



Policy Information	
Policy No:	AD-HR-1.10
Approved by:	Executive Management
Approval Date:	May 24, 2017
Executive Responsible:	Executive Director HR
Administrator Responsible:	Executive Director HR
Date of Next Review:	May 2022

RESPECTFUL WORKPLACE POLICY

Policy Statement

The College of New Caledonia (CNC) is committed to providing a respectful workplace that complies with legislative and regulatory responsibilities, including but not limited to the British Columbia Human Rights Code and WorksafeBC standards. This is done by establishing Respectful Workplace education and procedural guidelines to handle complaints, resolve issues and remedy situations when bullying and harassment, or discrimination occur.

The Respectful Workplace Policy does not limit the right of CNC, as an employer, from exercising its management and supervisory rights appropriately and in good faith, including the management of the performance of employees.

Purpose / Rationale

CNC is committed to:

- a working and learning environment that is characterized by respectful behavior free of bullying and harassment, or discrimination as defined in this policy;
- supporting individuals in managing workplace differences and;
- striving to prevent and/or address instance of bullying and harassment, or discrimination in the workplace. All CNC employees share in the responsibility to ensure that our workplace is a welcoming and safe environment. CNC believes that such an environment increases job satisfaction, enhances teamwork, productivity and plays an important role in the overall success of our students.

Policy Objectives:

- Provide education about appropriate behavior in the workplace including education related to human rights, bullying and harassment, or discrimination;
- Provide a process for informal resolution of Respectful Workplace complaints;
- Provide a process for the reporting and investigation of Respectful Workplace complaints, including bullying and harassment, or discrimination;
- Resolve interpersonal issues at the earliest possible opportunity and with the least formality possible given the specific circumstances of the situation.
- Provide interventions to strengthen relationships in the workplace;
- Foster courteous and respectful interactions;
- Promote an understanding of diversity.

Scope / Limits

All individuals associated with CNC are responsible for their own behaviour and, as such, must ensure they treat one another with respect, courtesy and dignity in the conduct of their duties both in the workplace and at work-related events. This policy applies to all persons associated with CNC while on College property or participating in CNC – related events (collectively defined as “individuals”) including;

- employees of CNC and those involved with its affiliated programs and services, including students;
- members of the CNC Board of Directors;
- volunteers of and guests or visitors to CNC;
- suppliers and contractors;

The application of this Policy must be read in conjunction with collective agreements and does not interfere with the rights and obligations specified in the current collective agreements between the College and the unions. If a bargaining unit employee is either the Complainant or the Respondent and the terms of his/her collective agreements apply to the circumstances, the collective agreements prevail as appropriate.

Principles/Guidelines

Respectful Conduct in the Workplace

Individuals are responsible for conducting themselves in a respectful manner in the workplace and at College-related activities. Failure to maintain respectful conduct may lead to discipline up to and including termination of employment, and/or cancellation of contract.

Human Rights: Discrimination and Discriminatory Harassment

CNC prohibits any behaviour that results in discrimination and erodes understanding and mutual respect. Individuals found to be in violation of the British Columbia (BC) Human Rights Code may be subject to discipline up to and including termination of employment, and/or cancellation of contract. In the case of students or the public, other sanctions may apply.

Students, visitors or guests found to be engaged in conduct constituting discriminatory harassment will be subject to remedy up to and including suspension from the College and/or removal of access to college facilities and grounds.

Any remedy that results from a founded complaint of discrimination or discriminatory harassment, must comply with standards of fairness and due process.

Individuals are also responsible for reporting any violations of this Policy to their workplace leader, administrator, or the Executive Director of Human Resources, and for participating in appropriate initiatives to improve respect within their workplaces. For the purposes of this policy, a workplace leader refers to a lead hand or team leader with responsibility for a specific group of employees.

All employees of the College must participate in the education provided by the College that promotes understanding and awareness of bullying and harassment, human rights and Worksafe Bill 14.

The compliant process provides a fair and confidential process and permits both the complainant and respondent to present their cases. Efforts at informal resolution will normally be made first when dealing with a complaint.

A. DEFINITIONS

1. A Respectful Workplace is characterized by courtesy, civility, consideration and compassion. A difference of opinion is not itself disrespectful.

- a) Polite Behaviour – Courteous and considerate behaviour toward others;
 - i. Expressing disagreement in a calm professional manner vs. making threats or insulting others.
 - ii. Addressing issues and concerns regarding performance or misconduct through the responsible manager vs. engaging in gossip and/or rumours.
- b) Inclusion of people with different backgrounds, cultures, strengths and opinions. Inclusion for the purpose of this Policy means welcoming people with diverse backgrounds, cultures, strengths and opinions into the workplace. Behaviours include but are not limited to: working to understand cultural differences, working constructively with employees accommodated as a result of the employer's duty to accommodate;
- c) Freedom from disrespectful, discriminating, bullying and harassing behaviour;
- d) Constructive Management of Differences – Differences are understood to be a fact of life and are managed through conflict management and dispute resolution processes;
- e) Support – Individuals are supported to learn and practice dispute resolution and respectful workplace skills.
Support for the purpose of this Policy means coaching, in-service training and/or internal or external intervention designed to bring dispute resolution skills and respectful workplace knowledge to the workplace.

2. Personal Harassment

Personal harassment is any behaviour by a person directed against another person that a reasonable person would know or ought to know would cause offence, humiliation or intimidation.

Such behaviour includes but is not limited to: verbal aggression or yelling, spreading malicious rumours, hazing making derogatory comments to or about another person, swearing, and inappropriately interfering in another person's work, derogatory gestures, embarrassing practical jokes, ridicule, gossip, reckless disregard or denial of another's rights, improper use of power or authority or physical assault.

