reported (e.g. supervisor) will fill out the Bullying and Harassment Complaint Form along with the complainant.

### 5. WHEN TO REPORT

Incidents or complaints should be reported as soon as possible after experiencing or witnessing an incident. This allows incidents to be investigated and addressed promptly.

## 6. REPORTING CONTACT

Employees should report any incidents or complaints to their immediate supervisor. If this is not practicable (for example if the supervisor is absent or otherwise unavailable), any supervisor can receive the complaint.

## 7. ALTERNATE REPORTING CONTACT

If the employer, the complainant's supervisor, or the person to whom the employee would typically report (as outlined in steps 3 and 4 of these procedures) is the person engaging in discriminatory, bullying and harassing behaviour, employees can contact the member of the Executive Management Team responsible for their department, or if unavailable, BCIB's CEO. On a Project worksite, employees in this situation may report to the BCIB site representative or directly to the Manager of the BCIB HR department.

## 8. WHAT TO INCLUDE IN A REPORT

Provide as much information as possible in the report, such as the names of people involved, witnesses, where the events occurred, when they occurred, and what behaviour and/or words led to the complaint. Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence (for example, vandalized personal belongings) can also be submitted.



## BCIB DISCRIMINATION, BULLYING AND HARASSMENT COMPLAINT FORM

BCIB offers this form to employees to facilitate the reporting of discrimination, bullying and harassment. The use of this form is not mandatory. A complaint can be submitted verbally or in writing without using this form. When receiving a verbal complaint, the reporting contact (e.g. supervisor), along with the complainant, will fill out the Form.

Name and contact information of complainant
Name of respondent

### **Personal statement**

Please describe in the box below, in as much detail as possible, the discrimination, 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

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## BCIB DISCRIMINATION, BULLYING AND HARASSMENT INVESTIGATION PROCEDURES

### 1. How and when investigations will be conducted

Most investigations at BCIB will be conducted internally. In complex or sensitive situations, an external investigator might be hired.

Investigations will:

- be undertaken promptly and diligently, and be as thorough as necessary, given the circumstances
- be fair and impartial, providing both the complainant and respondent equal treatment
- in evaluating the allegations
- be sensitive to the interests of all parties involved, and maintain confidentiality
- be focused on finding facts and evidence, including interviews of the complainant, respondent, and any witnesses
- incorporate, where appropriate, any need or request from the complainant or respondent
- for assistance during the investigation process

### 2. What will be included

Investigations will include interviews with the complainant, the respondent, and any witnesses. If the alleged target and the alleged bully agree on what happened, then BCIB will not investigate any further, and will determine what corrective action to take, if necessary. The investigator will also review any evidence, such as emails, handwritten notes, photographs, or physical evidence like vandalized objects.

### 3. Roles and responsibilities

The BCIB CEO is responsible for ensuring workplace investigation procedures are followed.

Workers are expected to cooperate with investigators and provide any details of incidents they have experienced or witnessed.

A designated manager will conduct investigations and provide a written report with conclusions to the CEO or their delegate.

If external investigators are hired, they will conduct investigations and provide a written report with conclusions to the CEO.



#### 4. Follow-up

The alleged bully and the alleged target will be advised of the investigation findings by the CEO or their delegate.

Following an investigation, BCIB CEO will cause a review and, if warranted, a revision of workplace procedures to prevent any future bullying and harassment incidents in the workplace. Appropriate corrective actions will be taken within a reasonable time frame.

In appropriate circumstances, workers may be referred to the employee assistance program or be encouraged to seek medical advice.

WORKER TEMPLATE: DOCUMENTING INCIDENTS OF WORKPLACE  
DISCRIMINATION, BULLYING AND HARASSMENT

If you feel you are targeted by discrimination, bullying and harassment, BCIB suggests use of this form to facilitate documenting of the incidents, to support your complaint, processing and investigation.

Date, Time, Location	People Involved (include witnesses)	Describe the situation (words, tone, actions, etc.) and the impact (humiliated, intimidated, etc.)