3. Bullying

Bullying is any repeated or systematic behaviour, physical, verbal or psychological including shunning, which would be seen by a reasonable person as intending to belittle, intimidate, coerce or isolate another person.

Personal harassment and/or bullying do not include acceptable social banter in the workplace. Nor does it include actions occasioned through the exercise in good faith of management's rights for bona fide operational requirements or progressive corrective discipline in a manner that is respectful of those involved.

4. Human Rights: Discrimination and Discriminatory Harassment

- a) **Discrimination:**
Unfair differential treatment of an individual or group, whether intended or not, on the basis of race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age or unrelated criminal conviction. Discrimination of this nature imposes burdens or obligations on an individual or group that serves no legitimate work-related function.
- b) **Discriminatory Harassment:**
A form of discrimination where abusive, unfair, offensive, or demeaning treatment of a person or group of persons under any of these categories has taken place, and:
- i. Has the effect of interfering with an individual's work or participation in work-related activities; or
 - ii. Creates an intimidating, hostile or offensive environment for work or participation in a work-related activity.

5. Harassment is not:

- People in a relationship of mutual consent
- A hug between friends
- A mutual flirtation
- A compliment on physical appearance
- Managers managing their staff

6. Characteristics of a Poisoned Work Environment include but are not limited to:

- The harassment may not always be obvious but staff may continuously put each other down through use of inappropriate language [i.e. calling each other names that are put downs such as racial, ethnic or gender related remarks]
- There is an atmosphere of constant intimidation and threat [i.e. shouting at each other, constant threat of job loss]
- Displaying cartoons or posters of a sexually explicit or other offensive nature
- There may be unwanted gestures taking place on an ongoing basis
- Accessing pornographic sites on the internet; posting offensive messages on Facebook, etc.

The BC Human Rights Code can be accessed using the following link:

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96210_01

It is important to note that either form of discriminatory conduct is a breach of this Policy; and may also constitute a breach of the British Columbia Human Rights Code.

- a) **Sexual Harassment:**
- i. Conduct or comment of a sexual nature made by a person who knows or ought reasonably to know that such conduct or comment is unwanted or unwelcome; or
 - ii. Expressed or implied promise of a reward for complying with a request of a sexual nature; or
 - iii. Actual reprisal or an expressed or implied threat of reprisal for refusal to comply with such a request; or

- iv. Conduct or comment of a sexual nature which is intended to, or has the effect of, creating an intimidating, hostile or offensive environment.

B. CONFIDENTIALITY

To protect the interests of the complainant(s), the respondent(s), and any others who may be involved, confidentiality will be maintained throughout the resolution processes to the extent practicable and appropriate under the individual circumstances. Information that must be shared will be disclosed on a "need to know" basis. Parties to a complaint, including witnesses, are not to share information or discuss the details of the complaint. If the College determines that the safety of an individual is at risk, the procedures and rights outlined in this policy, including confidentiality, may be set aside. Documents and materials collected in relation to this policy is subject to the Freedom of Information and Protection of Privacy Act.

C. PROCEDURES

Procedures for Reporting, Resolving and/or Investigating Respectful Workplace and Human Rights Complaints are outlined in a separate document and can be found on the CNC Policy Webpage.

Legislative and Collective Agreement References

[Canadian Charter of Rights and Freedoms](http://publications.gc.ca/collections/Collection/CH37-4-3-2002E.pdf)

<http://publications.gc.ca/collections/Collection/CH37-4-3-2002E.pdf>

[Civil Rights Protection Act RSBC 1996 c.49](http://laws-lois.justice.gc.ca/eng/acts/C-46/section-264.html)

<http://laws-lois.justice.gc.ca/eng/acts/C-46/section-264.html>

[Collective Agreements](http://www.cnc.bc.ca/Human_Resources/Collective_Agreements.htm)

http://www.cnc.bc.ca/Human_Resources/Collective_Agreements.htm

[Colleges and Institutes Act RSBC 1996 c.52 s.26](http://www.bclaws.ca/Recon/document/ID/freeside/00_96052_01#section37)

http://www.bclaws.ca/Recon/document/ID/freeside/00_96052_01#section37

[Criminal Code of Canada Consolidated Statutes and Regulations](http://laws-lois.justice.gc.ca/eng/acts/C-46/section-264.html)

<http://laws-lois.justice.gc.ca/eng/acts/C-46/section-264.html>

[Human Rights Code RSBC 1996 c.210, Part 1](http://www.bclaws.ca/Recon/document/ID/freeside/00_96210_01)

http://www.bclaws.ca/Recon/document/ID/freeside/00_96210_01

[Multiculturalism Act RSBC 1996 c.321](http://www.canlii.org/en/bc/laws/stat/rsbc-1996-c-321/latest/rsbc-1996-c-321.html)

<http://www.canlii.org/en/bc/laws/stat/rsbc-1996-c-321/latest/rsbc-1996-c-321.html>

[WorkSafeBC: Employer Duties – Workplace Bullying and Harassment](http://laws-lois.justice.gc.ca/eng/acts/C-46/section-264.html)

<http://laws-lois.justice.gc.ca/eng/acts/C-46/section-264.html>

[B.C. Human Rights Tribunal and Code http://www.bchrt.bc.ca/.](http://www.bchrt.bc.ca/)

Links to Other Related Policies, Documents and Websites

[Statement of Mutual Respect](#)
[Freedom of Information & Protection of Privacy Act \(FOI/POP\)](#)

For issues concerning students, please refer to:

- College Access: Students with Disabilities Policy
- Standards of Conduct: Student Responsibility and Accountability Policy
- Student Complaint Resolution Policy

Policy Amendment Log

Amendment Number:	Date:
0	January 2002 (approved as Human Rights Policy)
1	August 2014 (title amended to Respectful Workplace)
2	May 24, 2017